

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rose Bourquin

Claim Number: 707177/CN; 707737/CN; 500317/CN¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], (the “Claimant”) to the account of José Jais.² This Award is to the unpublished account of Rose Bourquin (the “Account Owner”) at the [REDACTED] (the “Bank”).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 Claimant

The Claimant submitted two Initial Questionnaires (“IQs”) identifying the Account Owner as her mother, Violette Rose Bourquin. The Claimant indicated that her mother, who was a Swiss citizen, lived in Belgium, and in 1937 intended to marry [REDACTED], a Belgian citizen who was Jewish. According to the Claimant, her mother went to the Swiss consulate in Belgium to complete the necessary papers for their marriage, and was cautioned by officials that if she married a Jew, she and their children would be exposed to danger and that she would never be able to return to Switzerland. The Claimant explained that her mother heeded the warnings of the consulate authorities and did not marry [REDACTED], who, following the Claimant’s birth in 1938, nonetheless officially recognized the Claimant as his child.³ The Claimant indicated that, starting in 1940, her mother and father planned to flee together to Switzerland, with her

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted two Initial Questionnaires (“IQs”), numbered FRE 0003 100 and FRE 0018 041, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires 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). These IQs were forwarded to the CRT and have been assigned the claim numbers 707177 and 707737 respectively. These claims were consolidated under the claim number 500317.

² The CRT will treat the claim to this account in a separate determination.

³ The CRT notes that the Claimant submitted a marriage certificate in Flemish indicating that, contrary to the Claimant’s statement, [REDACTED] and Violette Rose Bourquin were in fact married on 24 October 1938.

father to leave first. The Claimant further indicated that her father, however, was twice denied entry into Switzerland, and then hid in a pension in Brussels, Belgium with other Jews. The Claimant explained that her father was arrested after the manager of the pension denounced all of the Jews seeking refuge there. The Claimant indicated that, subsequently, her mother received a letter from the Association of Jews in Belgium, informing her that [REDACTED] had been detained at Camp Malines and was deported to Germany for an unknown destination, from which he never returned.

According to the Claimant, she and her mother were then arrested by the Nazis, who looted the business her mother owned with [REDACTED] and seized all their assets. The Claimant explained that for several days she and her mother were held in a cell measuring fifteen square meters with fifteen other people, before being allowed to take refuge in a convent. The Claimant indicated that, in a letter dated 3 February 1943, the Swiss Consulate in Brussels informed them that they had three days to leave Belgium per the orders of the German authorities. Finally, the Claimant indicated that she and her mother were repatriated to Switzerland by the Red Cross.

In support of her claim, the Claimant submitted numerous documents, including copies of (1) her testimony submitted on 12 September 1997 to the Independent Commission of Experts Switzerland - Second World War outlining the circumstances and fate of her parents and herself immediately before and during the Second World War; (2) an extract from the register of births from the Province of Antwerp, Belgium, and her birth certificate, indicating that her parents were Violette Rose Bourquin and [REDACTED]; (3) her parents' marriage certificate, indicating that [REDACTED] and Violette Rose Bourquin were married on 24 October 1938, at which time Violette Rose Bourquin was twenty-seven years of age; (4) a letter, dated 28 January 1943, from the Association of Jews in Belgium, stating that [REDACTED] had been detained at Camp Malines; and (5) a letter, dated 3 February 1943, to Violette Bourquin from the Swiss Consulate in Brussels, informing her that the German authorities had ordered her to leave Belgium within three days.

The Claimant indicated that she was born on 5 October 1938 in Belgium.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Rose Bourquin. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates that the Account Owner held a savings/passbook account and that the amount in the account was 2.37 Swiss Francs ("SF"). The Bank's record does not indicate the date of this balance. The account remains open and dormant today.

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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant's mother's name substantially matches the unpublished name of the Account Owner. The CRT notes that although the first and last name of the Account Owner matches the middle and last name of the Claimant's mother, the CRT finds that it is plausible that the account was opened using only the middle and last names of the Claimant's mother. 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 her claim, the Claimant submitted documents, including an extract from the register of births and her birth certificate, indicating that her mother's name was Violette Rose Bourquin, providing independent verification that the person who is claimed to be the Account Owner had the same middle name and surname name recorded in the Bank's record as the first name and surname of the Account Owner. The CRT notes that there are no other claims to this account.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Violette Rose Bourquin, who was a Swiss citizen born in 1911, which matches the information about the Account Owner provided by the Claimant.⁴ The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Taking all of 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's daughter is Jewish, and that the Account Owner and her daughter were imprisoned by the Nazis and subsequently forced to flee Belgium. The Claimant further stated that the business owned by the Account Owner and her husband was looted, that their assets were seized and that her husband was detained at Camp Malines and later deported to an unknown destination from which he never returned. As noted above, a person named Violette Rose Bourquin was included in the CRT's database of victims.

⁴ The Claimant did not give a date of birth for her mother. However, Violette Rose Bourquin's and [REDACTED]'s marriage certificate indicates that Violette Rose Bourquin was twenty-seven years old in October 1938 which is consistent with a year of birth of 1911.

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 and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include an extract from the registry of births in Antwerp, Belgium and the Claimant's birth certificate, indicating that the Claimant's mother's name was Violette Rose Bourquin. 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 the account remains open and dormant.

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 her mother, and that relationship justifies an Award. Third, the CRT has determined 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 the value of the savings/passbook account is SF 2.37. The Bank's record does not indicate the date of this balance. According to Article 29 of the Rules, if the amount in a savings/passbook 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.

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 claims 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
21 June 2006