

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2],
[REDACTED 3], and [REDACTED 4]

and

to Claimant [REDACTED 5]
also acting on behalf of [REDACTED 6]
represented by Dr. Eli Murlakov

in re Accounts of Ilonka Rosenberg

Claim Numbers: 205966/MD; 215356/MD; 220565/MD

This Certified Denial is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and the claim of [REDACTED 5] (“Claimant [REDACTED 5]”) (together “the Claimants”) to the published account of Ignaz Rosenberg.¹ This Denial is to the unpublished accounts of Ilonka Rosenberg (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 maternal grandmother, Ilonka Rosenberg, née Kohn, who was born in Beocin, Yugoslavia, and was married to Ignaz Rosenberg. According to Claimant [REDACTED 1], Ilonka and Ignaz Rosenberg had four children: [REDACTED], who was born in 1906 in Beocin; [REDACTED], née [REDACTED], (Claimant [REDACTED 1]’s mother), who was born on 12 March 1908 in Beocin; [REDACTED], who was born on 9 July 1909 in Beocin; and [REDACTED], who was born in 1911 in Beocin. Claimant [REDACTED 1] stated that Ignaz Rosenberg was the

¹ In a previous decision, the CRT awarded the account of Ignaz Rosenberg to the Claimant. See *In re Account of Ignaz Rosenberg*, approved by the Court on 4 October 2002.

managing director of a cement factory in Beocin, and that the Rosenberg family resided in *Villa Rosenberg* in Beocin. Claimant [REDACTED 1] stated further that Ignaz Rosenberg had some connection with a Swiss company named *Cementia Holding*, and that he owned some shares in that company. Claimant [REDACTED 1] explained that after Ignaz Rosenberg's death in 1931 Ilonka Rosenberg inherited those shares. Claimant [REDACTED 1] stated that Ilonka Rosenberg, who was Jewish, died in a concentration camp, but could not precisely indicate her date of death.

According to the family tree provided by Claimant [REDACTED 1], Franz Rosenberg was married twice. Claimant [REDACTED 1] indicated that Franz Rosenberg's first wife died in the Holocaust, and that his second wife, Nada Rosenberg, died in the 1990s. Claimant [REDACTED 1] explained that his father, [REDACTED], died in 1988. Claimant [REDACTED 1] indicated that Ladislav Rosenberg was married twice, that his first wife, [REDACTED], died in 1972, and that his second wife was [REDACTED 2], née [REDACTED]. According to Claimant [REDACTED 1], [REDACTED] was married to [REDACTED], who died in the 1990s. Claimant [REDACTED 1] stated that [REDACTED] died on 16 May 1989 in Israel; that [REDACTED], née [REDACTED], died on 14 December 1997 in Harpenden, England; that [REDACTED] died on 13 November 1986 in Hengelo, the Netherlands; and that [REDACTED] died on 2 February 1982 in Israel.

Claimant [REDACTED 1] indicated that he was born on 25 January 1933 in Prague, then Czechoslovakia. Claimant [REDACTED 1] is representing his brother, [REDACTED 3], who was born on 21 April 1935 in Beocin; his sister, [REDACTED 4], née [REDACTED], who was born on 20 August 1945 in Harpenden, England; and his aunt, [REDACTED 2], née [REDACTED], who was born on 29 May 1927 in Braunschweig, Germany.

In support of his claims, Claimant [REDACTED 1] submitted documents, including his birth and baptism certificates, showing that his mother was [REDACTED], née [REDACTED], who was born in Beocin, and that his maternal grandparents were Ignatz Rosenberg and Ilonka Rosenberg, née Kohn; the birth certificates of [REDACTED 3] and [REDACTED]; as well as the death certificate of [REDACTED], indicating that his wife was [REDACTED 2], née [REDACTED].

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as the mother of a close family friend, [REDACTED]. Claimant [REDACTED 5] stated that Ilonka (Jelena) Rosenberg, née Kon, was married to Ignaz Rosenberg, who was the general manager of the company *Zementfabrik Beocinska Fabrika Cementa* that was located in Beocin, Yugoslavia. Claimant [REDACTED 5] stated that Ilonka and Ignaz Rosenberg had four children: [REDACTED], [REDACTED], [REDACTED], née [REDACTED], and [REDACTED]. According to Claimant [REDACTED 5], Ignaz Rosenberg died in 1931 and Ilonka Rosenberg inherited all of her husband's assets.

Claimant [REDACTED 5] stated that Ilonka Rosenberg, who was Jewish, perished in the Auschwitz concentration camp in 1944. Claimant [REDACTED 5] stated that [REDACTED]

died on 16 May 1989 in Haifa, Israel. Claimant [REDACTED 5] stated further that he and his sister, [REDACTED 6], whom he represents, are the legal heirs of [REDACTED], who was the widow of [REDACTED] and who died on 11 April 1994 in Israel.

In support of his claim, Claimant [REDACTED 5] submitted documents, including [REDACTED] and [REDACTED]'s marriage certificate, showing that [REDACTED] was a son of [REDACTED], née [REDACTED]; [REDACTED]'s death certificate; [REDACTED]'s will, in which he bequeathed his entire estate to his wife, [REDACTED]; [REDACTED]'s death certificate; and [REDACTED]'s will, in which she bequeathed her entire estate to Claimant [REDACTED 5] and [REDACTED 6].

Claimant [REDACTED 5] indicated that he was born on 29 June 1962 in Haifa. Claimant [REDACTED 5] is representing his sister, [REDACTED 6], née [REDACTED], was born on 5 June 1964, also in Haifa.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* Ilonka Rosenberg, who resided in Beocin, Yugoslavia. The Bank's record indicates that the Account Owner held a demand deposit account, the date of opening of which is not legible, and a custody account, numbered L 53674, which was opened in 1935.

According to the Bank's record, the demand deposit account was closed on 20 April 1939, while the custody account was closed on 29 April 1939. The amount in the accounts on the dates of their closure is unknown.

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's [REDACTED 1]'s grandmother's and Claimant [REDACTED 5]'s friend's mother's name matches the name of the Account Owner. The Claimants identified the Account Owner's place of residence as Beocin, Yugoslavia, which matches unpublished information about the Account Owner's domicile contained in the Bank's record.

In support of his claims, Claimant [REDACTED 1] submitted documents, including his birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner. Claimant [REDACTED 5] submitted [REDACTED]'s marriage certificate showing that his mother was [REDACTED], née [REDACTED]. The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that she perished in a concentration camp.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was his maternal grandfather. Claimant [REDACTED 1] is representing his siblings and his aunt, [REDACTED 2], who is the Account Owner's daughter-in-law. The documents submitted by Claimant [REDACTED 1] include his birth and baptism certificate, [REDACTED 3]'s and [REDACTED 4]'s birth certificates; as well as [REDACTED]'s death certificate.

Claimant [REDACTED 5] has plausibly demonstrated by submitting specific information and documents that he and his sister are heirs of the Account Owner's daughter-in-law, [REDACTED]. These documents include [REDACTED]'s marriage certificate as well as [REDACTED]'s and [REDACTED]'s wills.

The Issue of Who Received the Proceeds

The Bank's record indicates that the accounts were closed in April 1939, two years before German invasion on Yugoslavia. Therefore, the CRT concludes that the Account Owner received the proceeds of the claimed accounts.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

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
18 August 2004