

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Barry Steven Friedman

in re Accounts of Irma Friedmann

Claim Number: 402253/DE

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Barry Steven Friedman (the “Claimant”) to the account of Alfred Kessler.¹ This award is to the published accounts of Irma Friedmann (the “Account Owner”) at the Zurich 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 paternal grandmother, Irma (Erma) Friedmann, née Kessler, who was born on 18 August 1889 in Vienna, Austria, and was married to Isidor (Isidore) Friedmann on 25 March 1909 in Hungary. The Claimant stated that his grandmother and grandfather, who were Jewish, had two children: Johanna Friedmann and Eugene (Eugen) Jack Friedmann (Friedman) (the Claimant’s father). The Claimant indicated that his grandmother perished in the Holocaust.

The Claimant submitted several documents in support of his claim, including copies of: 1) Eugene Friedmann’s birth certificate, indicating that the Jewish Religious Community of Znojmo, Czechoslovakia (now the Czech Republic), confirmed that Eugen Friedmann was born on 26 January 1912 to Isidor Friedmann and Irma Friedmann, née Kessler; 2) Johanna Friedmann’s marriage certificate, indicating that she married Alfred Freund on 25 March 1939, that they were both Jewish, and that Johanna was the daughter of Isidor Friedmann and Irma Friedmann, née Kessler, of Vienna; 3) Eugen Jack Friedmann and Magda Klopstock’s Jewish marriage contract, indicating that they were married on 27 March 1949 in Brooklyn, New York, the United States; 4) the Claimant’s own birth certificate, indicating that Barry Steven Friedman

¹ In a separate decision, the CRT awarded the account of Alfred Kessler to the Claimant. See *In re Account of Alfred Kessler* (approved on 18 December 2008).

was born on 27 December 1953 to Eugene Jack Friedman and Magdalena Friedman, née Klopstock, of Czechoslovakia; and 5) Eugene Friedman's death certificate, indicating that he was born on 26 January 1912 in Czechoslovakia to Erma and Isidore Friedman, that he was the husband of Magda Friedman, née Klopstock, and that he passed away on 2 July 1991.

The Claimant indicated that he was born on 27 December 1953 in Brooklyn, the United States.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Irma Friedmann, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held two demand deposit accounts, one of which was a foreign currency account denominated in Austrian Schillings.

The Bank's record indicates that the Schilling-denominated demand deposit account was opened in April 1935 and closed on 20 October 1935. The records also indicate that the demand deposit account denominated in Swiss Francs was opened in 1932 and closed on 31 March 1938. The amount held in each of the accounts on the dates of their closure is unknown. With respect to the account closed on 31 March 1938, there is no evidence in the Bank's record that the Account Owner or her heirs closed this account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal grandmother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including Eugen Friedmann's birth certificate, Johanna Friedmann's marriage certificate, and Eugene Friedman's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant's paternal aunt, Johanna Freund, in 1969, which indicates that Irma Friedmann, née Kessler (Kassler), was born on 18 August 1889 in Vienna and resided in Vienna; that she was married and was a housewife; and that she perished in December 1941 en route to Minsk, to which she was deported by the Nazis. The database also contains a deportation record regarding Irma Friedmann, who was born on 18 August 1889 and resided in Vienna, and indicates that she was deported from Vienna to Riga, Latvia, on 3 December 1941. All of this information 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 the name Irma Friedmann appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”).

The CRT notes that the other claims to these accounts were disconfirmed because those claimants 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 Persecution. The Claimant stated that the Account Owner was Jewish, and that she perished in the Holocaust. As noted above, a person named Irma Friedmann was included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant’s paternal grandmother. These documents include Eugen Friedmann’s birth certificate, indicating that he was the son of Irma Friedmann; the Claimant’s birth certificate, indicating that Barry Steven Friedman was the son of Eugene Jack Friedman and Magdalena Friedman, née Klopstock; and Eugene Friedman’s death certificate, indicating that he was the son of Erma and Isidore Friedmann, and that he was the husband of Magda Friedman, née Klopstock. Finally, the CRT notes that the Claimant also identified information which matches information contained in the Yad Vashem records.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the demand deposit account which held foreign currency was closed on 20 October 1935. The CRT notes that this account was closed prior to the incorporation of Austria into the German Reich in March 1938 (the “*Anschluss*”). Accordingly, the CRT concludes that this account was closed properly and that the Account Owner received the proceeds of the account herself.

The Bank’s record indicates that the demand deposit account denominated in Swiss Francs was closed on 31 March 1938, following the *Anschluss*. Given that the Account Owner was deported and perished in the Holocaust; that there is no record of the payment of the Account Owner’s account to her; that the Account Owner’s heirs would not have been able to obtain information about the account after the Second World War from the Bank due to the Swiss banks’ practice of withholding or misstating account information in their response 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the proceeds of the Swiss Franc demand deposit account were not paid to the Account Owner or her heirs.

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 his paternal grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the account denominated in Swiss Francs.

Amount of the Award

The Account Owner held one demand deposit account that was closed following the *Anschluss*. 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 ICEP, in 1945 the average value of a demand deposit account was 2,140.00 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 SF 26,750.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 May 2009