

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Account of Hans Elsas

Claim Numbers: 210781/MBC¹; 217030/MBC²

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (“Claimant [REDACTED 1]”) and [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Hans Elsas (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as Claimant [REDACTED 2] has in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form and a letter to the CRT, dated 8 August 2001, identifying the Account Owner as Hans Johan Isaac Elsas, his cousin once removed, who was born on 2 January 1892 in Amsterdam, the Netherlands, the son of [REDACTED], née [REDACTED], and [REDACTED]. Claimant [REDACTED 1] stated that Hans Elsas was married to [REDACTED], née [REDACTED], and that the couple lived in Amsterdam. Claimant [REDACTED 1] stated that Hans and [REDACTED] Elsas, who were Jewish, were deported by the Nazis. According to Claimant [REDACTED 1], Hans Elsas was murdered in Auschwitz on 31 May 1944, and [REDACTED] was murdered in Sobibor concentration camp on 21 May 1943.

¹ In the same claim, Claimant [REDACTED 1] claimed an account of his grandfather, [REDACTED]. The CRT will treat the claim to this account in a separate decision.

² Claimant [REDACTED 2] submitted three Claim Forms, which were registered under the Claim Numbers 208726, 209912, and 217030. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 217030.

Claimant [REDACTED 1] explained that his paternal grandfather, [REDACTED], who traveled on business to Switzerland on a regular basis before the onset of the Second World War, was [REDACTED]' brother. Claimant [REDACTED 1] stated that he was born on 1 May 1937 in Antwerp, Belgium. In support of his claim, Claimant [REDACTED 1] submitted documents concerning his relatives, including six Declarations issued by the Dutch Red Cross in 1947, which provide the dates and locations of birth, last addresses, deportation information and the documentation upon which the organization relied; one of which concerns Claimant [REDACTED]' father, [REDACTED]. Claimant [REDACTED] also submitted a document issued by the Registration Office of the City of Amsterdam, dated 20 April 1998, which provides a detailed family tree for the [REDACTED] family including dates of birth, dates of marriage, street addresses, and dates and locations of death.

Claimant [REDACTED 1] previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by various members of the [REDACTED] family.

Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as himself. Claimant [REDACTED 2] stated that he was born on 9 February 1935 in Amsterdam, the Netherlands, the son of [REDACTED] and [REDACTED], née [REDACTED]. According to an excerpt from the Population Registry of the City of Amsterdam, submitted by Claimant [REDACTED 2], his father was born on 2 January 1892, and his mother was born on 18 October 1900. Claimant [REDACTED 2] stated that he used to live with his parents in Amsterdam. Claimant [REDACTED 2], who is Jewish, indicated that he had to live in hiding in Amsterdam during the Nazi occupation. In two telephone conversations with the CRT, Claimant [REDACTED 2] stated that his parents were deported to Auschwitz, and his three sisters to Auschwitz, Sobibor, and Bergen-Belsen, where they perished. The Claimant also stated during the telephone conversations with the CRT that he is unaware of any additional first names used by his father, and that he cannot remember the name of his paternal grandfather.

In support of his claim, Claimant [REDACTED 2] submitted an excerpt from the Population Registry of the City of Amsterdam, indicating that his father was born on 2 January 1892, and his mother was born on 18 October 1900.

Information Available in the Bank's Records

The Bank's records consist of a list of dormant accounts and a printout from the Bank's database of suspended accounts. According to these records, the Account Owner was Hans Elsas who resided at Vijzelstraat 44 in Amsterdam. The Bank's records indicate that the Account Owner held a demand deposit account. These records further indicate that the Account Owner did not contact the Bank for an extended period of time, and that on 24 October 1957 the account was transferred to a suspense account for dormant assets where it remains open and dormant today. The balance of the account on the date of its transfer was 69.00 Swiss Francs.

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 claims of Claimant [REDACTED 1] and Claimant [REDACTED 2] in one proceeding.

Identification of the Account Owner

The CRT notes that Claimant [REDACTED 2] identified himself as the Account Owner while Claimant [REDACTED 1] identified Claimant [REDACTED 2]' father as the Account Owner. The CRT finds that the discrepancies in the information provided by the Claimants are explained by the fact that both Claimants were children during the Second World War, and by the fact that Claimant [REDACTED 2]'s other family members were murdered by the Nazis. The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] both identified the same date of birth of Claimant [REDACTED 2]'s father, and concludes, therefore, that the Claimants are related.

Both Claimants identified the published name and place of residence of the Account Owner. The CRT notes that Claimant [REDACTED 1] stated that the name of the Account Owner was [REDACTED] and that it is likely that he used the "Christian" name Hans to open the account. However, in a telephone conversation with the CRT, Claimant [REDACTED 2] stated that he could not remember any additional first names used by his father. The CRT notes that, because Claimant [REDACTED 2], who was born in 1935, was very young when his family was murdered, he might not have been aware of additional first names his father might have used. Moreover, the CRT finds it more likely that Claimant [REDACTED 2]'s father, who was an adult at the time the account was opened, rather than Claimant [REDACTED 2] himself, would have owned a Swiss bank account. Accordingly, the CRT finds it plausible that the Account Owner was Claimant [REDACTED 2]'s father.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that his date of birth was 2 January 1892 and place of birth was Amsterdam, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT also notes that Claimant [REDACTED 1] filed an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by various members of the [REDACTED] family, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 1] had reason to believe that a member of the [REDACTED] family owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the

information provided by Claimant [REDACTED 1]. The CRT also notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that their relative, who was Jewish, was deported to Auschwitz where he perished. As noted above, a person named [REDACTED] was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The CRT notes that the Claimants are related to each other. According to the information provided by the Claimants, Claimant [REDACTED 2]' father is Claimant [REDACTED]' cousin, once removed. The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific family information and documents, including documents from the Registration Office of the City of Amsterdam, demonstrating that the Account Owner was Claimant [REDACTED 2]'s father.

The Issue of Who Received the Proceeds

The bank records indicate that the account remains open and dormant today.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner is Claimant [REDACTED 2]' 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 demand deposit account. The Bank's records indicate that the value of the account as of 24 October 1957 was 69.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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, to produce a total award amount of 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. As explained above, the CRT finds it plausible that Claimant [REDACTED 2] is the Account Owner's son. Therefore, as the child of the Account Owner, Claimant [REDACTED 2] is entitled to the entire Award amount, and Claimant [REDACTED 1] takes no part in the Award.

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
September 15, 2003