

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Frida Beck

Claim Number: 401239/HB

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Frida Beck (the “Account Owner”) at the Bern 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 her late husband’s maternal aunt, Frida (Freida, Freude, Zlate, Zlata, Slate) Beck (Bek), née Schmuckler (Shmukler, Schmukler), who was born on 11 November 1904, in Kozlow, Poland, was married to [REDACTED] on 26 March 1933 in Vienna, Austria, and had no children. According to the Claimant, her relative, who was Jewish, worked as a seamstress and resided in Vienna at Habergasse 16/13 from 1929 until 1939, when she was forced to move out of her apartment to a temporary group housing (*Sammelwohnung*) for Jewish people at Grosse Schiffgasse 18/13 in Vienna prior to deportation. The Claimant indicated that in November 1941 her relative was deported to a camp in Vienna, and that on 23 November 1941 she was deported to Kaunas, Lithuania, where she perished on 29 November 1941. The Claimant stated that her husband is her relative’s sole heir.

The Claimant submitted copies of: (1) the page of testimony from the Yad Vashem Memorial of Israel which was submitted by the Claimant’s husband, [REDACTED], on 14 January 1995 in Vienna, indicating that Slate (Freude, Freida) Beck, née Schmuckler, who was born on 11 November 1904 in Kozlow, worked as a seamstress, was married to [REDACTED], and that she was deported to Riga on 23 November 1941; (2) the entry from the Yad Vashem’s central database of Holocaust victims names based on the Documentation Centre of Austrian Resistance, regarding Freude Beck, indicating that Freude Beck was born on 11 November 1904 in Kozlow, resided in Vienna, and perished in Kaunas on 29 November 1941; (3) her husband’s birth

certificate, dated 21 September 1945 in Vienna, indicating that [REDACTED] was born on 6 October 1921, and that his mother was [REDACTED], who was born on 30 May 1902 in Kozlow; (4); her marriage certificate, dated 7 May 1958 in Vienna, indicating that [REDACTED], who was Jewish, was married to [REDACTED], née [REDACTED], on 7 May 1958; (5) her husband's death certificate, dated 27 December 2001 in Linz, Austria, indicating that [REDACTED], who resided in Vienna, passed away on 21 December 2001 in Linz; (6) the probate concerning her husband's estate, dated 1 October 2002 in Vienna, indicating that [REDACTED] is [REDACTED]'s sole heir, and; (7) an email, dated 6 July 2005 from an Austrian official archive, indicating that Freude Zlate Beck, née Schmucker, who was Jewish, was born on 11 November 1904 in Kozlow, and that she was deported to Kaunas on 23 November 1941.

The Claimant indicated that she was born on 26 April 1920 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a list of accounts. According to this record the Account Owner was *Frau* (Mrs.) Frida Beck, who resided in Vienna. The Bank's record indicates that the Account Owner held an account, numbered 11608. The Bank's record does not show when the account at issue was closed, nor do this record indicates the value of this account.

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. The auditors who carried out the ICEP investigation further indicated that the Account Owner held a custody account. There is no evidence in the Bank's 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's relative's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which match unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted documents, including the page of testimony from the Yad Vashem Memorial of Israel submitted by her husband in 1995, prior to the publication of the List of Account Owners Published in 2005 (the "2005 List"), and the entry from the Yad Vashem's central database of Holocaust victims names based on the Documentation Centre of Austrian Resistance, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes the page of testimony submitted by the Claimant's husband in 1995, and the entry from the Yad Vashem's central database of Holocaust victims names based on the Documentation Centre of Austrian Resistance for a person named Freude Beck, as described in detail above. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Frida Beck appears only once on the 2005 List. The CRT further notes that the other claims to this account were disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 she was deported to Kaunas on 23 November 1941, where she perished on 29 November 1941. As noted above, a person named Slate (Freude, Freida, Zlata) Beck, née Schmuckler, was included in the CRT's database of victims.

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 relative. These documents include the page of testimony submitted by her husband in 1995, her marriage certificate, indicating that [REDACTED] was her husband, and the probate concerning her husband's estate. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi Austria; that she was deported to Kaunas and perished in Holocaust; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 or her 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 husband's maternal aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). 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 162,500.00.

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
19 December 2007