

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Margarete Müller

Claim Number: 217500/HS¹

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Dr. [REDACTED].² This Award is to the published account of Margarete Müller (the “Account Owner”) at the Zurich branch of [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 mother, Margarete Ilse Ruth Weck, née Müller, who was Jewish, and who was born on 9 August 1910 in Berlin-Waidmannslust, Germany. In a telephone conversation with the CRT on 29 July 2002, the Claimant indicated that her mother’s father, Dr. [REDACTED], who was a successful doctor in Berlin, was targeted by the Nazis, and committed suicide in 1938. The Claimant further indicated that her mother managed to survive the Holocaust by obtaining false documents, and that she worked as a nurse with the Red Cross.

The Claimant indicated that her mother was married to Dr. [REDACTED] on 7 April 1948 in Berlin-Neukölln. The Claimant further stated that she is her parents’ only child. In

¹ In a separate decision, the CRT awarded the unpublished account of Karoline Müller to the Claimant. See *In re Account on Karoline Müller* (approved 18 August 2004).

² The CRT did not locate an account belonging to the Claimant’s relative, Dr. [REDACTED], 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”). The Claimant 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 the Claimant or upon information from other sources.

correspondence with the CRT, dated 31 December 2002, the Claimant explained that following the Second World War, her mother received a pension for mental and bodily harm (*Körperschadenrente*), and that she could hardly ever speak about what happened to herself and her family during the Holocaust.

The Claimant further stated that her mother told her about trips [REDACTED] used to take, on which she accompanied him, to the Netherlands and Switzerland before the Nazi's rise to power. According to the Claimant, her mother passed away on 26 January 1981 in Bad Schwalbach, Germany.

The Claimant submitted her grandfather's death certificate, dated in 1938, indicating that he formerly resided in Berlin-Reinickendorf; her mother's birth certificate, dated in 1910 in Lübars, Germany (now part of Berlin-Waidmannslust), her parents' marriage certificate, dated in 1948 in Berlin-Neukölln, and her mother's death certificate, dated in 1981 in Bad Schwalbach, together indicating that the Claimant's mother's maiden name was Müller, that she was born in 1910 in Berlin-Waidmannslust, and that she resided in Berlin-Buckow when she was married in 1948. Finally, the Claimant submitted her own birth certificate, indicating that she was born to [REDACTED], née [REDACTED], on 18 February 1949 in Berlin-Spandau.

Information Available in the Bank's Records

The Bank's records originally consisted of a printout from the Bank's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). On 25 October 2004, the CRT was provided with additional documents from the Bank's successor in interest, which had access to the Bank's records. The records consist of several lists of account owners, one of which was dated 31 December 1937 and lists custody accounts which had been closed by that date. According to these records, the Account Owner was *Fräulein* (Miss) Margarete Müller of Berlin-Schöneberg, Germany.

The Bank's records indicate that the Account Owner held a custody account, numbered 9405, which was opened on 18 March 1930 and closed on 18 March 1935. The Bank's records do not indicate the value of this account when it was closed. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name and city of residence match the published name and city of

residence of the Account Owner.³ The Claimant identified the Account Owner's marital status at the time the account was opened, 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 mother's birth, marriage, and death certificates, and her own 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 city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a first name, marital status, and/or city or country of residence that differ from information about the Account Owner contained in the Bank's records. Taking all 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 and resided in Berlin, that her father committed suicide due to Nazi persecution, and that she obtained false documents in order to survive the Holocaust.

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 her own birth certificate, demonstrating that the Account Owner was her mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 18 March 1935. 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 following the Nazi rise to power, and would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; 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 her 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; and given the application of Presumptions (a), (h), and (j), as provided in Article 28 of the Rules (see Appendix A), and Appendix C,⁴ the CRT concludes that it is

³ The CRT notes that the Bank's records indicate that the Account Owner resided in the Schöneberg district of Berlin, whereas the Claimant indicated that her mother's family resided in various districts of Berlin, but did not provide this exact district. However, considering that the Claimant submitted numerous documents showing that her mother's name, marital status, and city of residence were the same as the Account Owner's, the CRT determines that this discrepancy is not substantial.

⁴ Appendix C appears on the CRT II website -- <<www.crt-ii.org>>.

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 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 account.

Amount of the Award

In this case, the Account Owner held 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 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 (“SF”). 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 162,500.00.

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
10 December 2004