

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of Victor Mueller

Claim Numbers: 223600/MD; 700805/MD¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], formerly [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Viktor Mueller (the “Account Owner”) at the Lucerne 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] submitted an Initial Questionnaire (“IQ”)² and a Claim Form, and

¹ Claimant [REDACTED 2] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered CZE 0025157, 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 IQ 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 700805. In the IQ, Claimant [REDACTED 2] asserted his entitlement to Swiss bank accounts held by [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], company *Altschul*. The CRT did not locate an account belonging to [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and company *Altschul*. 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”). Claimant [REDACTED 2] should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by him or upon information from other sources. The CRT will treat the claim to accounts of [REDACTED] in a separate decision.

Claimant [REDACTED 2] submitted an IQ, identifying the Account Owner as their maternal grandfather, Viktor Müller, who was born on 16 June 1895 in Prague, today Czech Republic, a son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimants stated that Viktor Müller was married to [REDACTED], née [REDACTED], on 26 December 1920 in Opava, today Czech Republic, and that the couple had two children: [REDACTED], née [REDACTED], (the Claimants' mother), who was born on 27 November 1921 in Opava; and [REDACTED], who was born on 21 November 1930 in Opava.

The Claimants stated that their grandfather was the owner of a company named *M. Altschul* that was located at 53 Kramarova in Katarinky, near Opava. The Claimants further stated that Viktor Müller resided at the same address until 1938. Claimant [REDACTED 2] explained that his grandfather's family was Jewish and moved to Melnik, today Czech Republic, after the annexation of the Sudeten area of Czechoslovakia by Germany in October 1938. The Claimants stated that the [REDACTED] family was deported Melnik to the Theresienstadt concentration camp on 10 January 1943 and later to Auschwitz. The Claimants stated that Viktor Müller, his wife [REDACTED], and his daughter [REDACTED] all perished in Auschwitz. According to Claimant [REDACTED 1], [REDACTED] died on 12 March 1997 in Prague.

Claimant [REDACTED 2] indicated that he was born on 14 May 1943 in Theresienstadt, and Claimant [REDACTED 1] indicated that she was born on 29 August 1946 in Opava.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her birth and baptism certificates, showing that her maternal grandfather was Viktor Müller. Claimant [REDACTED 2] submitted documents filed by his parents with the Reparation Offices in Berlin, Germany (*Wiedergutmachungsämter von Berlin*) regarding reparations for assets looted by the Nazis. Those documents include information that Viktor Müller perished in Auschwitz and that his daughter was [REDACTED].³

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 Viktor Müller. The Bank's records do not contain information about the Account Owner's domicile.

² In the IQ, Claimant [REDACTED 1] asserted her entitlement to Swiss bank accounts held by [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], company *Altschul*. The CRT did not locate an account belonging to [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and company *Altschul*. in the Account History Database prepared pursuant to the ICEP Investigation, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. Claimant [REDACTED 1] should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by her or upon information from other sources. The CRT will treat the claim to accounts of [REDACTED] in a separate decision.

³ The CRT notes that in the documents provided by the Claimants, [REDACTED]'s name is spelled in two different ways: [REDACTED] or [REDACTED].

The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The account was considered dormant by the Bank and transferred to a suspense account for dormant assets on 28 March 1991. The amount in the account on the date of its transfer was 24.10 Swiss Francs ("SF"). The assets remain in the suspense account.

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

The Claimants have plausibly identified the Account Owner. The Claimants' grandfather's name matches the published name of the Account Owner.⁴ 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 their claims, the Claimants submitted documents, including Claimant [REDACTED 1]'s birth and baptism certificate, thus 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 notes that a database containing the names of victims of Nazi persecution includes a person named Viktor Müller, and indicates that his date of birth was 16 June 1895, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimants each filed an IQ with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Viktor 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 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.

Finally, the CRT notes that there are no other claims to this account.

⁴ The CRT notes that "ue" is the equivalent of "ü."

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 the Account Owner was Jewish. The Claimants stated that Viktor Müller fled Opava after the annexation of the Sudeten area by Germany in October 1938; that he was first deported to Theresienstadt and later to Auschwitz, where he perished.

As noted above, a person named Viktor Müller was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimants' grandfather. These documents include Claimant [REDACTED 1]'s birth and baptism certificate.

The Issue of Who Received the Proceeds

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

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their grandfather, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 28 March 1991 was SF 24.10. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

Division of the Award

According to Article 23(1)(c) of the Rules, in absence of the Account Owner's will, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimants, who are siblings, are the Account Owner's

grandchildren. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the total award amount, and Claimant [REDACTED 2] is entitled to one-half 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
28 September 2004