

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Rudolf Bittmann

Claim Number: 208203/AA

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Rudolf Bittmann (the “Account Owner”) at the Zurich branch of 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 Initial Questionnaire identifying the Account Owner as his paternal grandfather, Rudolf Bittmann, who was born in Austria, and was married to [REDACTED]. According to the Claimant, his grandfather lived in Vienna, Austria, and when the Nazis annexed Austria in March 1938, his grandfather was deported to a concentration camp and was never heard from again. The Claimant stated that he does not know the fate of his grandmother, [REDACTED]. In a telephone conversation with the CRT on 19 February 2002, the Claimant stated that he changed the spelling of his last name from Bittmann to [REDACTED]. In support of his claim, the Claimant submitted a family tree, demonstrating that he is the grandson of Rudolph Bittmann. The Claimant stated that he was born on 12 February 1921 in Gorod, Romania.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED], who was born in 1896 and resided in Cluj, Romania. In his Initial Questionnaire, the Claimant stated that his father had a jewelry store in Cluj, where he also owned property and mailed “substantial amounts of money yearly from his business to a bank in Switzerland.” The Claimant further stated that his father was sent to Auschwitz by the Nazis, but was liberated in 1945.

Information Available in the Bank Records

The bank records consist of two account registry cards. According to these records, the Account Owner was Rudolf Bittmann of Vienna, Austria. The bank records indicate that the Account Owner held two accounts: a custody account, numbered L50438, that was closed on 14 April 1938; and a demand deposit account that was closed on 10 April 1938. The records do not show the value of these accounts, nor do the records indicate to whom these accounts were paid. There is no evidence in the bank records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandfather's name matches the published name of the Account Owner. In addition, the Claimant stated that his grandfather resided in Vienna, which matches unpublished information about the Account Owner contained in the bank records. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED], prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution ("ICEP" or "ICEP List"). This indicates that the Claimant had reason to believe that a close 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.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Rudolf Bittmann of Vienna, Austria, and indicates that his place of birth was Vienna, which matches the information provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that there are no other claims to these accounts.

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 was persecuted by the Nazis while living in Vienna during the Second World War. Specifically, the Claimant's grandfather was deported to a concentration camp and was never heard from again. As noted above, the CRT's database of victims includes a person named Rudolf Bittmann of Vienna, Austria and indicates that his place of birth was Vienna, which matches the information provided by the Claimant.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting a family tree demonstrating that the Account Owner was his grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The facts of this case are similar to other cases that have come before the CRT in which, after the March 13, 1938 *Anschluss*; the accounts of Austrian citizens who are Jewish are closed unknown to whom or are transferred to Nazi-controlled banks. Given these precedents, the Account Owner's death in a concentration camp, and the application of Presumptions (a), (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 Owner or his 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 the Account Owner was his grandfather, 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 claimed accounts.

Amount of the Award

In this case, the Account Owner 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 present value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the ICEP ("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, producing a total value of 15,140.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 181,680.00 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.

Claims Resolution Tribunal
April 24, 2003