

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Isidor Rapaport

Claim Number: 221621/HB

This Certified Denial is based upon the claim of [REDACTED], n e [REDACTED], (the “Claimant”) to the published account of Isidor Rapaport (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All denials 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 mother’s cousin, Isidor Rapaport, who was born in approximately 1900 in or near Drohobych, Poland (now the Ukraine) and who was married. The Claimant explained that her maternal grandmother, [REDACTED], n e [REDACTED], and Isidor Rapaport’s father, [REDACTED], were siblings.

According to the Claimant, Isidor Rapaport, who was Jewish, resided in Krakow, Poland, and was a lawyer. The Claimant explained that Isidor Rapaport and his family were murdered by the Nazis during the Second World War.

The Claimant indicated that she was born on 25 March 1923 in Drohobych.

The Claimant previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Abraham Berger and Hinda Berger.¹

¹ In a separate decision, the CRT treated the claim of Claimant [REDACTED] (the “Claimant”) to the account of Abraham Berger and Hinda Berger. See *In re Account of Abraham Berger and Hinda Berger* (approved on 6 August 2007).

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Isidor Rapaport, who resided in Krakow, Poland. The Bank's record indicates that the Account Owner held a demand deposit account that was denominated in British Pound Sterling. The Bank's record indicates that the demand deposit account was closed on 10 May 1939. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's relative's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.²

The CRT notes that the name Isidor Rapaport appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List"). The CRT further notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. 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-occupied Poland during the Second World War, and that he was murdered by the Nazis.

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 mother's cousin. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further 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.

² The CRT notes that the Claimant indicated that her relative was a lawyer, and that the Bank's record indicates that the Account Owner held the title of "Dr." The CRT notes that its precedent has indicated that it was common for lawyers prior to the Second World War to hold a doctor title.

The Issue of Who Received the Proceeds

The Bank's record indicates that the demand deposit account was closed on 10 May 1939, months prior to the occupation of Poland by Germany on 1 September 1939. Therefore, the CRT concludes that the Account Owner was able to access the account and was able to close the account and receive the proceeds himself.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
3 June 2009