

# 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 Otto Rothschild**

Claim Number: 789858/MI<sup>1, 2</sup>

Award Amount: 31,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Bertha Rothschild.<sup>3</sup> This Award is to the published accounts of Otto Rothschild at the [REDACTED] (the “Bank”).<sup>4, 5</sup>

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 an Initial Questionnaire (“IQ”) identifying the Account Owner as her paternal uncle, Otto Rothschild. In a telephone conversation with the CRT, the Claimant stated

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<sup>1</sup> Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0824191, to the Court in the United States. 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 789858.

<sup>2</sup> The Claimant submitted one additional claim, which is registered under the Claim Number 770829. In a separate letter mailed to the Claimant, dated 16 May 2007, the CRT treated the Claimant’s claim to the account of Sali Rothschild.

<sup>3</sup> The CRT will treat the claim to this account in a separate determination.

<sup>4</sup> The CRT notes that the name Otto Rothschild appears once on both the February 2001 published 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”) and on the List of Account Owners Published in 2005 (the “2005 List”). Upon careful review, the CRT has determined that the Otto Rothschild on the 2005 List is not the same person addressed in the current decision and, consequently, the Claimant did not identify this other account owner as her relative.

<sup>5</sup> The CRT notes that, on the ICEP List, Otto Rothschild is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of two accounts.

that her uncle was born in approximately 1890 in Germany. The Claimant further stated that her uncle, who was Jewish, was a cattle dealer and resided in Konstanz, Germany and Mainz, Germany. Finally, the Claimant stated that her uncle was deported to Auschwitz, where he perished.

The Claimant indicated that she was born on 28 May 1926 in Germany.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Otto Rothschild, who resided in Konstanz, Germany, Kreuzlingen, Switzerland, and Frankfurt, Germany. The Bank's record indicates that the Account Owner held two safe deposit boxes, numbered 231 and 125, which were closed on 6 February 1933 and 3 July 1933, respectively. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record 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's uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified one of the Account Owner's cities of residence, which matches unpublished information about the Account Owner contained in the Bank's record. The Claimant indicated that her uncle also resided in Mainz, which is approximately fifty kilometers from Frankfurt, another one of the Account Owner's cities of residence.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Bertha Rothschild, and in which she identified Otto Rothschild as her uncle, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her family owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT further notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified 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 resided in Nazi Germany, and that he was deported to Auschwitz, where he perished.

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

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

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record; and that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. 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 of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the first safe deposit box was closed on 6 February 1933 and the second safe deposit box was closed on 3 July 1933.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that there is no evidence that the Account Owner fled Germany prior to the death of the Account Owner in Auschwitz, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his accounts 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),<sup>6</sup> 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 uncle, 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 accounts.

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<sup>6</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### Amount of the Award

In this case, the Account Owner held two safe deposit boxes. 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 ICEP (the "ICEP Investigation"), in 1945 the average value of the contents of a safe deposit box was 1,240.00 Swiss Francs ("SF"). Thus, the combined 1945 average value for the two accounts at issue is SF 2,480.00. 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 31,000.00.

### **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 December 2007