

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED], [REDACTED], [REDACTED], [REDACTED] and
[REDACTED],
represented by [REDACTED]

in re Accounts of Hermann Bondy and Friedrich Bondy

Claim Numbers: 601472/MBC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of Hermann Bondy (“Account Owner Hermann Bondy”) at the Zurich branch of [REDACTED I] (“Bank I”); and Friedrich Bondy (“Account Owner Friedrich Bondy”) (together the “Account Owners”) at the Zurich branches of [REDACTED II] (“Bank II”) and [REDACTED III] (“Bank III”) (together the “Banks”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the banks have been redacted.

Information Provided by the Claimant

Account Owner Hermann Bondy

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying Account Owner Hermann Bondy as his maternal grandfather, Hermann Bondy, who was born on 20 December 1876 in Mala Skalice (Ceska Skalice), Bohemia, Austria-Hungary, and was married to Elsa Bondy, née Kafka, on 8 February 1908 in Mala Skalice. The Claimant stated that his grandfather, who was Jewish, had two children, Friedrich (Bedrich) Bondy, who was born on 8 November 1908 in Mala Skalice and died on 3 December 1994 in Toronto, Ontario, Canada, and [REDACTED], née [REDACTED], who was born on 25 August 1910 and died on 23 March 2001 in South Nyack, New York, the United States. The Claimant indicated that his grandfather co-owned, along with his brother, Dr. Friedrich Bondy, a spinning and weaving mill in Mala Skalice and Jaromer, Czechoslovakia, called *Jacob Bondy*. The Claimant

¹ The Claimant's late mother, [REDACTED], submitted a claim to the New York State Banking Department Holocaust Claims Processing Office (“HCPO”) on 19 March 1998 for the account of Hermann Bondy. That claim was registered under Claim Number 600021. [REDACTED] passed away in March 2001 and her son, the Claimant, submitted a revised claim as her son and heir, which is registered under Claim Number 601472.

further indicated that his grandfather had a business relationship with [REDACTED] in Zurich, Switzerland. According to the Claimant, during the Second World War, Hermann Bondy told his daughter [REDACTED] (the Claimant's mother) that he had a bank account in Switzerland.

The Claimant stated that his mother contacted the Swiss Banking Ombudsman at the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the "Swiss Banking Ombudsman") in 1996 in an attempt to locate her father's Swiss bank accounts. The Claimant further stated that Ombudsman H. Hani responded that no records existed. The Claimant indicated that Hermann Bondy perished on 8 November 1942 in the Svatoborice concentration camp in the Protectorate of Bohemia and Moravia (now the Czech Republic).

On behalf of the Claimant, the HCPO contacted Bank I in 1999 to inquire about accounts held by Hermann Bondy. Bank I replied, in a letter dated 7 September 2000, that Hermann Bondy maintained a relationship with Bank I and included in their correspondence bank documentation and customer opening cards confirming the existence of three Swiss bank accounts held at Bank I: two custody accounts, numbered 31791 and 38087, respectively, and an unnumbered custody account identified as a *Privat Depot*. The Claimant submitted these records with his claim to the CRT.

The records provided by the Claimant regarding the custody account, numbered 31791, consist of a Bank I account opening contract, dated 26 February 1931, instructions to Bank I regarding the Power of Attorney Holders to the account, and a Bank I account registry card. According to these records, the owner of the account was *Firma Jacob Bondy*, a company with its headquarters in Mala Skalice, Czechoslovakia, and the Power of Attorney Holders were Bedrich Bondy, the son of Hermann Bondy, and Dr. Friedrich Bondy, brother of Hermann Bondy, an attorney who resided in Vienna, Austria at Salzgies 16. These records further indicate that the sole owner of *Firma Jacob Bondy* was Hermann Bondy of Mala Skalice. According to these records, the custody account contained 3.5% 1895 Gotthard Railway Company bonds (*Gotthardbahn I. Hyp. 1895*) with a face value of 37,000.00 Swiss Francs, as of 26 February 1931. The account was closed on 25 April 1932. The amount in the account on the date of its closure is unknown.

The records provided by the Claimant regarding custody account numbered 38087, consist of a Bank I account opening contract, dated 4 October 1934, power of attorney forms, signature samples, a list of securities contained in the account, and instructions to Bank I regarding the Power of Attorney Holders to the account. According to these records, the owner of the account was Hermann Bondy, who resided in Mala Skalice, and the Power of Attorney Holders were Dr. Friedrich Bondy, Hermann Bondy's brother and an attorney, who resided in Vienna; Bedrich Bondy, Hermann Bondy's son and *Frau* (Mrs.) Ella Bondy, Hermann Bondy's wife, both of whom resided in Mala Skalice. These records indicate that the custody account contained several bonds: 4% 1930 Swiss Confederation Bonds (*Obl. Schweiz. Eidgenossenschaft 1930*), with a face value of 65,000.00 Swiss Francs; 5% 1924 Swiss Federal Railway Company bonds (*Obl. Schweiz. Bundesbahnen 1924*) with a face value of 5,000.00 Swiss Francs; and 3.5% 1895 Gotthard Railway Company (*Obl. Gotthardbahn-Gesellschaft I. Hyp. 1895*) with a face value of 37,000.00 Swiss Francs. The account was closed on 22 January 1935. The amount in the account on the date of its closure is unknown.

The records provided by the Claimant regarding the *Privat Depot* consist of a Bank I account opening contract dated 13 September 1933, and an account registry card. According to these records, the owner of the account was Hermann Bondy, who resided in Mala Skalice. These records further indicate that the account contained several bonds: 3.5% 1st Liberty Loan 1917 US of Am. 1932/1947 with a face value of 8,600.00 United States Dollars; 5.5% Gld. Bds. Kingdom of Sweden 1924/54 with a face value of 8,000.00 United States Dollars; 4.5% 30y. Gld. Bds. Canadian. Nat. Ry Co 1957 with a face value of 6,000.00 United States Dollars; and 6% ext. S.F. Gld. Bds. Kingdom of Norway 1922/52 with a face value of 4,000.00 United States Dollars. These records indicate that the bonds were held at the Chase National Bank of the City of New York and that the coupons were to be paid by check to New York. Further, these records indicate that until otherwise directed, correspondence regarding the account was to be sent to Hermann Bondy's address in Mala Skalice. The account was closed on or before 10 October 1933. The amount in the account on the date of its closure is unknown.

The Claimant further submitted correspondence between the Account Owner Hermann Bondy and the Chase National Bank of the City of New York in New York (the "Chase National Bank"), and the National Bank for Bohemia and Moravia. In a letter, dated 19 March 1941, the National Bank for Bohemia and Moravia forced Hermann Bondy to sell the securities that he held in his account with the Chase National Bank in New York. The letter stated that the penalty for not complying with the order to sell the securities was prosecution. In a letter, dated 23 March 1941, Hermann Bondy complied with the order and directed the Chase National Bank to sell his securities. In a letter, dated 10 May 1941, the Chase National Bank informed Hermann Bondy that pursuant to his instructions it had sold the securities held in the account and transferred proceeds in the amount of 18,600.00 United States Dollars to the account of the National Bank for Bohemia and Moravia. The Chase National Bank further stated that by so doing, their relationship was terminated.

In support of his claim, the Claimant submitted a copy of his mother's birth certificate, identifying her parents as Hermann Bondy, a factory owner, and Elsa Bondy² of Pribram. Finally, the Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Hermann Bondy.

Account Owner Friedrich Bondy

The Claimant submitted a Claim Form identifying Account Owner Friedrich Bondy, also known as Fritz Bondy, as his maternal great-uncle, who was born on 6 April 1875 in Mala Skalice and was married to [REDACTED], née [REDACTED], in April 1922 in Vienna. The Claimant stated that his great-uncle was an attorney and that he co-owned, along with his brother, Hermann Bondy, a textile mill called *Jacob Bondy*, which had locations in Mala Skalice and Jaromer. The Claimant indicated that his great-uncle was Jewish and that he lived in Mala Skalice from 1875 to 1914, and in Vienna at Salzgries 16 from 1914 to March 1938. The Claimant further indicated that his great-uncle fled Austria for Zurich, in March 1938, where he lived for a while in 1938 at *Pension Florhof*. According to the Claimant, his great-uncle left

² [REDACTED]'s birth certificate identifies her mother as "Elsa" Bondy; however, the family referred to her as "Ella."

Switzerland for New York, the United States, via London, the United Kingdom, in 1938 or 1939 and lived there until his death in Briarcliff Manor, New York, the United States, on 14 April 1956.

In support of his claim, the Claimant submitted bank documents regarding accounts held by Friedrich Bondy at Bank II and Bank III. According to the records relating to the accounts held at Bank II, which consist of transaction statements dated 3 March 1938, 11 March 1938 and 20 April 1938, Dr. Friedrich Bondy held a custody account, numbered 59018, as well as a demand deposit account in Pounds Sterling, and a demand deposit account in Dutch Florins. According to these records, Dr. Friedrich Bondy resided in Zurich, Switzerland, at *Pension Florhof*, from where he wrote Bank II a letter on 11 April 1938. These records further indicate that securities were purchased in London worth 435.80 Pounds Sterling as of 11 March 1938. These records do not indicate the value of the accounts, nor do they indicate if or when these accounts were closed.

According to records submitted by the Claimant relating to the account at Bank III, which consist of confirmations of receipt of securities, dated 28 July 1931 and 28 November 1931, Dr. Friedrich Bondy, a lawyer who resided in Vienna at Salzgies 16, held a custody account, numbered 11436. This account contained 5% 1924 Swiss Federal Railway Company bonds (*Schweizerische Bundesbahn-Anleihe von 1924*) with a face value of 4,000.00 Swiss Francs; and 4% 1930 Swiss Confederation Bonds (*Staatsanleihe der Schweizerischen Eidgenossenschaft von 1930*) with a face value of 20,000.00 Swiss Francs. These records do not indicate if or when the account was closed.

Information Available in the Banks' Records

Account Owner Hermann Bondy

The CRT notes that no bank records belonging to an account owned by Hermann Bondy were reported by 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").

Account Owner Friedrich Bondy

Bank II

Bank II's records consist of two customer cards, and a list of accounts that were reported pursuant to the 1962 survey regarding dormant assets of foreigners and stateless persons persecuted due to race, religion or politics (the "1962 Survey"). According to these records, the Account Owner held accounts under the names Dr. Friedrich Bondy and Dr. Fritz Bondy, and had addresses in Vienna, Austria, and in Prague, Czechoslovakia, at Vaclavská. Bank II's records indicate that Account Owner Friedrich Bondy held two demand deposit accounts in Swiss Francs; three demand deposit accounts in foreign currencies, namely Dutch Florins, Pounds Sterling and United States Dollars; two custody accounts, numbered L43288 and

L59018, respectively; and one safe deposit box, numbered S617.

One of the demand deposit accounts in Swiss Francs was opened on 20 September 1937. Bank II's records do not show when the account was closed, or to whom it was paid, nor do these records indicate the value of this account.

Bank II's records indicate that the other demand deposit account in Swiss Francs was identified by Bank II in the 1962 Survey. The ICEP auditors indicated that this account had a balance of 376.00 Swiss Francs as of 31 December 1962. These auditors did not find this account in Bank II's system of open accounts, and therefore they presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

Bank II's records indicate that custody account numbered L43288 was opened in November 1931 but the date of closure is not legible. The value of the account on the date of its closure is unknown.

With regard to the three demand deposit accounts in foreign currencies, Bank II's records indicate that they were opened on 30 September 1937 and closed on 30 April 1938. The values of the accounts on the date of their closure are unknown.

Bank II's records indicate that custody account numbered L59018 was opened on 24 August 1937 and closed on 26 April 1938. The value of this account on the date of its closure is unknown.

Regarding the safe deposit box, numbered S617, Bank II's records indicate that it was opened on 26 March 1938 and closed on 8 July 1939. The value of the account on the date of its closure is unknown.

Bank III

The CRT notes that no bank records belonging to an account owned by Friedrich Bondy were reported by the auditors who carried out the ICEP Investigation.

The CRT's Analysis

Identification of the Account Owners

Account Owner Hermann Bondy

The Claimant has plausibly identified Account Owner Hermann Bondy. The Claimant and the HCPO submitted all relevant bank documents pertaining to the accounts of Hermann Bondy for which there were no previously existing bank records. These records were obtained from Bank I pursuant to an inquiry from the HCPO on behalf of the Claimant. In support of his claim, the Claimant submitted documents, including customer opening cards, account receipts, power of attorney forms, Hermann Bondy's birth certificate, and registration forms showing the dates of

his grandfather's birth and death.

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 Hermann Bondy, 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") which indicates that the Claimant had reason to believe that his relative owned a Swiss bank account and supports the credibility of the information provided by the Claimant. In addition, the Claimant indicated that his mother contacted the Swiss Banking Ombudsman in 1996 in an attempt to locate her father's Swiss bank accounts which is additional evidence that the Claimant and his family had reason to believe that Hermann Bondy owned a Swiss bank account. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hermann Bondy, and indicates that his date of birth was 20 July 1876 (his actual date of birth was 20 December 1876) and place of birth was Mala Skalice, Czechoslovakia. The database also indicates that Hermann Bondy was an "Industrialist" and that his date of death was 8 November 1942. This matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Account Owner Friedrich Bondy

The Claimant has plausibly identified Account Owner Friedrich Bondy. His great-uncle's name matches the published name of Account Owner Friedrich Bondy. The Claimant identified his uncle's use of the title "Dr." and his residence in Vienna and Prague, which matches unpublished information about the Account Owner contained in Bank II's records. Moreover, the CRT concludes that the Bank II demand deposit accounts in Pounds Sterling and in Dutch Florins, which were identified by the Claimants and the HCPO, are the same as the demand deposit accounts in Pounds Sterling and Dutch Florins that the ICEP auditors reported to the CRT. The Claimant also submitted information regarding custody account numbered 59018 which matches information in Bank II's records. In support of his claim, the Claimant submitted documents, including Friedrich Bondy's death certificate, copies of bank documents issued by Bank II and Bank III, copies of correspondence between Friedrich Bondy and the Banks, and his mother's birth and death certificates, identifying her as [REDACTED], née [REDACTED]. The CRT notes that the other claims to these accounts were disconfirmed because those claimants did not identify the Account Owner's use of the title "Dr." or a connection to Vienna.

Status of the Account Owner as a Victim of Nazi Persecution

Account Owner Hermann Bondy

The Claimant has made a plausible showing that Account Owner Hermann Bondy was a Victim of Nazi Persecution. The Claimant stated that Account Owner Hermann Bondy was Jewish, and that he perished in the Svatoborice concentration camp in 1942. As noted above, a person named Hermann Bondy was included in the CRT's database of victims.

Account Owner Friedrich Bondy

The Claimant has made a plausible showing that Account Owner Friedrich Bondy was a Victim of Nazi Persecution. The Claimant stated that Account Owner Friedrich Bondy was Jewish, and that he lived in Czechoslovakia and Austria before escaping to Switzerland and the United States.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents including Hermann Bondy's marriage certificate, Friedrich Bondy's death certificate, [REDACTED]'s birth and death certificates, Bedrich Bondy's birth and death certificates, and the Claimant's birth certificate demonstrating that he and the represented parties [REDACTED] and [REDACTED], are Account Owner Hermann Bondy's grandchildren, and that the Claimant and the represented parties [REDACTED], [REDACTED], [REDACTED] and [REDACTED] are Account Owner Friedrich Bondy's great-nephews, and that [REDACTED] is Account Owner Friedrich Bondy's great-niece. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Accounts of Hermann Bondy

With respect to the three custody accounts held by Account Owner Hermann Bondy at Bank I, the records regarding these accounts indicate that the custody account numbered 38087 was closed on 22 January 1935; that custody account numbered 31791 was closed on 25 April 1932; and that the custody account identified as *Privat Depot*, was closed on or before 10 October 1933. As these accounts were closed prior to the Nazi occupation of any part of Czechoslovakia and before the systematic confiscation of Jewish assets began in that country, the CRT determines it is plausible that the Account Owner closed the accounts and received the proceeds himself.

Regarding the custody account that Account Owner Hermann Bondy held at the Chase National Bank in New York, Article 14 of the Rules set forth that the "[. . .] CRT shall have jurisdiction to resolve claims to Accounts of Victims open or opened in Swiss banks [. . .]." Thus, given that the Chase National Bank is neither a Swiss bank, nor a branch of a Swiss bank, the CRT has no jurisdiction over this account.

Account Owner Friedrich Bondy's Accounts

Bank II

With regard to the Bank II demand deposit account in Swiss Francs which was reported by Bank II in the 1962 Survey, given that this account was reported in the 1962 Survey and had a balance of 376.00 as of 31 December 1962; that there is no record of payment to Account Owner Friedrich Bondy or his heirs; that Account Owner Friedrich Bondy died in 1956; that Account Owner Friedrich Bondy or his heirs would not have been able to obtain information about his account after the Second World War from Bank II 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 contained in Article 28 of the Rules, the CRT concludes that this account was not paid to Account Owner Friedrich Bondy or his heirs.

Upon review of Bank II's records, the CRT concludes that the Bank II demand deposit accounts in Pounds Sterling and in Dutch Florins, which were identified in the Bank II records submitted by the Claimant and the HCPO, are the same as the demand deposit accounts in Pounds Sterling and Dutch Florins that the ICEP auditors reported to the CRT. With regard to the Bank II demand deposit accounts in United States Dollars, Pounds Sterling and Dutch Florins, all of which were closed on 30 April 1938; the safe deposit box, numbered S617, which was closed on 8 July 1939; and the custody account, numbered L59018, which was closed on 26 April 1938, given that Account Owner Friedrich Bondy lived in Zurich from March 1938 until an unknown date in 1939, and that he lived in the United States from 1939 until his death in 1956, the CRT finds it plausible that Account Owner Friedrich Bondy received the proceeds of these accounts.

Accounts Held for Further Consideration

Bank II

With regard the Bank II custody account numbered L43288 which was closed on an unknown date (as noted above the closing date is illegible in Bank II's records) and the Bank II demand deposit account in Swiss Francs opened on 20 September 1937 and closed on an unknown date, given that Account Owner Friedrich Bondy lived in Zurich from March 1938 until an unknown date in 1939, and that he lived in the United States from 1939 until his death in 1956, the CRT has determined that these accounts be held for further consideration as to whether Account Owner Friedrich Bondy received the proceeds.

Bank III

With regard to the Bank III custody account numbered 11436, the records provided by the Claimant do not indicate if or when this account was closed. Given that Account Owner Friedrich Bondy lived in Zurich from March 1938 until an unknown date in 1939, and that he lived in the United States from 1939 until his death in 1956, the CRT has determined that this account be held for further consideration as to whether Account Owner Friedrich Bondy received the proceeds.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant had plausibly demonstrated that Account Owner Friedrich Bondy was his great-uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither Account Owner Friedrich Bondy, nor his heirs received the proceeds of the Bank II demand deposit accounts in Swiss Francs which was reported in the 1962 Survey.

Amount of the Award

With regard to the Bank II demand deposit account which was identified in the 1962 Survey, the auditors who carried out the ICEP Investigation indicated that the value of this demand deposit account was 376.00 Swiss Francs as of 31 December 1962. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 270.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 31 December 1962. Consequently, the adjusted balance of the account at issue is 646.00 Swiss Francs. According to Article 29 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 current value of this account 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 a total award amount of 26,750.00 Swiss Francs.

Division of the Award

The Claimant is representing his cousins, [REDACTED], [REDACTED], née [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. The Claimant, [REDACTED], [REDACTED], [REDACTED] and [REDACTED] are great-nephews of Account Owner Friedrich Bondy, and [REDACTED] is a great-niece of Account Owner Friedrich Bondy. Accordingly, the Claimant, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] are each entitled to one-sixth of the total award amount.

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 claims 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
8 April 2004