

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of Lina Becker

Claim Numbers: 785658/HB; 790641/HB¹

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 Morris Isaak Becker² and the claim [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to her own account. This Award is to the published account of Lina Becker (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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as his sister, Lina [REDACTED 2], née Becker (Claimant [REDACTED 2]). According

¹ [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit Claim Forms to the CRT. However, in 1999 Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”), numbered ENG-0611186, to the Court in the United States, and Claimant [REDACTED 2] submitted two IQs, numbered ENG-0193085 and ENG-0824184. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT, and Claimant [REDACTED 1]’s IQ was assigned claim number 785658. The CRT determined that the two IQs filed by Claimant [REDACTED 2] are duplicate claims and is treating them under the consolidated claim number 790641.

² The CRT did not locate an account belonging to Morris Isaak Becker in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”) (see Appendix A).

to Claimant [REDACTED 1], his sister, who is Jewish, resided at Bruille Strasse 17-19 in Leipzig, Germany, between 1933 and 1939. Claimant [REDACTED 1] indicated that in 1939 their family, including his sister, attempted to enter Switzerland, but were denied entry, and that in April 1939 their parents sent him and his sister to their uncle in Paris, France. Claimant [REDACTED 1] stated that their parents owned a Swiss bank account. Claimant [REDACTED 1] indicated that he was born on 22 April 1933 in Germany.

Claimant [REDACTED 2]

Claimant [REDACTED 2], who is Claimant [REDACTED 1]'s sister, submitted two IQs identifying herself as the Account Owner, Lina [REDACTED 2], née Becker, who was born on 9 November 1927. According to Claimant [REDACTED 2], she is Jewish, and resided in Leipzig between 1934 and 1939. Claimant [REDACTED 2] indicated that in 1939 she fled to Paris, where she remained until 1940, and that in 1940 she fled to Antwerp, Belgium, where she remained until 1941. Claimant [REDACTED 2] further indicated that that in 1941 she finally fled to Clermont-Ferrand, France, where she hid in a convent in the woods until the end of the Second World War.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Fräulein* (Miss) Lina Becker, who resided in Paris, France. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 11 September 1939 and was closed on 10 November 1959. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner closed the account and received the proceeds herself.

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

Identification of the Account Owner

Claimant [REDACTED 1]'s sister's name and country of residence and Claimant [REDACTED 2]'s name and country of residence match the published name and country of residence of the Account Owner. The Claimants identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that Claimants filed two IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Claimant [REDACTED 2], prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimants have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants. The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different maiden name than the maiden name of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that Claimant [REDACTED 2] is Jewish, that she fled for Belgium and France, where she hid in a convent in the woods until the end of the Second World War.

The Claimants’ Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner is Claimant [REDACTED 1]’s sister, Claimant [REDACTED 2]. The CRT notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank’s record; that the Claimants filed Initial Questionnaires with the Court in 1999, identifying the relationship between the Account Owner and the Claimants, prior to the publication in February 2001 of the ICEP List. Finally, 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 the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

The Issue of Who Received the Proceeds

Given that the Account Owner fled from Germany to Switzerland, France, and Belgium, and that she was forced into hiding until 1945; that there is no record of the payment of the Account Owner’s account to her; that the Account Owner 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. 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 Claimant [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that she is the Account Owner, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that the Account Owner did not receive the proceeds of the claimed account. Further, the CRT notes that Claimant [REDACTED 2], as the Account Owner herself, has a better entitlement to the account than Claimant [REDACTED 1], the Account Owner's sister.

Amount of the Award

In this case, the Account Owner held one demand deposit 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 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 26,750.00.

Division of the Award

As indicated above, Claimant [REDACTED 2] has a better entitlement to the account than Claimant [REDACTED 1].

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
19 December 2007