

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3], [REDACTED 4]
and [REDACTED 5]

and to Claimant [REDACTED 6]

in re Account of M. Traub

Claim Numbers: 208998/OW; 215798/OW; 714115/OW¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of [REDACTED], the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”), to the account of [REDACTED], and the claim of [REDACTED 6], née [REDACTED], (“Claimant [REDACTED 6]”) (together “the Claimants”) to accounts held by herself.² This Award is to the unpublished account of M. Traub (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where one of the claimants has requested confidentiality, as 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

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her mother, Marguerite Mindel Kramer, née Traub, who was born on 17 September 1910 in Sarasau,

¹ Claimant [REDACTED 6] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HEB 0082 183, to the Court in the United States. Although this IQ was not a Claim Form, 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). The IQ was forwarded to the CRT and has been assigned claim number 714115.

² The CRT will treat the claim of Claimant [REDACTED 1] to the account of [REDACTED], the claim of Claimant [REDACTED 2] to the account of [REDACTED], and the claim of Claimant [REDACTED 6] to her own accounts, in separate determinations.

Romania, and was married to [REDACTED], who was born on 29 January 1904 in Ivanka pri Dunaji, Austria-Hungary (today Slovakia). According to Claimant [REDACTED 1], her mother, who was Jewish, moved to Belgium in the 1920s. Claimant [REDACTED 1] indicated that her parents were married on 13 October 1934 in Antwerp, Belgium. Claimant [REDACTED 1] further stated that her parents had to flee Antwerp for France when the Nazis invaded Belgium. According to Claimant [REDACTED 1], while they were in France, her parents lived in hiding in Marseille and later in Haute-Luce, where they stayed until the end of the Second World War. Claimant [REDACTED 1] stated that her parents returned to Antwerp after the Second World War, and that both of her parents passed away there. Claimant [REDACTED 1] indicated that her sister, [REDACTED], who was born on 5 June 1935 in Antwerp, died on 1 November 1993 in France.

In support of her claim, Claimant [REDACTED 1] submitted documents, including a copy of her parents' marriage certificate, dated 12 October 1964 in Antwerp, indicating that Marguerite Mindel Traub, who was born on 17 September 1910 in Sarasau, married [REDACTED] on 13 October 1934; and her own marriage certificate, identifying her as the daughter of [REDACTED] and Marguerite (Mindel) Traub. Claimant [REDACTED 1] indicated that she was born on 16 April 1946 in Antwerp.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire ("IQ") to the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to Swiss bank accounts owned by [REDACTED], [REDACTED], and [REDACTED].³

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her brother, [REDACTED 3] (formerly Traub), who was born in Halmeu, Romania in 1916. Claimant [REDACTED 2] indicated that her brother, who was Jewish, resided in Halmeu and Satu Mare, Romania (formerly Hungary), and that he studied in a Yeshiva and started architecture studies in Cluj (today Cluj-Napoca), Romania, when the Second World War erupted. Claimant [REDACTED 2] further indicated that in 1940, when Cluj became part of Hungary, her brother was forced into a Hungarian labor battalion until 1942, when he escaped to Russia. According to Claimant [REDACTED 2], her brother was captured and detained for one year in Russia until the end of the Second World War, when he began a journey of several years to Palestine. Claimant [REDACTED 2] explained that her brother changed his last name to [REDACTED] upon his arrival in Israel in 1949. According to Claimant [REDACTED 2], their father, [REDACTED], owned a cabinet-making shop and furniture store in Halmeu and later in Satu Mare. Claimant [REDACTED 2] indicated that her parents, who were Jewish, were deported from Satu Mare to Auschwitz, where they perished in 1944. Claimant [REDACTED 2] further indicated that she had six additional siblings: [REDACTED 5], [REDACTED 4], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. According to Claimant [REDACTED 2], [REDACTED] and [REDACTED] died during the Second World War, [REDACTED] died in Queens, New York, the United States, in 1990, and [REDACTED] died in Brooklyn, New York, in 1992.

³ The CRT will treat the claim of Claimant [REDACTED 1] to these accounts in separate determinations.

In support of her claim, Claimant [REDACTED 2] submitted documents, including a copy of a document certifying [REDACTED 3]'s change of surname from Traub to [REDACTED], issued by the Hebrew Name Committee of the Israeli Defense Army on 11 April 1949. Claimant [REDACTED 2] indicated that she was born in Halmeu on 2 August 1919. Claimant [REDACTED 2] is representing her brothers, [REDACTED 3], formerly Traub, [REDACTED 4], formerly Traub, who was born on 28 December 1928 in Halmeu, and [REDACTED 5], who was born in 1914, also in Halmeu.

Claimant [REDACTED 2] previously submitted an IQ to the Court in 1999, asserting her entitlement to Swiss bank accounts owned by [REDACTED], née [REDACTED], and [REDACTED].⁴

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted an IQ identifying the Account Owner as her mother, Marie Traub, who resided in Luka, Czechoslovakia (today the Czech Republic). Claimant [REDACTED 6] indicated that her mother, who was Jewish, was married [REDACTED], and had three daughters. Claimant [REDACTED 6] further stated that she was a young child during the Second World War, and that she did not know her parents' professions. Claimant [REDACTED 6] stated that her mother was deported to Theresienstadt on 12 September 1942, and subsequently deported to Auschwitz on 18 December 1943. According to Claimant [REDACTED 6], she and her twin sister, [REDACTED], were also interned at Auschwitz, where, as twins, they were subjected to medical experiments carried out by Dr. Mengele. Claimant [REDACTED 6] further indicated that her mother perished at Auschwitz on an unknown date. Claimant [REDACTED 6] indicated that she was born on 6 June 1939 in Luka.

Information Available in the Bank's Records

The Bank's records consist of an account card and a list of suspended accounts. According to these records, the Account Owner was M. Traub. These records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held a demand deposit account, which was transferred to a collective account for dormant assets on or before 30 January 1946. The Bank's records indicate that the amount in the account on the date of its transfer was 12.50 Swiss Francs ("SF"). The Bank's records further indicate that on 24 January 1964, the account was closed to fees.

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

⁴ The CRT will treat the claim of Claimant [REDACTED 2] to these accounts in separate determinations.

CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s mother's first initial and maiden name, Claimant [REDACTED 2]'s brother's first initial and surname, and Claimant [REDACTED 6]'s mother's first initial and surname each match the unpublished first initial and surname of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his or her first initial and surname.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her parents' marriage certificate, indicating that her mother's name was Marguerite Mindel Traub. Similarly, in support of her claim, Claimant [REDACTED 2] submitted a document certifying her brother's change of name from Maximillian Traub to [REDACTED 3]. These documents provide independent verification that the persons who are claimed to be the Account Owner by Claimant [REDACTED 1] and Claimant [REDACTED 2] had the same first initial and surname recorded in the Bank's records as the first initial and surname of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Marie Traubova, and indicates that her date of birth was 11 September 1899, that she was deported from Prague to Theresienstadt on 12 September 1942, and subsequently deported from Theresienstadt to Auschwitz on 18 December 1943. This information matches the information about the Account Owner provided by Claimant [REDACTED 6]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative and Claimant [REDACTED 6]'s relative are not the same person. However, given that the Claimants have identified all unpublished information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records that would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 6] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] indicated that her mother was Jewish, and that she fled Belgium for France after Belgium was invaded by Nazi Germany.

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] indicated that her brother was Jewish, that he resided in Hungarian Cluj after Hungary joined the Tripartite Pact in November 1940, and that he was subsequently forced to join a Hungarian labor battalion. In addition, the Account

Owner's parents were Victims of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner's parents were Jewish, and that they perished at Auschwitz.

Claimant [REDACTED 6] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 6] indicated that her mother was Jewish, and that she perished in Auschwitz. As noted above, a person named Marie Traubova was included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother. These documents include a copy of her own marriage certificate, identifying her as the daughter of [REDACTED] and Marguerite (Mindel) Traub. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 1] has other surviving heirs.

Claimant [REDACTED 2] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s brother. The CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] as a family member. Moreover, the CRT notes that Claimant [REDACTED 2] is acting as the representative of [REDACTED 3] (Traub) in these proceedings, and that this is a role commonly assumed by family members. Furthermore, the CRT notes that all this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 2] has surviving heirs other than the parties whom Claimant [REDACTED 2] is representing.

Claimant [REDACTED 6] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 6]'s mother. The CRT notes that Claimant [REDACTED 6] identified information that matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 6] was a very young child during the Second World War, and that her mother perished in Auschwitz, where Claimant [REDACTED 6] was also interned, making it unlikely that she would possess extensive information or documentation regarding even her close family members. Furthermore, the CRT notes that all this information supports the plausibility that Claimant [REDACTED 6] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 6] has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to fees on 24 January 1964.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1], Claimant [REDACTED 6] and [REDACTED 3] (Traub), whom Claimant [REDACTED 2] is representing. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her mother, Claimant [REDACTED 2] has plausibly demonstrated that her brother, [REDACTED 3], was the Account Owner, and Claimant [REDACTED 6] has plausibly demonstrated that the Account Owner was her mother, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owner nor his or her heirs received the proceeds of the claimed account. The CRT notes that Claimant [REDACTED 2], [REDACTED 4] and [REDACTED 5], as the Account Owner's siblings, are less entitled than [REDACTED 3], the Account Owner himself, and that they are therefore not entitled to a share of award.

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 demand deposit account as of 30 January 1946 was SF 12.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 30.00, which reflects standardized bank fees charged to the account between 1945 and 1946. Consequently, the adjusted balance of the account at issue is SF 42.50. 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 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 SF 26,750.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. Moreover, 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.

In this case, Claimant [REDACTED 1] and Claimant [REDACTED 6] have established a plausible relationship to a person with the same name as the Account Owner, and Claimant [REDACTED 2] has established a plausible relationship to a person with the same name as the Account Owner, and established that her brother, [REDACTED 3], whom she is representing, is the Account Owner. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 6] are each entitled to one third of the Award amount. As noted above, [REDACTED 3] has a better entitlement than both Claimant [REDACTED 2] and her other brothers, [REDACTED 4] and [REDACTED 5], whom Claimant [REDACTED 2] is also representing. Therefore,

[REDACTED 3] is entitled to one third of the Award amount, and Claimant [REDACTED 2], [REDACTED 4] and [REDACTED 5] are not entitled to any share of the Award amount.

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
29 December 2005