

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to the Estate of Claimant [REDACTED]¹

in re Accounts of Rudolf Roubitschek and Gisa Roubitschek

Claim Number: 213410/MBC

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Rudolf Roubitschek (“Account Owner Rudolf Roubitschek”) and Gisa Roubitschek (“Account Owner Gisa Roubitschek”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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.

Procedural History

In a previous decision dated 27 January 2002, the Court approved an Award to the Claimant for a custody account and a demand deposit account held by the Account Owners at the Bank (the “January 2002 Award”). On 30 June 2008, the Court approved an Award Amendment (the “June 2008 Award Amendment”) relating to the custody account awarded in the January 2002 Award.³ In neither the January 2002 Award nor the June 2008 Award Amendment did the CRT reach a decision regarding a demand deposit account denominated in foreign currency which was held at the Bank by the Account Owners, and which was closed on 20 January 1935. This decision addresses that account.

¹ On 10 July 2008, the widower of Claimant [REDACTED] (the “Claimant”) informed the CRT that the Claimant passed away on 23 July 2002.

² The CRT notes that on 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”), only the name Rudolf Roubitschek appears. Upon careful review, the CRT has determined that the Bank’s record indicates that the accounts were held jointly by Rudolf and Gisa Roubitschek (the “Account Owners”). In addition, the CRT has determined that the Account Owners held three, and not two accounts, as indicated on the ICEP List.

³ See *In re Accounts of Rudolf and Gisa Roubitschek* (two decisions) (approved on 27 January 2002 and on 30 June 2008).

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owners as her paternal grandparents, Rudolf Roubitschek, who was born on 20 June 1880, and Gisa Roubitschek, née Barber. The Claimant indicated that her grandfather was a physician who resided in Prague, Czechoslovakia (today the Czech Republic) and Karlsbad (today Karlovy Vary), the Sudetenland (today the Czech Republic), before he fled to France with his wife in 1940. The Claimant stated that her grandparents, who were Jewish, were given Bolivian passports and fled to France in 1940. The Claimant explained that her grandfather died in France in 1945 and that her grandmother died in 1964 in New York, New York.

In support of her claim, the Claimant submitted copies of documents, including: (1) her grandfather's certificate of residence (*Heimatschein*), dated 23 August 1937, indicating that Dr. Rudolph Roubitschek was born on 20 June 1880, and that he resided in Karlovy Vary; (2) a certificate of good character (*certificat de bonne vie et moeurs*) issued by the mayor of St. Georges de Reneins, France, dated 13 June 1946, indicating that Gisa Barber resided in St. Georges de Reneins in 1946 as a widow of Mr. Roubitschek; (3) her father's death certificate, indicating that [REDACTED] died on 18 July 1983, and that his parents were Rudolph Roubitschek and Giza Barber; and (4) her own birth certificate, indicating that [REDACTED] was born on 9 July 1951 in New York, New York, the United States, and that her father was [REDACTED], who was born in Czechoslovakia.

The Claimant indicated that she was born on 9 July 1951 in New York. The Claimant's husband informed the CRT in July 2008 that the Claimant passed away on 23 July 2002.

Information Available in the Bank's Record

As detailed in the January 2002 Award, the Bank's record indicates the names, the domicile of the Account Owners, and the professional title of Account Owner Rudolf Roubitschek. According to these records, the Account Owners were Dr. Rudolf Roubitschek and *Frau* (Mrs.) Gisa Roubitschek, who resided in Karlsbad (today Karlovy Vary), Reichsgau Sudetenland (today Czech Republic). These records indicate that the Account Owners jointly held a demand deposit account denominated in Swiss Francs, a demand deposit account denominated in a foreign currency, and a custody account numbered L40275. The record further indicates that the demand deposit account held in foreign currency was closed on 20 January 1935, that the custody account L40275 was closed on 28 March 1939, and that the demand deposit account held in Swiss Francs was closed on 31 March 1939.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandfather's name and country of residence matches the published name and country of residence of Account

Owner Rudolf Roubitschek. The Claimant identified the name and city and country of residence of Account Owner Gisa Roubitschek, and Account Owner Rudolf Roubitschek's city of residence and professional title, which match unpublished information about the Account Owners contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including her father's death certificate and her grandfather's certificate of residence, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's record as the names and city of residence of the Account Owners.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different spouse's name than the spouse's name of Account Owner Rudolf Roubitschek.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were a Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they resided in Sudetenland and Czechoslovakia before they fled to France during the Second World War.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's grandparents. These documents include her father's death certificate, indicating that [REDACTED]'s parents were Rudolph Roubitschek and Giza Barber; and her own birth certificate, indicating that [REDACTED]'s father was [REDACTED]. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that the Account Owners resided in Karlsbad, Sudetenland (today the Czech Republic), and that the demand deposit account held in foreign currency was closed on 20 January 1935, over three years prior to the Nazi annexation of the Sudetenland on 30 September 1938. Accordingly, the CRT concludes that the Account Owners were able to access this account and that they closed and received the proceeds of the account themselves.

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