

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Susan Margaret Freed  
also acting on behalf of Anne Elizabeth Freed

## **in re Account of Karl Rudolf Weber**

Claim Number: 222508/SJ<sup>1</sup>

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of Susan Margaret Freed (the “Claimant”) to the unpublished account of Karl Rudolf Weber (the “Account Owner”) at the Birsfelden branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her maternal uncle, Karl Weber, who was born on 14 September 1899 in Czechoslovakia, and was married to Paula Weber. The Claimant added that her uncle, who was Jewish, lived in Prague, Moravska Ostrava and Troppau, Czechoslovakia prior to the Second World War and was the owner of a haberdashery there. The Claimant stated that Karl and Paula Weber were transported to the Theresienstadt concentration camp on 13 January 1942 and later to the Warsaw Ghetto in Poland, where they were both murdered. The Claimant also stated that her uncle told his sister, Selma Freed, née Weber, (the Claimant’s mother), that he had been sending money out of Czechoslovakia as he had been planning to leave the country when the War broke out. The Claimant added that her uncle never made it out of the country. The Claimant submitted numerous documents in support of her claim including a copy of her family tree, numerous pictures of her uncle, her mother, and her maternal grandfather, documents stating that her parents were Walter Freed and Selma (Sally) Freed, née Weber, and a photograph of a memorial grave stone for Karl and Paula Weber. The Claimant indicated that she was born on 21 August 1952 in Manhattan, New York, the United States. The Claimant is representing Anne Elizabeth Freed, her twin sister, who was also born on 21 August 1952 in Manhattan.

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<sup>1</sup> The Claimant submitted additional claims to the accounts of her parents and other family members, which are registered under the Claim Numbers 222503, 222504, 222505, 222506, 222507, 222509. The CRT will treat the claims to these accounts in separate decisions.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998 asserting her entitlement to a Swiss bank account owned by her uncle, Karl Weber.

### **Information Available in the Bank Record**

The bank record consists of a list of suspended accounts. According to this record, the Account Owner was Karl Rudolf Weber, of unknown nationality and with an unknown domicile. The bank records indicate that the Account Owner held a savings/passbook account numbered 240.000.031-2. Furthermore, the bank record indicates that the account was suspended on 31 December 1971, with the amount of “10.90” (presumably, Swiss Francs.)

The account remains open and dormant today.

### **The CRT’s Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle’s name matches the unpublished name of the Account Owner. The Claimant provided significant information about her uncle, however, the bank records do not provide any further information. In support of her claim, the Claimant submitted numerous documents including a copy of her family tree, numerous pictures of her uncle, her mother, and her maternal grandfather, and documents stating that her parents were Walter Freed and Selma (Sally) Freed, née Weber, (the sister of Karl Weber) and a photograph of a memorial grave stone for Karl and Paula Weber.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998 asserting her entitlement to a Swiss bank account owned by her parents (but mentioning her uncle by name as the potential depositor) 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 Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

#### 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 he was murdered in the Warsaw Ghetto.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Karl Weber, and indicates he was from Prague and Troppau, Czechoslovakia, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner is her uncle. But for the Claimant's sister, whom she is representing in these proceedings, there is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

Given the application of Presumptions (h) and (j) contained in Appendix A,<sup>2</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules Governing the Claims Resolution Process (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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

The bank records indicate that the value of the savings/passbook account as of 31 December 1971 was 10.90 (presumably, Swiss Francs.) In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 205.83 Swiss Francs, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 31 December 1971. Consequently, the adjusted balance of the account at issue is 216.73 Swiss Francs. According to Article 35 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, the presumed value for that type of account, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined

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<sup>2</sup> An expanded version of Appendix A appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 9,960.00 Swiss Francs.

#### Division of the Award

The Claimant is representing her sister in these proceedings. According to Article 29 of the Rules, her sister is entitled to receive half of any payment made to the Claimant.

#### Initial Payment

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 65% of the total award amount is 6,474.00 Swiss Francs.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 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 11, 2003