

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant Henry Freeman¹
represented by Tirza Freeman

and to Claimant Herbert Freeman

in re Accounts of Leo Friedmann

Claim Numbers: 400772/SI; 400195/SI

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of Dr. Herbert Freeman (“Claimant Herbert Freeman”) and Henry (Heinrich) Freeman (“Claimant Henry Freeman”) (together the “Claimants”) to the published accounts of Leo 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 Claimants

The Claimants, who are siblings, submitted substantially similar Claim Forms in 2005, identifying the Account Owner as their father, Leo Friedmann, who was born on 24 January 1887 in Lübeck, Germany, and was married to Johanna Esther Friedmann on 31 May 1920 in Nuremberg, Germany. The Claimants indicated that their father, who was Jewish, worked as a physician in Frankfurt am Main, Germany from 1920 until 1935. The Claimants further indicated that, after experiencing harassment in Nazi Germany, their father emigrated to the United States in 1936. Finally, the Claimants indicated that their father died in the United States on 21 December 1970, and that their mother died on 23 January 1981, also in the United States.

In support of their claims, the Claimants submitted documents, including their parents’ marriage certificate, indicating that Dr. Leo Friedmann, who resided in Frankfurt am Main, was married to Johanna Esther Friedmann on 31 May 1920; their father’s German and American medical licenses, indicating that Leo Friedmann completed his requisite medical exams in Germany in 1912, and that he was granted a medical license by the State of New York, the United States, on 17 July 1936; the Claimants’ birth certificates, indicating that Herbert and Heinrich Friedmann

¹ The CRT notes that Claimant Henry Freeman passed away in November 2005.

were born to Dr. Leo and Johanna Friedmann in Frankfurt am Main. In a telephone conversation with the CRT on 13 February 2006, Tirza Freeman, the widow and legal representative of Claimant Henry Freeman, and the sister-in-law of Claimant Herbert Freeman, indicated that the Claimants changed their names from “Friedmann” to “Freeman” after emigrating to the United States. Tirza Freeman subsequently also submitted a copy of the order, issued by a court in Albany, New York, dated 23 December 1947, which authorized Henry Freeman’s change of name. Claimant Henry Freeman indicated that he was born on 28 September 1922 in Frankfurt am Main. Claimant Herbert Freeman indicated that he was born on 13 December 1925 in Frankfurt am Main.

Information Available in the Bank’s Record

The Bank’s record consists of a customer card. According to this record, the Account Owner was *Dr. med.* (medical doctor) Leo Friedmann, who resided in Frankfurt am Main, Germany. The Bank’s record indicates that the Account Owner held one custody account, numbered L 41695, and one demand deposit account. The Bank’s record indicates that the demand deposit account was closed on 10 August 1933, and that the custody account was closed on 11 August 1933. The amounts in the accounts on the dates of their closures 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

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants’ father’s name matches the published name of the Account Owner. The Claimants identified the Account Owner’s title, city and country of residence, which matches unpublished information about the Account Owner contained in the Bank’s record.

In support of their claims, the Claimants submitted documents, including their parents’ marriage certificate, indicating that Dr. Leo Friedmann, who resided in Frankfurt am Main, was married to Johanna Esther Friedmann, and their father’s German and American medical licenses, indicating that Leo Friedmann was authorized to practice medicine in both countries, providing independent verification that the person who is claimed to be the Account Owner had the same name and title, and that he resided in the same city recorded in the Bank’s record as the name, title and city of residence of the Account Owner. The CRT notes that the other claims to these

accounts were disconfirmed because those claimants provided different cities and countries of residence than the city and country of residence of the Account Owner, and because those claimants failed to identify the Account Owner's professional title.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he lived in Nazi Germany until 1936, when he and his family fled to the United States.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimants' father. These documents include their birth certificates, indicating that Herbert and Heinrich Friedmann were born to Leo and Johanna Friedmann. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner lived and faced persecution and harassment in Nazi Germany until 1936; that there is no record of the payment of the Account Owner's accounts to him; 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 (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A and Appendix C),² 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their father, and this 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.

² Appendix C appears on the CRT II website -- www.crt-ii.org.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit 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”), and the average value of a demand deposit account was SF 2,140.00. Consequently, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 189,250.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimants, who are siblings, are the children of the Account Owner. Accordingly, Claimant Henry Freeman and Claimant Herbert Freeman are each entitled to one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
6 May 2006