

CLAIMS RESOLUTION TRIBUNAL

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

**Certified Award
upon Request for Reconsideration**

to Claimant [REDACTED]
represented by Stephen M. Harnik

in re Account of Victor Treumann

Claim Number: 501719/RS

Award Amount: 96,250.00 Swiss Francs

This Certified Award upon Request for Reconsideration is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Victor (Viktor) Treumann (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

In a decision dated 31 October 2007, the Claimant was informed that the CRT had been unable to identify any accounts in the Account History Database, which was prepared pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP”), belonging to Victor (Viktor) Treumann. In a letter dated 25 January 2008, the Claimant’s representative requested reconsideration of that decision. The Claimant’s representative wrote that the CRT’s decision did not consider records from the Austrian State Archive that had been submitted by the Claimant with her claim form and that indicate that Victor Treumann held an account at the Bank.

The CRT has re-examined the Claimant’s claim form and has determined that the records from the Austrian State Archive were overlooked in its initial decision. This award reverses the previous decision and addresses the account held by Victor Treumann that is identified in those records.

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 maternal grandfather, Victor (Viktor) Treumann, who was born on 11 February 1872 in Bamberg, Germany, and was married to [REDACTED], née [REDACTED].

The Claimant indicated that Victor Treumann, who was Jewish, was a director of the *M. Treumann und Sohn A.G* malt factory in Trnava, Slovakia. The Claimant explained that Viktor Treumann had one child, namely the Claimant's mother, [REDACTED], who was born on 20 March 1905. The Claimant stated that Victor Treumann died on 17 November 1938 in Trnava, Slovakia.

In support of her claim, the Claimant submitted copies of: (1) the expired passport of Victor Treumann and [REDACTED], née [REDACTED], indicating that Victor Treumann was a *Malzfabrikant* (owner of a malt factory), that he was born on 11 February 1872, and that he lived in Vienna; (2) the expired passport of [REDACTED], née [REDACTED], indicating that she lived in Vienna; (3) the birth certificate of [REDACTED], indicating that she was born on 17 May 1922 in Vienna, that her parents were [REDACTED] and [REDACTED], and that she was Jewish; (4) the expired passport of [REDACTED], indicating that she was born on 17 May 1922, and that she resided in Vienna; (5) the United States Certificate of Naturalization of [REDACTED]; and (6) the certificate of marriage of [REDACTED] and [REDACTED], indicating that they were married on 17 March 1946 in New York, and that [REDACTED] was born on 17 May 1922 in Austria, and that her parents were [REDACTED] and [REDACTED].

The Claimant also submitted copies of Austrian State Archive records regarding Victor Treumann, which are further described below.

The Claimant indicated that she was born on 17 May 1922 in Vienna, Austria.

Information Available in the Bank's Records

The CRT notes that 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") did not report an account belonging to Victor Treumann during their investigation of the Bank. The documents evidencing an account belonging to Victor Treumann were obtained from the Austrian State Archive and are further described below.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Victor Treumann, numbered 36356. These documents include Victor Treumann's asset registration, signed by Victor Treumann¹ on 12 July 1938 in Vienna; correspondence between Victor Treumann and the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property (*Vermögensverkehrsstelle* or "VVSt.") and

¹ In his asset declaration, the spellings "Viktor" and "Victor" both appear. The declaration is signed using the spelling "Victor Treumann." In this decision, the CRT adopts the spelling used in the documents cited.

between the VVSt. and the *Reichsbank* central office in Vienna (*Reichsbankhauptstelle Wien*); and notices regarding flight tax (*Reichsfluchtsteuer*) assessed against Victor Treumann.

According to his asset declaration, Victor Treumann was born on 11 February 1872, was married to [REDACTED], née [REDACTED], and was an official of the malt factory *M. Treumann & Sohn A.G.* in Trnava (Tyrnau), Czechoslovakia (today Slovakia). The declaration indicates that he maintained residences both at Pötzleinsdorferstrasse 3 in Vienna, and in Trnava.

In his asset declaration, Victor Treumann declared assets he held at banks in Austria, Germany, Holland, England, and Switzerland. Specifically, Victor Treumann indicated that he held assets at the Bank in Zurich, with a value as of 27 April 1938 of 7,700.00 Swiss Francs (“SF”). The records do not indicate the type of account that Viktor Treumann held at the Bank. The records do not contain any specific information about the disposition of this account.

In a letter dated 21 September 1938 from Victor Treumann to the VVSt., Victor Treumann responded to a notice he had received requiring him to report to the VVSt. in Vienna. He explained that it was impossible at that time for him to leave Trnava, that he had never held employment in Austria or earned income in Austria, and that since 1894, he had maintained his primary residence in Trnava.

In a letter from the *Reichsbank* central office in Vienna) to the VVSt., dated 14 October 1938, the *Reichsbank* informed the VVSt. that Viktor Treumann and his brother, [REDACTED], had not followed the orders of the *Reichsbank* to offer their foreign securities for sale to the *Reichsbank*, with the explanation that they were foreigners with regard to the foreign exchange (“*Devisenausländer*”), and that Viktor Treumann had submitted confirmation from officials in Trnava that stated that he resided in Slovakia since 1894. The *Reichsbank* noted that both Viktor and [REDACTED] were citizens of the Reich and directors of the malt factory *M. Treumann & Sohn A.G.* in Trnava. It explained it was suspected that the company was directed from Vienna, and that the two brothers had resided mainly in Vienna. It noted further that their names appeared in older versions of [Viennese] telephone books. The letter concluded by requesting the VVSt. to examine the brothers’ status, because the assets could be of considerable value.

In a letter to the Foreign Exchange Office (“*Devisenstelle*”) in Vienna from the VVSt., dated 20 October 1938, the VVSt. in turn requested the Foreign Exchange Office to advise it whether the brothers Viktor and [REDACTED] were exempt from the foreign exchange regulations. The files do not contain any further documents regarding this issue.

According to the flight tax assessments included in the file, Viktor and [REDACTED] Treumann were first assessed flight tax on 15 July 1939. Subsequent assessments, altering the amount of flight tax payable, were prepared on 13 December 1939, 14 May 1940, and 24 July 1940. The final flight tax assessment, dated 24 July 1940, indicates that the Treumanns owed flight tax of 149,748.00 Reichsmark (“RM”), based upon total assets held by the Treumanns of RM 598,993.00.

According to a memorandum dated 10 June 1941 to the Vienna Property Registry working group (“*Arbeitsgruppe Vermögensanmeldung*”), the Gestapo (“*Geheime Staatspolizei*”) had been given

instructions to confiscate all property belonging to Viktor and [REDACTED] for the benefit of the Reich (“*zu Gunsten des ‘Deutschen Reiches’ beschlagnahmt*”) following the revocation of their citizenship (“*Ausbürgerung*”).

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s grandfather’s name and cities and countries of residence match the unpublished name and cities and countries of residence of the Account Owner.

In support of her claim, the Claimant submitted documents, including the expired passport of Victor Treumann and [REDACTED], providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in one of the same towns recorded in the Austrian State Archive records as the name and city of residence of the Account Owner.

The Claimant also submitted a sample of his grandfather’s signature, which matches the signature contained in the Account Owner’s 1938 Census declaration.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Viktor Treumann, and indicates that his date of birth was 11 February 1872, that he resided in Vienna and Trnava, and that his spouse was [REDACTED], which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account.

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, that he resided in Austria after its incorporation into the Reich in March 1938 (the “*Anschluss*”), and that he died on 17 November 1938 in Czechoslovakia. The CRT notes that the Account Owner was forced to register his assets pursuant to the 1938 Census. These 1938 Census records indicate that Victor Neumann was assessed flight tax, and that his assets were seized for the benefit of the German Reich.

As noted above, a person named Viktor Treumann was included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant’s grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Austrian State Archive records; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of the expired passport of Victor Treumann. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of her own birth certificate and her own marriage certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Vienna. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT's precedent indicates that it is plausible in such situations that the proceeds of the account ultimately were confiscated by the Nazi regime; that the Account Owner reported the accounts in the 1938 Census; that the Austrian Archive records indicate that all of the Account Owner's assets were seized for the benefit of the Reich in 1941; that the Account Owner died in November 1938; and given the application of Presumptions (d) and (h), 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 grandfather, 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 account.

Amount of the Award

In this case, the Account Owner held one account of an unknown type. According to Victor Treumann's asset declaration, the value of the account as of 27 April 1938 was SF 7,700.00. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 96,250.00.

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
30 May 2008