

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of E. van Praag

Claim Number: 216359/MD

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the accounts of [REDACTED] and [REDACTED].¹ This Award is to the account of E. van Praag (the “Account Owner”) at the Montreux 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 claiming an account of her mother’s former husband, [REDACTED], and her stepbrother, [REDACTED]. The Claimant explained that her mother, Eva van Praag, was born to Jewish parents on 16 June 1898, was married to [REDACTED] on 1 October 1919 in Heerlen, The Netherlands. The couple had two children: [REDACTED], who was born on 20 November 1920; and [REDACTED], who was born on 13 February 1923. According to the Claimant, [REDACTED], who was Jewish, was a salesman, and the couple lived in different locations in Germany, including Mönchengladbach, Jülich, Erkelenz, and in The Netherlands. The Claimant stated that Eva van Praag and [REDACTED] divorced in 1927, and that [REDACTED] stayed with his mother in The Netherlands, while [REDACTED] lived with his father in Germany.

The Claimant indicated that she was born on 30 July 1930 in Eindhoven, The Netherlands, the daughter of Eva van Praag. The Claimant stated that she, her mother and [REDACTED] lived in s’Hertogenbosch, The Netherlands, and that [REDACTED] fled from Germany to The Netherlands in 1938 to escape Nazi persecution. The Claimant further stated that she and her mother were deported to the concentration camp in Westerbork, and that her mother’s partner, who was Catholic, obtained their release from the camp. The Claimant stated that her mother was sterilized by the Nazis after her release. According to the Claimant, her mother died on 25 October 1974 in s’Hertogenbosch, The Netherlands. The Claimant indicated that [REDACTED]

¹ The CRT will treat the claim to this account in a separate decision.

was deported to the Auschwitz concentration camp, where he perished in February 1943, that [REDACTED] perished in the Holocaust, and that [REDACTED] was deported and perished somewhere in Central Europe in March 1944.

Information Available in the Bank Record

The bank record consists of a printout from the Bank's database of suspended accounts. According to this record, the Account Owner was E. van Praag. The bank records indicate that the Account Owner held an account of unknown type. The account was transferred to a collective account for dormant assets on 20 November 1957, and the balance of the account on that date was 90.00 Swiss Francs. The bank record indicates that the last time the Account Owner's last contact with the Bank was on 20 March 1942. There is no evidence in the bank record that the Account Owner or her 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. Her mother's first initial and last name match the unpublished first initial and last name of the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. Thus, the additional information provided by the Claimant cannot be compared with the bank information. The CRT notes that the Claimant has named an unpublished Account Owner. The name of Account Owner E. van Praag was not published on the February 2001 list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has not provided her mother's name based on the fact that an individual identified on the ICEP list as owning a Swiss bank account bears the same name as her mother, but rather on her personal knowledge of a direct family relationship. It also indicates that the Claimant had reason to believe that members of her family owned a Swiss bank account. This supports the credibility of the information provided by the Claimant. Finally, 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, was deported to the Westerbork concentration camp and was sterilized by the Nazis after her release.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographic information demonstrating that the Account Owner was her mother. 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 the account was transferred to a collective account for dormant assets where it remains open today.

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 her mother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The bank records indicate that the value of the account as of 20 November 1957 was 90.00 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, to produce a total award amount of 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

March 28, 2003