

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation

Case No. CV96-4849

Certified Award

to Claimant Petr Muller

and to Claimant [REDACTED]
also acting on behalf of Peter Mueller and Gertrud Edwards

in re Account of Peter Mueller

Claim Number: 736033/CN;¹ 210593/CN

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Petr Muller (Peter Müller) (“Claimant Peter Müller”) to the account of Fritz and Kamila (Camilla) Muller,² and the claim of [REDACTED] (“Claimant [REDACTED]”) (together the “Claimants”) to the account of Louis Rosenthal.³ This Award is to the published account of Peter Mueller (the “Account Owner”) at the [REDACTED] (the “Bank”).⁴

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.

¹ Petr Muller did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered POR-0009 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 736033.

² The CRT will treat the claim to this account in a separate determination.

³ The CRT will treat the claim to the account of Fritz Muller in a separate determination. The CRT did not locate an account belonging to Kamilla or Camilla Muller in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or the “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”).

⁴ The CRT notes that, on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the Account Owner’s name was published as Peter Mueller. Upon careful review, the CRT has concluded that the Bank’s records evidence that the Account Owner’s name was also spelled “Müller.” The CRT further notes that, in the German language, “ü” and “ue” are equivalent.

Information Provided by the Claimants

Claimant Peter Müller

Claimant Peter Müller submitted an Initial Questionnaire (“IQ”) to the Court in 1999, identifying himself as the Account Owner. Claimant Peter Müller, who is Jewish, indicated that he was born on 14 August 1925 and that he lived with his parents, [REDACTED] and [REDACTED], in apartments his parents owned in Brno, Czechoslovakia (now the Czech Republic) and Vienna, Austria. Claimant Peter Müller explained that the Gestapo confiscated all his family’s belongings from their apartment in Vienna in December 1940, and from their apartment in Brno on or about 12 December 1941. Claimant Peter Müller indicated that his father was killed in Vienna on 4 December 1941. Claimant Peter Müller further indicated that, on 14 December 1941, he and his mother were deported to camps in Theresienstadt and then Riga, where his mother perished in January 1942. According to Claimant Peter Müller, he was then sent to several other camps, and was forced to perform slave labor, including in a munitions factory. In support of his claim, Claimant Peter Müller submitted his birth certificate, indicating that his name was Peter Alexander Müller and that he was born on 14 August 1925 in Vienna.⁵

Claimant [REDACTED]

Claimant [REDACTED] submitted a Claim Form identifying the Account Owner as his brother, Peter Mueller, who was born on 30 December 1926 in Hanover, Germany. Claimant [REDACTED] submitted a book on his family’s genealogy entitled “The Rosenthal Family in Neuhaus” (“*Die Familie Rosenthal in Neuhaus*”), indicating that he, his brother Peter Mueller, his sister Gertrud [REDACTED], née [REDACTED], as well as his parents, [REDACTED] and [REDACTED], lived in Hanover. According to this document, Claimant [REDACTED]’s family members, who were Jewish, began to flee Nazi Germany beginning in 1936. The information provided by Claimant [REDACTED] indicates that he was the first of the family to arrive in the United States in 1936, and that his sister and mother followed him. According to Claimant [REDACTED], in the summer of 1939, after being warned by the Hanover Chief of Police, who was a friend of the family, that they should also leave, Claimant [REDACTED]’s brother, Peter Mueller, and their father also fled Germany for England, from where Peter Mueller was eventually able to emigrate to the United States. Finally, Claimant [REDACTED] indicated that his maternal aunt and uncle, [REDACTED] and [REDACTED], who stayed behind in Germany, were forced from their home and eventually deported to Auschwitz, where they both perished in 1942.

Claimant [REDACTED] indicated that he was born on 10 March 1919 in Hanover. Claimant [REDACTED] is representing his brother, Peter Mueller, and his sister, [REDACTED], who was born on 2 August 1915, also in Hanover.

Claimant [REDACTED] previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Arnold Rosenthal.⁶

⁵ The CRT notes that “Petr,” the spelling of his name which Claimant Peter Müller used in his IQ, is the Czech form of “Peter,” which is the name indicated on his birth certificate.

⁶ The CRT will treat the claim to this account in a separate determination.

Information Available in the Bank's Records

The Bank's records consist of a list of savings accounts that were transferred to a suspense account and a printout from the Bank's database. According to these records, the Account Owner was Peter Müller. The Bank's records do not indicate the Account Owner's place of residence. The Bank's records indicate that the Account Owner held a savings account, numbered 9021. The Bank's records further indicate that the account was considered dormant and was transferred to a suspense account for dormant assets on 22 October 1980. The amount in the account on the date of its transfer was 8.30 Swiss Francs ("SF"). The account remains suspended.

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 Peter Müller's and Claimant [REDACTED]'s brother's names match the published name 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 name. In support of his claim, Claimant Peter Müller submitted his birth certificate, indicating that his name was Peter Müller, and Claimant [REDACTED] submitted a book on his family's genealogy, indicating that his brother's name was Peter Müller, providing independent verification that the persons who are claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that both Claimant Peter Müller and Claimant [REDACTED]'s brother were minors for most of the time prior to and during the Second World War. However, the CRT determines that it is plausible that an adult family member could have opened an account on their behalf, especially as the account in question was a savings account.

The CRT notes that the name Peter Mueller appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List").

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Petr Mueller, and indicates that his date of birth was 14 August 1925, which matches information about the Account Owner provided by Claimant Peter Müller. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that Claimant Peter Müller filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his parents, [REDACTED] and [REDACTED], prior to the publication in February 2001 of the ICEP List. This indicates that Claimant Peter Müller has based his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears his parents' names or his own name. This supports the credibility of the information provided by Claimant Peter Müller.

Finally, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

The CRT notes that Claimant Peter Müller's relative and Claimant [REDACTED]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant Peter Müller and Claimant [REDACTED] have each 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.

Claimant Peter Müller indicated that he is Jewish, that he was required to perform slave labor, and that he was interned at various camps, including Theresienstadt and Riga. As noted above, a person named Petr Mueller was included in the CRT's database of victims.

Claimant [REDACTED] stated that the Account Owner was Jewish, that he fled Nazi Germany in 1939 and that his aunt and uncle, who remained behind in Germany, were deported to Auschwitz, where they both perished.

The Claimants' Relationship to the Account Owner

Claimant Peter Müller has plausibly demonstrated that he is the Account Owner by submitting specific information and his birth certificate, indicating that his name was Peter Müller.

Claimant [REDACTED] has also plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his brother. These documents include their family's genealogy, confirming that Claimant [REDACTED]'s brother's name is Peter Müller.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant Peter Müller and Claimant [REDACTED]'s brother, Peter Mueller, whom Claimant [REDACTED] is representing. First, their claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant Peter Müller has plausibly demonstrated that he is the Account Owner and Claimant [REDACTED] has plausibly demonstrated that his brother, Peter Mueller, is the Account Owner, and this justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs has received the proceeds of the claimed account. Further, the CRT notes that represented party, Peter Mueller, as the Account Owner, has a better entitlement to the account than Claimant [REDACTED] and represented party Gertrud Edwards, the Account Owner's siblings.

Amount of the Award

In this case, the Account Owner held one savings account. The Bank's records indicate that the value of the savings account as of 22 October 1980 was SF 8.30. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 545.00, which reflects standardized bank fees charged to the savings account between 1945 and 1980. Consequently, the adjusted balance of the account at issue is SF 553.30. According to Article 29 of the Rules, if the amount in a savings account was less than SF 830.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

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. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant Peter Müller and Claimant [REDACTED]'s brother, Peter Mueller, are each entitled to one-half of the total award amount. As indicated above, represented party Peter Mueller has a better entitlement to the account than Claimant [REDACTED] and represented party [REDACTED].

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
9 November 2006