

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Arthur Freud

Claim Number: 210409/AX

Award Amount: 98,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of [REDACTED].¹ This Award is to the unpublished accounts of Arthur Freud (the “Account Owner”), over which [REDACTED] (“Power of Attorney Holder Freud”) and [REDACTED] (“Power of Attorney Holder Guggenheim”) (together the “Power of Attorney Holders”) held power of attorney, at the Zurich branch of [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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his father, Arthur Freud, who was born in 1882 in Uhersky Brod in Moravia, Czechoslovakia, and was married to [REDACTED], née [REDACTED], who was born in 1881 in Napajedla, Moravia. In a telephone conversation with the CRT on 22 February 2005, the Claimant indicated that his parents, who were Jewish, were married in a small town next to Uhersky Brod in 1908. According to the Claimant, his father was a professor at a university, and later moved to teach in Trieste, Italy. The Claimant indicated that in 1918, his parents moved from Trieste to Vienna, Austria, where his father taught at the University of Vienna. The Claimant indicated that his family fled Austria in 1939 to Palestine to escape Nazi persecution. The Claimant indicated that his mother died in 1957, and that his father died in 1973, both in Jerusalem, Israel. The Claimant

¹ The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

submitted his birth certificate indicating that his parents were Professor Arturo (Arthur) Freud and [REDACTED]. The Claimant indicated that he was born on 14 June 1914 in Italy.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998 asserting his entitlement to a Swiss bank account owned by Franz Wolf, and indicating that his parents were Arthur and [REDACTED] Freud.

Information Available in the Bank's Records

The Bank's records consist of two power of attorney forms signed in Zurich on 30 March 1938 and 13 September 1938, two signature sample cards, a letter from the Account Owner, and printouts from the Bank's database. According to these records, the Account Owner was Professor Arthur Freud and the Power of Attorney Holders were [REDACTED], the Account Owner's wife, and [REDACTED]. The Bank's records indicate that the Account Owner held two accounts, numbered 95 and 210, the types of which are not indicated. The Bank's records indicate that the Account Owner wrote to the Bank on 8 June 1938 from Brno, Czechoslovakia, requesting the Bank to hold all correspondence. The Bank's records do not show when the accounts at issue were closed nor do these records indicate the value of these accounts.

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 find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holders or their heirs closed the accounts and received the proceeds themselves.

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 Arthur Freud, numbered 31841, and [REDACTED], numbered 31842. According to these records, Professor Arthur Freud was born on 12 November 1882 and was married to [REDACTED], née [REDACTED], who was born on 27 April 1881. The records show that Arthur and [REDACTED] Freud held Czechoslovak citizenship and resided at Hegergasse 9 in Vienna III. The records indicate that Arthur Freud held insurance policies worth a total of 11,842.00 Reichsmark ("RM"). The records further indicate that Arthur Freud returned to Czechoslovakia on 29 December 1938. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's parents' names match the unpublished names of the Account Owner and Power of Attorney Holder [REDACTED]. The Claimant identified the Account Owner's title, which matches unpublished information contained in the Bank's records. The Claimant indicated that his parents were originally from Czechoslovakia, which is consistent with information in the 1938 Census records and with unpublished information in the Bank's records that the Account Owner was in Brno at one point.

In support of his claim, the Claimant submitted documents, including his birth certificate indicating that his parents were Professor Arturo Freud and [REDACTED], providing independent verification that the persons who are claimed to be the Account Owner and Power of Attorney Holder [REDACTED] had the same names recorded in the Bank's records as the names of the Account Owner and Power of Attorney Holder [REDACTED].

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 that he and his wife fled Austria to Palestine to escape Nazi persecution.

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 father. These documents include his birth certificate, indicating that his parents were Arturo Freud and [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner and Power of Attorney Holder Freud fled Austria in December 1938; that there is no record of the payment of the Account Owner's accounts to him nor any record of dates of closure of the accounts; 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 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, 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 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two accounts of unknown type. 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 an account of unknown type was 3,950.00 Swiss Francs ("SF"). Thus, the total 1945 average value of the accounts at issue is SF 7,900.00. 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 98,750.00.

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 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
12 May 2005