

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Dr. Raphael Leo Friedjung
also acting on behalf of Dr. Michael Friedjung

in re Account of Johanna Friedjung

Claim Number: 300750/IG¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Dr. Raphael Leo Friedjung (the “Claimant”) to the account of Johanna Friedjung (the “Account Owner”) at 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 his paternal grandmother, Johanna Friedjung, née Neumann, who was born on 26 June 1886 in Vienna, Austria, and was married to Dr. Josef Karl Friedjung in March 1905 in Vienna. The Claimant stated that his grandmother, who was Jewish, was a housewife and resided with her husband at Ebendorferstrasse 6 in Vienna from 1905 to 1938. The Claimant further stated that on 4 September 1938, his grandparents were forced to flee from Austria to Palestine, where they arrived on 12 September 1938. The Claimant further stated that his grandparents resided on Hagidenstrasse in Haifa, Palestine, where his grandmother died on 26 January 1946. In support of his claim, the Claimant submitted a detailed family tree; the birth certificate and certificate of residence (*Heimatschein*) of his grandmother, Johanna Neumann, which both indicate that she was born on 26 June 1886 in Vienna; the marriage certificate of his grandparents, Johanna Neumann and Josef Friedjung, dated 22 April 1905; Johanna Friedjung’s burial certificate issued by *Hevrat Kadisha*; the death certificate of Bruno Friedjung (the Claimant’s father) stating that his father was Josef Friedjung; and the Claimant’s own birth certificate, stating that

¹ The Claimant submitted additional claims to the accounts of twenty-two other family members, which are registered under the Claim Numbers 300708, 300709, 300710, 300721, 300722, 300723, 300724, 300725, 300726, 300727, 300728, 300729, 300730, 300741, 300742, 300743, 300744, 300745, 300746, 300747, 300748 and 300749. The CRT will treat the claims to these accounts in separate decisions.

his father was Bruno Friedjung. The Claimant stated that he was born on 20 October 1943 in Haifa. The Claimant is representing Dr. Michael Friedjung, his paternal cousin, who was born on 23 June 1940 in England.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Johanna Friedjung who resided at Ebendorferstrasse 6 in Vienna I, Austria. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 31 October 1931 and closed on 31 July 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record 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 has plausibly identified the Account Owner. His grandmother's name matches the published name of the Account Owner. The Claimant identified his grandmother's street address and city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted numerous documents, including his grandmother's birth certificate and certificate of residence (*Heimatschein*), his grandparents' marriage certificate, as well as his grandmother's burial certificate, showing that Johanna Friedjung was his grandmother and that the family resided in Vienna. The CRT notes that there are no other claims to this account.

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 that she and her husband were forced to flee from Austria to Palestine to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that he is Johanna Friedjung's grandson, including the marriage certificate of his grandparents, Johanna Neumann and Josef Friedjung, dated 22 April 1905; the burial certificate of his grandmother, Johanna Friedjung, issued by *Hevrat Kadisha*; the death certificate of Bruno Friedjung (the Claimant's father) stating that his father was Josef Friedjung; and the Claimant's own birth certificate, stating that his father was Bruno Friedjung. The CRT

also notes that the Claimant has identified his grandmother's exact address in Vienna, matching unpublished information about the Account Owner's address contained in the Bank's records.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and within approximately the same year, their accounts are closed unknown to whom or are transferred to Nazi-controlled banks. Given that the CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis; that the Account Owner's demand deposit account was closed on 31 July 1938; that there is no record of the payment of the Account Owner's account to her; 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), 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. 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 grandmother, and that relationship justifies an Award. Finally, 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 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 demand deposit account was 2,140.00 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 26,750.00 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 submitted a claim, in equal shares by representation. In this case, the Claimant is representing his cousin in

these proceedings. Accordingly, the Claimant and his cousin are each entitled to one-half 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 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
6 February 2004