

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Maria Faber

Claim Number: 201222/TW

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Maria Faber (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

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 cousin, Maria Faber, who was born in Poland in the early 1900s and held both Polish and German citizenship. The Claimant stated that her husband’s cousin, who was Jewish, was a businesswoman in Germany. The Claimant further stated that her husband had many relatives who lived in different cities in Germany, but that she could not recall in which city her husband’s cousin resided. The Claimant explained that she and her husband survived deportation to the concentration camps, and that after the Holocaust, her husband tried to locate his relatives, but discovered that they had been murdered by the Nazis. The Claimant further explained that as her husband died in New Jersey, the United States in 1997, she has little information about his relatives. The Claimant submitted her husband’s death certificate, identifying him as [REDACTED] and her daughter’s birth certificate, indicating that the Claimant and her husband resided in Frankfurt am Main, Germany, at the time of her daughter’s birth. The Claimant stated that she was born in Krakow, Poland on 5 August 1918. The Claimant is representing [REDACTED 2], their daughter, who was born on 2 June 1947 in Kronberg (Taunus), Germany.

¹ 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”), Maria Faber is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of two accounts.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Maria Faber, who resided in Frankfurt am Main, Germany. The Bank's record indicates that the Account Owner held one custody account, numbered L 5869, which was opened on 16 August 1930, and one demand deposit account, which was opened on 2 August 1930. The Bank's record indicates that both accounts were closed on 22 July 1933. The amount in the accounts on the date of their closures is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's husband's cousin's name matches the published name of the Account Owner. The Claimant stated that her relative lived in Germany, which matches published information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted documents, including her husband's death certificate and her daughter's birth certificate, indicating that the Claimant's family resided in Frankfurt am Main, providing independent verification that her husband's family resided in the same city as the city recorded in the Bank's record as the Account Owner's city of residence. The CRT further notes that the name Maria Faber 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. Furthermore, the CRT notes that there are no other claims to these accounts. 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 perished in the Holocaust.

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 her late husband's cousin. The CRT notes that the Claimant submitted a copy of her husband's death certificate, as well as her daughter's birth certificate, which provide independent verification that the Claimant's husband's cousin bore the family name Faber, and that they resided in Frankfurt am Main. All this information supports the plausibility that the Claimant is related to the Account Owner as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that after coming to power in 1933 the Nazi regime embarked on its campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of

discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that there is no evidence that the Account Owner fled Germany prior to 22 July 1933, and that she would not have been able to repatriate her account to Germany without losing ultimate control over the proceeds; that there is no record of the payment of the Account Owner's accounts to the Account Owner or her heirs; that the Account Owner and her heirs would not have been able to obtain information about her accounts 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) and Appendix C,² the CRT concludes that it is plausible that the accounts 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 late husband's cousin, 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 accounts.

Amount of the Award

In this case, the Account Owner held one custody account and 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue was 15,140.00 Swiss Francs. 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 189,250.00 Swiss Francs.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her daughter [REDACTED 2]. The CRT notes that [REDACTED 2] is a descendant of the Account Owner's grandparents, while the Claimant is only related to the Account Owner by marriage. Accordingly, [REDACTED 2] is entitled to the total award amount.

² Appendix C appears on the CRT II website -- www.crt-ii.org.

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
29 June 2004