

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Henny Rosenbaum**

Claim Number: 220207/KG<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Henny Rosenbaum (the “Account Owner”) at 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 grandmother’s niece, Henny Rosenbaum, who was born on 29 May 1896 in Germany. The Claimant explained that his paternal grandmother, [REDACTED], née [REDACTED], had a brother, who was Henny Rosenbaum’s father. In a telephone conversation with the CRT on 23 June 2005, the Claimant stated that Henny Rosenbaum, who was Jewish, originally lived in Lippstadt, where her family and the Claimant’s family met regularly. The Claimant further indicated that he thought that Henny Rosenbaum moved to Berlin some time after 1933. According to the Claimant, his relative possibly emigrated to Brazil and then later to the United States. She later returned to Germany, where she died on a date unknown to the Claimant. In support of his claim, the Claimant submitted documents, including a photograph of the grave of his grandparents, [REDACTED], née [REDACTED], and [REDACTED], and a copy of a handwritten letter, dated 2 January 1974, to a member of the Claimant’s family from “Henny.” The Claimant indicated that he was born on 11 June 1920 in Essen, Germany.

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<sup>1</sup> The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 220205 and 220206 respectively. The CRT will treat the claims to these accounts in a separate decision.

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

The Bank's record consists of a numbered accounts closing register. According to this record, the Account Owner was Frau Henny Rosenbaum, who resided in Berlin. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, which was closed on 5 July 1938. The Bank's record does not show to whom the account was paid, nor does this record indicate the value of this account.

There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's relative's name and city and country of residence match the published name and city and country of residence of the Account Owner.

The CRT notes that the Bank's record refers to the Account Owner as *Frau* (Mrs.) whereas the information provided by the Claimant suggests that Rosenbaum was the Claimant's relative's maiden name. The CRT also notes, however, that the Claimant's relative was born in 1896 and therefore was 42 years old at the time the account was closed, and finds it plausible that she would have been addressed as *Frau* regardless of her marital status.

In support of his claim, the Claimant submitted documents, including a letter to a member of his family signed by "Henny," providing independent verification that the person who is claimed to be the Account Owner had the same first name as the name of the Account Owner recorded in the Bank's record. The CRT notes that the name Henny Rosenbaum appears only once on the February 2001 published list of accounts determined by the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims to this account. 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 Target 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 she emigrated to Brazil and later to the United States to escape Nazi persecution.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's grandmother's niece. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant submitted a copy of a hand-written letter to a member of the Claimant's family signed by "Henny." The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of a photograph of his grandparents' grave which shows that his grandmother's maiden name was Rosenbaum, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all 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

Given that the Account Owner was Jewish and emigrated from Germany to Brazil and then the United States; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds 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.

#### 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her grandfather's niece and that relationship justifies an Award. Third, 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 an account, the type of which is not indicated. 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, the type of which is not indicated, was 3,950.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

**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  
31 August 2005