

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Account of J. Froelich

Claim Numbers: 216670/AZ, 772884/AZ, 778286/AZ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Oskar Fröhlich² and the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Israel Fröhlich.³ This Award is to the unpublished account of J. Froelich (the “Account Owner”) at the Lugano branch of the [REDACTED] (the “Bank”).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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his paternal grandmother, Helena (Jelena) Fröhlich (Frölich), née Moskovic, who was born on 10

¹ Claimant [REDACTED 2] did not submit a Claim Form to the CRT. However, in 1999 he submitted two Initial Questionnaires (“IQs”), numbered ENG-0104123 and ENG-0319183, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 772884 and 778286, respectively.

² In a separate decision, the CRT awarded the accounts of Oskar Fröhlich to Claimant [REDACTED 1]. See *In re Accounts of Oskar Fröhlich* (approved on 10 December 2004).

³ The CRT did not locate an account belonging to Israel Fröhlich (Froelich) 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”).

January 1889 and was married to [REDACTED] in 1912. Claimant [REDACTED 1] indicated that his grandparents, who were Jewish, lived in Zagreb, Yugoslavia (now Croatia), where his grandfather owned a tannery and other businesses, and had three children: [REDACTED], who was born in 1913 in Zagreb; [REDACTED] (Claimant [REDACTED 1]'s father), who was born on 25 April 1915 in Zagreb; and [REDACTED]. Claimant [REDACTED 1] further indicated that his grandfather's businesses were seized in 1942 and that the family was forced to live in the outskirts of Zagreb. According to Claimant [REDACTED 1], his grandparents then fled to Metlika in the Italian occupation zone (today part of Slovenia), where they were captured by the Italian authorities and imprisoned until the end of the Second World War in a camp in Alba, Italy. According to Claimant [REDACTED 1], his grandparents returned to Zagreb in August 1945 and his grandfather and grandmother died there in 1962 and 1969, respectively. Finally, Claimant [REDACTED 1] indicated that he is his grandparents' only surviving heir as he has no siblings, his father died in 1982, and his father's siblings died childless.

In support of his claim, Claimant [REDACTED 1] submitted copies of documents, including: 1) the birth certificate of Helena Moskovic, indicating that she was born on 10 January 1889 and containing a notation indicating that she was married to [REDACTED] on 1 May 1912; 2) the birth certificate of [REDACTED], indicating that he was born on 25 April 1915 and that his parents were [REDACTED] and Helena Frohlich, née Moskovic; 3) his own birth certificate, indicating that [REDACTED 1] was born on 27 November 1947 in Zagreb and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; 4) the death certificate of [REDACTED], dated in 1962 in Zagreb, indicating that he was born on 8 December 1881 and that he was married to Jelena Fröhlich, née Moskovic; 5) the death certificate of Helena Fröhlich, née Moskovic, dated in 1969 in Zagreb, indicating that she was born on 10 January 1889 and that she was the widow of [REDACTED]; 6) the death certificate of [REDACTED], dated in 1982 in Zagreb, indicating that she was born on 25 April 1915 and that his parents were [REDACTED] and Helena Fröhlich; 7) an inheritance certificate related to his father's estate, indicating that [REDACTED] was born on 25 April 1915, that he died on 14 April 1982, and that his heirs were his son, [REDACTED 1], and his wife, [REDACTED]; 8) the death certificate of [REDACTED], née [REDACTED], indicating that she died on 22 September 1998 in Zagreb; and 9) an inheritance certificate relating to his mother's estate indicating that [REDACTED], née [REDACTED], died on 22 September 1998 and that her son, [REDACTED 1], is her sole heir.

Claimant [REDACTED 1] indicated that he was born on 27 November 1947 in Zagreb.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted two Initial Questionnaires ("IQs") identifying the Account Owner as his mother, Johana Fröhlich, who was married to [REDACTED]. Claimant [REDACTED 2] indicated that his parents, who were Jewish, lived in Warsaw, Poland, where his father owned a fur company. Claimant [REDACTED 2] further indicated that in 1939 they fled to Krakow, Poland and then to Lvov, Poland (now Lviv, the Ukraine). According to Claimant [REDACTED 2], his family's assets in Warsaw and Krakow were looted by the Nazis between 1939 and 1940. Finally, Claimant [REDACTED 2] indicated that his parents perished at the hands of the Nazis in 1943 in Winnice, the Ukraine.

Claimant [REDACTED 2] indicated that he was born on 17 July 1921.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was J. Froelich. These records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated, which held a balance of 178.65 Swiss Francs ("SF") as of 20 March 1998. 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") indicated that the account was suspended by the Bank and that it remains open and dormant.

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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimant's relatives' names match the unpublished first initial and surname of the Account Owner.⁴ The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than a first initial and surname.

In support of his claim, Claimant [REDACTED 1] submitted documents, including his grandfather's death certificate and his own birth certificate providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's records as the first initial and surname of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s grandmother and Claimant [REDACTED 2]'s mother are not the same person. However, given that the Claimants have identified all unpublished information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that

⁴ The CRT notes that the Germanic character "ö" is transliterated as "oe" and therefore determines the surname Frölich to be the equivalent of the surname Froelich. Furthermore, the CRT notes that documents submitted by Claimant [REDACTED 1] indicate alternative spellings of his relatives' names, including "Jelena" and "Frölich." Finally, the CRT also notes that while Claimant [REDACTED 2] indicated in his IQs that his parents' surname was "Fröhlich," Claimant [REDACTED 2] spells his own last name "Froelich." Accordingly, the CRT deems it plausible that a spelling variation of Claimant [REDACTED 2]'s mother's surname was "Froelich."

Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that her husband's businesses were seized, that she was forced to leave the city center of Zagreb in 1942, and that she was imprisoned in a camp by the Italian authorities until the end of the Second World War.

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that she fled Warsaw in 1939, and that she perished at the hands of the Nazis in 1943.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s grandmother. These documents include Claimant [REDACTED 1]'s birth certificate and inheritance certificates related to his parents' estates, indicating that Claimant [REDACTED 1]'s father was [REDACTED]; the birth certificate of [REDACTED], indicating that his mother was Helena Frohlich and his father was [REDACTED]; the birth certificate of Helena Moskovic with a notation indicating that she was later married to [REDACTED]; and [REDACTED]'s death certificate, indicating that his wife was Jelena. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s mother. The CRT further notes that Claimant [REDACTED 2] identified unpublished information about the Account Owner as contained in the Bank's records; and that Claimant [REDACTED 2] identified the relationship between the Account Owner and Claimant [REDACTED 2] without the publication of her name in connection with a Swiss bank account. 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 Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Initial Questionnaires.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains open and dormant.

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, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his

grandmother and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was his mother, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 20 March 1998 was SF 178.65. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 905.00, which reflects standardized bank fees charged to the account between 1945 and 1998. Consequently, the adjusted balance of the account at issue is SF 1,083.65. According to Article 29 of the Rules, if the amount in an unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] is entitled to one-half of the 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
29 May 2007