

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]

and to the Estate of Claimant [REDACTED 3]¹

in re Account of Rose Brandt

Claim Number: 713128/GO;² 750322/GO; 753924/GO³

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Simcha Brandt and Rosa Brandt; the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of Aran Brandt and Rosa Brandt; and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Cuta Melber and Nathan Melber.⁴ This Award is to the unpublished account of

¹ In a telephone conversation with the CRT on 6 December 2007, [REDACTED], who is the wife of Claimant [REDACTED 3], informed the CRT that her husband passed away. Therefore, this award is to the estate of Claimant [REDACTED 3].

² [REDACTED 1] (“Claimant [REDACTED 1]”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HEB 0056-166, 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 IQs 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 713128.

³ Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) and Claimant [REDACTED 3] (“Claimant [REDACTED 3]”) did not submit CRT Claim Forms. However, in 1998 they each submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-F-80-814-103-854 and C-TLV-A-71-221-211-005, respectively, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”) or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”), as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 2]’s and Claimant [REDACTED 3]’s ATAG Forms were forwarded to the CRT and have been assigned Claim Numbers 750322 and 753924, respectively.

⁴ The CRT did not locate an account belonging to Claimant [REDACTED 1]’s relative, Simcha Brandt, or to Claimant [REDACTED 2]’s relative, Aran Brandt, or to Claimant [REDACTED 3]’s relatives, Cuta Melber and Nathan Melber, in the Account History Database prepared pursuant to the investigation carried out by ICEP (the “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

Rose Brandt (the “Account Owner”) at the [REDACTED] (the “Bank”). 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) to the Court in 1999 identifying the Account Owner as her mother, Rosa Brandt, who was born in 1908 in Poland, and was married to [REDACTED]. According to Claimant [REDACTED 1], before the Second World War, her father studied medicine in Geneva, and kept bank accounts in Switzerland. Claimant [REDACTED 1] indicated that her parents, who were Jewish, resided at Stashida 12 in Hrubieszow, Poland. Claimant [REDACTED 1] further indicated that her parents tried to re-enter Switzerland in 1939, but were refused entry. Additionally, Claimant [REDACTED 1] indicated that she and her mother were confined to ghettos during the Second World War. According to the information provided by Claimant [REDACTED 1], her father perished in approximately 1942, but her mother survived the War and died in Israel in 1989. Claimant [REDACTED 1] indicated that she was born on 7 December 1938.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an ATAG Ernst & Young claim form (“ATAG Form”) identifying the Account Owner as his mother, Rosa Brandt, who was Jewish, and was married to [REDACTED]. According to Claimant [REDACTED 2], his parents opened a Swiss bank account in 1938 or 1939, at which time they resided at Stefanie M15 in Medzilaborec, Czechoslovakia (today Slovakia), and owned a custom tailoring business. Claimant [REDACTED 2] indicated that his parents and his entire family fled from Czechoslovakia in 1939 to Hungary, where they resided at No. 18 Folszobodulasz in the city of Ungvar (today Uzhhorod, Ukraine). Claimant [REDACTED 2] further indicated that his family was captured and handed over to the Czechoslovakian authorities in 1942. Claimant [REDACTED 2] indicated that upon their release his family lived in Hungary, until they were captured by the Hungarian authorities and sent to a ghetto for four weeks. According to the information provided by Claimant [REDACTED 2], his family was transported by cattle train from the ghetto to Birkenau, where his mother and his siblings were killed. Claimant [REDACTED 2] indicated that he and his father were forced to work in a coal mine until 20 December 1944, when they were sent to the concentration camp at Buchenwald, Germany, where his father died in February 1945, and where Claimant [REDACTED 2] was liberated by American forces in April 1945. Claimant [REDACTED 2] indicated that he was born on 28 April 1928.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted an ATAG Form identifying the Account Owner as his mother, Roza Brandt, née Melber, who was married to [REDACTED]. Claimant [REDACTED 3] indicated that his mother, who was Jewish, was the daughter of [REDACTED] and

[REDACTED], who resided at Calea Rahovei 53 in Bucharest, Romania, before and during the Second World War. Claimant [REDACTED 3] further indicated that his maternal grandfather, [REDACTED], was a businessman and owner of the Capitol Cinema in Bucharest. Claimant [REDACTED 3] did not indicate the fate of his mother during the time of Second World War. Claimant [REDACTED 3] submitted his Israeli identity card, indicating that his mother was Rosa Brandt. Claimant [REDACTED 3] indicated that he was born on 2 February 1928 in Romania.

In a telephone conversation with the CRT, [REDACTED], who is the wife of Claimant [REDACTED 3], informed the CRT that her husband passed away and that she does not possess any further information about her late husband's parents.

Information Available in the Bank's Record

The Bank's record consists of a list of owners of dormant savings/passbook accounts which were inactive for some period after 1945. According to this record, the Account Owner was Rose Brandt. The Bank's record does not contain any information about the Account Owner other than her name. This record indicates that the Account Owner held a savings/passbook account. This record further indicates that the amount in the account on an unknown date was 2.29 Swiss Francs ("SF"). The Bank's record indicates that the account remains open and dormant. 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") indicated that there is no further information available concerning this account.

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

The names of Claimant [REDACTED 1]'s mother, Claimant [REDACTED 2]'s mother, and Claimant [REDACTED 3]'s mother match the unpublished name of the Account Owner.⁵ The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. In support of his claim, Claimant [REDACTED 3] submitted his

⁵ The CRT notes that the Claimants indicated the Account Owner's first name was Rosa or Roza, whereas the Bank's record lists the Account Owner's first name as Rose. However, the CRT determines that this discrepancy does not adversely affect the Claimants' identification of the Account Owner, since it is plausible that Roza, Rosa, and Rose are variations of the same name.

Israeli identity card, providing independent verification that the person who is claimed to be the Account Owner has the same name as the Account Owner.

The CRT notes that a database containing the names of Victims of Nazi Persecution contains a page of testimony submitted by Claimant [REDACTED 1]'s mother, Rosa Brandt, in 1956 regarding her late husband, Dr. [REDACTED], which indicates that the couple resided in Hrubieszow before the War, and that [REDACTED] died in 1941. This information matches the information provided by Claimant [REDACTED 1] about her parents. It also provides independent verification that the person who is claimed to be the Account Owner had the same name as the name of the Account Owner appearing in the Bank's record. The database is a collection of names from various sources, including the Yad Vashem Memorial in Israel.

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified the unpublished name of the Account Owner; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record 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 Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim or Target of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim or Target of Nazi Persecution. Claimant [REDACTED 1] stated that her mother was Jewish, that she was detained in ghettos during the Second World War, that she was refused entry into Switzerland, and that her husband perished in the Holocaust. As noted above, a person named Rosa Brandt submitted a page of testimony regarding her late husband. Claimant [REDACTED 2] stated that his mother was Jewish, that she and her family were forced to flee Czechoslovakia, that they were captured and confined to a ghetto, and that they were transported by cattle train to Birkenau, where she and all but one of her children were killed. Claimant [REDACTED 3] stated that his mother was Jewish and that her parents resided in Nazi-allied Romania during the Second World War.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3] have each plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating in that the Account Owner was their mother. Furthermore, Claimant [REDACTED 3] submitted his Israeli identity card, providing independent verification that the Account Owner was his mother.

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

The Issue of Who Received the Proceeds

The Bank's record indicates that that the account remains open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, their claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have each plausibly demonstrated that the Account Owner was their mother, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's record indicates that that account had a value of SF 2.29 on an unknown date. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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. Consequently, the total award amount in this case is SF 10,375.00.

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 unrelated 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, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3] are each entitled to one-third of the total 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
8 October 2008