

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Erez Bernstein

in re Accounts of Rudolf Rosenberg

Claim Number: 501875/MC

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Rudolf Rosenberg (the “Account Owner”) over which Etel Rosenberg (the “Power of Attorney Holder”) held the power of attorney 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her both her father’s brother-in-law and cousin, Rudolf Rosenberg, who was born in approximately 1884 in Stanicic, Yugoslavia (today Croatia), and was married to Etel (Etus) Rosenberg, née Rosenberg. The Claimant stated that her relatives, who were Jewish, had two children, [REDACTED] and [REDACTED], and that they resided in Sambor, Yugoslavia (today Serbia). The Claimant stated that her Rudolf, Etel and [REDACTED] perished in 1944 in Auschwitz, and that [REDACTED] survived and had since passed away.

The Claimant submitted copies of documents, including: (1) a certificate issued by the Hungarian National Archives (*Magyar Orszagos Leveltar*), indicating that [REDACTED] was born on 23 April 1882 in Pest, Hungary; (2) her own birth certificate, indicating that [REDACTED] was born on 16 April 1929 in Budapest, Hungary, and that [REDACTED] was her father; and (3) three Pages of Testimony submitted by the Claimant in 1999 and by the Organization of Yugoslavian Survivors to Yad Vashem Memorial of Israel, which indicate that Rudolf Rosenberg was born in 1884 in Stanicic, that he was married to Etus Rosenberg, who was born on 21 March 1891, that they had a daughter [REDACTED], that they resided in Sambor and that Rudolf Rosenberg, Etus Rosenberg and [REDACTED] perished in 1944 in Auschwitz.

The Claimant indicated that she was born on 16 April 1929 in Budapest.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form and printouts from the Bank's database. According to these records, the Account Owner was Rudolf Rosenberg and the Power of Attorney Holder was his wife, Etel Rosenberg, who both resided in Sambor. The Bank's records indicate that the Account Owner held one account of unknown type that was closed on 3 January 1933.

The CRT's Analysis

Identification of the Account Owner

The names of the Claimant's uncle and aunt and their city and country of residence match the published names and city and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant identified the family relation between the Account Owner and the Power of Attorney Holder, which matches unpublished information about the Account Owner contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a Page of Testimony submitted by the Organization of Yugoslavian Survivors, which indicates that Rudolf Rosenberg was born in 1884 in Stanicic, that he was married to Etus Rosenberg, that he resided in Sambor and that he perished in Auschwitz in 1944, which matches the information about the Account Owner provided by the Claimant. 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 these accounts were disconfirmed because those claimants provided a different country of residence and spouse's name than the country of residence and spouse's name of the Account Owner. 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 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, his wife, and daughter perished in 1944 in Auschwitz.

As noted above, a person named Rudolf Rosenberg was included in the CRT'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 biographical information, demonstrating that the Account Owner was the husband of the Claimant's wife. These documents include a Page of Testimony submitted by the Claimant in 1999 to Yad Vashem Memorial of Israel, which indicate that Rudolf Rosenberg was married to

Etus Rosenberg and that [REDACTED] was her niece. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 3 January 1933. The CRT notes that although this closure date is within the Relevant Period, which is defined by the Rules Governing the Claims Resolution Process, as amended, as the period from 1 January 1933 to 31 December 1945, it is 27 days prior to the Nazis' accession to power in Germany, which occurred on 30 January 1933. The CRT also notes that the account was closed over eight years prior to 25 March 1941, the date on which Yugoslavia signed the Tripartite Agreement, formally allying itself with Nazi Germany. Therefore, the CRT concludes that the Account Owner closed his account and received the proceeds of the account himself.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010