

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Jakob Rothschild

Claim Number: 223738/UM

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Jakob Rothschild (the “Account Owner”) at the Basle 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 her father, Jakob Rothschild, who was born on 18 January 1877 in Eppertshausen, Germany, and was married to [REDACTED], née [REDACTED], on 20 March 1910, in Frankfurt, Germany. The Claimant stated that her parents had two children, both of whom were born in Frankfurt: [REDACTED], who was born on 26 August 1911; and the Claimant, who was born on 12 January 1917. The Claimant further stated that her father, who was Jewish, was a businessman, and that he co-owned a textile business, *H.J. & J. Rothschild*, with his two brothers. The Claimant specified that this business was located at Grosse Friedbergerstrasse 23, in Frankfurt. In addition, the Claimant stated that her father resided at Eschenheimer Anlage 37 in Frankfurt until 1935, when he fled to Paris, France, after hearing that the Gestapo was about to arrest him. The Claimant further stated that her father illegally lived in St. Avoird, France until he fled to London, the United Kingdom in 1938 or 1939, and to Glasgow, the United Kingdom, thereafter. The Claimant stated that her father was subsequently interned on the Isle of Man. The Claimant stated that her father died in the United Kingdom in 1945, and that her mother died in Tel Aviv, Israel, in 1974. Finally, the Claimant stated that her brother, [REDACTED], died in Portland, Oregon, the United States, on 31 October 1997.

The Claimant submitted an extract from a German birth registry, identifying the Claimant as [REDACTED], specifying that she was born in Frankfurt, and identifying her parents as

[REDACTED], née [REDACTED], and Jakob Rothschild. As noted above, the Claimant indicated that she was born on 12 January 1917.

Information Available in the Bank's Records

The Bank's records consist of several lists of accounts. According to these records, the Account Owner was Jakob Rothschild, who resided in Frankfurt, Germany. 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") reported that the Account Owner resided at Eschenheimeranlage 37 in Frankfurt. The Bank's records further indicate that the Account Owner held an account, the type of which is not indicated, and that the balance in the account was 365.50 Swiss Francs ("SF") on 31 March 1936, and SF 356.50 by 31 December 1938.

The Bank's records do not show when the account at issue was closed. The auditors who carried out the investigation of this bank did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's street address as Eschenheimer Anlage 37, which matches unpublished information about the Account Owner provided by the auditors who carried out the investigation of the Bank.

In support of her claim, the Claimant submitted documents, including an extract from a German birth registry, specifying that she was born in Frankfurt, and identifying her father as Jakob Rothschild, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants provided different countries and cities of residence than the city and country of residence of 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, that he lived in Nazi Germany until 1935, and that he fled to France upon hearing that his arrest by the Gestapo was imminent.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include an excerpt from a German birth registry, identifying her father as Jakob Rothschild. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that the account was closed sometime after December 1938, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the account was closed; that the Account Owner fled his country of origin due to Nazi persecution; that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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 his 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his 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 records indicate that the value of the account was SF 356.50 as of 31 December 1938. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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. Consequently, the total award amount in this case is 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 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
18 November 2004