

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1] and Claimant [REDACTED 2]  
represented by [REDACTED] and [REDACTED]

### **in re Accounts of D. Fürth and Julie Furth**

Claim Numbers: 221975/AH and 221976/AH

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Julie Fürth. This award is to the accounts of Julie Furth (“Account Owner Julie Furth”) and to the accounts of D. Fürth (“Account Owner D. Fürth”), (together “the Account Owners”) at the Basel 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 Claimants**

The Claimants, who are siblings, submitted substantially similar Claim Forms identifying Account Owner Julie Fürth as their paternal grandmother, Julie Fürth, née Weill, who was born on 21 September 1870 in Lörrach, Germany, and was married to David Fürth, the Claimants’ grandfather, who died in Mulhouse on 7 October 1928. The Claimants indicated that the couple had one child, Jacques Albert Fürth (the Claimants' father), who was born on 8 July 1900 in Mulhouse, and who passed away on 11 June 1975 in Montbeliard, France. The Claimants indicated that their grandmother, who was Jewish, resided in Mulhouse, France, until she fled in 1943 along with her son and daughter-in-law to Saint-Etienne, which was located in the unoccupied zone of France governed by the Vichy Regime. The Claimants added that in 1943 their grandmother resided at 17, rue de la Richelandière, Saint-Etienne, and in 1944 she moved to 34, rue de la République in Saint-Etienne, where she remained until her death on 15 November 1944.

In support of their claims, the Claimants submitted documents, including Claimant [REDACTED 1]'s birth certificate which indicates that Jacques Albert Fürth was her father; the Claimants' parents’ marriage and death certificates which indicates their father’s name and city of birth as Mulhouse, and indicates that their father's parents were

Julie Fürth, née Weill, and David Fürth; and their grandmother's death certificate indicating her maiden name was Weill and her husband's name was David Fürth. Claimant [REDACTED 1] indicated that she was born on 16 July 1944 in Saint-Etienne, and Claimant [REDACTED 2] indicated that he was born on 21 April 1948 in Mulhouse.

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

The Bank's records consist of four customer cards and printouts from the Bank's database. According to these records, Account Owner D. Fürth resided at 35, rue du Sauvage in Mulhouse, France. The Bank's records indicate that Account Owner D. Fürth originally held one custody account, one demand deposit in Swiss Francs, one demand deposit account in French Francs, all numbered 4396, and one passbook account, numbered 3222. The Bank's records also indicate that these accounts were opened on 16 November 1921 and that Account Owner D. Fürth granted a power of attorney to his accounts to his wife, Julie Furth, née Weil, on 15 August 1924. According to the Bank's records, some time after 15 August 1924, Account Owner D. Fürth held only one demand deposit account in Swiss Francs, and one demand deposit account in Pounds Sterling.

The Bank's records indicate that Account Owner D. Fürth's accounts, namely the demand deposit account in Swiss Francs and the demand deposit account in Pounds Sterling, were transferred to Account Owner Julie Furth no later than 22 February 1929. According to the Bank's records, Account Owner Julie Furth was *Madame* (Mrs.) Julie Furth, née Weil, who resided in Mulhouse at 35, rue du Sauvage. The Bank's records indicate that accounts held by Account Owner Julie Furth were numbered 34092, and that on an unknown date, Account Owner Julie Furth ordered the Bank to change her customer relationship from named accounts into numbered accounts. The Bank's records further indicate that Account Owner Julie Furth granted power of attorney to her accounts to Camille and Albert Furth. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") determined that Camille and Albert Furth used the same address as the Account Owners.

According to the Bank's records, the two demand deposit accounts held by Account Owner Julie Furth were closed on 24 March 1941. The Bank's records do not indicate the values of those accounts on the date of their closure. There is no evidence in the Bank's record that Account Owner Julie Furth, the Power of Attorney Holders or their heirs closed the accounts and received the proceeds themselves.

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

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), 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 Claimants' claims in one proceeding.

#### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Their grandparents' names, country, and city of residence all match the published names, country, and city of residence of the Account Owners. The Claimants identified their grandmother's maiden name which matches published information about Account Owner Julie Furth. The Claimants also identified the marital relationship between the Account Owners, whose names were published separately, which matches unpublished information about the Account Owners contained in the Bank's records. The Claimants also identified their father's name, which matches the published name of one of the Power of Attorney Holders.<sup>1</sup>

In support of their claims, the Claimants submitted documents, including Claimant [REDACTED 1]'s birth certificate which indicates that Jacques Albert Fürth was her father; the Claimants' parent's marriage and death certificates which indicate their father's name and city of birth as Mulhouse, and indicate that their father's parents were Julie Fürth, née Weill, and David Fürth. These documents provide independent verification that the persons claimed to be the Account Owners and Power of Attorney Holder had the same names as the persons claimed to be the Account Owners and Power of Attorney Holder; the Claimant's father's birth certificate provides independent verification of the connection to Mulhouse which is the same town listed in the Bank's records as the residence of the Account Owners; and the Claimant's grandmother's death certificate also provides independent verification of the marital status of the Account Owners.

The CRT notes that the other claims to these accounts were disconfirmed because these claimants provided a different name, and/or city, and/or country of residence, and/or different spouse's name, than that of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owners.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Julie Furth was a Victim of Nazi Persecution. The Claimants stated that Account Owner Julie Furth was Jewish and that she fled in 1943 to the unoccupied zone of France governed by the Vichy Regime to avoid Nazi persecution.

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<sup>1</sup> The CRT notes that while the Claimants did not identify the other Power of Attorney Holder, Camille Furth, given the identification of unpublished information and the substantial documents submitted by the Claimants, the CRT concludes that this does not effect the overall identification of the Account Owners as the Claimants' grandparents.

### The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents demonstrating that the Account Owners were their grandparents. These documents include Claimant [REDACTED 1]'s birth certificate which indicate that Jacques Albert Fürth as her father; and the Claimants' father's marriage and death certificates which indicate that his parents were Julie Fürth, née Weill, and David Fürth.

### The Issue of Who Received the Proceeds

Regarding the accounts held by Account Owner D. Fürth, given that Account Owner D. Fürth died in 1928, and that his accounts were transferred to Account Owner Julie Furth, the CRT has concluded that Account Owner Julie Furth received the proceeds of these accounts.

Regarding the two demand deposit accounts held by Account Owner Julie Furth, given that the accounts were closed in 1941 which was nearly one year after the invasion of France by the German Nazis; that in order to avoid Nazi persecution Account Owner Julie Furth fled with her children in 1943 to the unoccupied zone of France governed by the Vichy Regime, where she remained until her death in 1944; that there is no record of the payment of Account Owner Julie Furth's accounts to her or her heirs; that Account Owner Julie Furth's heirs would not have been able to obtain information about her 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), (h) and (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to Account Owner Julie Furth, the Power of Attorney Holders or their 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their grandparents, and those relationships justifies an Award. Finally, the CRT has determined that regarding the accounts held by Account Owner Julie Furth, it is plausible that neither Account Owner Julie Furth, the Power of Attorney Holders nor their heirs received the proceeds of these accounts.

### Amount of the Award

In this case, Account Owner Julie Furth held two demand deposit accounts. 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 a demand deposit account was 2,140.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue was 4,280.00 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 53,500.00 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, as is the case here, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2], as the grandchildren of the Account Owners, are each entitled to receive one-half 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 Fürther 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  
6 February 2004