

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]

to Claimant Clara Schonberger

and to Claimant Klara Mellinger

**in re Account of Klara Engel**

Claim Numbers: 211022/MBC; 215886/MBC; 715776/MBC; 783995/MBC<sup>1, 2</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the accounts of Helene Adler and Eugen Engel, the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of Albert Gustav Engel, the claim of Clara Schonberger, née Engel, (“Claimant Schonberger”) to the account of Iosef Engel, and the claim of Klara Mellinger, née Engel, (“Claimant Mellinger”) (together the “Claimants”) to the account of Lazar Engel.<sup>3</sup> This Award is to the published account of Klara Engel (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).

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<sup>1</sup> Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) submitted one additional claim, which is registered under the Claim Number 704034. The CRT treated this claim in a separate determination.

<sup>2</sup> Clara Schonberger (“Claimant Schonberger”) and Claimant Klara Mellinger (“Claimant Mellinger”) did not submit Claim Forms to the CRT. However, in 1999 they each submitted an Initial Questionnaire (“IQ”) to the Court in the United States, numbered HEB-0131062 and ENG-0551092, respectively. Although these IQs were not Claim Forms, 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). Claimant Schonberger’s IQ was forwarded to the CRT and has been assigned claim number 705776. Claimant Mellinger’s IQ was also forwarded to the CRT and has been assigned claim number 783995.

<sup>3</sup> The CRT will treat the claim of Claimant [REDACTED 1] to the account of Helene Adler, the claim of Claimant [REDACTED 2] to the account of Albert Gustav Engel, and the claim of Claimant Schonberger to the account of Iosef Engel in separate determinations. The CRT did not locate accounts belonging to Eugen Engel or Lazar Engel 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”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

### **Information Provided by the Claimants**

#### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her sister, Klára Engel, who was born in 1936 in Velký Meder, Slovakia, to [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 1] stated that her sister, who was Jewish, was deported in 1944 to Auschwitz, where she perished. Claimant [REDACTED 1] further stated that her parents and her three other siblings, [REDACTED], [REDACTED], and [REDACTED], also perished in Auschwitz. In support of her claim, Claimant [REDACTED 1] submitted her own birth certificate and certificate of Czechoslovakian citizenship, indicating that her maiden name was [REDACTED]. Claimant [REDACTED 1] indicated that she was born on 24 July 1929.

#### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his maternal grandmother, Frida Klara Engel, née Erit, who was born on 20 September 1879 and was married to [REDACTED] on 5 April 1902 in Werder, Germany. In a telephone conversation with the CRT on 25 February 2003, Claimant [REDACTED 2] stated that he did not know the whereabouts of his grandmother, who was Jewish, during the Second World War or how or when she died, but indicated that his mother, [REDACTED], who was Frida Klara Engel's daughter, was subject to forced labor in a munitions factory during the Second World War because she was Jewish. In support of his claim, Claimant [REDACTED 2] submitted his grandparents' marriage certificate, identifying his grandmother as Frida Klara Engel, née Erit, his mother's birth certificate, indicating that Frida Klara Engel was the mother of [REDACTED], and his own birth certificate, indicating that [REDACTED], née [REDACTED], was his mother. Claimant [REDACTED 2] indicated that he was born on 25 August 1934 in Potsdam, Germany.

#### Claimant Mellinger

Claimant Mellinger submitted an Initial Questionnaire ("IQ") identifying herself as the Account Owner, Klara Mellinger, née Engel. Claimant Mellinger indicated that she is Jewish, and that before the Second World War, she lived with her family in Košice, Czechoslovakia (today Slovakia). According to Claimant Mellinger, she and her family were deported to a ghetto in 1943, and subsequently in 1944 to Auschwitz, where her father perished. Claimant Mellinger stated that she was liberated by the United States Army at the end of the Second World War. Claimant Mellinger indicated that she was born in December 1916.

#### Claimant Schonberger

Claimant Schonberger submitted an IQ identifying herself as the Account Owner, Clara Schonberger, née Engel. Claimant Schonberger stated that she is Jewish and lived with her parents on Bul. Regele Ferdinand 62 in Arad, Romania before the Second World War. Claimant Schonberger further stated that her father was thereafter sent to do forced labor in Brasov, Romania, until the end of the War. In a telephone conversation with the CRT on 6 July 2005, Claimant Schonberger indicated that she remained in Romania until the end of the Second World War. According to Claimant Schonberger, when Hungarian troops occupied Arad in September 1944, she was detained without food in a cellar for eight days until the Soviet army captured the city. Claimant Schonberger indicated that she was born on 22 January 1931.

### **Information Available in the Bank's Record**

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Klara Engel. The Bank's record indicates that the Account Owner held an account of unknown type. The Bank's record further indicates that the last activity on the account was on 14 December 1938. Finally, the Bank's record indicates that the account was transferred on 28 February 1977 to a suspense account. The amount in the account on the date of its transfer was 7.10 Swiss Francs ("SF"). The account remains open and dormant.

### **The CRT's Analysis**

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the four claims of the Claimants in one proceeding.

#### Identification of the Account Owner

Claimant [REDACTED 1]'s sister's name, Claimant [REDACTED 2]'s grandmother's name, and Claimant Mellinger's and Claimant Schonberg's names all match the published name of the Account Owner.<sup>4</sup> The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name.

#### Claimant [REDACTED 1]

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<sup>4</sup> The CRT notes that Claimant [REDACTED 2]'s grandmother's middle name matches the first name of the Account Owner in the Bank's records and finds it plausible that Claimant [REDACTED 2]'s grandmother used only her middle name and family name for purposes of a Swiss bank account. Furthermore, the CRT notes that Claimant Schonberg's first name is "Clara" and that the Bank's record indicates that the Account Owner's first name is "Klara." The CRT recognizes that these names to be substantially similar and notes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, and therefore concludes that this spelling discrepancy does not affect the plausibility of the identification of the Account Owner.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her birth certificate and certificate of Czechoslovakian citizenship which indicate that her maiden name was [REDACTED], providing independent verification that the person who is claimed to be the Account Owner had the same family name as recorded in the Bank's records as the family name of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Klara Engel, and indicates that she lived in Velký Meder, Slovakia and that she died as a child, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

#### Claimant [REDACTED 2]

In support of his claim, Claimant [REDACTED 2] submitted documents, including his grandparents' marriage certificate and his mother's birth certificate, identifying his grandmother as Frida Klara Engel, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

#### Claimant Mellinger

The CRT notes that Claimant Mellinger filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Lazar Engel, prior to the publication in February 2001 of the list of accounts prepared pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), and determined by ICEP to be probably those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant Mellinger has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears her family's surname. It also indicates that Claimant Mellinger had reason to believe that her family owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant Mellinger.

#### Claimant Schonberg

The CRT further notes that Claimant Schonberg filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, [REDACTED], prior to the publication in February 2001 of the ICEP List. This indicates that Claimant Schonberg has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears her family's surname. It also indicates that Claimant Schonberg had reason to believe that her family owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant Schonberg.

The CRT notes that there are no other claims to this account.

The CRT further notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant Mellinger, and Claimant Schonberg are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is

available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant Mellinger, and Claimant Schonberg have each plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

##### *Claimant [REDACTED 1]*

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that she perished in Auschwitz. As noted above, a person named Klara Engel was included in the CRT's database of victims, and the information contained in the database matched information about the Account Owner provided by Claimant [REDACTED 1].

##### *Claimant [REDACTED 2]*

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish and resided in Germany. The CRT notes that while Claimant [REDACTED 2] did not recall when his grandmother died, the Account Owner's daughter was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that his mother was Jewish and was subject to forced labor in a munitions factory during the Second World War.

##### *Claimant Mellinger*

Claimant Mellinger has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant Mellinger stated that she is Jewish, that she was detained in a ghetto with her family, and that she was subsequently deported to Auschwitz.

##### *Claimant Schonberger*

Claimant Schonberger has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant Schonberger stated that she is Jewish, that she was detained in a cellar without food for eight days in September 1944, and that she remained in Romania throughout the Second World War.

#### The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s sister. The CRT notes that Claimant [REDACTED 1] identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 1] submitted her birth certificate and certificate of Czechoslovakian citizenship, which provide independent verification that Claimant [REDACTED 1]'s relatives bore the same family name as the Account Owner. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as she has asserted in her Claim Form.

Claimant [REDACTED 2] has also plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 2]'s grandmother. These documents include his mother's birth certificate, indicating that Frida Klara Engel was [REDACTED]'s mother, and his own birth certificate, indicating that [REDACTED], née [REDACTED], was his mother.

Furthermore, Claimant Mellinger and Claimant Schonberg have each plausibly demonstrated that they are each the Account Owner by submitting specific biographical information, demonstrating that the Account Owner is Claimant Mellinger and Claimant Schonberg, respectively. Additionally, the CRT notes that Claimant Mellinger and Claimant Schonberg each filed an IQ with the Court in 1999, identifying themselves prior to the publication in February 2001 of the ICEP List.

There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account, where it remains today.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her sister, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his maternal grandmother, and Claimant Mellinger and Claimant Schonberg have each plausibly demonstrated that she is the Account Owner, and those relationships justify 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 account of unknown type. The Bank's record indicates that the value of the account as of 28 February 1977 was SF 7.10. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the account between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 502.10. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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, to produce a total award amount of SF 49,375.00.

### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, the Claimants have each established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant Mellinger, and Claimant Schonberg are each entitled to one-fourth of the total award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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  
23 March 2007