

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3]

in re Account of Frieda Müller

Claim Numbers: 216260/HB;¹ 778310/HB²

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (formerly [REDACTED 1]) (“Claimant [REDACTED 1]”) to the account of Anita (Anna) Müller,³ and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Frieda Müller. This Award is to the published account of Frieda Müller (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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

¹ Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) submitted two claims, which are registered under the Claim Numbers 216260 and 220982. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 216260.

² [REDACTED 1] (“Claimant [REDACTED 1]”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0320179, 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 778310. Claimant [REDACTED 1] submitted an additional IQ, which is registered under the Claim Number 703704. In a separate decision, the CRT treated Claimant [REDACTED 1]’s claim to the account of Walter Silberberg, Julius Silberberg, Amalia Silberberg, and Frida Silberberg.

³ In a separate decision, the CRT treated Claimant [REDACTED 1]’s claim to the account of Anita (Anna) Mueller. See *In re Accounts of Anita (Anna) Mueller and Irma Mueller* (approved on 14 September 2007).

⁴ The CRT notes that 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”), the name Frieda Müller appears three times. Upon careful review, the CRT has determined that the second and the third Frieda Müller are not the same person addressed in the current decision and, consequently, the Claimants did not identify these other account owners as their relatives.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as his maternal aunt, Frieda Müller (Mueller), who was born on 15 March 1887 in Arbesau, Bohemia, Czechoslovakia (today the Czech Republic), and was unmarried. According to Claimant [REDACTED 1], his aunt, who was Jewish, resided at Gustav Müller Strasse 43 in Berlin-Schöneberg, Germany, from 1915 until 1942. Claimant [REDACTED 1] indicated that his aunt was forced to perform slave labor from September 1939 until her deportation on 25 January 1942 to a concentration camp in Riga, Latvia, where she perished.

Claimant [REDACTED 1] submitted copies of: (1) his parents’ marriage certificate, dated 10 October 1935, indicating that [REDACTED] and [REDACTED] were married on 14 December 1922 in Berlin, and that [REDACTED] lived at Gustav Müller Strasse 43 in Berlin prior to her marriage; (2) his own German passport, issued in 1938, indicating that [REDACTED 1] was born on 14 August 1923 in Berlin; (3) letters from the United States Holocaust Memorial Museum and the Jewish Museum in Berlin, indicating that Frieda Müller, who was born on 15 March 1887 in Arbesau, resided at Gustav Müller Strasse 43 in Berlin until she was deported to Riga, where she perished; and (4) a photograph from 1927 or 1928 of his family, including himself, his mother, and Frieda.

Claimant [REDACTED 1] indicated that he was born on 14 August 1923 in Berlin.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as the wife of his paternal grandmother’s brother, Frieda (Friede) Lande, née Müller, who was born on 19 February 1880 in Berlin. According to Claimant [REDACTED 2], his great-aunt, who was Jewish, was married to [REDACTED] in Berlin, and had no children. Claimant [REDACTED 2] indicated that his great-aunt and great-uncle’s immediate and extended family resided in Berlin before and during the Second World War. Claimant [REDACTED 2] further indicated that his great-aunt had family in Switzerland, and that his great-uncle opened a Swiss bank account in the name of his wife’s maiden name in order to hide their assets from the Nazis. Claimant [REDACTED 2] stated that to the best of his recollection, his great-aunt died in Berlin. Claimant [REDACTED 2] further stated that great-aunt and great-uncle’s assets were confiscated by the Nazis during the Second World War, and that his great-aunt’s family members were deported to Theresienstadt, where they perished. Claimant [REDACTED 2] indicated that his father, [REDACTED], who was the son of [REDACTED] and [REDACTED], changed his name to [REDACTED] in England in the 1940s.

In support of his claim, Claimant [REDACTED 2] submitted copies of a genealogical table and detailed family tree written in 1935, indicating that Frieda Lande, née Müller, was born on 19 February 1880 and was married to [REDACTED] from Berlin, and that [REDACTED], who was born on 14 April 1914, was the son of [REDACTED] and [REDACTED], who was [REDACTED]’s sister.

Claimant [REDACTED 2] indicated that he was born on 15 January 1950 in Marsden Green, England. Claimant [REDACTED 2] is representing his mother, [REDACTED 3], née [REDACTED], who was born on 12 September 1919 in Duegenheim, Germany. Claimant [REDACTED 2] previously submitted an IQ to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Kurt Lande.⁵

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Frieda Müller. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, the type of which was not indicated, numbered 37817.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a list of dormant accounts, which indicates that account 37817 was a savings/passbook account.

The Bank's records indicate that the account was transferred to a suspense account on 31 December 1957. The amount in the account on the date of its transfer was 50.90 Swiss Francs ("SF"). The account remains suspended today.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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 aunt's name and Claimant [REDACTED 2]'s relative's name both 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 her name.

In support of his claim, Claimant [REDACTED 1] submitted documents, including letters from the United States Memorial Holocaust Museum and the Jewish Museum in Berlin, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. Additionally, the CRT

⁵ The CRT will treat the claim to this account in a separate determination.

notes that a database containing the names of victims of Nazi persecution includes an individual named Frieda Mueller, and indicates that her date of birth was 15 March 1887, that her place of birth was Arbesau, that her place of residence was Berlin, and that her place of death was Riga. This information matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

In support of his claim, Claimant [REDACTED 2] submitted documents, including a genealogical table and detailed family tree written in 1935, providing independent verification that the person who is 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 the Claimants filed IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Frieda Müller, 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 relatives 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 further notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'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 equally plausible claims to this account, the CRT finds that the Claimants have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that she resided in Nazi Germany during the Second World War, that she was forced to perform slave labor, and that she perished in a concentration camp in Riga. Claimant [REDACTED 1] submitted letters from the United States Holocaust Memorial Museum and the Jewish Museum in Berlin, indicating that Frieda Müller perished in Riga. As noted above, a person named Frieda Müller, who was born on 15 March 1887 in Arbesau, resided in Berlin, and perished in Riga, was included in the CRT's database of victims.

Finally, Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that she resided in Nazi Germany, that members of her family perished in concentration camps, and that she died in Berlin.

The Claimants' Relationships 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 was Claimant [REDACTED 1]'s aunt. The CRT notes that Claimant [REDACTED 1] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 1], prior to the publication in February 2001 of the ICEP List; and that Claimant [REDACTED 1] also identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 1] submitted a copy of a picture of the Account Owner from 1927 or 1928. The CRT notes that it is plausible that this photograph is a document which most likely only a family member would possess. The CRT further notes that Claimant [REDACTED 1] submitted a copy of his mother's marriage certificate, which provides independent verification that Claimant [REDACTED 1]'s mother bore the same family name as the Account Owner, and that she resided at the same street address indicated in the documents from the Jewish Museum in Berlin. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim. There is no information in Claimant [REDACTED 1]'s claim to indicate that the Account Owner has other surviving heirs.

Finally, Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s relative. The CRT further notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 2], prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 2] submitted a copy of a family tree written in 1935. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess, and provides independent verification that Claimant [REDACTED 2]'s relatives bore the same family name as the Account Owner. 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 Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form. The CRT notes that Claimant [REDACTED 2] indicated that he has other surviving relatives, but that because they are not represented in Claimant [REDACTED 2]'s claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on 31 December 1957, and that it remains suspended today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims

are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his aunt, and Claimant [REDACTED 2] has plausibly demonstrated that that the Account Owner was the wife of his paternal grandmother's brother, and those relationships justify an Award. Third, 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 savings/passbook account. The Bank's records indicate that the value of the savings/passbook account on 31 December 1957 was SF 50.90. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 195.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1957. Consequently, the adjusted balance of the account at issue is SF 245.90. According to Article 29 of the Rules, if the amount in a savings/passbook 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 [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total Award amount.

With respect to the shares of the Award designated to Claimant [REDACTED 2], who represents his mother, according to Article 23(1)(g) of the Rules, if none of the persons entitled to an award under Article 23(1)(a-f) has submitted a claim, as is the case here, the CRT may make an award to any relative of the Account Owner, whether by blood or marriage, who has submitted a claim, consistent with principles of fairness and equity. In the present case, neither Claimant [REDACTED 2] nor his mother is related to the Account Owner by blood; they are both related to the Account Owner only by marriage. Under the principles of fairness and equity, the CRT has determined that Claimant [REDACTED 2] shall receive one-fourth of the total award amount, and his mother [REDACTED 3] shall receive one-fourth of the total award amount.

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
24 September 2008