

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 Accounts of Hugo Fürth

Claim Number: 218215/AY

Award Amount: 42,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Hugo Fürth (the “Account Owner”) at the Lugano branch of the [REDACTED] (the “Bank”). On 7 March 2002, the Court approved the Award of one of the Account Owner’s three accounts.¹ The CRT did not reach a decision regarding the two additional accounts, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of these accounts. This Award is the result of the further consideration of whether the Account Owner received the proceeds of the two additional accounts.

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, Hugo Fürth, who was born on 27 February 1888 in Glogau, Germany, and was married to [REDACTED], née [REDACTED], on 20 October 1921 in Berlin-Tempelhof, Germany. The Claimant indicated that Hugo and [REDACTED] Fürth had two children, the Claimant and [REDACTED], née [REDACTED], whom the Claimant is representing. The Claimant stated that her father, who was Jewish and held a German citizenship, was an attorney at law and a notary public in Berlin. According to the Claimant, her father had a Ph.D. in Law and thus used the title “Dr.” The Claimant stated that her father lived at Berlinerstrasse 3/4 in Berlin-Tempelhof. The Claimant further stated that her father was persecuted by the Nazis because he was Jewish, and was unable to work as a notary public after 1933. According to the Claimant, her father fled to Australia in September 1938. The Claimant stated that her father was stateless from 1939 until 1945, when he became a naturalized Australian citizen. The Claimant indicated that her father died in Rome

¹ See In re Account of Hugo Fürth (approved on March 7, 2002).

in 1956. In support of her claim, the Claimant provided various documents, including her parents' birth, marriage and death certificates, and their wills, which identifies the Claimant as their daughter. Moreover, the Claimant provided her father's certificate of naturalization. The Claimant also submitted her own birth certificate, indicating she is the daughter of Hugo Fürth. The Claimant indicated that she was born on 23 August 1922 in Berlin and that her sister, [REDACTED], née [REDACTED], was born on 15 May 1928 in Berlin.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Hugo Fürth who resided in Lugano, Switzerland, and Berlin, Germany. The Bank's record indicates that the Account Owner held a demand deposit account and a safe deposit box, numbered 396. According to the Bank's record, the demand deposit account was closed on 10 June 1933 and the safe deposit box was closed on 20 July 1933, both unknown by whom. The amount in the accounts on the dates of their closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts 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 published name and city of residence of the Account Owner. The Claimant stated that her father held the title "Dr.," which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that in support of her claim, the Claimant also provided various documents, including her parents' birth, marriage and death certificates, and their wills, which identifies the Claimant as their daughter. Moreover, the Claimant provided her father's certificate of naturalization. The Claimant also submitted her own birth certificate, indicating she is the daughter of Hugo Fürth. Finally, the CRT notes that there are no other claims to these accounts.

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 lived in Berlin until 1938. The Claimant further stated that her father was unable to practice as a notary public after 1933, and that he was forced to flee Germany in September 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her own birth certificate indicating she is the daughter of Hugo Fürth, and by submitting her

parents' birth, marriage and death certificates, as well as their wills, indicating that the Claimant and her sister are the Account Owner's only children and sole heirs.

The Issue of Who Received the Proceeds

In evaluating whether the Account Owner or his heirs received the proceeds of these two accounts, the CRT took into account the facts of the opening of the Account Owner's accounts on unknown dates and their closing in 1933, and considered that: the Nazis had embarked on a campaign in 1933 to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; the Account Owner was prevented from working as a notary public after 1933 and remained in Germany until 1938, and thus would not have been able to repatriate his account to Germany without its confiscation. Based on these factors, indicating a practical inability to receive the proceeds of his accounts during the period in which the Account Owner lived in Germany before he fled, and the application of Presumptions (a), (h) and (j),² which assume such a result in this context, 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 the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one safe deposit box.³ 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, and the average value of a safe deposit box was 1,240.00 Swiss Francs. Consequently, the total historical value of the demand deposit account and of the safe deposit box was 3,380.00 Swiss Francs in 1945. 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 42,250.00 Swiss Francs.

² These Presumptions are provided for in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), as set forth in the attached Appendix A and in Appendix C to the Rules. Appendix C appears on the CRT II website -- www.crt-ii.org.

³ As stated above, the Court approved the Award of a third account on 7 March 2002.

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 decedents of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her sister, [REDACTED], née [REDACTED], 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
August 20, 2003