

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to the Estate of Claimant [REDACTED]<sup>1</sup>

**in re Account of Eugen Friedländer**

Claim Number: 220321/BW<sup>2</sup>

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Eugen Friedländer (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>3</sup>

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 relative Eugen (Jenö) Friedländer who was the son of his maternal great-great-uncle. The Claimant stated that his relative, who was an Austrian national, resided in Vienna, Austria. Subsequent to the Claimant’s death, the Claimant’s son [REDACTED] submitted additional information and documents, which indicate that Jenoe Friedländer, who was Jewish, was the son of the Claimant’s maternal great-great-uncle [REDACTED], who was the brother of the Claimant’s maternal great-grandfather, [REDACTED]. The Claimant’s son further indicated that Jenoe Friedländer was born in Szólnok, Hungary on 4 December 1881; that he was married to [REDACTED]; and that the couple resided in the Floridsdorf neighborhood of Vienna, with their three children: [REDACTED], born on 2 April 1908 in Floridsdorf; [REDACTED], born on 19

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<sup>1</sup> On 29 March 2002 the Claimant’s son, [REDACTED], informed the CRT that Claimant [REDACTED] passed away on 18 October 2001. The Claimant’s son submitted the Claimant’s death certificate.

<sup>2</sup> [REDACTED] submitted two additional claims, which are registered under the Claim Numbers 220322 and 220323. In separate decisions, the CRT awarded the accounts of Albert Friedländer and the accounts of Lucie Friedländer and Valerie Friedländer to the Claimant. See *In re Accounts of Albert Friedländer* (approved on 31 December 2003) and *In re Accounts of Lucie Friedländer and Valerie Friedländer* (approved on 18 November 2004).

<sup>3</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Eugen Friedländer is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account.

March 1909 in Floridsdorf; and [REDACTED], born on 18 October 1910 in Floridsdorf. Finally, the Claimant indicated that Eugen Friedländer and his family perished in the Holocaust.

In support of his claim, the Claimant and his son submitted the following documents:

- (1) birth records from the Jewish Community of Vienna (*Israelitische Kultusgemeinde Wien*), which indicate that Jenö Friedländer was married to [REDACTED] and that the couple resided in the 21<sup>st</sup> District of Vienna (Floridsdorf), with their three children: [REDACTED], born on 2 April 1908 in Floridsdorf; [REDACTED], born on 19 March 1909 in Floridsdorf; and [REDACTED], born on 18 October 1910 in Floridsdorf;
- (2) birth records from the Szólnok Jewish Community, which indicate that Jenö Friedlaender was born on 4 December 1881 in Szólnok to [REDACTED] and [REDACTED];
- (3) marriage records from the Szólnok marriage register, which indicate that [REDACTED], aged 28 years, of Güssing, Austria-Hungary (Németújvár in Hungarian), married [REDACTED] on 29 April 1869 and resided in Szólnok;
- (4) Jewish registration records from the archives of Szombathely, Hungary, dated 1848, which indicate that [REDACTED] and [REDACTED], of Németújvár, were the parents of five children, including [REDACTED], age ten, and [REDACTED], age eight;
- (5) a letter from an official at the Vas County archives in Szombathely, which indicates that [REDACTED], son of [REDACTED] and [REDACTED], was married to [REDACTED], on 8 April 1861 and were the parents of [REDACTED], who was born on 4 October 1864;
- (6) a document from the Royal Hungarian Ministry of Internal Affairs, dated 12 June 1939, which indicates that [REDACTED] was Jewish; that she was born on 4 October 1864 in Németújvár; and that her father's name was [REDACTED];
- (7) a marriage certificate, which indicates that [REDACTED] was Jewish; that she was born on 22 May 1884 in Szólnok and was the daughter of [REDACTED]; and that she was married in Budapest, Hungary on 28 May 1911 to [REDACTED], who was Jewish, and was born on 17 June 1883;
- (8) a death certificate, which indicates that [REDACTED] (the Claimant) was born on 4 April 1921 to [REDACTED] and [REDACTED] in Budapest, and died in Budapest on 18 October 2001;
- (9) a birth certificate, which indicates that [REDACTED] (the Claimant's son) was born on 12 October 1953 to [REDACTED] and [REDACTED]; and

The Claimant indicated that he was born on 4 April 1921 in Budapest.

### **Information Available in the Bank's Records**

The Bank's records consist of printouts from the Bank's database. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of copies of bank ledger entries. According to these records, the Account Owner was General Director ("*Generaldir.*") Eugen Friedländer, who

resided in Vienna, Austria. The Bank's records further indicate that the Account Owner held one custody account numbered 5357, that was opened on 16 July 1925, and closed on 20 May 1938.

The Bank's records do not show to whom the accounts were paid, nor do these records indicate the value of these accounts. There is no evidence in the bank records 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's relative's name, city and country of residence match the published name, city and country of residence of the Account Owner.<sup>4</sup> In support of this claim, the Claimant's son submitted documents, including birth records from the Jewish Community of Vienna (*Israelitische Kultusgemeinde Wien*), which indicate that Jenoe Friedlaender resided with his wife and children in the Floridsdorf neighborhood of Vienna, which provides independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the name Eugen Friedländer 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 further notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified 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 perished, with his family, in the Holocaust. The Claimant's son also submitted specific documents and information, which indicate the Account Owner and his family were Jewish.

### 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 son of the Claimant's maternal great-great uncle. These documents include: birth records, which indicate that Jenö Friedländer was born to [REDACTED] and [REDACTED]; registration records from the archives of Szombathely, which indicate that [REDACTED] and [REDACTED], of Némétújvár, were the parents of five children, including [REDACTED] and [REDACTED]; a

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<sup>4</sup> The CRT notes that Jenö (Jenoe) is the Hungarian variation for Eugen.

letter from the archives in Szombathely, which indicates that [REDACTED], son of [REDACTED] and [REDACTED], was married to [REDACTED], and was the father of [REDACTED]; a document from the Royal Hungarian Ministry of Internal Affairs, which indicates that [REDACTED] father's name was [REDACTED]; a marriage certificate, which indicates that [REDACTED] was the daughter of [REDACTED], and was married to [REDACTED]; a death certificate, which indicates that [REDACTED] (the Claimant) was born to [REDACTED] and [REDACTED]; and a birth certificate, which indicates that the Claimant's son [REDACTED] was born to [REDACTED] and [REDACTED]

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

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 20 May 1938, which was after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*").

Given that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account 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 (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 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 the son of his maternal great-great uncle, 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 custody 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 custody account was 13,000.00 Swiss Francs ("SF"). 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 162,500.00.

**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 claims 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  
19 December 2007