

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

Jean Rothschild,

and [REDACTED 2]

in re Account of Jean Rothschild

Claim Numbers: 223586/TW;¹ 209516/TW ; 206799/TW; 707419/TW²

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of Jean Rothschild, the claims of Jean Rothschild (“Claimant Rothschild”) to the published accounts of Anna Rothschild and A. Stern, and to an account of [REDACTED],³ and the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Anna Rothschild and A. Stern.⁴ This Award is to the published account of Jean Rothschild (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as Claimants [REDACTED 1] and [REDACTED 2] have, in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

¹ Claimant [REDACTED 1] submitted additional claims to the accounts of Justin Rothschild and Ida Rothschild, which are registered under the Claim Numbers 223587 and 223588, respectively. The CRT previously awarded the account of Justin Rothschild to Claimant [REDACTED 1]. See *In re Account of Justin Rothschild*, which was approved by the Court on 8 August 2004. The CRT will treat the claim to [REDACTED]’s account in a separate decision.

² In addition to submitting a Claim Form to the CRT, Claimant Rothschild also submitted an Initial Questionnaire (IQ), numbered FRE 0009 163, to the Court in the United States in 1999. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 707419.

³ The CRT did not locate an account belonging to Claimant Rothschild’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (ICEP or ICEP Investigation), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules governing the Claims Resolution Process, as amended (the Rules). The CRT will treat the claims to the accounts of Anna Rothschild and A. Stern in separate decisions.

⁴ The CRT will treat the claims to these accounts in separate decisions.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father, Dr. Janos (Jean) Bonta (formerly Rothschild) who was born in 1903 in Baja, Hungary, and was married to [REDACTED], with whom he had one child, Claimant [REDACTED 1]. Claimant [REDACTED 1] stated that his father was a physician who resided in Zalaegerszeg, Hungary. Claimant [REDACTED 1] stated that his father, who was Jewish, was deported to Auschwitz in 1944, but survived the Holocaust and moved to Budapest, Hungary after the Second World War. Claimant [REDACTED 1] stated that his father changed his and Claimant [REDACTED 1]'s surname from [REDACTED] to [REDACTED] on 5 December 1951. Finally, Claimant [REDACTED 1] stated that his father died in 2000 in Budapest, and that his mother died on 7 December 1991, also in Budapest. In support of his claim, Claimant [REDACTED 1] submitted a document from the Minister of Home Affairs in Budapest, dated 5 December 1951, indicating that Janos Rothschild and his son, [REDACTED 1], changed their last names to [REDACTED]. Claimant [REDACTED 1] previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his parents. Claimant [REDACTED 1] indicated that he was born on 26 October 1946 in Budapest.

Claimant Rothschild

Claimant Rothschild submitted a Claim Form identifying the Account Owner as himself, Jean Rothschild, who was born on 26 March 1925 in Frankfurt am Main, Germany. Claimant Rothschild stated that he lived with his parents, [REDACTED] and [REDACTED], in Frankfurt am Main until 1933, after which his family moved to Paris, France, where they resided until 1940. According to the information provided by Claimant Rothschild, his parents were interned at the concentration camp in Gurs and were deported to Auschwitz, where they perished. Claimant Rothschild indicated that he resided in France throughout the Second World War. In support of his claim, Claimant Rothschild submitted his birth certificate, indicating that his name is Jean Rothschild and that his parents were [REDACTED] and [REDACTED].

Claimant Rothschild previously submitted an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED].

Claimant [REDACTED 2]

Claimant [REDACTED 2], submitted a Claim Form identifying the Account Owner as her brother, Claimant Rothschild. The information provided by Claimant [REDACTED 2] about her brother is similar to the information provided by Claimant Rothschild. In support of her claim, Claimant [REDACTED 2] submitted her birth certificate indicating that her parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 2] indicated that she was born on 29 June 1921 in Frankfurt am Main.

Claimant [REDACTED 2] previously submitted an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of an extract from a bank ledger and account statements. According to these records, the Account Owner was Jean Rothschild. The Bank's records do not indicate the Account Owner's city or country of residence. The Bank's records indicate that the Account Owner held a custody account, which was transferred to a suspense account on or before 23 March 1953. They further show that the amount in the account on 23 March 1953 was 24.00 Swiss Francs ("SF"), and that this was reduced to SF 21.50 by 31 March 1963, the last-known date of existence of the account when it was included on a suspense account ledger.

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") 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.

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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s father's name,⁵ Claimant Rothschild's name and Claimant [REDACTED 3]'s brother's name match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of his claim, Claimant [REDACTED 1] submitted a document from the Minister of Home Affairs in Budapest, showing that he is the son of Janoz (Jean) Rothschild, who later changed his name to "Bonta", providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

⁵ The CRT notes that Janos is the Hungarian equivalent of the French name Jean, and that the account was held in Lausanne, in the French-speaking region of Switzerland.

In support of his claim, Claimant Rothschild submitted his birth certificate, indicating that his name is Jean Rothschild, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that Claimant Rothschild was a minor at the time the account was open and active, and that he did not claim an account belonging to him until after his name was published on the February 2001 list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). However, the CRT has seen evidence that parents opened accounts including custody accounts, in their minor children's names. Accordingly, the CRT finds it plausible that Claimant Rothschild's parents may have opened a custody account in his name, of which he had no previous knowledge. The CRT notes that the name Jean Rothschild appears only once on the ICEP List.

The CRT further notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his parents, prior to the publication of the ICEP List. This indicates that Claimant [REDACTED 1] has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1] had reason to believe that his relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1].

The CRT notes that Claimant Rothshchild, who is also Claimant [REDACTED 2]'s brother, is not the same person as Claimant [REDACTED 1]'s relative. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

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. Claimant [REDACTED 1] stated that the Account Owner was Jewish, lived in Hungary, and was deported to a concentration camp in 1944. Claimant Rothschild and Claimant [REDACTED 2] stated that the Account Owner is Jewish, and that he lived in Nazi-occupied France during the Second World War.

The Claimant's Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was his father. The CRT notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 1], prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 1] submitted a copy of a document issued by the Minister of Home Affairs in Hungary, indicating his father's and his change of name. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim Form.

Claimant Rothschild has plausibly demonstrated that he is the Account Owner by submitting specific information and his birth certificate, indicating that his name is Jean Rothschild and that his parents were [REDACTED] and [REDACTED].

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was her brother. Claimant [REDACTED 2] submitted a copy of her birth certificate, which indicates that her parents were [REDACTED] and [REDACTED].

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that according to Claimant [REDACTED 1], the Account Owner was deported to a concentration camp; that according to Claimant Rothschild and Claimant [REDACTED 2], that the Account Owner was a minor whose parents were killed, during the Second World War; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; 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 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), (i) and (j), as provided in Article 28 of the Rules, 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 the 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 [REDACTED 1] and Claimant Rothschild. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his father and Claimant Rothschild has plausibly demonstrated that he is the Account Owner, and those relationships justify 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.

Further, the CRT notes that Claimant Rothschild, as the Account Owner himself, has a better entitlement to the account than Claimant [REDACTED 2], the Account Owner's sister.

Amount of the Award

In this case, the Account Owner held one custody account. The Bank's records indicate that the value of the custody account as of 23 February 1953 was SF 24.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 450.00, which reflects standardized bank fees charged to the account between 1945 and 1953. According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. 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, to produce a total award amount of SF 162,500.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several claimants have established a plausible relationship to a person with the same name as the Account Owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, Claimant [REDACTED 1] has established a plausible relationship to a person with the same name as the Account Owner and Claimant Rothschild has plausibly established that he is the Account Owner. As indicated above, Claimant Rothschild has a better entitlement to the account than his sister, Claimant [REDACTED 2]. Accordingly, Claimant [REDACTED 1] and Claimant Rothschild are each entitled to one-half of the Award amount.

Scope of the Award

The Claimants 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
10 December 2004