

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of David Friedman

Claim Number: 202035/LK

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of David Friedman (the “Account Owner”) at the Zurich branch of the [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 father, David Friedman, who was born to [REDACTED] and [REDACTED], née [REDACTED], on 28 August 1895 in Beregsas, Hungary (or Berehovo),¹ and was married to [REDACTED], née [REDACTED], in 1924 in Beregsas. The Claimant explained that her father was a businessman and a store owner, who resided at Szecheny 23 in Beregsas. The Claimant stated that her family, who was Jewish, was deported in 1944 to Auschwitz, where her parents and three of her brothers perished. The Claimant further stated that [REDACTED], one of her other brothers, was born on 25 January 1922 and died in 1998. In support of her claim, the Claimant submitted her marriage certificate, which indicates that her father was David Friedman, her maiden name was [REDACTED], and that she was born in Berehovo, Czechoslovakia. The Claimant stated that she was born on 22 July 1926 in Berehovo, and that the Claimant’s sister, [REDACTED], née [REDACTED], whom the Claimant is representing in this proceeding, was born in Berehovo on 21 February 1932.

¹ The CRT notes that Beregsas (or Beregszász) was part of Czechoslovakia in 1920 and was annexed to Hungary in 1938. In 1945, Beregsas became part of the Ukraine. The CRT also notes that Beregsas (or Beregszász) is the Hungarian name of the area called Berehovo (or Beregovo or Berehove) in Russian or Czechoslovakian.

The Claimant and her sister each previously submitted an Initial Questionnaire with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by their father. The Claimant and her sister stated that their father held accounts in Zurich, Switzerland, and/or in Geneva, Switzerland.

Information Available in the Bank's Record

The Bank's record consists of a signature sample card, dated 27 November 1937. According to this record, the Account Owner was David Friedman,² who resided in Berechovo. The Bank's record indicates that the Account Owner held an account of unknown type which contained the code name "Mirjam 26." The Bank's record does not show when the account at issue was closed, to whom it was paid, or the value of the account. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. 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. Her father's name and city of residence match the unpublished name and city of residence³ of the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted her marriage certificate, which indicates that her father was David Friedman and that she was born in Berehovo. The CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities and/or countries of residence than those 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 Auschwitz.

² The CRT notes that the typed name on the signature card indicates that the Account Owner was "David Friedmann, Berechovo." However, the CRT notes that in the actual signature on the card, the Account Owner signed his name with one "n" as "David Friedman."

³ As noted above, the Hungarian name of Beregsas (or Beregszász) is Berehovo (or Beregovo or Berehove) in Russian or Czechoslovakian. The CRT further notes that while the Bank's record states "Berechovo" rather than "Berehovo," it is plausible that this difference is the result of a transliteration of the name.

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 demonstrating that the Account Owner was her father. These documents include the Claimant's marriage certificate, which indicates that her father was David Friedman and that she was born in Berehovo.

The Issue of Who Received the Proceeds

Given that the Account Owner and his spouse were deported to Auschwitz, where they perished; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner or his heirs would not have been able to obtain information about his 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 (h), (i) 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 her father, 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 account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 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 49,375.00 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 have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her sister in these proceedings. Accordingly, the Claimant and her sister are each entitled to receive 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 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
8 April 2004