

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2], [REDACTED 3],<sup>1</sup> [REDACTED 4],  
[REDACTED 5], [REDACTED 6], and [REDACTED 7]

**in re Accounts of Laci Freund & Herta Freund and  
Robert Siegmann-Altmann & Marianne Siegmann-Altmann**

Claim Numbers: 222955/HS; 222956/HS<sup>2</sup>

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (the “Claimant”) to the published accounts of Laci Freund and Herta Freund. This Award is to the published account of Laci Freund and Herta Freund (“Account Owners Freund”) at the Lausanne branch of the [REDACTED] (the “Bank”) and to the published account of Robert Siegmann-Altmann and Marianne Siegmann-Altmann (“Account Owners Siegmann-Altmann”) (together the “Account Owners”) at the Basel branch of the Bank.<sup>3</sup>

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 two Claim Forms identifying Account Owners Freund as his uncle, Laci [REDACTED], and his aunt, [REDACTED 2], formerly [REDACTED], née [REDACTED]. In

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<sup>1</sup> [REDACTED 1] (“Co-Claimant [REDACTED 1]”) submitted several documents written in Hebrew characters. For the purposes of this written decision, the CRT has transliterated the names appearing in these documents into Latin characters.

<sup>2</sup> The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 222958 and 222957, respectively. The CRT will treat the claims to these accounts in separate decisions.

<sup>3</sup> The CRT notes that on 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 “ICEP List”), the Account Owners are listed as owning one account each. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of three accounts: one account owned jointly by Account Owners Freund and two accounts owned jointly by Account Owners Siegmann-Altmann.

addition to other parties, the Claimant is representing [REDACTED 2] and [REDACTED 3] (“Co-Claimant [REDACTED 3]”), whom the Claimant identified as the daughter of [REDACTED 2] and Laci Freund. In telephone conversations with the CRT on 24 June 2002 and 13 May 2004, and in a letter to the CRT, dated 9 May 2004, Co-Claimant [REDACTED 3] provided additional information about her parents and identified Account Owners Siegmann-Altman as her maternal grandparents, Robert Siegmann and Marianne (or Mitzi) Siegmann, née Altman.

According to the information provided by the Claimant and by Co-Claimant [REDACTED 3], Co-Claimant [REDACTED 3]’s father, Laci Freund, was born in March 1902 in Budapest, Hungary, and her mother, [REDACTED 2], was born on 29 September 1912 in Vienna, Austria to Robert Siegmann and Marianne Siegmann, née Altman. The Claimant and Co-Claimant [REDACTED 3] also indicated that Co-Claimant [REDACTED 3]’s parents, who were Jewish, were married in approximately 1934 in Vienna, and that they later resided in Zagreb, Yugoslavia, where Laci Freund worked as an engineer for *Zagrebačka Tvornica Papira* (Zagreb Paper Factory), which belonged to his father. The Claimant also indicated that Laci Freund used the professional title *Ing.* Co-Claimant [REDACTED 3] explained that after Italy’s invasion of Albania in 1939, fearing what the next stages of the War would bring and fearing for their own fate as Jews, her parents left all of their belongings behind in Yugoslavia and fled to Palestine. The Claimant and Co-Claimant [REDACTED 3] indicated that Co-Claimant [REDACTED 3]’s parents divorced in approximately 1946, and that her mother, who remarried, subsequently changed her surname to [REDACTED]. The Claimant indicated that Laci Freund passed away in September 1986 in Tel Aviv, Israel. Co-Claimant [REDACTED 3] indicated that her mother currently resides in Tel Aviv.

Co-Claimant [REDACTED 3] stated that her grandparents were born in the 1880s in Vienna, Austria. Co-Claimant [REDACTED 3] further indicated that before the Second World War, her grandparents, who were Jewish, resided in Hietzing, Austria, and that her grandfather was a lawyer. Co-Claimant [REDACTED 3] indicated that she did not know whether her grandfather used a professional title. According to the information provided by Co-Claimant [REDACTED 3], after the “Anschluss” in 1938, her grandparents fled to France, where they survived the Second World War by living in hiding in a monastery near Paris. Co-Claimant [REDACTED 3] further stated that her grandparents returned to Vienna after the War, where her grandfather passed away in approximately 1960 and her grandmother in approximately 1970.

Co-Claimant [REDACTED 3] submitted her own identity card, indicating that her parents’ first names were [REDACTED] and Herta; her own birth certificate, indicating that her mother was Herta Freund, that her father was [REDACTED], an engineer from Yugoslavia, and indicating their Jewish faith; her own marriage certificate, dated 10 March 1961, likewise indicating that her parents were [REDACTED] and Herta Freund; and [REDACTED 2]’s identity card, indicating that she was born in Austria, and that her parents’ names were Robert and Maryana.

The Claimant indicated that he was born on 27 February 1925 in Zagreb, Croatia. Co-Claimant [REDACTED 3] indicated that she was born on 20 April 1940 in Tel Aviv. In addition to [REDACTED 2] and Co-Claimant [REDACTED 3], the Claimant is representing the following individuals: [REDACTED 4], who was born on 13 August 1904 in Zagreb, and who the

Claimant identified as his mother and as the sister of Laci Freund; [REDACTED 5], who was born on 19 February 1929 in Zagreb, and whom the Claimant identified as his brother and as the nephew of Laci and Herta Freund; [REDACTED 6], née [REDACTED], who was born on 13 October 1911, and whom he identified as his aunt and as the sister-in-law of Laci Freund; and [REDACTED 7], who was born on 28 September 1937 in Zagreb, whom the Claimant identified as his cousin and the nephew of Laci and Herta Freund.

### **Information Available in the Bank's Records**

The Bank's records consist of printouts from the Bank's database, a list, dated 31 December 1953, of dormant accounts booked to a suspense account, and a list of missing account owners created by the Bank in 1959 pursuant to an internal survey. According to these records, Account Owners Siegmann-Altmann were Dr. Robert Siegmann-Altmann and Marianne Siegmann-Altmann and Account Owners Freund were *Ing.* (engineer) Laci Freund and *Frau* (Mrs.) Herta Freund. These records further indicate that Account Owners Freund were the Power of Attorney Holders for Account Owners Siegmann-Altmann's accounts.

#### Account Owners Freund's Account

The Bank's records indicate that Account Owners Freund owned one demand deposit account. According to these records, the balance on the demand deposit account was 853.10 Swiss Francs ("SF") as of 31 December 1953 and SF 826.60 as of 24 June 1959. These records further indicate that the account was transferred to a suspense account for dormant assets no later than 24 June 1959. 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 at issue remains in the Bank's suspense account.

#### Account Owners Siegmann-Altmann's Accounts

The Bank's records indicate that Account Owners Siegmann-Altmann owned one custody account and one demand deposit account, both numbered 41813, which were opened on 17 October 1938.

The Bank's records do not show when these accounts were closed, or to whom they were paid, nor do these records indicate the value of these accounts. The auditors who conducted 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 Account Owners Siegmann-Altmann, the Power of Attorney Holders, or their heirs closed the accounts and received the proceeds themselves.

### **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 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Robert Siegmann, numbered 4255. The census form, dated 28 June 1938 in Vienna and bearing Dr. Robert Siegmann's signature, indicates that he was born on 9 May 1878, was married to Marianne Siegmann, née Altmann, and lived at Hügeltgasse 7 in Vienna XIII. The records further indicate that Dr. Robert Siegmann was a lawyer, and that his law firm was located at Taborstrasse 20 in Vienna II. These records show that Dr. Robert Siegmann held various assets and securities in Austrian and Czech banks, and that he owned life insurance policies in *Österreichische Versicherungs AG*, numbered 10,032.333 and 10,037.179. These records make no mention of Swiss bank accounts.

These records also contain a letter, dated 3 August 1938, from the Nazi authorities (*Vermögensverkehrsstelle*) to Dr. Robert Siegmann, requiring him to offer all his foreign securities for sale to the *Reichsbank* in Vienna. Additionally, the records contain a memorandum, dated 24 August 1938, from the *Vermögensverkehrsstelle* to *Reichsbank* offices in Berlin and Vienna, advising that Dr. Robert Siegmann had left Austria. The records also contain a copy of the back of an envelope, which bears a stamp from a post office in Vienna, dated 12 August 1938, and a handwritten notation stating that the addressee had left the country.

## **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 two claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant and Co-Claimant [REDACTED 3] have plausibly identified the Account Owners. Co-Claimant [REDACTED 3]'s parents' names match the published names of Account Owners Freund contained in the Bank's records, and her grandparents' names match the published names of Account Owners Siegmann-Altman<sup>4</sup> contained in the Bank's records and in the Austrian State Archives. Additionally, the Claimant identified Account Owner Laci Freund's professional title as *Ing.*, which matches unpublished information contained in the Bank's records.

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<sup>4</sup> The CRT notes that Account Owners Siegmann-Altman's names appear in the Bank's records as "Dr. Robert Siegmann-Altman and Marianne Siegmann-Altman," whereas the Austrian State Archives and Co-Claimant Reiner refer to "Robert Siegmann and Marianne Siegmann, née Altmann." However, the CRT determines that this variation is not substantial, considering that Marianne Siegmann's married and maiden names match individually to the Account Owners' hyphenated names and that the Bank's record for these accounts consists of a printout from an electronic database rather than an original document.

The CRT notes that unpublished information in the Bank's records indicates that Account Owner Robert Siegmann-Altmann used the professional title Dr., which matches the information contained in the records of the Austrian State Archives. Additionally, the records of the Austrian State Archives indicate that Dr. Robert Siegmann was a lawyer, which matches the information provided by Co-Claimant [REDACTED 3]. Furthermore, Co-Claimant [REDACTED 3] stated that her grandparents resided in Hietzing. The CRT notes that this is a neighborhood located in district XIII of Vienna, which is the same district as that shown as Dr. Robert and Marianne Siegmann's residence in the records of the Austrian State Archives. Furthermore, Co-Claimant [REDACTED 3] identified Account Owners Freund as the daughter and son-in-law of Account Owners Siegmann-Altmann, which is consistent with the fact that Account Owners Freund were the Power of Attorney Holders for Account Owners Siegmann-Altmann's accounts.

In support of these claims, Co-Claimant [REDACTED 3] submitted documents, including her own identity card, birth certificate and marriage certificate, and [REDACTED 2]'s identity card, providing independent verification that the people who are claimed to be the Account Owners had the same names, and in the case of Account Owner Laci Freund, the same profession, as the Account Owners. The CRT notes that the other claims to these accounts were disconfirmed because those claimants failed to identify unpublished information about the Account Owners, failed to identify one or more of the Account Owners, provided a different relationship between Account Owners Siegmann-Altmann than that indicated in the Austrian State Archives, and/or provided a different married name for Account Owner Herta Freund.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimant and Co-Claimant [REDACTED 3] have made a plausible showing that Account Owners Siegmann-Altmann and Account Owners Freund were victims of Nazi Persecution. Co-Claimant [REDACTED 3] indicated that after the "*Anschluss*," Account Owners Siegmann-Altmann, who were Jewish, fled to France, where they survived the Second World War by living in hiding in a Christian monastery near Paris. The CRT also notes that Account Owner Robert Siegmann filled out an Austrian census form, which the Nazi authorities required of those among the Jewish population of the Reich, including Austria, who held assets above a specified level.

Additionally, the Claimant and Co-Claimant [REDACTED 3] indicated that Account Owners Freund were Jewish, and Co-Claimant [REDACTED 3] submitted her own birth certificate, indicating her parents' Jewish faith. Co-Claimant [REDACTED 3] further indicated that Account Owners Freund fled from Yugoslavia to Palestine following Italy's invasion of Albania in 1939, by which time Account Owner Herta Freund's parents (*i.e.*, Account Owners Siegmann-Altmann) had already fled from Nazi-controlled Austria.

#### The Claimant's and Represented Parties' Relationship to the Account Owners

The Claimant and Co-Claimant [REDACTED 3] have plausibly demonstrated that [REDACTED 2] is Account Owner Herta Freund, that she is the daughter of Account Owners Siegmann-Altmann, and that Co-Claimant [REDACTED 3] is the daughter of Account Owners Freund, by

submitting specific information and documents, including Co-Claimant [REDACTED 3]'s identity card, birth and marriage certificates, and [REDACTED 2]'s identity card.

As indicated above, the Claimant identified himself as the nephew of Account Owners Freund. As additionally indicated above, the Claimant is representing [REDACTED 4], [REDACTED 5], [REDACTED 6], and [REDACTED 7], who the Claimant identified as relatives of Account Owners Freund. There is no information to indicate that the Account Owners have other surviving heirs other than the parties which the Claimant is representing.

### The Issue of Who Received the Proceeds

#### *Account Owners Freund's Account*

The auditors who conducted the ICEP Investigation indicated that Account Owners Freund's account was transferred to the Bank's suspense account, where it remains.

#### *Account Owners Siegmann-Altmann's Accounts*

The CRT notes that the Bank's records indicate that Account Owners Siegmann-Altmann's accounts were opened on 17 October 1938, at least two months after Account Owners Siegmann-Altmann fled from Austria to France. However, the CRT additionally notes that France was invaded by the Nazis on 12 May 1940, and that Account Owners Siegmann-Altmann survived the Second World War by living in hiding in a monastery near Paris. Given that Account Owners Siegmann-Altmann remained in hiding during the War; that there is no record of the payment of their accounts to them, or any record of a date of closure of the accounts; that Account Owners Siegmann-Altmann 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 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 Account Owners Siegmann-Altmann, the Power of Attorney Holders, 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 [REDACTED 2] and Co-Claimant [REDACTED 3]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Co-Claimant [REDACTED 3] and the Claimant have plausibly demonstrated that [REDACTED 2] is Account Owner Herta Freund, that she is the daughter of Account Owners Siegmann-Altmann, and that Co-Claimant [REDACTED 3] is the daughter of Account Owners Freund. Third, the CRT has determined that neither Account Owners Freund or their heirs received the proceeds of Account Owners Freund's account, and that it is plausible that neither Account Owners Siegmann-Altmann, the Power of Attorney Holders (*i.e.*, Account Owners Freund), or their heirs received the proceeds of Account Owners

Siegmann-Altmann's accounts. Further, the CRT notes that since [REDACTED 2] is Account Owner Herta Freund, and is also the daughter of Account Owners Siegmann-Altmann, and since Co-Claimant [REDACTED 3] is the daughter of Account Owners Freund, [REDACTED 2] and Co-Claimant [REDACTED 3] have a better entitlement to the accounts than: the Claimant [REDACTED 1], [REDACTED 5], and [REDACTED 7], who are the nephews of Account Owners Freund; and [REDACTED 4] and [REDACTED 6], who are the sister and sister-in-law, respectively, of Account Owners Freund.

#### Amount of the Award

##### Account Owners Freund's Account

In this case, Account Owners Freund held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 31 December 1953 was SF 853.10. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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, to produce an award amount of SF 26,750.00 for Account Owner Freund's account.

##### Account Owners Siegmann-Altmann's Accounts

In this case, Account Owners Siegmann-Altmann held one custody account and one demand 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 a custody account was SF 13,000.00 and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of these accounts was SF 15,140.00. 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 an award amount for Account Owners Siegmann-Altmann's accounts of SF 189,250.00.

#### Total Award Amount

Accordingly, the total award amount is SF 216,000.00.

#### Division of the Award

In this case, the Claimant represents [REDACTED 2], Co-Claimant [REDACTED 3], [REDACTED 4], [REDACTED 5], [REDACTED 6], and [REDACTED 7]. As discussed above, [REDACTED 2], as Account Owner Herta Freund and as the daughter of Account Owners Siegmann-Altmann, and Co-Claimant [REDACTED 3], as the daughter of Account Owners Freund, have a better entitlement to the accounts than do the other represented parties.

### Account Owners Freund's Account

According to Article 25(1) of the Rules, if an account is a joint account and claimants related to each of the Account Owners have submitted claims to the account, it shall be presumed that each Account Owner was the owner of an equal share of the account. Additionally, according to Article 23(1)(b) of the Rules, if the Account Owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and any descendants who have submitted a claim shall receive the other half in equal shares by representation. In this case, the CRT has determined that [REDACTED 2] is Account Owner Herta Freund. Additionally, since [REDACTED 2] and Account Owner Laci Freund were divorced in approximately 1946, [REDACTED 2] is not entitled to a share of Account Owner Laci Freund's share of the account. Accordingly, [REDACTED 2] and Co-Claimant [REDACTED 3] are each entitled to one-half of the total award amount for Account Owners Freund's account.

### Account Owners Siegmann-Altmann's Accounts

According to Article 23(1)(c), if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, [REDACTED 2] is entitled to the total award amount for Account Owners Siegmann-Altmann's accounts.

### **Scope of the Award**

The Claimant and the represented parties should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claims to determine whether there are additional Swiss bank accounts to which they may 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