

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED] and [REDACTED]

in re Accounts of Siegfried Moses

Claim Number: 500588/MBC

Award Amount: 351,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Siegfried Moses and [REDACTED].¹ This Award is to the accounts of Siegfried Moses (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 a Claim Form identifying the Account Owner as her father, Siegfried Moses, who was born on 8 October 1879 in Filehne, Germany (now Wielun, Poland), and was married to [REDACTED], née [REDACTED]. The Claimant stated that her father co-owned, with his brother, [REDACTED], *Leopold Koenigsberger*, a wholesale clothing business located at Kommandantenstrasse 6, Berlin, Germany, and that he traveled to Switzerland on business. The Claimant indicated that her father resided at Güntzelstrasse 60, Berlin-Wilmersdorf, for at least ten years until 1933, and at Meranerstrasse 12, Berlin-Schöneberg. The Claimant stated that during *Kristallnacht* (the "Night of Broken Glass") on 9 November 1938, her father, who was Jewish, was on a business trip to Scandinavia. The Claimant further stated that from there, her father fled to London, the United Kingdom, and later, in 1945, he emigrated to the United States and never returned to Germany. The Claimant stated that her mother died on 2 April 1945 in New York, and that her father died in New York in 1981.

¹ The CRT will treat the claim to this account in a separate decision.

In support of her claim, the Claimant submitted a copy of her mother's Declaration of Intention for United States citizenship, dated 4 August 1943, showing that the Claimant's parents were married on 7 July 1911 in Paderborn, Germany; her own United States naturalization certificate, identifying her as [REDACTED]; her father's United States naturalization certificate; her birth certificate, identifying her parents as Siegfried Moses and [REDACTED], née [REDACTED]; her marriage certificate, showing that the Claimant's maiden name is [REDACTED] and that she married [REDACTED] on 26 December 1933 in Berlin-Wilmersdorf; and a family tree.

The Claimant stated that she was born on 2 May 1912 in Berlin. The Claimant is representing her sister, [REDACTED], née [REDACTED], who was born on 20 June 1917 in Berlin; and her brother, [REDACTED], who was born in Berlin on 3 April 1920.

Information Available in the Bank's Records

The Bank's records consist of two customer cards. According to these records, the Account Owner was Siegfried Moses, who resided in Berlin-Wilmersdorf, Germany. The Bank's records indicate that the Account Owner held two custody accounts, numbered L35862 and L8189, and one demand deposit account. The Bank's records show that the custody account, numbered L35862, was opened on 30 August 1929 and closed on 9 March 1934; that the custody account, numbered L8189, was opened on 23 August 1930 and closed on 18 January 1937; and that the demand deposit account was opened on 30 January 1930 and closed on 6 March 1937. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's records that the Account Owner or his 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. Her father's name matches the published name of the Account Owner. The Claimant identified her father's place of residence until 1933 as Berlin-Wilmersdorf, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her birth certificate, identifying the Claimant's parents as Siegfried Moses and [REDACTED], née [REDACTED], and showing that the Claimant was born in Berlin; and a copy of the Claimant's marriage certificate, stating that her maiden name is [REDACTED] and that she resided in Berlin-Wilmersdorf in 1933. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different places of residence than the unpublished place of residence of the Account Owner. 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, that he resided in Germany until the *Kristallnacht* of 9 November 1938, when he was on a business trip to Scandinavia, and that he did not return to Germany thereafter, living first in London and then emigrating to the United States in 1945.

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 is her father. These documents include her birth certificate, identifying her parents as Siegfried Moses and [REDACTED], née [REDACTED]; and a copy of her marriage certificate, stating that her maiden name is [REDACTED] and that she resided in Berlin-Wilmersdorf in 1933. There is no information to indicate that the Account Owner has other surviving heirs other than the Claimant and her siblings whom she represents.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the accounts were closed in 1934 and 1937; that the Account Owner remained in Germany until 1938, and would not have been able to repatriate his accounts to Germany without their confiscation; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner and his heirs would not have been able to obtain information about his 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 (a), (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 C² with respect to the custody account closed in 1934, and the application of Presumptions (a), (h) and (j) with respect to the demand deposit account and custody account closed in 1937, 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, 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.

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

Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two custody accounts 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 Independent Committee of Eminent Persons (“ICEP” or 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 is 28,140.00 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 351,750.00 Swiss Francs.

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. In this case, the Claimant, who is the Account Owner’s daughter, is representing her two siblings. Accordingly, the Claimant and her siblings are each entitled to receive one-third of the total 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 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
20 May 2004