

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of [REDACTED]¹

in re Account of Albert Friedländer

Claim Number: 220322/ES²

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Albert Friedländer (the “Account Owner”) 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 his cousin, Albert Friedländer, who was the son of [REDACTED], the Claimant's maternal great-uncle. The Claimant indicated that his cousin, who was Jewish, was born either in Vienna, Austria, or in Güssing (also known as Németsújvár), which belonged to Hungary until 1919, and was then annexed to Austria as Burgenland. The Claimant explained that his maternal grandmother, [REDACTED], née [REDACTED], and [REDACTED] were siblings and that they were the children of [REDACTED], who was born in 1838 in Güssing. The Claimant stated that Albert Friedländer had two siblings, a brother named [REDACTED] and a sister named [REDACTED]. The Claimant stated that to the best of his knowledge the entire family perished in Nazi concentration camps.

In support of his claim, the Claimant submitted documents, including a list of inhabitants of the Lodz Ghetto, which indicates that Albert Friedländer was born on 8 March 1894 and was an industrialist who resided in Vienna prior to his transport to the Ghetto; a document from *Gestapo* archives, demonstrating that Albert Friedländer's last known

¹ [REDACTED] passed away on 18 October 2001 in Budapest Hungary.

² The Claimant submitted two additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 220321 and 220323, respectively. The CRT will treat the claims to these accounts in separate decisions.

address was Stuckgasse 13 in Vienna VII and that he was transported to the Lodz Ghetto on 19 October 1941; two documents from *Vas Megyei Leveltar* (Vas County Archives), one dated 26 March 1939 and the other dated 16 August 2001, demonstrating that the Claimant's great-grandfather, [REDACTED], was married to [REDACTED] in 1861, that he had a son named [REDACTED], who was born on 13 February 1862, and a daughter named [REDACTED], who was born on 4 October 1864; his parents' marriage certificate, identifying his mother's parents as [REDACTED] and Albert Bãrdos; and his maternal grandmother's birth certificate, identifying her as [REDACTED] and her parents as [REDACTED] and [REDACTED]. The Claimant indicated that he was born on 4 April 1921 in Budapest, Hungary.

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 Albert Friedländer, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a custody account, numbered 17465, which was opened on 26 April 1933 and closed on 19 May 1938, unknown by whom. 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 his 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. The Claimant's cousin's name and city of residence match the published name and city of residence of the Account Owner. In support of his claim, the Claimant submitted numerous documents, including a list of inhabitants of the Lodz Ghetto and a document from *Gestapo* archives, demonstrating that Albert Friedländer resided in the same city recorded in the Bank's record as the city of residence of the Account Owner; 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 record as the name and city of residence of residence of the Account Owner. The CRT further notes that the name Albert Friedländer appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution. Furthermore the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the 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 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 he perished in a Nazi concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents demonstrating that he is the Account Owner's cousin. The Claimant submitted his parents' marriage certificate and his grandmother's birth certificate, indicating that his maternal grandmother's maiden name was [REDACTED], that she was the daughter of [REDACTED], and that she had a brother named [REDACTED]. The Claimant also submitted a list of the inhabitants of the Lodz Ghetto and a document from the *Gestapo* archives, both of which identify Albert Friedländer. The CRT notes that the foregoing information is of the type that family members would possess, and all of this information supports the plausibility that the Claimant is the Account Owner's cousin, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

Given that after the *Anschluss* ("Annexation of Austria") in March 1938, the Nazis embarked on a campaign to confiscate the assets of the Jewish residents of Austria and the account was closed on 19 May 1938; that the Account Owner and most of his family perished in concentration camps; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner's 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) 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 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. Second, the Claimant has plausibly demonstrated that the Account Owner was his cousin, 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 Owner held one 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 ICEP, in 1945 the average value of a custody account was 13,000.00 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 162,500.00 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 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
31 December 2003