

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Paul Gutfreund, Charlotte Gutfreund, and Fritz Gutfreund

Claim Number: 208775/AA¹

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Paul Gutfreund, Charlotte Gutfreund, and Fritz Gutfreund (together the “Account Owners”) 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 and an Initial Questionnaire identifying one of the Account Owners as her father, Paul Gutfreund, who was Jewish and was born in Vienna, Austria. Paul Gutfreund was married to [REDACTED], née [REDACTED], in Vienna on 10 February 1920. The Claimant stated that her father’s parents were [REDACTED] and [REDACTED]. According to the Claimant, her father worked at leather retail shops at Mariahilferstrasse 12, 44, and 69 in Vienna and lived at Lindengasse 28 in Vienna before the Second World War. The Claimant explained that her father perished in Vienna in 1941, and that she was sent on a *Kindertransport* to England on 6 June 1939. The Claimant stated that her mother, who had escaped Austria, was in Shanghai, China, and she joined her mother there in 1940. The Claimant explained that, before she was transported to England in 1939, her father told her that he had assets in a bank in Switzerland. The Claimant indicated that she was born on 15 June 1926 in Vienna and is being represented by [REDACTED].

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 200427 and 208775. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 208775.

Information Available in the Bank Records

The bank records consist of a list of dormant accounts and documentation from the Swiss Clearing Office in Zurich (*Schweizerische Verrechnungsstelle, Abteilung für die Liquidation deutscher Vermögenswerte*). According to these records, the Account Owners were Paul Gutfreund, who resided at Lindengasse 28 and used an address at Mariahilferstrasse 69, and Charlotte Gutfreund and Fritz Gutfreund, both of whom used the same address at Mariahilferstrasse 69. The bank records indicate that the Account Owners held a demand deposit account that was numbered 61570. The records indicate that the account was frozen on 17 February 1945 in the Swiss freeze of German assets with a balance of 326.00 Swiss Francs. The account was unfrozen on 14 June 1955, when it had a balance of 266.00 Swiss Francs. According to the records, on 7 September 1959 the account was included on a list to be considered for the 1962 Survey, which required Swiss banks to register any assets that had been dormant since 9 May 1945 that were held by foreigners who were known or presumed to have fallen victim to religious, racial, or political persecution. The records show that on 2 December 1963 the account was transferred to a suspense account, which is a grouping of open and dormant accounts, with a balance of 236.00 Swiss Francs. The account remains open and dormant.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Paul Gutfreund, numbered 6420. According to these records, Paul Gutfreund was born on 25 August 1896, and was married to [REDACTED], née [REDACTED]. Paul and [REDACTED] Gutfreund lived at Lindengasse 28 in Vienna VII. There are additional documents relating to the assets of Charlotte Gutfreund and Fritz Gutfreund. The records indicate that Charlotte Gutfreund, who was born on 24 September 1869, was a widow and lived at Chwallagasse 2 in Vienna VI. According to the records, Fritz Gutfreund, who was born on 18 April 1899, lived at Richtergasse 1a, Vienna VII and was married to [REDACTED], née [REDACTED]. The records indicate that Paul Gutfreund, Charlotte Gutfreund, and Fritz Gutfreund all worked as salespeople at a leather shop owned by [REDACTED] called *Mariahilfer Taschner* that was located at Mariahilferstrasse 69 in Vienna, and they all reported three accounts belonging to Paul Gutfreund, Charlotte Gutfreund, and Fritz Gutfreund. They did not indicate whether these accounts were held in Swiss banks. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified one of the Account Owners, Paul Gutfreund. Her father's name matches the published name of one of the Account Owners. The Claimant identified her

father's exact business and home addresses, which matches unpublished information about the Account Owner contained in the bank records and in the Austrian State Archives.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Paul Gutfreund, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that there are two other Account Owners listed in the bank documents. According to Article 31 of the Rules Governing the Claims Resolution Process (the "Rules"), in cases where a joint account is claimed by a relative of only one or some of the Joint Account Owners, it shall be presumed that the account was owned as a whole in equal shares by the Account Owners whose shares of the account have been claimed.

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 in Vienna in 1941, and his child was sent on a *Kindertransport* to England in 1939.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Paul Gutfreund, and indicates that he lived in Vienna, Austria, which matches the information about the Account Owner provided by the Claimant. There is no further information regarding Paul Gutfreund in the database. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is the daughter of the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a suspense account on 2 December 1963 and remains open and dormant today.

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 23 of the Rules. Second, the

Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the demand deposit account as of 17 February 1945 was 326.00 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 65.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1 January 1945 and 17 February 1945. Consequently, the adjusted balance of the account at issue is 391.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Initial Payment

In this case, the Claimant is age 75 or older and is therefore entitled to receive payment of 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she 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

December 27, 2002