

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Justin Rothschild

Claim Number: 223587/SJ¹

Award Amount: 63,068.75 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (formerly known as [REDACTED]) (the “Claimant”) to the published account of Justin Rothschild (the “Account Owner”) at the Zurich branch of 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal uncle, Justin Rothschild, who was born sometime after 1900 to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that his grandparents had three children: Justin Rothschild, [REDACTED] (the Claimant’s father who subsequently changed his last name to [REDACTED]), and [REDACTED]. The Claimant stated that his uncle, who was Jewish, was very wealthy, and that he lived in the area of Vaugirard and Convention streets in the 15th district in Paris, France, before the Second World War. The Claimant added that his uncle, whom he believed was never married, intended to retire in the South of France and to purchase a house there. The Claimant indicated, however, that his uncle was deported by the Nazis in 1944 and was never heard from again.

The Claimant indicated that, as a result of the isolation enforced by the Communist regime in Hungary, he was unaware that he ever had an aunt and an uncle until sometime in the 1980s, when his father began to talk about his family. In correspondence to the CRT dated 28 March 2003, the Claimant stated that he was unsure whether his uncle survived the Holocaust, that for many years it was impossible for his family to trace their relatives, and added that 42 of his

¹ The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 223586 and 223588, respectively. The CRT will treat the claims to these accounts in separate decisions.

relatives were killed during the Holocaust. The Claimant added that in the 1950s his parents had to destroy all their documents about relatives living abroad, and that for their personal safety, they changed their family name from [REDACTED] to [REDACTED]. The Claimant indicated that he tried to obtain additional information about his uncle via the Jewish community in Paris and through the Paris cemeteries' registry, but that he was unsuccessful.

The Claimant submitted various documents, including a family tree; a decree dated 2 August 1946, from the Nagykanizsa (Hungary) court, requested by the Claimant's mother, [REDACTED], née [REDACTED], showing that she was married to [REDACTED]; and a record from the Hungarian Minister of Home Affairs, dated 5 December 1951, indicating that [REDACTED] changed his surname from [REDACTED] to [REDACTED]. The Claimant stated that he was born on 26 October 1946 in Budapest, Hungary.

Information Available in the Bank's Records

The Bank's records consist of a list compiled in 1934 of the Bank's private French customers who did not hold custody accounts at the Bank, as well as printouts from the Bank's database. According to these records, the Account Owner was Justin Rothschild, who resided in Paris, France. The Bank's records indicate that the Account Owner held a demand deposit account, and indicate an account balance of 5,045.50 Swiss Francs (SF). 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 this balance was as of 12 December 1933.

The Bank's records do not show when the account at issue was closed, or to whom it was paid. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The Claimant stated that his uncle resided in Paris, France, which matches published information about the Account Owner contained in the Bank's records. The CRT further notes that the name Justin Rothschild 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. In support of his claim, the Claimant submitted various documents, including a decree dated 2 August 1946 from the Nagykanizsa (Hungary) court, requested by the Claimant's mother, [REDACTED], née [REDACTED], indicating that she was married to [REDACTED], as well as a record from the Hungarian Minister of Home Affairs, dated 5 December 1951, indicating that [REDACTED]

changed his surname from [REDACTED] to [REDACTED]. Finally, the CRT notes that there are no other claims to this account. Taking all 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, and that he was deported by the Nazis in 1944 and was never heard from again.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was his paternal uncle. The CRT notes that the Claimant submitted a decree dated 2 August 1946, from the Nagykanizsa (Hungary) court, indicating that [REDACTED], née [REDACTED] (the Claimant's mother) was married to [REDACTED], and a record from the Hungarian Minister of Home Affairs, dated 5 December 1951, indicating that [REDACTED] changed his surname from [REDACTED] to [REDACTED], providing independent verification that the Claimant's relatives bore the same family name as the Account Owner, which supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner was deported by the Nazis in 1944 and never heard from again; that there is no record of the payment of the Account Owner's accounts to him, nor any record of a date of closure of the account; that the Account Owner's heirs resided in a Communist country in Eastern Europe after the Second World War; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h), (i) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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. Second, the Claimant has plausibly demonstrated that the Account Owner was his uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 demand deposit account. According to the Bank's records, the value of this account on 12 December 1933 was SF 5,045.50. 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 63,068.75.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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 August 2004