CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Alexandra Coppet

in re Account of Martin Rudberg

Claim Number: 600022/AC[1]

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (formerly known as [REDACTED]), née [REDACTED], (the "Claimant") to the account of [REDACTED].[2] This Award is to the published account of Martin Rudberg (the "Account Owner") at the Zurich branch of the [REDACTED] (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 to the Holocaust Claims Processing Office ("HCPO") to the account of [REDACTED]. During a telephone conversation with the HCPO, the Claimant identified the Account Owner as her maternal uncle, Martin Rudberg, who was born around 1906 in Bucharest, Romania. According to information provided by the Claimant, her uncle, who was Jewish, had four older siblings: [REDACTED], [REDACTED], [REDACTED], and [REDACTED], who was the Claimant's mother. The Claimant indicated that her uncle, Martin Rudberg, was married at some point, but that he later divorced without having had any children. According to the Claimant, her uncle, who worked with his brother [REDACTED] in their real estate businesses, left Romania for France and eventually emigrated to Canada, and he passed

[1] The Claimant submitted a claim, numbered B-01450, on 2 November 1998, to the Holocaust Claims Processing Office ("HCPO") of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600022.

[2] The CRT did not locate an account belonging to the Claimant's relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the "Rules"). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

away in the United States while traveling there. The Claimant stated that during the Second World War, [REDACTED] attempted to flee to Palestine, but was caught and imprisoned in Romania and Hungary, and was only later able to escape to France.

The Claimant indicated that her uncles traveled to Switzerland on business, often to Zurich, and that the family had made inquiries beginning in the early 1960s regarding dormant accounts held by family members, but that none had been returned to them. The Claimant submitted documents in support of her claim. These documents include: a copy of her marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 6 November 1940 in Bucharest, Romania, that they were the children of [REDACTED] and [REDACTED], née [REDACTED], and [REDACTEFD] and [REDACTED], née [REDACTED], respectively, and listing [REDACTED] as a witness; and a copy of a letter from the Bank addressed to the HCPO and was dated 21 October 1999, indicating that following an inquiry from the Claimant, the Bank confirmed that her uncle, [REDACTED], had held accounts with the Bank.

The Claimant indicated that she was born on 15 April 1920 in Bucharest.

The Claimant submitted a claim to the HCPO in 1998, asserting her entitlement to a Swiss bank account owned by her father-in-law, [REDACTED], and three Initial Questionnaires with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by [REDACTED] (the Claimant's first husband who was formerly known as [REDACTED]), [REDACTED], and [REDACTED].[3]

Information Available in the Bank's Records

The Bank's records consist of list of Romanian accounts and a customer card. According to these records, the Account Owner was Martin Rudberg, a Romanian citizen, who resided in Romania. The Bank's records indicate that the Account Owner held one numbered account, the type of which is unknown, numbered 11841. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") indicated that the list of Romanian accounts was part of a list of Romanian accounts that were frozen on 20 August 1948, and that the balance of the account on the date it was frozen was 100.00 Swiss Francs ("SF").

The Bank's records indicate that the account was closed on 19 December 1958. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

[3] The CRT did not locate an account belonging to the Claimant s relatives, [REDACTED] (formerly known as [REDACTED]) or [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (ICEP or ICEP Investigation), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources. The CRT will treat the claim to the account of [REDACTED] separately.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and country of residence match the published name and country of residence of the Account Owner. The CRT notes that the name Martin Rudberg appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by [REDACTED] (the Account Owner's brother), prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same surname as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish. The CRT notes that while the Account Owner was not a Victim of Nazi Persecution, the Account Owner's brother and heir to the account was a Victim of Nazi Persecution. The Claimant stated that the Account Owner's brother attempted to flee to Palestine during the Second World War, but that he was caught and imprisoned in Romania and Hungary, and eventually escaped to France.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner's brother and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of her marriage certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Romania. 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 this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records and the ICEP auditors' report indicate that the account was frozen on 20 August 1948, and that the account was later closed on 19 December 1958.

Given that the account was closed in 1958; given that there is no record of the payment of the Account Owner's account to him; given that the Account Owner and his heirs would not have been able to obtain information about his account 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 (b), (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 or his 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 maternal uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one numbered account of an unknown type. The auditors who carried out the ICEP Investigation reported that the value of the account as of 20 August 1948 was SF 100.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 260.00, which reflects standardized bank fees and numbered account fees charged to the account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 360.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

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).

Certification of the Award

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

Claims Resolution Tribunal
24 December 2004