

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Paul Rosenzweig

Claim Number: 401713/AZ

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Paul Rosenzweig (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 Form identifying the Account Owner as her late husband, Paul Rosenzweig, who was born on 8 August 1923 in Czernowitz, Romania (now part of Ukraine),¹ and was married to the Claimant on 11 October 1947 in Bucharest, Romania. The Claimant stated that her husband lived in Czernowitz and Bucharest, and that his father, [REDACTED], died in 1938. The Claimant indicated that her husband, who was Jewish, was deported in 1942 to a concentration camp, where he remained until he was liberated by the Russian army at the end of the Second World War. Finally, the Claimant indicated that she and her husband emigrated to the United States in 1961 and that he died on 3 April 2005 in Yardley, Pennsylvania, the United States.

The Claimant submitted copies of the following documents, including: 1) her husband’s birth certificate, indicating that Paul Rosenzweig was born in Cernauti on 8 August 1923, that his parents were [REDACTED] and [REDACTED], and that his birth was registered in Bucharest; 2) a certificate, issued in Bucharest on 10 July 1946, officially stating that Paul Rosenzweig had been deported to a concentration camp during the Second World War; 3) her civil marriage certificate, indicating that she was married to Paul Rosenzweig in Bucharest on 11 October 1947;

¹ The CRT notes that Czernowitz is the German name for the town; other name variations for Czernowitz include Cernauti (Romanian), Chernivtsi (Ukrainian), Chernovtsky (Russian), and Cernivci.

4) her religious marriage certificate (*Ketubah*); 5) her husband's baccalaureate diploma, issued in Bucharest on 17 March 1948; 6) a certificate indicating that her husband left Romania in 1961; 7) a personal questionnaire for Germans originally from Southeastern Europe, dated in 1986, indicating that her husband was Jewish, that he was originally from Czernowitz in the province of Bukowina and that he currently resided in the United States, that he had been a student in Bucharest, and that his father [REDACTED] was a lawyer and used the title "Dr."; and 8) her husband's will, dated 25 January 2002, naming the Claimant as his sole beneficiary.²

The Claimant indicated that she was born on 31 May 1927 in Bucharest, Romania.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Paul Rosenweig, who originally resided in Cernauti, Romania, and later resided in Bucharest, Romania. The Bank's record indicates that the Account Owner held a demand deposit account. The Bank's record also indicates that the account was originally held by Dr. [REDACTED], and that it was transferred to the Account Owner in 1939. The Bank's record further indicates that Account Owner Paul Rosenzweig was a minor when he took over the account in 1939; however, the notation "min." is crossed out, indicating that the Account Owner later reached the age of majority.

The Bank's record indicates that the account was closed on 20 July 1947. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's late husband's name matches the unpublished name of the Account Owner. The Claimant identified the Account Owner's two cities of residence, which match unpublished information about the Account Owner contained in the Bank's record. In addition, the Claimant identified the unpublished name and title of the previous account owner. The CRT notes that the previous account owner's date of death and relationship to the person who is claimed to be the Account Owner is consistent with the transfer of the account to the Account Owner in 1939. Finally, the date of birth of the person claimed to be the Account Owner is consistent with the unpublished notation "min." contained in the Bank's record, as well as the fact that it was later crossed out.³

In support of her claim, the Claimant submitted documents, including her husband's birth certificate, deportation certificate, diploma, marriage certificate, and a personal questionnaire,

² The testator also named his daughter, [REDACTED], as the executor of his estate and the Claimant's representative, [REDACTED], as an alternate executor.

³ The CRT notes that the Claimant's husband would have reached the age of majority on 8 August 1941.

providing independent verification that the person who is claimed to be the Account Owner had the same name and cities of residence recorded in the Bank's record as the name and cities of residence of the Account Owner; that his father had the same name and professional title as the previous account owner; and that his date of birth is consistent with the crossed-out notation "min." in the Bank's record.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Paul Rosenzweig and indicates that his place of birth was Siret, in Bukovina province, Romania.⁴ The database states that this information was obtained from a list of concentration camp inmates from Romania. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claims to this account were disconfirmed because those claimants failed to identify one or both of the Account Owner's cities of residence, as well as the previous account owner, and/or because the dates of birth of the persons claimed to be the Account Owner are inconsistent with the Bank's record.

Status of the Account Owner as a Victim 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, and that he was deported in 1942 to a concentration camp, where he remained until the end of the Second World War. The Claimant also submitted documents verifying that the Account Owner was Jewish and that he had been imprisoned in a concentration camp. As noted above, a person named Paul Rosenzweig was included in Yad Vashem's database of victims.

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 and documents, demonstrating that the Account Owner was the Claimant's husband. These documents include the Claimant's marriage certificate and her husband's will, as well as other papers indicating that she was married to the Account Owner.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 20 July 1947. Given that the Account Owner was imprisoned a concentration camp from 1942 until the end of the Second World War; that the Account Owner remained in Eastern Europe after the War until he emigrated to the United States in 1961; that there is no record of the payment of the Account Owner's account to him; 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 (h), (i), and (j), as provided in Article 28 of the Rules Governing

⁴ The CRT notes that Siret is approximately 40 kilometers (roughly 25 miles) from the Claimant's husband's place of birth; the CRT further notes that Czernowitz (Cernauti) is the largest city within the vicinity of Siret.

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. Second, the Claimant has plausibly demonstrated that the Account Owner was her husband 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 demand deposit account. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”). 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 26,750.00.

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
9 November 2006