

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Oskar Fröhlich

Claim Number: 216670/MG

Award Amount: 76,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Oskar Fröhlich (the “Account Owner”) at 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal grandfather, Oskar Fröhlich, who was born on 8 December 1881 in Karlovac, Croatia and was married to [REDACTED], née [REDACTED], in 1912. The Claimant indicated that [REDACTED] and [REDACTED] had three children, [REDACTED], [REDACTED] (the Claimant’s father), and [REDACTED]. The Claimant stated that his grandfather was a very wealthy businessman who lived in Zagreb and owned several companies there including *The Karlovac Tannery*, *Helios Kd Karlovac* (later *Helios d.d., Zagreb*), and *Bisernica, Zagreb* which dealt in the leather and wood industries. According to the Claimant, his grandfather was ordered to move to Drziceva, near Zagreb in 1941 because he was Jewish and that his grandfather’s companies and his assets were confiscated in the beginning of 1942. Subsequently his grandfather fled to Metlika, which was an area occupied by Italy. The Claimant stated that his grandfather returned to Zagreb after the Second World War in August 1945 and died there on 10 January 1962. The Claimant indicated that he was born on 27 November 1947 in Zagreb.

The Claimant submitted documents in support of his claim, including his birth certificate and those of his grandparents and father.

Information Available in the Bank's Records

The Bank's records consist of two *Pfand-Bestellung* forms (pledge of assets as collateral), dated 28 January 1929 and 27 July 1931, and printouts from the Bank's database. According to these records, the Account Owners were Oskar Fröhlich and [REDACTED], who resided in Zagreb, Yugoslavia.

The Bank's records indicate that the Account Owners held two accounts, one of unknown type and a time deposit account held in Pound Sterling (£). According to the form signed on 28 January 1929, the Account Owners pledged their Sterling time deposit account at the Bank to secure a line of credit and listed their address under the company name *Croatia Holzindustrie Aktiengesellschaft* ("Croatia Wood Industry Corporation") in Zagreb. There are two additional signatures on the form, those of [REDACTED] and [REDACTED], dated 28 January 1929, but the document does not indicate their relationship to the Account Owners.

The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, 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. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified Account Owner Oskar Fröhlich. The Claimant's grandfather's name and city and country of residence match the published name and city and country of residence of one of the Account Owners.

Additionally, the Claimant stated that the Account Owner was a businessman who dealt in the wood industry, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including his grandfather's birth and death certificates, providing 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. Even though the Claimant did not provide the exact name of his grandfather's business as shown in the Bank's records and he did not provide the name of the additional Account Owner, the CRT finds it plausible that the Claimant could not have known specific details regarding his grandfather's business dealings, as the Claimant was only a child when his grandfather died.

The CRT 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 one of the Account Owners.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Oskar Fröhlich was a Victim of Nazi Persecution. The Claimant stated that Account Owner Oskar Fröhlich was Jewish, was forced to move from Zagreb in 1941, and his companies and assets were confiscated in 1942.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to Account Owner Oskar Fröhlich by submitting specific information and documents, demonstrating that Account Owner Oskar Fröhlich was the Claimant's grandfather. These documents include his own and his father's birth certificate, the latter listing Oskar Fröhlich as the father of the Claimant's father. There is no information to indicate that Account Owner Oskar Fröhlich has other surviving heirs.

The Issue of Who Received the Proceeds

Given that Account Owner Oskar Fröhlich was forced to move outside Zagreb and was not able to return there until after the Second World War; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their 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 Owners 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 Account Owner Oskar Fröhlich was his grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held one account of an unknown type and a time 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs (“SF”), and the value of a time deposit account (defined as “other type of account” pursuant to Article 29 of the Rules) was SF 2,200.00. Thus, the 1945 total average value of the accounts is SF 6,150.00. 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 76,875.00.

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
10 December 2004