

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Dr. Walter Friedrich and Evelyn Meyers

in re Accounts of Carl Bondy

Claim Number: 501616/CN

Award Amount: 325,000.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Carl Bondy (the “Account Owner”), over which Margarethe Bondy (“Power of Attorney Holder Margarethe Bondy”) and Wilhelm Bondy (“Power of Attorney Holder Wilhelm Bondy”) (together, the “Power of Attorney Holders”) held power of attorney, 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 an Initial Questionnaire identifying the Account Owner as his father, Carl (also known as Karel or Karl) Bondy, who was born on 25 March 1865 in Luze, Bohemia (today the Czech Republic), and was married to Margarethe Bondy on 29 January 1905 in Prague, Austria-Hungary (today the Czech Republic). The Claimant indicated that his father, who was Jewish, resided first in Prague, and later at two addresses in Vienna, Austria, including Theoboldgasse 15, between 1929 and 1938. The Claimant indicated that his father was the general partner of the company *Carl Bondy & Co.*, headquartered at Liniengasse 2A, Vienna VI. According to the Claimant, on 30 July 1938, approximately five months after the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), his family fled to Brno (Brünn), Czechoslovakia (today the Czech Republic). The Claimant indicated that subsequently, in 1941, his family fled to Switzerland, where the Claimant was held in various internment camps until December 1944, before he moved to Paris, France. The Claimant indicated that both his parents died in 1945 in Switzerland. The Claimant submitted: (1) an extract from the registry office (*Matrikelamt*) of the Jewish community (*Israelitische Kultusgemeinde*) in Vienna, confirming that the Claimant was born on 23 May 1908 in Vienna and that his parents were Karl and Margarethe Bondy; (2) copies of his and his father’s 1938 asset declarations from the Austrian State Archive, which are described further below; and (3) an

excerpt from the *Yearbook of Viennese Businesses, 1929 (Das Jahrbuch der Wiener Gesellschaft)*, indicating, among other things, that Carl Bondy was the owner of the export firm, *Carl Bondy & Co*, that he was married to Margarete [sic] Bondy, and that he had two sons, Willy (Wilhelm) and [REDACTED]. The Claimant indicated that he was born on 23 May 1908 in Vienna.

The Claimant previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself.

Information Available in the Bank’s Records

The Bank’s records consist of copies of an account opening card and a power of attorney authorization form. According to these records, the Account Owner was *Herr* (Mr.) Carl (Karel) Bondy,¹ and the Power of Attorney Holders were *Herr* (Mr.) Wilhelm Bondy and *Frau* (Mrs.) Margarethe Bondy. The account opening card indicates that Carl Bondy was domiciled in Prague and that mail was to be sent to Wilhelm Bondy at Theobaldgasse 15 in Vienna, Austria. The Bank’s records indicate that the Account Owner held one custody account, numbered 36210. The account customer card indicates that the account was closed on 8 August 1939. There is no evidence in the Bank’s records that the Account Owner, the Power of Attorney Holders or their heirs closed the account and received the proceeds themselves.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account (“Voluntary Assistance”). The Bank provided the CRT with additional documents. These documents include an account opening card, a power of attorney form and Bank correspondence. The account opening card indicates that a custody account, numbered 31447, was held in the name of *Carl Bondy & Co* which was located at Vienna V1, Liniengasse 2a. The power of attorney form, dated 15 August 1938, indicates that the Account Owner and the Power of Attorneys Holders resided in Brno, Czechoslovakia (today the Czech Republic). In a letter, dated 5 August 1938, the Bank informed Carl Bondy, who was then domiciled in Brno, that pursuant to his instructions, it had transferred the proceeds from the account in the name of *Carl Bondy & Co.* to his personal account.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, 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 Carl Bondy and Wilhelm Bondy.

¹ The CRT notes that the publication in February 2001 of the 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”) reported two accounts owned by Carl Bondy of Brno, Czechoslovakia, and one account owned by Karel Bondy of Vienna, Austria. Upon careful review, the CRT has concluded that that these two names refer to the same person, and that the Bank’s records evidence the existence of only two accounts.

The file concerning the assets of Carl (Karl) Bondy numbered 14048, indicates that he was born on 25 March 1865, that he was married to Margarethe Bondy, née Kauders, and that he lived at Theobaldgasse 15 in Vienna VI. The records state Carl Bondy was an owner of the general partnership (*offene Handelsgesellschaft*) *Carl Bondy & Co* located at Vienna VI, Liniengasse 2A and that he was assessed flight tax (*Reichsfluchtsteuer*) of 58,370.00 Reichmark (“RM”). The records further indicate that a warehouse and several fixtures of *Carl Bondy & Co.*, then already under Nazi administration, were seized as a surety for the tax assessment (*als Sicherstellung gegeben*). Additionally, the records also contain correspondence between Nazi authorities and memoranda regarding the whereabouts of Carl and Wilhelm Bondy, including an internal memorandum of the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property (*Vermögensverkehrsstelle*) dated 3 January 1939, stating that the Gestapo had discovered that Carl Bondy and Wilhelm Bondy had fled Vienna on 30 July 1938. These records make no mention of assets held in a Swiss bank account.

The documents concerning the assets of Wilhelm Bondy, numbered 12980, indicate that he was born on 11 November 1906, and that he resided at the same address as Carl Bondy. The records further state that Wilhelm Bondy owned a 30 percent share in *Carl Bondy & Co* and also contain correspondence between Nazi authorities and memoranda regarding his whereabouts, indicating that he and his father had fled Austria.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s father’s name and cities and countries of residence match the published names, cities and countries of residence of the Account Owner and the Power of Attorney Holders. The Claimant identified the Account Owner’s additional domiciles in Prague, Austria-Hungary, and Brno, Czechoslovakia (both today in the Czech Republic), the Account Owner’s ownership of *Carl Bondy & Co.* and the company’s address, and the Vienna address of Power of Attorney Holder Wilhelm Bondy, which matches unpublished information about the Account Owner and that Power of Attorney Holder contained in the Bank’s records.

In support of his claim, the Claimant submitted documents, including an excerpt from the registry office of the Jewish Community in Vienna, an extract from the *Yearbook of Viennese Businesses* and the 1938 Census declaration filed by Carl Bondy providing 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 records as the name and cities of residence of the Account Owner. The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different city of residence than the cities of residence of the Account Owner.

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 residing in Austria, and that after the *Anschluss*, he fled for Czechoslovakia, and subsequently for Switzerland.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include an extract from the registry office of the Jewish community in Vienna, Carl Bondy's 1938 assets declaration and an excerpt from the *Yearbook of Viennese Businesses*, indicating that the Claimant's father was Carl Bondy. There is no indication to indicate that the Account Owner has other surviving heirs who have filed a claim.

The Issue of Who Received the Proceeds

The Bank's records indicate that the custody account numbered 36210 was closed on 8 August 1939. Given that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account 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 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, 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.

Regarding custody account numbered 31447, the Bank's records indicate that in a letter dated 5 August 1938, the Bank informed Carl Bondy, who was then domiciled in Brno, it had transferred the proceeds from the account in the name of *Carl Bondy & Co.* to his personal account, pursuant to his instructions. Therefore, the CRT concludes that the proceeds of this account were paid into the Account Owner's personal account.

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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account that contained the proceeds of his personal custody account, numbered 36210, and the proceeds of the custody account belonging to the company he owned, *Carl Bondy & Co.*, numbered 31447. Accordingly, the CRT values the custody account to be awarded as two custody accounts. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”). The combined value of the two custody accounts is therefore SF 26,000.00. 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 a total award amount of SF 325,000.00.

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
21 June 2006