

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Marianna Van Geel  
represented by Maria-Jacoba van der Graaf van Geel

## **in re Account of E. Flora**

Claim Number: 210091/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Marianna Van Geel, née Flora, (the “Claimant”) to the account of E. Flora (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her father, Emanuel Flora, who was born on 20 September 1873 in Rotterdam, The Netherlands, and was married to Esther Flora, née Pressburg, the Claimant’s mother, on 11 December 1895 in Rotterdam. The Claimant further stated that she was her parents’ only child. The Claimant indicated that her father was a salesman, who resided at Lombartstraat 69 in Rotterdam. According to the Claimant, her father, who was Jewish, died in 1939 in Rotterdam, and her mother, who was also Jewish, was deported to Auschwitz, where she perished in 1942. The Claimant stated that she was born on 29 December 1912 in Rotterdam.

In support of her claim, the Claimant submitted her father’s birth certificate, indicating that his name was Emanuel Flora, and a copy of her own passport, indicating that her maiden name is Marianna Flora. The Claimant is being represented in these proceedings by her daughter, Maria-Jacob van der Graaf van Geel.

## **Information Available in the Bank Record**

The bank record consists of a suspended account statement. According to this record, the Account Owner was E. Flora. The bank records indicate that the Account Owner held an account of unknown type. The account was transferred to a suspense account on or before 31

March 1941, with a balance of 9.95 Swiss Francs. 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. Neither the date of closure, nor the circumstances of the closure are known. The auditors deemed the account to have been dormant for at least ten years from 1945 onward. They also indicated that there was no indication of contact between the Bank and the Account Owner after 1945. There is no evidence in the bank records that the Account Owner or his heirs 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. While the CRT notes that the bank records do not contain any specific information about the Account Owner other than his first name initial and his last name, the Claimant's father's first initial and last name match the published name of the Account Owner. Claimant has provided her father's birth certificate identifying her father as having the same first initial and last name as the Account Owner. Moreover, the CRT has taken into account that "Flora" is a unique name appearing only twice in the list of accounts determined by the ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). In addition, the CRT has taken into account 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 was Jewish, and that he died in 1939 in Rotterdam. Even though this was before the Nazis invaded the Netherlands, the Claimant has made a plausible showing that her mother, the Account Owner’s spouse and heir to her husband’s account after his death, was a Victim of Nazi Persecution. The Claimant stated that her mother was Jewish, and that she was deported to Auschwitz, where she perished in 1942.

### The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner. The Claimant stated that she is her father’s only child. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The bank records indicate that the account was transferred to a suspense account on or before 31 March 1941, with a balance of 9.95 Swiss Francs. The account was not found on the Bank’s system of open accounts, and it is therefore presumed closed. There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves. Given the application of Presumptions (b), (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 or his heirs. 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 father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 account of an unknown type. The bank records indicate that the value of the account as of 31 March 1941 was 9.95 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 47,400.00 Swiss Francs.

#### **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  
April 24, 2003