

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Edmund Martin Traub

Claim Number: 500621/ES¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the published accounts of Edmund Martin Traub (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 maternal cousin, Edmund (Martin) Traub, who was born on 14 October 1879 in Novy Bydzov, Bohemia, Czechoslovakia to [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that Edmund Traub was the cousin of his maternal grandmother. The Claimant indicated that his cousin, who was Jewish, resided in Prague, Czechoslovakia at Hoadbami 658/17. The Claimant further indicated that his cousin owned a company named *Firma Edmund Traub*, which was also located in Prague. The Claimant stated that his cousin fled on an unknown date from Czechoslovakia to London, England, where he later died. The Claimant was unable to provide his cousin’s date of death. In support of his claim, the Claimant submitted an extract of his birth certificate, indicating that he was born in Prague, that his parents were [REDACTED] and [REDACTED], née [REDACTED] and that his maternal grandparents were [REDACTED] and [REDACTED], née [REDACTED]; an extract of his mother’s birth certificate, indicating that her parents were [REDACTED] and [REDACTED], née [REDACTED]; a certificate from the Jewish community in Czechoslovakia indicating [REDACTED] was the daughter of [REDACTED] and [REDACTED], née [REDACTED]; an extract of [REDACTED]’s birth certificate indicating her parents were [REDACTED] and

¹ The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], and [REDACTED], which are registered under the Claim Numbers 500618, 500619, 500620, 500622 and 500623, respectively. The CRT will treat the claims to these accounts in separate decisions.

[REDACTED], née [REDACTED]; an extract of [REDACTED]'s birth certificate, indicating his parents were [REDACTED] and [REDACTED]; an extract of Edmond Traub's birth certificate, showing that he was born in Novy Bydzov and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; and a detailed family tree. The Claimant stated that he was born on 4 December 1951 in Prague.

Information Available in the Bank's Records

The Bank's records consist of a list of dormant accounts, an internal memorandum, an account statement, documents relating to the 1945 freeze of assets held in Switzerland by citizens of Germany and territories incorporated into the Third Reich (the "1945 Freeze"), documents relating to a survey conducted pursuant to the Swiss Federal Decree of 1962 concerning assets of missing foreigners or stateless persons who were victims or were presumed to have been victims of racial, religious, or political persecution (the "1962 Survey"), a subscription form, and printouts from the Bank's database. According to these records, the Account Owner was Edmund Traub (also referred to as Martin Traub), who resided in Prague, Czechoslovakia.

The Bank's records indicate that the Account Owner held a custody account, numbered 38097 (the number had been changed to 238907 by December 1962), and a demand deposit account. The Bank's records indicate that the custody account was opened in 1934, and that the demand deposit account was opened on 21 October 1935. The Bank's records indicate that on 17 February 1945 the custody account contained the following securities:

- *3% Konvers. Kasse f. Deutsche Auslands.- Schulden 1946* with a nominal value of 600.00 United States Dollars ("US \$") together with a coupon with a nominal value of US \$ 50.00, both deposited in New York and with a total market value of 23.00 Swiss Francs ("SF");
- *6½% Berlin City Electric Co. 1926/51* with a nominal value of US \$ 4,000.00 and a market value of SF 1,548.00, deposited in New York;
- and *I. G. Farbenindustrie A.G.* shares with a nominal value of 14,000.00 Reichsmark ("RM") and a market value of SF 1,478.00.

Thus, the Bank's records indicate that the total market value of the securities held in the custody account as of 17 February 1945 was SF 3,249.00 Swiss Francs. According to the Bank's records, the balance of the demand deposit account was SF 110.00 on 17 February 1945, and SF 259.00 on 25 July 1955. The Bank's records indicate that the accounts were blocked in the 1945 Freeze, and that the accounts were unblocked on 29 July 1958. The records do not indicate why the value of the demand deposit account increased during the time in which the account was frozen. The Bank's records further indicate that the Bank actively managed the assets in the accounts. According to the records, at some point in time, which is not recorded in the Bank's records, the Bank sold the shares of *I.G. Farbenindustrie A.G.* and purchased bonds issued by the Bank, with a nominal value of SF 5,000.00. These records further indicate that the accounts were included in the Bank's internal surveys of dormant accounts in 1959 and 1963, indicating that there had been no contact with the Account Owner for a period of at least ten years, beginning, at the latest, in 1949. The records indicate that the Account Owner's assets ultimately were not registered in the 1962 Survey, but no explanation is provided as to why they were not.

According to the Bank's records, the balance of the demand deposit account was SF 6,784.10 in 1959 and 11,333.85 in 1963. The Bank's records indicate that in 1959 the value of the securities held in the custody account was SF 40,000.00, but there is no indication whether this was a nominal value or a market value. The Bank's records show that on 31 December 1962, the custody account contained the following securities:

- 3 1/4% [REDACTED] bonds with a nominal value of SF 10,000.00;
- 3% *Deutschland 1963 Conv. and Fund Issue* bonds with a nominal value of US \$ 600.00, deposited in New York;
- 3% *Kasse fuer Deutsche Auslandsschulden 1946* bonds with coupons with a total nominal value of US \$ 600.00, deposited in New York; and
- 4 7/8% *Berliner Kraft und Licht - BEWAG - A.G. 1978 Serie A* bonds with a total nominal value of US \$ 7,700.00, deposited in New York.

The market value of those securities is not indicated.

The Bank's records show that the total value of the assets held by the Account Owner on 24 May 1991 was SF 74,750.35. According to the Bank's records, the value of the assets held in the custody account on 30 December 1997 was SF 70,607.95, and the balance of the demand deposit account on the same date was SF 4,896.05.

The Bank's records indicate that the accounts remain open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's maternal cousin's name matches the published name of the Account Owner. The Claimant stated that his cousin resided in Prague, Czechoslovakia, which matches published information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including an extract of Edmond Traub's birth certificate, indicating he was born in Novy Bydzov, Czechoslovakia, which is less than sixty miles from Prague. This provides independent verification that the person who is claimed to be the Account Owner had the same name² and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner. The CRT further notes that the name Edmund Martin Traub 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 (the "ICEP List"). Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

² The CRT notes that the extract of the Claimant's cousin's birth certificate submitted by the Claimant indicates that the Claimant's cousin's name was spelled "Edmond", but that the Bank's records indicate that the Account Owner's name was spelled "Edmund." However, the CRT further notes that the name Edmund can be transliterated in various ways, and finds that this discrepancy does not materially affect the Claimant's identification of the Account Owner.

The CRT notes that the other claim to these accounts was disconfirmed because that claimant did not provide any information about the Account Owner apart from the information that was published on the ICEP List.

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 fled Czechoslovakia to England.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner. The Claimant submitted specific information and documents, demonstrating that the Account Owner was the Claimant's maternal cousin. The Claimant submitted an extract of his birth certificate, indicating that he was born in Prague, that his parents were [REDACTED] and [REDACTED], née [REDACTED] and his maternal grandparents were [REDACTED] and [REDACTED], née [REDACTED]; an extract of his mother's birth certificate indicating her parents were [REDACTED] and [REDACTED], née [REDACTED]; a certificate from the Jewish community in Czechoslovakia indicating [REDACTED] was the daughter of [REDACTED] and [REDACTED], née [REDACTED]; an extract of [REDACTED]'s birth certificate indicating her parents were [REDACTED] and [REDACTED], née [REDACTED]; a extract of [REDACTED]'s birth certificate, indicating his parents were [REDACTED] and [REDACTED]; and an extract of Edmond Traub's birth certificate, indicating he was born in Novy Bydzov and that his parents were [REDACTED] and [REDACTED], née [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts remain 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his cousin, 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 accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. The Bank's records indicate that the market value of the custody account in 1945 was SF 3,249.00, and that the balance of the demand deposit account in 1945 was SF 110.00. According to Article

29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and 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 custody account shall be determined to be SF 13,000.00, and the amount in the demand deposit account shall be determined to be SF 2,140.00, to produce a total average value of the accounts of SF 15,140.00. The current value of this amount 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 189,250.00.

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 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
30 December 2004