

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Account of Frl. Rosa Kollmann

Claim Numbers: 203610/MBC; 210191/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) (together the “Claimants”) to the unpublished account of [REDACTED]. This award is to the account of Frl. Rosa Kollmann (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as Claimant [REDACTED 1] has 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

The Claimants, who are cousins, submitted Claim Forms identifying the Account Owner as their aunt by marriage, Rosa Löwinger, née Kollmann, who was the wife of their uncle, [REDACTED]. [REDACTED] was the brother of Claimant [REDACTED 1]’s father and Claimant [REDACTED 2]’s mother. The Claimants stated that [REDACTED] and Rosa Löwinger were Jewish and were married in Bratislava (Pressburg), Czechoslovakia, in 1937 or 1938. The Claimants further stated that before the Second World War, their uncle and aunt lived in Bratislava, where their uncle owned a stone and glass factory. The Claimants indicated that [REDACTED] and his wife had no children, and that they perished in Auschwitz in 1944 or 1945 after hiding in a bunker in Bratislava between 1941 and 1944. The Claimants indicated that they are [REDACTED] and Rosa Löwinger’s only surviving relatives. In support of their claim, the Claimants submitted documents including a family tree and a photograph of [REDACTED] and Rosa Löwinger.

Claimant [REDACTED 1] indicated that she was born on 12 September 1923 in Bratislava, Czechoslovakia. Claimant [REDACTED 2] indicated that he was born on 9 May 1926, also in Bratislava.

The Claimants previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting their entitlement to Swiss bank accounts

owned by [REDACTED] and Rosa Löwinger, née Kollmann. In these forms, the Claimants stated that their uncle and aunt were wealthy, and that they resided on Venturgasse (Winturgasse), where their factory was also located. Claimant [REDACTED 2] stated that his uncle told him in 1943 that he and his wife had a Swiss bank account, and Claimant [REDACTED 1] stated that her mother, [REDACTED], née [REDACTED], told her about [REDACTED] and Rosa Löwinger's Swiss bank account.

Information Available in the Bank Records

The Bank's records consist of a customer opening card, a Power of Attorney form and printouts from the Bank's database. According to these records, the Account Owner was Frl. Rosa Kollmann and the Power of Attorney Holder was Wallery Kollmann. The Bank's records do not indicate the Account Owner's or the Power of Attorney Holder's country of domicile. According to the Bank's records, the Account Owner held a custody account, numbered 36728, and an account of unknown type. The Bank's records indicate that the custody account was closed on 30 May 1936, unknown to whom. The account of unknown type was closed on an unknown date, unknown to whom. The amount in the accounts on the date of their closures is unknown. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") indicated that there was no evidence of activity on these accounts after 1945.

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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their aunt's name matches the unpublished name of the Account Owner. Claimant [REDACTED 1] stated that Rosa Kollmann married [REDACTED] in 1937 or 1938, which is consistent with unpublished information about the Account Owner's marital status contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name and marriage status. In support of their claims, the Claimants submitted documents, including a family tree and a photograph of [REDACTED] and Rosa Löwinger. The CRT also notes that there are no other claims to this account.

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 Auschwitz in 1944 or 1945.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner. The Claimants stated that Rosa Kollmann was the wife of their uncle (the brother of Claimant [REDACTED 2]'s father and Claimant [REDACTED 1]'s mother). According to the information provided by the Claimants, the Account Owner died in 1944 or 1945 without having any children, and they are her only surviving relatives.

The Issue of Who Received the Proceeds

Given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the proceeds of the account of unknown type were not paid to the Account Owner or her 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.

With respect to the custody account closed in 1936, the CRT has determined that it is plausible that the Account Owner received the proceeds of the account because this account was closed in 1936, prior to the invasion of Czechoslovakia.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their aunt, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the account of unknown type.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According to Article 23(1) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares of representation. In this case, both the Claimants are nieces of the Account Owner. Accordingly, the Claimants are each entitled to one half of the Award.

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 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 Award

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

Claims Resolution Tribunal
June 3, 2003