

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Barbara Antonia Grigorescu

in re Account of Michael Prerau

Claim Number: 221015/WM¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Michael Prerau (the “Account Owner”), over which [REDACTED] and [REDACTED] (the “Power of Attorney Holders”) held power of attorney, at the Zurich branch of [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 an Initial Questionnaire with the Court in 1999 and a Claim Form identifying the Account Owner as her paternal cousin, Michael Prerau, who was born in 1897 in Beregszasz, the Austro-Hungarian Empire (now Ukraine). The Claimant stated that her cousin was the son of her father’s sister, [REDACTED], née [REDACTED]. The Claimant indicated that her cousin, who was Jewish, resided from 1933 to 1938 in the communities of Kula and Szarcsa in the Banat, a region of southeast-central Europe. In a telephone conversation with the CRT on 25 May 2005, the Claimant stated that her cousin was married to [REDACTED], who had two brothers, [REDACTED] and [REDACTED]. According to the Claimant, her cousin was the administrator of the Recsey estates which were located in the Serbian section of the Banat region. The Claimant indicated that her cousin and the Claimant’s brother, Dr. [REDACTED],

¹ The Claimant submitted an additional claim to the unpublished accounts of Dr. [REDACTED], which is registered under the Claim Number 221016. The CRT did not locate an account belonging to the Claimant’s relative, Dr. [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

shared a close friendship and that her cousin frequently traveled to the Claimant's brother's home in Timisoara, Romania, to visit him. The Claimant further indicated that her cousin also traveled to both Bern and Zurich, Switzerland, and that he opened a Swiss bank account through which the Claimant's family received funds from an account in Timisoara. The Claimant stated that by 1938, with property owned by Jews earmarked for confiscation in the Banat region, her cousin left for Budapest, Hungary, where he lived in hiding with false identification documents. The Claimant further stated that her cousin searched for work in Budapest unsuccessfully and that she never heard from her cousin again after 1939.

In support of her claim, the Claimant submitted numerous documents, including: (1) her birth certificate, dated in 1909 in Sighet, Romania, indicating that her father was [REDACTED]; (2) a family certificate issued by the District Magistrate of Sighet on 7 March 1938 in Sighet, indicating that [REDACTED] was the father of [REDACTED]; (3) the Claimant's identification card, issued in 1970 indicating her address in Timisoara; (3) two affidavits, signed and executed by [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED], respectively, both dated in 1955 in Timisoara, indicating that [REDACTED], née [REDACTED], was the spouse of [REDACTED] and the sister of [REDACTED], and that she was deported in 1944 and perished during deportation. The Claimant stated that she was born on 24 June 1909 in Sighet.

Information Available in the Bank's Records

The Bank's records consist of an excerpt from a list compiled by the Bank in its 1959 internal survey of dormant accounts and printouts from the Bank's database. According to these records, the Account Owner was Michael Prerau who resided in Timisoara, Romania, and the Power of Attorney Holders were [REDACTED] and [REDACTED]. The Bank's records indicate that the Account Owner held a demand deposit account.

The Bank's records indicate that the account was opened no later than 1932. The Bank's records further indicate that the last contact with the Account Owner took place in 1936. The account was included in the Bank's internal survey of dormant accounts in 1959, at which time the balance of the account amounted to 105.00 Swiss Francs ("SF"). The Bank's records do not show when the account at issue was closed. 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") 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, his heirs, or the Power of Attorney Holders closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's cousin's name, city

and country of residence match the Account Owner's published name, city and country of residence. The names of the Claimant's cousin's brothers-in-law match the published names of the Power of Attorney Holders. Additionally, the Claimant stated that her cousin deposited funds in Zurich which matches the unpublished information about the branch of the Bank contained in the Bank's records. In support of her claim, the Claimant submitted documents, including two affidavits indicating that the Claimant's aunt's family name was Prerau, providing independent verification that the person who is claimed to be the Account Owner had the same family name as recorded in the Bank's records as the family name of the Account Owner.

Additionally, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, indicating that her brother, Dr. [REDACTED] resided in Timisoara, Romania until his death in 1942 and asserting her entitlement to a Swiss bank account owned by Mihai² Prerau prior to the publication in February 2001 of the list of accounts determined by ICEP 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 and residence as her relatives, 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. The CRT notes that there are no other claims to this account.

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, who was Jewish, left the Banat region for Budapest in 1938, where he lived in hiding with false documents, and was never heard from again after 1939. The Claimant also indicated that the Account Owner's mother, [REDACTED], was deported in 1944 and perished during deportation.

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 cousin. The Claimant notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying a relationship between the Account Owner and the Claimant, prior to the publication of the 2001 List. The CRT further notes that the Claimant submitted a copy of the Claimant's birth certificate and a family certificate, indicating that the Claimant's father was [REDACTED], and two affidavits indicating that [REDACTED], née [REDACTED], was the spouse of [REDACTED] and the sister of [REDACTED], which provide independent verification that the Claimant's relatives bore 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 Initial Questionnaire with the Court in 1999 and in the Claim Form.

² The CRT notes that Mihai is the Romanian name for Michael.

The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Bank's records indicate that the account was included in its 1959 internal survey of dormant accounts; that the Account Owner's fate after the Second World War is unknown and that he was last known to reside in Budapest in 1939; 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) 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, his heirs, or the Power of Attorney Holders. 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 her cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner or his heirs, nor the Power of Attorney Holders received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 7 September 1959 was SF 105.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 225.00, which reflects standardized bank fees charged to the account between 1945 and 1959. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

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
15 July 2005