

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]
also acting on behalf of [REDACTED] and [REDACTED]

and to Claimant [REDACTED 3]
also acting on behalf of [REDACTED]

in re Account of Bruno Rabinowitz

Claim Numbers: 003874/AX; 005261/AX; 210010/AX

This Certified Denial is based upon the claim of [REDACTED 1], formerly [REDACTED] (“Claimant [REDACTED 1]”) to the published account of Bruno Rabinowitz and the claims of [REDACTED 2], formerly [REDACTED] (“Claimant [REDACTED 2]”) and [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published account of S. F. Rabinowitz.¹ This denial is to the published account of Bruno Rabinowitz (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All Denials 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father, Bruno Rabinowitz, who was born on 8 June 1890 in Bielitz, Poland, and was married to [REDACTED], née [REDACTED], on 29 December 1918 in Vienna, Austria. Claimant [REDACTED 1] indicated that his father, who was Jewish, resided at Rudolf v. Altplatz 5 in Vienna before the Second World War. Claimant [REDACTED 1] further indicated that his father was the owner of a plastic manufacturing company called *Haklit and Ternaklit*. According to Claimant [REDACTED 1], in 1934, his father emigrated to Haifa, Palestine (today, Israel), where he remained until his death on 8 June 1968. Claimant [REDACTED 1] indicated that he changed his name from Rabinowitz to Ronell when he moved to the United States. In

¹ The CRT will treat the claims to the account of S. F. Rabinowitz in a separate decision.

support of his claim, Claimant [REDACTED 1] submitted a copy of his parents' marriage certificate, indicating that Berisch Bruno Rabinowitz and [REDACTED] were married on 29 December 1918 in Vienna; a copy of his birth certificate, indicating that he was born on 31 July 1922 in Vienna, and that his parents were Bruno Rabinowitz and [REDACTED]; a copy of his father's will, dated 18 June 1958, indicating that Berish Bruno Rabinowitz left his entire estate to his son, [REDACTED]; and a certificate from the United States Department of Justice, indicating that he changed his name from [REDACTED] to [REDACTED]. Claimant [REDACTED 1] indicated that he was born on 31 July 1922 in Vienna.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his paternal uncle Bruno Rabinowitz, who was born on 8 June 1890 in Bielitz, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 2] indicated that his father, [REDACTED], was Bruno Rabinowitz's twin brother. In a telephone conversation with the CRT on 14 October 2002, Claimant [REDACTED 2] indicated that his uncle moved to Haifa in 1935, and that he resided there until his death. Claimant [REDACTED 2] indicated that his father, who was Jewish, perished in the Holocaust. Claimant [REDACTED 2] indicated that he was born in on 9 June 1922 in Krakow, Poland. Claimant [REDACTED 2] is representing his cousins, [REDACTED] and [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED 3], who is related to Claimant [REDACTED 1] and Claimant [REDACTED 2], submitted a Claim Form identifying the Account Owner as her maternal great-uncle, Bruno Rabinowitz. Claimant [REDACTED 3] indicated that her maternal grandparents emigrated to Israel in 1947. According to Claimant [REDACTED 3], her family came from Bielitz. In a telephone conversation with the CRT on 14 October 2002, Claimant [REDACTED 3] indicated that she could not recall any additional information about her great-uncle. Claimant [REDACTED 3] submitted a copy of her mother's Israeli passport, issued on 26 July 1984, indicating that [REDACTED], née [REDACTED], was born in Poland on 8 October 1918. Claimant [REDACTED 3] indicated that she was born on 16 January 1953 in Israel. Claimant [REDACTED 3] is representing her mother, [REDACTED], who was born on 8 October 1918 in Poland.

Information Available in the Bank's Records

The Bank's records consist of an extract from a list of custody accounts and a printout from the Bank's database. According to these records, the Account Owner was Bruno Rabinowitz, who was a businessman and who resided in Haifa, Palestine. The Bank's records indicate that the Account Owner held one custody account, numbered 15059. The Bank's records indicate that the account was opened on 22 February 1939 and closed on 28 December 1940. The Bank's records do not indicate the value of the account at the date of its closure.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of [REDACTED], numbered 50465. According to these records, [REDACTED] lived in Haifa and was married to Bruno Rabinowitz. These records indicate that [REDACTED] owned one-half of a property located at Rudolf v. Altplatz 5 in Vienna 3. These records further indicate that [REDACTED] had a mortgage of 31,326.00 Reichsmark (“RM”). These records make no mention of assets held in a Swiss bank account.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED 1]’s father’s name, Claimant [REDACTED 2]’s uncle’s name, and Claimant [REDACTED 3]’s great-uncle’s name match the published name of the Account Owner. The Claimants relative’s city and country of residence match the published city and country of residence of the Account Owner. In support of his claim, Claimant [REDACTED 1] submitted a copy of his parents’ marriage certificate, a copy of his birth certificate, and a copy of his father’s will, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank’s records as the name of the Account Owner.

The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that while the Account Owner was not a Victim of Nazi Persecution, the Account Owner’s brother was a Victim of Nazi Persecution. Claimant [REDACTED 2] indicated that the Account Owner’s brother, who was Claimant [REDACTED 2]’s father, was Jewish, and that he perished in the Holocaust.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that he was born in 1890 and was from Bielitz, which matches the information about the Account Owner’s brother provided by Claimant

[REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father, Claimant [REDACTED 2]'s uncle, and Claimant [REDACTED 3]'s great-uncle. These documents include Claimant [REDACTED 1]'s birth certificate, indicating that his father was Bruno Rabinowitz, and a copy of Claimant [REDACTED 1]'s father's will. The CRT further notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] also identified information which matches information contained in the 1938 Census records. The CRT also notes that Claimant [REDACTED 3] submitted a copy of her mother's Israeli passport, indicating that [REDACTED]'s maiden name was [REDACTED], which provides independent verification that Claimant [REDACTED 3]'s relatives bore the same family name as the Account Owner. There is no information to indicate that the Account Owner has surviving heirs, other than the parties whom Claimant [REDACTED 2] and Claimant [REDACTED 3] are representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was opened on 22 February 1939, closed on 28 December 1940, and that the Account Owner resided in Haifa. The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] both indicated that the Account Owner had emigrated to Palestine before the incorporation of Austria into the Reich in March 1938 (the "Anschluss"), which is consistent with information about the Account Owner's domicile as contained in the Bank's records. The CRT notes further that the account was closed in 1940, by which time the Account Owner was residing in Palestine. Therefore, the CRT concludes that the Account Owner received the proceeds of the claimed account.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to

which they 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 Denial

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

Claims Resolution Tribunal
20 October 2006