

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Kyoko Nakamura
represented by Mimi Müller

in re Account of Fred Müller

Claim Number: 220934/PY/MD

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Kyoko Nakamura (the “Claimant”) to the account of Henriette Müller¹. This Award is to the account of Fred Müller ("Account Owner Fred Müller") at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father-in-law, Simon Fred Müller, who was born on 2 November 1875, and was married to Henriette Rosalie Müller, née Ballin, who was born in 1880. The Claimant stated that her father-in-law used his middle name, Fred, to identify himself. The Claimant further stated that Fred and Henriette Müller had one son, Hans Müller, the Claimant's late husband, who was born on 13 January 1915 in Düsseldorf, Germany. The Claimant indicated that her husband's parents lived at Zietenstrasse 11 in Düsseldorf between 1915 and 1946. According to the Claimant, her father-in-law was Jewish and her mother-in-law was not Jewish. In a telephone conversation with the CRT, the Claimant's representative, Mimi Müller, the Claimant's daughter, stated that the Claimant's father-in-law owned a large electrical goods factory in Düsseldorf. The Claimant's representative further stated that Hans Müller studied medicine in Basel, Switzerland from 1933 until 1939, and that his parents visited him there and may have opened an account in Switzerland during this time. The Claimant stated that as Hans Müller was not allowed to remain in Switzerland after he completed his medical studies, he fled to Shanghai, China.

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

The Claimant indicated that her father-in-law was sent to the Theresienstadt concentration camp between 1943 and 1945, and that the Nazis confiscated his property. The Claimant further indicated that her mother-in-law died in approximately 1949 in Germany and that her father-in-law died in approximately 1952, also in Germany. According to the Claimant, Hans Müller died in 1994 in China. In support of her claim, the Claimant submitted her marriage certificate, identifying her husband as Hans Müller; Hans Müller's birth certificate, which indicates that he was born in Düsseldorf and that his parents were Simon Fred Müller and Henriette Müller; Hans Müller's death certificate; and a copy of Hans Müller's passport, which was stamped by the German consulate in Basel.

The Claimant indicated that she was born on 1 March 1931 in Fukuoka, Japan.

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 of one demand deposit account was Fred Müller, who resided in an unknown country. The Bank's records indicate that the balance of the demand deposit account as of 2 July 1954 was 82.00 Swiss Francs and that the account was transferred to a collective account for dormant assets on 23 May 1960 with a balance of 69.00 Swiss Francs. According to the Bank's records, the account was closed by bank fees and charges in December 1971. The Bank's records indicate that the balance of the demand deposit account before its closure was 16.50 Swiss Francs.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father-in-law's name matches the published name of the Account Owner. The Claimant stated that her father-in-law resided in Germany, which matches the unpublished country of residence of the Account Owner. In support of her claim, the Claimant submitted her marriage certificate, as well as her husband's birth certificate, which indicates that he was born in Düsseldorf and that his parents were Simon Fred Müller and Henriette Müller. The CRT notes the Claimant indicated her father-in-law regularly used his middle name, Fred, to identify himself. The CRT further notes that the name Fred Müller appears only once on the February 2001 published list of accounts determined by Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of victims of Nazi persecution. Moreover, the CRT further notes that the other claims to this account were disconfirmed because those claimants provided different first names and countries of residence than the first name and country 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 Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that her father-in-law was Jewish, that his property was confiscated by the Nazis, and that he was sent to the Theresienstadt concentration camp between 1943 and 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 biographical information and documents, including her marriage certificate, identifying her husband as Hans Müller; and her husband's birth certificate, identifying his father as Simon Fred Müller; demonstrating that she is the Account Owner's daughter-in-law.

The Issue of Who Received the Proceeds

The Bank's records indicate that the demand deposit account was closed by bank fees and charges in 1971.

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 father-in-law, 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 account.

Amount of the Award

In this case, the Account Owners held one demand deposit account. The Bank's records indicate that the value of the account as of 2 July 1954 was 82.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of the account is determined by multiplying the balance of the account 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 26,750.00 Swiss Francs.

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
31 December 2003