

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Frieda Kaiser

Claim Number: 708270/AZ¹

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”), to the account of Asta Strehmel, née Kaiser.² This Award is to the published account of Frieda Kaiser (the “Account Owner”) at the Rheinfelden 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 Claimant

The Claimant submitted an Initial Questionnaire identifying the Account Owner as her maternal grandmother, Emma Marie Frieda Kaiser, née Elsner, who was born on 28 April 1885 in Berlin, Germany and was married to [REDACTED] on 15 October 1913 in Berlin. The Claimant indicated that her grandparents resided in Berlin, where her grandmother was a seamstress and her grandfather was a merchant, and that they had six children, including the Claimant’s mother, [REDACTED], née [REDACTED], who was born on 14 November 1914 in Berlin. The Claimant further indicated that the family was regarded as Jewish and targeted for persecution by the Nazi regime because her grandfather was Jewish. According to the Claimant, each of her family members was forced to wear the yellow star; moreover, the Claimant, her grandmother,

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GER-0004-041, 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 708270.

² The CRT did not locate an account belonging to Asta Strehmel, née Kaiser, 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”).

mother, brother, and other relatives all fled Berlin in 1942 for Bad Lauterberg, Germany. Finally, the Claimant indicated that her family survived the rest of the Second World War in hiding and that she and her relatives were able to return to Berlin after the end of the War.

The Claimant submitted copies of documents in support of her claim, including her grandparents' marriage certificate, indicating that *Näherin* (seamstress) Emma Marie Frieda Elsner, who was born 28 April 1885 in Berlin and was Protestant, was married to *Kaufmann* (merchant) [REDACTED], who was Jewish, on 15 October 1913 in Berlin; and her mother's birth certificate, indicating that [REDACTED] was born on 14 November 1914 in Berlin and that her parents were [REDACTED] and Emma Marie Frieda Kaiser, née Elsner.

The Claimant indicated that she was born on 7 February 1933 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of the Bank's internal correspondence and a list of German savings/passbook accounts transferred to the German Reichsbank on 8 December 1933. According to these records, the Account Owner was Frieda Kaiser, who resided in a town called Wallbach in an unspecified country, and who was German. These records indicate that the Account Owner held a savings/passbook account numbered 18725, which had a balance of 365.60 Swiss Francs ("SF") upon its transfer to the *Oeffentliche Sparkasse* Säckinggen on 8 December 1933.³

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandmother's middle name and surname match the published first name and surname of the Account Owner. The CRT notes that the Claimant filed her Initial Questionnaire, indicating that her grandmother's name was Emma Marie Frieda Kaiser, prior to the publication of the Account Owner's name in February 2001 on the 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 CRT notes that it is plausible that the Account Owner would have used her middle name when opening a bank account, especially if she were attempting to hide her assets. The Claimant identified the Account Owner's country of residence, which matches unpublished information about the Account Owner contained in the Bank's records. The CRT notes that of several cities named Wallbach in both Germany and Switzerland, and that there is a Wallbach, Switzerland located approximately one kilometer away across the border from Wallbach, Germany. The CRT notes that it is plausible that an Account Owner from elsewhere in Germany would have used Wallbach, Switzerland, adjacent to the location where the account was held, or Wallbach, Germany, directly over the border, as a temporary address for the purposes of opening an account.

³ The CRT notes that the *Oeffentliche Sparkasse* Säckinggen was a German savings bank located in Säckinggen, Germany.

In support of her claim, the Claimant submitted documents, including her grandparents' marriage certificate and her mother's birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner. The CRT notes that the name Frieda Kaiser appears only once on the ICEP List.

The CRT notes that the Claimant filed her Initial Questionnaire with the Court in 1999, identifying her grandmother as the Account Owner, prior to the publication of the ICEP List. This indicates that the Claimant has based her claim not 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. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are no other claims to this account. 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's husband was Jewish and that her family was regarded as Jewish and targeted for persecution by the Nazi regime. The Claimant further stated that the Account Owner and her relatives were forced to wear the Jewish star, that they had to flee Berlin in 1942, and that they survived the Second World War in hiding. The Claimant also submitted her grandparents' marriage certificate, indicating that the Account Owner's spouse was Jewish and that the family resided in Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's maternal grandmother. The CRT notes that the Claimant filed her Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of the Account Owner's marriage certificate and her daughter's birth certificate. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Initial Questionnaire.

While the Claimant indicated that the Account Owner may have other surviving descendants, as they are not represented on her claim and have not submitted claims on their own behalf, their potential entitlement to the account will not be considered in this Award.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to the *Oeffentliche Sparkasse Säckingen* on 8 December 1933, along with numerous other German accounts at the Bank. The account appears on list of savings booklets provided to the Bank by account owners, identified in the Bank's records as a list of accounts for payment to the German Reichsbank.

Given that after coming to power in 1933, the Nazi regime embarked on a 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 the Account Owner remained in Germany until the end of the Second World War, and would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; that the account was transferred to the German Reichsbank as part of a large group of accounts; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about his account 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; given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Process, as amended (the "Rules") (see Appendix A and Appendix C),⁴ the CRT concludes that it is plausible that the account 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 grandmother, 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 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 account as of 8 December 1933 was SF 365.60. 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. Consequently, the total award amount in this case is SF 10,375.00.

⁴ 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
27 February 2007