

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Account of Rosa Cahn

Claim Number: 215262/AY

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (“the Claimant”) to the account of Rosa Cahn (the “Account Owner”) at the Geneva 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 his paternal aunt, Rosa Cahn, who was born on 9 November 1902 in Cologne, Germany. The Claimant stated that his aunt, who was Jewish, resided at Alte Weinstiege in Stuttgart, Germany, until 1939 where she worked as a nurse. The Claimant added that his aunt temporarily resided in Switzerland between 1937 and 1939. The Claimant explained that when the persecution of Jews began in Germany, his aunt escaped to Prague, Czechoslovakia where she resided at 7 Krakowska Street.

In support of his claim, the claimant submitted a Red Cross document indicating his aunt was deported from Prague on Transport X-814 and perished in the Theresienstadt Ghetto on 17 March 1942; a letter from the International Red Cross dated 8 December 1969 indicating that the Claimant had requested information about his aunt; his aunt’s certificate of incarceration at the Theresienstadt Ghetto from the Red Cross which the Claimant requested in 1957; his father’s birth and death certificates indicating that the Claimant’s grandparents were [REDACTED] and [REDACTED]; and a detailed family tree indicating that the Account Owner’s parents and the Claimant’s grandparents were the same individuals. The Claimant added that all other family documents were destroyed in an air raid in 1944. The Claimant indicated that he was born on 10 December 1930 in Stuttgart. The Claimant is representing [REDACTED], née

[REDACTED], his sister, who was born on 7 June 1934 in Stuttgart, and [REDACTED], his brother, who was born on 11 September 1942 in Stuttgart.

Information Available in the Bank's Record

The Bank's record consists of an excerpt of a list of accounts transferred to a suspense account. According to this record, the Account Owner was Rosa Cahn who resided in Geneva, Switzerland. The Bank's record indicates that the Account Owner held an account of unknown type. The Bank's record indicates that the account was transferred to a suspense account for dormant assets on or before 31 December 1945. The Bank's record indicates that the amount in the account was 9.50 Swiss Francs as of 31 December 1945. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's name matches the published name of the Account Owner. The Claimant stated that his aunt temporarily resided in Switzerland, which matches published information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted numerous documents, including his aunt's certificate of incarceration at the Theresienstadt Ghetto and a Red Cross letter dated 8 December 1969 indicating that the Claimant had requested information about Rosa Cahn, identifying a relationship between the Claimant and the Account Owner prior to the publication in February 2001 of the ICEP List, providing independent verification that the person who is claimed to be the Account Owner had the same name as the person recorded in the Bank's record as the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rosa Cahn, and indicates that her place of birth was Cologne, Germany, 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 further notes that the name Rosa Cahn appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP"). The CRT also notes that the other claims to this account were disconfirmed because those claimants provided a different first name or a different country of residence than the first name and country of residence of the Account Owner. Taking all 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 submitted a document from the International Red Cross indicating that Account Owner

was incarcerated and eventually perished in the Theresienstadt Ghetto. As noted above, a person named Rosa Cahn was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents demonstrating that the Account Owner was his paternal aunt. These documents include a Red Cross document indicating his aunt was deported from Prague on Transport X-814 and perished in the Theresienstadt Ghetto on 17 March 1942; his aunt's certificate of incarceration; the Claimant's father's birth and death certificate, indicating that the Claimant's grandparents were [REDACTED] and [REDACTED]; a detailed family tree; and a Red Cross letter dated 8 December 1969 indicating that the Claimant had requested information about Rosa Cahn, identifying a relationship between the Claimant and the Account Owner prior to the publication in February 2001 of the ICEP List. The CRT notes that the foregoing documents are documents that only family members would possess and indicates that the Account Owner was known to the Claimant as a family member, all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains open in the Bank's suspense account.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his paternal aunt, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's record indicates that the value of the account as of 31 December 1945 was 9.50 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any of descendants of the Account Owner have submitted a claim, the Award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. The Claimant is representing [REDACTED], née [REDACTED], his sister, and [REDACTED], his brother. Accordingly, [REDACTED], [REDACTED], and the Claimant are each entitled to one-third of the total award amount.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
6 February 2004