

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Emanuel Menachem Neumann
also acting on behalf of Judith Kalman

in re Accounts of Fritz Neumann

Claim Number: 400280/MI¹

Award Amount: 37,125.00 Swiss Francs

This Certified Award is based upon the claim of Emanuel Menachem Neumann (the “Claimant”) to the published accounts of Fritz Neumann (the “Account Owner”) at the Basel 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 father, Fritz (Friedrich) Chananja Bedrich Neumann, who was born on 15 May 1902 in Podivin-Kostel, Czechoslovakia (now the Czech Republic), and was married to Edith Rosenberger on 31 January 1934 in Bratislava, Czechoslovakia (now Slovakia). The Claimant indicated that his father, who was Jewish, lived with his family in Milan, Italy until 1938, when they fled to Bratislava following the increase of anti-Semitic sentiment in Nazi-allied Italy. The Claimant indicated that his father survived the Second World War and that he passed away in Israel in 1974, leaving the Claimant and his sister, whom he represents, as his sole heirs.

In support of his claim, the Claimant submitted copies of: (1) his father’s correspondence, dated in 1959, indicating that his name was Fritz Neumann; (2) his parents’ marriage certificate, indicating that Friedrich Neumann and Edita Rosenberger were married on 31 January 1934, that Friedrich Neumann was born on 15 May 1902 in Podivin-Kostel, and that they were Jewish; (3) his own birth certificate, indicating that Emanuel Neumann was born on 26 January 1935 in Bratislava, and that his parents were Friedrich Neumann and Edita Rosenberger, and that they were Jewish; (4) his sister’s birth certificate, indicating that Judita Neumann was born on 23 January 1947 in Bratislava, and that her parents were Bedrich Neumann and Edita Rosenberger,

¹ Emanuel Neumann (the “Claimant”) submitted one additional claim, which is registered under the Claim Number 400278. The CRT will treat this claim in a separate determination.

and that they were Jewish; (5) his father's death certificate, indicating that Chananja Neumann was born on 15 May 1902 and died on 20 July 1974 in Kiriat-Benjamin, Israel; and (6) his father's court-ordered inheritance document, dated 17 November 1974, indicating that Chananja Neumann died on 20 July 1974, and that his children, Judith Kalman, née Neumann, and Menachem Neumann, were each entitled to half of his property.

The Claimant indicated that he was born on 26 January 1935 in Bratislava. The Claimant is representing his sister, Judith Kalman, née Neumann, who was born on 23 January 1947, also in Bratislava.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Fritz Neumann, who resided in Milan, Italy. The Bank's record indicates that the Account Owner held a demand deposit account and a savings/passbook account, numbered 50422. The Bank's record indicates that the demand deposit account and savings/passbook account 50422 were closed on 14 August 1939 and 3 January 1939, respectively. The amounts in the accounts on the dates of their closure are 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. The Claimant's father's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted copies of documents, including his father's correspondence, his parents' marriage certificate and his own birth certificate,² providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. The CRT notes that the name Fritz Neumann appears only once on the List of Account Owners Published in 2005 (the "2005 List"). The CRT further notes that the other claim to these accounts was disconfirmed because that claimant provided a different country of residence than the country of residence of 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

² The CRT notes that Fritz is a variation of Friedrich.

Persecution. The Claimant stated that the Account Owner was Jewish, and that he lived with his family in Nazi-allied Italy until 1938, when they fled to Czechoslovakia to avoid persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he and his represented party are related to the Account Owner by submitting specific information and documents, demonstrating that the Claimant and his represented party are the children of the Account Owner. These documents include copies of: his own birth certificate, indicating that Emanuel Neumann's father was Friedrich Neumann; his sister's birth certificate, indicating that Judita Neumann's father was Bedrich Neumann; and his father's court-ordered inheritance document, indicating that Chananja Neumann's children were Judith Kalman, née Neumann, and Menachem Neumann. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the demand deposit account and savings/passbook account 50422 were closed on 14 August 1939 and 3 January 1939, respectively, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the accounts were closed, that the Account Owner fled his country of origin due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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) 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 and the party he represents. 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one savings/passbook 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 (“SF”) and the average value of a savings/passbook account was SF 830.00. Thus, the combined 1945 average value for the two accounts at issue is SF 2,970.00. 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 SF 37,125.00.

Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner’s will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, the Claimant submitted a copy of his father’s inheritance document, indicating that Chananja Neumann’s children, Judith Kalman, née Neumann, and Menachem Neumann, were each entitled to half of his property. Accordingly, the Claimant and his sister, represented party Judith Kalman, are each entitled to 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
21 December 2007