

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Ruth Gutfreund

**in re Accounts of Fritz Gutfreund
and
Account of Paul Gutfreund
and
Accounts of Heinrich Bäuml**

Claim Numbers: 150040/MG; 150041/MG; 150042/MG^{1,2}

This Certified Denial is based on the claims of Ruth Lotte Gutfreund, née Karplus, (the Claimant) to the accounts of Fritz Gutfreund, Paul Gutfreund, Elsa Gutfreund, née Hoffmann, Emmanuel Burg and Mina Burg.³ The CRT did not locate accounts belonging to Emmanuel Burg or Mina Burg 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). This Denial is to the published accounts of Fritz Gutfreund (“Account Owner 1”), Paul Gutfreund (“Account Owner 2”), and Heinrich Bäuml (“Account Owner 3”) at the [REDACTED] (the “Bank”).

All denials 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 Claimant

The Claimant submitted Claim Forms asserting that her husband’s uncle, Fritz (or Bedrich or Frice) Gutfreund, who was born on 19 May 1881, and was never married, owned a Swiss bank account. The Claimant further asserted that her husband’s brother, Paul (Pavel) Gutfreund, who was born on 24 June 1908 in Brno, Czechoslovakia, and was married to Jana Gutfreund, née

¹ According to Article 37 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 Claimant in one proceeding.

² The Claimant submitted an Initial Questionnaire with the Court in 1999 and Claim Forms to the CRT. The CRT is treating the Initial Questionnaire and the Claim Forms under the consolidated Claim Numbers 150040, 150041 and 150042.

³ The CRT will treat the claim to the account of Elsa Gutfreund, née Hoffmann, in a separate decision.

Eisinger, on 28 October 1936 in Brno, owned Swiss bank accounts. The Claimant stated that Fritz Gutfreund, who was Jewish, was an eye doctor who worked and resided in Brno. The Claimant stated that Fritz Gutfreund was deported from Brno to Theresienstadt in 1941, and that in 1944 he was deported to Auschwitz, where he was murdered. The Claimant further stated that Paul Gutfreund, who was also Jewish, was an optician who worked and resided in Brno. The Claimant stated that Paul Gutfreund was deported from Brno to Theresienstadt in 1942, and that in 1944 he was deported to Auschwitz, where he was murdered.

The Claimant also stated that her relative, Heinrich Bäuml, who was married to Klara Bäuml, née Gutfreund, may also have owned a Swiss bank account. The Claimant stated that Heinrich Bäuml was the owner of a clay mine and factory in Zodau (Sadov), Czechoslovakia, that he resided in Nuremberg, Germany, and that he perished in a concentration camp. The Claimant indicated that she was born on 29 January 1922 in Bautsch, Czechoslovakia.

The Claimant submitted documents in support of her application, including: (1) her own birth certificate; (2) her husband's birth certificate; (3) Paul Gutfreund's birth certificate, which indicates that he was born in Brno; and (4) Paul Gutfreund's marriage certificate, which indicates that he was married in 1936 in Brno.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to accounts belonging to her relatives, Fritz Gutfreund, Paul Gutfreund and Heinrich Bäuml. The auditors who carried out the ICEP Investigation reported five accounts whose owners' names match those provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 5034675 and 5034676

The Bank's records indicate that Account Owner 1 was Fritz Gutfreund, and that Account Owner 2 was Paul Gutfreund, both of whom gave their address in Vienna, Austria. The Bank's records also indicate that Account Owner 1 was the sole owner of Account 5034676. The Bank's records further indicate Account Owner 1's, and Account Owner 2's street address in Vienna, and the name of another person who held Account 5034675 jointly with Account Owner 1 and Account Owner 2, and appears to be closely related to Account Owner 1 and Account Owner 2.

Accounts 5024851, 5033416 and 5033417

The Bank's records indicate that Account Owner 3 was Heinrich Bäuml, who resided in Bodenbach, Germany. The Bank's records also indicate Account Owner 3's other city of residence, his title, his profession, and the name and maiden name of his wife. Furthermore, the Bank's records indicate the date of closing of the accounts at issue. Finally, the Bank's records contain the Account Owner's signature.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Fritz Gutfreund and Paul Gutfreund. These records indicate Fritz Gutfreund's and Paul Gutfreund's dates of birth, the names of their spouses, and their home and business street addresses. The CRT notes that according to these records, Fritz Gutfreund and Paul Gutfreund had the same street address as the address of Account Owner 1 and Account Owner 2, as indicated in the Bank's records, and therefore concludes that they are the same people. Moreover, these records also contain documents concerning the person who held Account 5034675 jointly with Account Owner 1 and Account Owner 2, and show that this person was closely related to them.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

Identification of the Account Owners

As for Accounts 5034675 and 5034676, the CRT concludes that the Claimant has not identified Account Owner 1 or Account Owner 2 as her relative. Although the names of her relatives match the published names of Account Owner 1 and Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 1 and Account Owner 2 available in the Bank's records and from the information available in the Austrian State Archive's records. Specifically, the Claimant stated that her relatives worked and resided in Brno, Czechoslovakia, and provided their street addresses in Brno. In contrast, the Bank's records and the records from the Austrian State Archive show that Account Owner 1 and Account Owner 2 had a private and a business address in Vienna, Austria. Moreover, the Claimant stated that her relative, Fritz Gutfreund, was born in 1881 and was never married. In contrast, the records from the Austrian State Archive indicate that Account Owner 1 was born in a different year and that he was married. The Claimant stated that her relative, Paul Gutfreund, was born in 1908 and was married to Jana Gutfreund, née Eisinger. In contrast, the records from the Austrian State Archive indicate that Account Owner 2 was born in a different year and was married to someone else. In addition, the CRT notes that the Claimant did not identify the person who held Account 5034675 jointly with Account Owner 1 and Account Owner 2, although this person was closely related to them. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's relative, Fritz Gutfreund, are the same person, or that Account Owner 2 and the Claimant's relative, Paul Gutfreund, are the same person. Moreover, it should be noted that the CRT awarded the accounts to another claimant, who plausibly identified the Account Owner as her relative. All decisions are published upon release on the CRT's website at www.crt-ii-org.

As for Accounts 5024851, 5033416 and 5033417, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her relative matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in the Bank's records. Specifically, the Claimant stated that her relative was married to Klara Bäuml, née Gutfreund. In contrast, the Bank's records show that Account Owner 3 was married to someone else. The Claimant stated that her relative resided in Nuremberg, Germany, and owned a clay mine and factory in Zodau (Sadov) Czechoslovakia. In contrast, the Bank's records show that Account Owner 3 resided in Bodenbach, Germany, and in another city which was not identified by the Claimant and which is more than 200 kilometers away from Nuremberg. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's relative, are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
19 November 2004