

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹
represented by [REDACTED]

in re Account of William Roth

Claim Numbers: 000613/AX; 726367/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of William Roth (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant did not sign the claim form, 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 father, William Roth, who was married to [REDACTED]. The Claimant stated that her parents resided at Htavna vl. 3 in Beregszasz (Berehova), Czechoslovakia (today, the Ukraine). The Claimant further stated that her father, who was Jewish, was a butcher in Beregszasz. The Claimant indicated that her father, along with the Claimant and her two sisters, were deported to Auschwitz in April 1944, where her father and one of her sisters perished. According to the Claimant, after the Second World War, she was sent to Sweden, where she remained for four and a half years, before emigrating to the United States. In support of her claim, the Claimant submitted her marriage certificate, indicating her maiden name is [REDACTED]. The Claimant indicated that she was born on 27 January 1927 in Beregszasz.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by William Roth. The Claimant indicated that her father deposited 30,000.00 United States Dollars (US\$) in Switzerland, US\$ 10,000.00 for each of his daughters as their dowry. The Claimant stated that until her father’s last moments in Auschwitz, he assured his daughters that their money was safe in Switzerland.

¹ On 3 June 2004, the CRT was informed by the Claimant’s daughter, [REDACTED], that the Claimant passed away on 22 May 2002.

Information Available in the Bank's Record

The Bank's record consists of a list of closed numbered accounts. According to this record, the Account Owner was William Roth, whose place of residence is not indicated. The Bank's record indicates that the Account Owner held an account, numbered 65010, the type of which is not indicated. The Bank's record further indicates that the account was closed to fees in December 1947. The balance of the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying her father as the owner of a Swiss bank account, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") 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 relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named William Roth, and indicates that his place of residence was Berehovo, Czechoslovakia, which matches information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT concluded that the other claim to this account was not plausible because that claimant solely included information in his claim form regarding [REDACTED], although he had indicated that he was claiming the account of William Roth.

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, and that he perished in Auschwitz. As noted above, a person named William Roth was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was her father. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying her father as the owner of a Swiss bank account, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of her marriage certificate, indicating her maiden name is [REDACTED], which provides independent verification that the Claimant bears the same family name as the Account Owner. 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 CRT notes that the Claimant indicated that she has a sister, [REDACTED], née [REDACTED], but further notes that it has not received a claim from [REDACTED].

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed to fees in December 1947.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 49,375.00.

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 August 2004