

# CLAIMS RESOLUTION TRIBUNAL

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In re Holocaust Victim Assets Litigation  
Case No. CV96-4849

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Walter Rothschild**

Claim Number: 223738/BW

Award Amount: 190,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Jakob Rothschild.<sup>1</sup> This Award is to the unpublished accounts of Walter Rothschild<sup>2</sup> (the “Account Owner”) over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney, at the Basel branch of the [REDACTED] (the “Bank”). The accounts awarded are from the Total Accounts Database (“TAD”) at the Bank.

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her brother, Walter Max Rothschild, who was born on 26 August 1911 in Frankfurt, Germany, and the Power of Attorney Holder as her father, [REDACTED], who was born on 18 January 1877 in Eppertshausen, Germany, and was married to [REDACTED], née [REDACTED], on 20 March 1910, in Frankfurt. The Claimant stated that [REDACTED], who was Jewish, owned a textile business with his two brothers, and resided at Eschenheimer Anlage 37 in Frankfurt until 1935, when he fled Germany for England, via Paris, France. The Claimant explained that her brother fled to the United States, and that she overheard her father [REDACTED] discussing his Swiss bank account with his wife on numerous occasions.

The Claimant stated that her father died in the United Kingdom in 1945, and her mother died in Tel Aviv, Israel, in 1974. Finally, the Claimant stated that her brother, Walter Rothschild, died without children in Portland, Oregon, the United States, on 31 October 1996.

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<sup>1</sup> In a separate decision, the CRT awarded the account of Jakob Rothschild to the Claimant. See *In re Account of Jakob Rothschild* (approved on 18 November 2004).

<sup>2</sup> In a separate decision, the CRT awarded the account of Jakob Rothschild to the Claimant. See *In re Account of Jakob Rothschild* (approved on 18 November 2004).

The Claimant submitted copies of: (1) her own birth registration, indicating that [REDACTED] was born on 12 January 1917 in Frankfurt, and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; and (2) a copy of her brother's death certificate, which indicates that Walter M. Rothschild was born on 26 August 1911 in Germany.

The Claimant indicated that she was born on 12 January 1917 in Frankfurt.

### **Information Available in the Bank's Record**

The Bank's record consists of a contract between the Bank and the Power of Attorney Holder, concerning the opening of accounts for the Account Owner. According to this record, the Account Owner was Walter Rothschild, who resided at the *Hôtel Luxe* in Paris, and the Power of Attorney Holder was [REDACTED], who resided at Eschenheimer-Anlage 37 in Frankfurt. The Bank's record indicates that the Account Owner held two accounts under numbered account relationship 35935: a custody account and an account labeled a '*Rechnung*', and that the accounts were opened on 6 June 1931. This record also contains signatures samples for the Account Owner and the Power of Attorney Holder.

The Bank's record does not indicate the disposition of these accounts. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

These accounts were not part of the Account History Database at the CRT, but were identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") auditors as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,<sup>3</sup> are composed of 1.9 million savings accounts with a 1930-1940s value of 250.00 Swiss francs or less or with unknown values and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database, that is within the 36,000 accounts that ICEP determined were "probably or possibly" owned by victims of Nazi persecution.

The accounts awarded are part of a group of accounts identified in the TAD.

### **The CRT's Analysis**

#### Identification of the Account Owner and the Power of Attorney Holder

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The Claimant's brother's name matches the unpublished name of the Account Owner. The

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<sup>3</sup> These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

Claimant's father's name, street address, city and country of residence match the unpublished name, street address, city and country of residence of the Power of Attorney Holder.

In support of her claim, the Claimant submitted documents, including her brother's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The Claimant also submitted a copy of her birth certificate, which provides independent verification that the person who is claimed to be the Power of Attorney Holder had the same name recorded in the Bank's record as the name of the Power of Attorney Holder.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different city or country of residence, than the city or country of residence of the Account Owner or the Power of Attorney Holder.

#### Status of the Account Owner and the Power of Attorney Holder as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner and the Power of Attorney Holder were Victims of Nazi Persecution. The Claimant stated that the Power of Attorney Holder was Jewish and fled Germany for England in 1935, and that his son, the Account Owner, fled to the United States.

#### The Claimant's Relationship to the Account Owner and the Power of Attorney Holder

The Claimant has plausibly demonstrated that she is related to the Account Owner and the Power of Attorney Holder by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's brother, and that the Power of Attorney Holder was the Claimant's father. These documents include a copy of her own birth registration, which indicates that [REDACTED] was [REDACTED]'s father.

The CRT notes that the Claimant identified unpublished information about the Account Owner and the Power of Attorney Holder as contained in the Bank's record. The CRT further notes that the Claimant submitted copies of her own birth registration and her brother's death certificate. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess, and which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner's accounts to him, nor any record of a date of closure of the accounts; that the Account Owner and his heirs would not have

been able to obtain information about his accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her brother, and that the Power of Attorney Holder was her father, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Account Owner held a custody account and an account of 'other' type labeled a '*Rechnung*'. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"), and the average value of an account of other type was SF 2,200.00, for a combined total value of SF 15,200.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 190,000.00.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945) at banks other than the Bank.

#### **Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
8 October 2008