

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Alexandra Coppet

in re Account of Ionel Rudberg

Claim Number: 600022/AX^{1,2}

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Ionel Rudberg (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).³

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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her maternal uncle, Ionel Rudberg, who was born on 24 June 1897 in Bucharest, Romania and was married to [REDACTED] in 1955 or 1956. The Claimant indicated that her uncle lived in Bucharest before the Second World War, and that he owned two businesses named *I.R.O.C.* and *Scaeni*. According to the Claimant, her uncle, who was Jewish, traveled frequently to Zurich, Switzerland. The Claimant indicated that her uncle attempted to flee to Palestine during the Second World War, but that he was caught and imprisoned in Romania and Hungary, and eventually escaped to France. The Claimant stated that her uncle died in Canada on 12 March 1964 or 1965.

The Claimant stated that when her uncle still lived in Romania, he contacted the Bank and inquired about his account, but he was not able to access it. After the Second World War, Ionel Rudberg’s son inquired about accounts belonging to his father but was unsuccessful in his

¹ The Claimant submitted a claim, numbered B-01450, on 2 November 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600022.

² The Claimant submitted an additional claim to the account of Martin Rudberg, which is registered under Claim Number 600022. The CRT has awarded the account of Martin Rudberg to the Claimant. This Award was approved by the Court on 24 December 2004. See *In re Account of Martin Rudberg*.

³ In this claim, the Claimant also claimed the accounts of Filip Filip (Feldman) and Neuman Feldman. The CRT will treat the claim to these accounts in a separate determination.

attempts to locate any such accounts. In support of her claim, the claimant submitted a copy of her marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 6 November 1940 in Bucharest, that they were the children of [REDACTED] and [REDACTED], née [REDACTED], and [REDACTED] and [REDACTED], née [REDACTED], respectively, and listing [REDACTED] as a witness. The Claimant indicated that she was born on 15 April 1920 in Bucharest.

The Claimant submitted records pertaining to the account of Ionel Rudberg, which were obtained by the HCPO on the Claimant's behalf. The records pertaining to this account are described below in detail.

The Claimant previously submitted three Initial Questionnaire with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Filip Filip (Feldman), Neuman Feldman, and Ionel Rudberg.

Information Available in the Bank Records

The CRT notes that 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 report an account belonging to Ionel Rudberg during their investigation of the Bank. The Bank's documents were obtained from the Bank by the HCPO on the Claimant's behalf and were forwarded to the CRT.

The Bank's records consist of account cards from the Bank's numbered account department, and correspondence between the Bank and the HCPO. According to these records, the Account Owner was Ionel Rudberg, who resided in Bucharest. The Bank's records indicate that the Account Owner held two accounts, the types of which are not indicated, numbered 5550 and 12010.

The Bank's records do not indicate the opening date of account 5550, however it was sometime before 11 October 1946, the date when this account was first closed. According to the records, account 5550 was reopened by the Account Owner on 13 August 1958. There is no indication showing when this account was closed after its reopening on 13 August 1958, but the records show that a control stamp ("*ausgegangen Kontrolle*") was added to the account, and that the number was reused on 11 November 1986, which was after the customer relationship had ended and the number had been blocked for at least five years.

With respect to account 12010, the CRT notes that the Bank's records indicate that this account was opened on 9 October 1946.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle's name

matches the unpublished name of the Account Owner. The Claimant's uncle's country and city of residence match the unpublished country and city of residence of the Account Owner. The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Target 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, and that he attempted to flee to Palestine during the Second World War, but that he was caught and imprisoned in Romania and Hungary, and eventually escaped to France.

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. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT further notes that the Claimant submitted a copy of her marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 6 November 1940 in Bucharest, that they were the children of [REDACTED] and [REDACTED], née [REDACTED], and [REDACTED] and [REDACTED], née [REDACTED], respectively, and listing [REDACTED] as a witness, which provides independent verification that the Claimant's relatives bore the same family name and that they resided in the same city of residence as the Account Owner. 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

With respect to account 5550, the Bank's records indicate that account 5550 was closed on 11 October 1946 and reopened by the Account Owner on 13 August 1958. The CRT notes that there is no indication that the account was open during the Relevant Period, which is defined by Article 46(20) of the Rules, as the period from 1 January 1933 to 31 December 1945. However, assuming that the account was open during the Relevant Period, and that the CRT has jurisdiction over the account, the CRT notes that the account was reopened by the Account Owner on 13 August 1958, after the Second World War, which indicates that the Account Owner had access and control over his account. Therefore, the CRT concludes that the Account Owner received the proceeds of the claimed account.

With respect to account 12010, the Bank's records indicate that the account was opened after the Second World War, on 9 October 1946. As noted above, according to Article 14 of the Rules, the CRT shall have jurisdiction to resolve claims to Accounts of Victims open or opened in Swiss banks during the Relevant Period. According to Article 46(20) of the Rules, the Relevant Period is the period from 1 January 1933 to 31 December 1945. Consequently, the CRT concludes that it does not have the authority to treat the claim to this account. Therefore, the CRT concludes that the Account Owner received the proceeds of the claimed account.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

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 Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
21 September 2005