

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 Frida Katzenellenbogen

Claim Number: 790450/WM¹

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Frida Katzenellenbogen (the “Account Owner”) at 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 (“IQ”) identifying the Account Owner as his mother, Frida (Frieda) Katzenellenbogen, née Katzenellenbogen, who was born on 27 June 1899 in Berlin, Germany, and was married to [REDACTED] 18 January 1923 in Berlin. In a telephone conversation with the CRT on 24 November 2005, the Claimant’s brother, [REDACTED 2], who is being represented by the Claimant, stated that his parents, who were Jewish, resided at Gustav-Müller-Strasse 43 in Berlin-Schöneberg, with their two children until April 1939, when the family fled to Argentina and later to Israel. The Claimant’s brother stated that his mother owned and operated a crystal company in Berlin. The Claimant’s brother indicated that his mother passed away on 2 February 1980 in Israel.

The Claimant’s brother submitted several documents, including: (1) his mother’s German identity card and a family registration certificate, issued by the Berlin police department, dated

¹ Claimant [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an application for assistance to a Jewish organization in Argentina, which then forwarded this application to the CRT as an Initial Questionnaire (“IQ”) and which the CRT is treating as an IQ. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those IQs 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 has been assigned claim number 790450.

13 March 1939 and 18 April 1939, respectively, indicating that Frida (Frieda) Katzenellenbogen, was born on 27 June 1889 in Berlin, that her children were [REDACTED 1], who was born on 3 December 1923, and [REDACTED 2], who was born on 6 October 1926, and that she was Jewish; (2) his parents' marriage certificate, dated 18 January 1923, indicating that Frida Katzenellenbogen, who was born on 27 June 1889 in Berlin, and [REDACTED], who was born on 6 June 1890 in Krotoschin, Poland, were married on 18 January 1923 in Berlin; (3) the Claimant's German identity card issued by the Berlin police department, dated 13 March 1939, indicating that [REDACTED 1] was born on 3 December 1923 in Berlin; and (4) the Claimant's brother's German identity card issued by the Berlin police department, dated 13 March 1939, indicating that [REDACTED 2] was born on 4 October 1926 in Berlin.

The Claimant indicated that he was born on 3 December 1923 in Berlin. The Claimant is representing his brother, [REDACTED 2], who indicated that he was born 4 October 1926 in Berlin.

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.) Frida Katzenellenbogen, who resided in Berlin-Schöneberg, Germany. The Bank's record indicates that the Account Owner held two accounts: a savings account, numbered 43709, opened on an unknown date and closed on 3 June 1938; and a custody account, numbered L35180, opened on 31 July 1929 and closed on 10 June 1938. The amounts in the accounts on the dates of their closure are 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 has plausibly identified the Account Owner. The Claimant's mother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified his mother's city of residence and the district where she resided, which matches unpublished information about the Account Owner's place of residence contained in the Bank's record.

In support of this claim, the Claimant's brother submitted documents, including copies of his mother's German-issued identity card identifying her as Frida (Frieda) Katzenellenbogen of Berlin, a family registration certificate and the Claimant's and the Claimant's brother's identity cards issued by the German Reich, indicating that the two siblings were born in Berlin and that their mother was Frida Katzenellenbogen. All of these documents provide independent verification that the person who is claimed to be the Account Owner had the same name as recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the Claimant filed an IQ in 1999, asserting his entitlement to a Swiss bank

account owned by Frida Katzenellenbogen, 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 his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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. The CRT notes that there are no other claims to these accounts.

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, that she resided in Nazi Germany during the Second World War, and that she was forced to flee Germany with her family in April 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was his mother. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's record indicates that the Account Owner's two accounts were closed on 3 June 1938 and 10 June 1938, respectively.

Given that the Account Owner resided in Nazi Germany until she fled to Argentina in 1939; that the Account Owner would not have been able to repatriate her accounts to Germany without losing ultimate control over their proceeds; that there is no record of the payment of the Account Owner's accounts to her; 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), 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 and represented party [REDACTED 1]. 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 his mother, 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 two accounts: a savings account and a custody 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a savings account was 830.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value of the accounts at issue is SF 13,830.00. 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 SF 172,875.00.

Division of the Award

According to Article 23(1)(c) of the Rules, 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. The Claimant is representing his brother in these proceedings. Accordingly, the Claimant and his brother are each entitled to receive one-half of the Award amount.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
31 December 2005