

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Accounts of Leo Fürst

Claim Number: 500038/AH

Award Amount: 205,725.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], né [REDACTED], (the “Claimant”) to the accounts of Leo Fürst (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 uncle, Leo Fürst, who was born on 22 July 1873, in Vienna or Baden, Austria, and who was not married. The Claimant stated that his father, [REDACTED], and his uncle were siblings. The Claimant further stated that his uncle was a director and that he lived at Maria Theresien-Strasse 16/14 in Vienna from 1914 to 31 May 1938, and at Schottenring 15 in Vienna from April 1938 to 24 June 1938. According to the Claimant, his uncle was arrested by the *Gestapo* several days after the Nazis occupied Austria (the *Anschluss*) and was imprisoned from 19 March 1938 to May 1938 in the Rossauerlände jail in Vienna. The Claimant explained that after 24 June 1938, his uncle fled Austria for Nice, France, via Switzerland, where he lived from July 1938 until his death in Nice on 20 January 1941.

In support of his claim, the Claimant submitted various documents including a family tree; a letter from the city of Vienna, dated 28 November 2001, indicating his uncle’s parents’ and siblings’ dates of birth; a report by the *Gestapo*, dated 1938, indicating the Claimant’s uncle’s place of birth as Baden bei Wien and his profession as director of petrol companies (*Direktor der Mineralölfirmen*); a notarized statement, dated 17 December 2001, stating that the Claimant’s

father, [REDACTED], died on 20 May 1968, and that the Claimant is his father's only child; his uncle's correspondence with Nazi authorities, dated May 1938 and June 1938, concerning his "flight tax" (*Reichsfluchtsteuer*); a letter from the Swiss law firm [REDACTED], dated 24 June 1997, regarding [REDACTED]'s failure to successfully locate any information regarding his uncle's accounts; and his uncle's death certificate indicating that he was unmarried. The Claimant is being represented by his attorney, [REDACTED]. The Claimant indicated that he was born on 16 April 1913 in Berlin, Germany.

Summary of the Nazi Correspondence

The Claimant's uncle's correspondence with Nazi authorities in Vienna concerning his "flight tax" (*Reichsfluchtsteuer*) contains a letter to the *Reichsbankhauptstelle*, dated 30 May 1938, in which Leo Fürst mentioned that he owned an account of unknown type (*Bankguthaben*) at the Zurich branch of the Bank worth 1,318.00 Swiss Francs. In another letter, dated 21 June 1938, Leo Fürst repeated the information given to the "flight tax department" (*Reichsfluchtsteuerstelle*) on 31 May 1938, and indicated that his account (*Guthaben*) at the Zurich branch of the Bank carried a balance of 715.00 Swiss Francs as of 21 June 1938. In this letter, Leo Fürst stated that his account in Zurich had not been confiscated (*die Guthaben in Hassberg und Zürich [sind] nicht beschlagnahmt worden*). This correspondence further indicated that Leo Fürst's total assets as of 1 January 1938 were 112,571.00 Reichsmarks. These documents show that among the securities owned by Leo Fürst were *Swiss Federal Railway* bonds 1899/1902, 3.5% worth 6,231.00 Swiss Francs; *Bank für elektronische Unternehmungen Zürich* bonds 1931, 4.5% worth 5,400.00 Swiss Francs; *Internationale Bodenkreditbank Basel* bonds 1931, 6% worth 3,512.50 Swiss Francs; *Austrian Federal International* bonds 1930, 7% worth 6,300.00 Swiss Francs; and *City of Vienna* bonds 1931, 4% worth 4,925.00 Swiss Francs; for a total value of 26,368.50 Swiss Francs. There is no indication as to where these securities were held. There are also two documents entitled "confiscated securities" (*Beschlagnahmte Wertpapiere*) and lists securities held in Austrian Schillings. Finally, the Vienna tax administration determined on 4 June 1938 that Leo Fürst, Schottenring 15, Vienna I, had to pay a "flight tax" of 28,142.00 Reichsmarks.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Leo Fürst who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held one custody account, numbered L 42483, which was closed on 30 March 1939, and one demand deposit account, which was opened on 10 November 1929 and closed on 31 March 1939. The opening date of the custody account is not legible. The amount in the accounts on the dates of their closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His uncle's name matches the published name of the Account Owner. The Claimant identified his uncle's country and city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted various documents including a family tree; a letter from the city of Vienna administration dated 28 November 2001 indicating his uncle's, his uncle's siblings, and his paternal grandparents' dates of birth; his uncle's death certificate indicating that he was unmarried; his uncle's correspondence with Nazi authorities concerning his "flight tax" (*Reichsfluchtsteuer*), dated May 1938 and June 1938; and a report by the *Gestapo*, dated 1938, identifying his uncle's place of birth as Baden bei Wien and his profession as Director of petrol companies (*Direktor der Mineralölfirmeri*). These documents provide 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 record as the name and residence of the Account Owner. The Claimant also submitted a letter from the Swiss law firm [REDACTED], dated 24 June 1997, regarding [REDACTED]'s failure to successfully locate any information regarding his uncle's accounts, which demonstrates that the Claimant was aware that his uncle held a bank account in Switzerland prior to the publication of 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 "List"). The CRT notes that the name Leo Fürst appears only once on the List. Furthermore, the CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different first or last name and/or a different country of residence than the name and country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

In addition, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Leo Fürst, and indicates that he was domiciled in Vienna and Nice, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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, that he was arrested by the *Gestapo* several days after the *Anschluss* and incarcerated for approximately two months, and that he fled from Vienna to Nice, where he died in 1941.

As noted above, a database containing the names of victims of Nazi persecution includes a person named Leo Fürst.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, including a family tree, a letter from the city of Vienna indicating his uncle's, father's, and grandparents' names and dates of birth, a notarized statement identifying the Claimant as the only child of [REDACTED], and correspondence between the Account Owner and Nazi authorities, demonstrating that Leo Fürst was his uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Regarding the account of unknown type identified in the correspondence between the Account Owner and Nazi authorities, as well as the custody and demand deposit accounts identified in the Bank's records and closed in 1939, the facts of this case are similar to other cases that have come before the CRT in which, after the *Anschluss*, Austrian citizens who are Jewish report their assets in the 1938 census, and, subsequently, their accounts are closed and are transferred to Nazi-controlled authorities. This was part of a Nazi campaign to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time

In the case of the account of unknown type for which the time of closing is unknown but, as noted above, the account was noted in Nazi correspondence, given that the CRT's precedent indicates that it is plausible in such situations that the account proceeds were paid to the Nazis, and the application of Presumptions (a) and (j) contained in Appendix A,¹ of the Rules Governing the Claims Resolution Process (the "Rules"), the CRT concludes that it is plausible that the account proceeds of the account of unknown type identified in the correspondence between the Account Owner and Nazi authorities were not paid to the Account Owner or his heirs.

With respect to the custody account and demand deposit account that were closed in 1939 after the Account Owner had fled to France, given that the Account Owner was arrested and imprisoned for two months shortly after the Nazis invaded Austria and was likely forced to give over his account information; given that the Account Owner's correspondence with the Nazi authorities indicated that he held at least one Swiss bank account and that it is therefore plausible that the Nazis learned about the existence of all of the Account Owner's Swiss accounts; and given the application of Presumptions (f) and (j) contained in 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 determining whether or not Account Owners or their heirs received the proceeds of their accounts.

¹ An expanded version of Appendix A appears on the CRT website -- www.crt-ii.org.

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 uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the account of unknown type.

Amount of the Award

With regard to the account of unknown type, the correspondence between the Account Owner and Nazi authorities indicates that the value of the account of unknown type as of 30 May 1938 was 1,318.00 Swiss Francs. 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 an amount of 16,475.00 Swiss Francs.

With regard to the custody account and the demand deposit account, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here with respect to both accounts, the average value of the same or 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 a custody account was 13,000.00 Swiss Francs and the average value of a demand deposit account was 2,140.00 Swiss Francs. The current values of these amounts are calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of 189,250.00 Swiss Francs. Consequently, the total award amount is 205,725.00 Swiss Francs.

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.