

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Marietta Jean Poras

## **in re Accounts of Marietta Rosen**

Claim Number: 224494/JT<sup>1</sup>

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claim of Marietta Jean Poras, née Rosen, (the “Claimant”) to the account of Louis Rosen. This Certified Award is to the accounts of Marietta Rosen (the “Account Owner”) held at the Zurich branch of [REDACTED] (“Bank I”) and at the Bern branch of the [REDACTED] (“Bank II”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying herself as Account Owner Marietta Rosen, the daughter of Louis and Katharina Rosen, née Drach, of Vienna, Austria. In a telephone conversation with the CRT on 26 August 2002, the Claimant indicated that she lived with her parents in Austria and that her father operated a spa outside of Vienna. The Claimant stated that prior to entering the spa business, her father worked in the wholesale wine business, in addition to being a banker. The Claimant further stated that her father often traveled within Europe on business, and that on a trip to Switzerland, he opened a Swiss bank account. The Claimant indicated that her father, who was Jewish, was sent to a prison in Austria in the late 1930s and that she operated his spa while he was away, despite the fact that she was a minor. The Claimant further indicated that she was forced to pay the Nazis 80,000.00 Swiss Francs from her father’s Swiss bank account in order to have him released from prison. The Claimant stated that her father fled Austria in 1939 and moved to Zurich, Switzerland, where he lived until his death in May 1950. In support of her claim, the Claimant submitted documents including a family tree, her birth certificate identifying herself as Marietta Rosen and her father as Louis Rosen, and a document issued by the national police in Vienna dated 20 April 1938, which indicates that her assets, including one demand deposit account held by her at Bank I and one custody account held by her at Bank II, were confiscated by the Nazis. The Claimant indicated that she was born on 30 September 1920 in Vienna.

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<sup>1</sup> The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 224494 and 300632. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 224494.

## **Information Available in the Bank Record**

There are no records available in this case. However, the CRT notes that the Claimant submitted documentation regarding Bank I and Bank II from the police in Vienna, dated 20 April 1938, one week before the official decree forcing Austrian Jews to register their assets, indicating that the Nazi regime confiscated Marietta Rosen's assets, including a demand deposit account held at Bank I and a custody account held at Bank II. Furthermore, the documents submitted by the Claimant indicate that she held assets worth close to 2,000,000.00 Austrian Schillings as of 20 April 1938.

## **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi regime required Jews residing within Austria who held assets above a specified level to submit to a census form registering their assets. In the records of the Austrian State Archives, there is one document concerning the assets of Louis Rosen. This document makes no mention of a Swiss bank account. This document indicates that Louis Rosen's daughter (a minor at the time) was Marietta Rosen, and that they resided at Rotenturmstrasse 24 in Vienna I. It also indicates that they were Jewish and that Louis Rosen's assets were confiscated.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified herself as Account Owner Marietta Rosen. The Claimant submitted documentation identifying herself as Marietta Rosen and documentation from the police in Vienna, dated 20 April 1938, indicating that the Nazi regime confiscated her assets including a demand deposit account held at Bank I and a custody account held at Bank II. Moreover, the data contained in the Austrian Census records identifies the Claimant as the daughter of Louis Rosen. In support of her claim, the Claimant submitted documents, including a family tree and a copy of her birth certificate, which identifies Louis Rosen as her father. The CRT notes that there are no other claims to this account.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant, who is Jewish, has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated she lived in Nazi-annexed Austria during the Second World War. The Claimant further stated that her father, who also was Jewish, was sent to a prison in Austria in the late 1930s and that she was forced to pay the Nazis 80,000.00 Swiss Francs from her father's Swiss bank account in order to have him released from prison. The Claimant also indicated that her father fled Austria in 1939.

### The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is the Account Owner by submitting documents demonstrating that she is Marietta Rosen.

### The Issue of Who Received the Proceeds

With regard to the custody and demand deposit accounts held by the Account Owner at Bank I and Bank II, the CRT finds it plausible, given the documentation on the confiscation of these deposits by Nazi authorities submitted by the Claimant, that the proceeds were paid to Nazi authorities.

### 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 she is the Account Owner, which justifies an Award. Finally, the CRT has determined that the Account Owner did not receive the proceeds of her custody and demand deposit accounts.

### Amount of the Award

According to the documentation submitted by the Claimant, dated 20 April 1938, the Account Owner held a demand deposit account at Bank I and a custody account at Bank II. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of a demand deposit account was 2,140.00 Swiss Francs. Thus, the total 1945 value of these accounts was 15,140.00 Swiss Francs. The current value of these amounts is calculated by multiplying them by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 181,680.00 Swiss Francs.

### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 18 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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