

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],
also acting on behalf of [REDACTED 2],

and to Claimant [REDACTED 3]

in re Account of P. Bondy

Claim Numbers: 206760/UM;¹ 222678/UM²

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the published account of [REDACTED],³ and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of [REDACTED], née [REDACTED].⁴ This Award is to the unpublished account of P. Bondy (the “Account Owner”) at the [REDACTED] (the “Bank”).

¹ Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 206760 and 218868. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 206760.

² Claimant [REDACTED 3] submitted additional claims to the accounts of [REDACTED]; [REDACTED]; [REDACTED], née [REDACTED]; [REDACTED], née [REDACTED]; [REDACTED], née [REDACTED], and [REDACTED]; which are registered under the Claim Numbers 222725, 222726, 222727, 222728, 222729, and 222679, respectively. The CRT did not locate accounts belonging to Claimant [REDACTED 3]’s relatives, [REDACTED]; [REDACTED]; [REDACTED], née [REDACTED]; [REDACTED], née [REDACTED]; [REDACTED], née [REDACTED], in the Account History Database, but will similarly carry out further research on these claims to determine whether an award may be made upon the information provided by Claimant [REDACTED 3] or upon information from other sources. The CRT will treat Claimant [REDACTED 3]’s claim to the accounts of [REDACTED] in a separate decision.

³ The CRT will treat the claim by Claimant [REDACTED 1] to the account of [REDACTED] in a separate decision.

⁴ The CRT did not locate any accounts in the name of Claimant [REDACTED 3]’s relative, [REDACTED], née [REDACTED], 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). Claimant [REDACTED 3] should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 3] or upon information from other sources.

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 owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her brother, [REDACTED 2], who was born in Czechoslovakia on 2 April 1936, as one of two children of [REDACTED] and [REDACTED], née [REDACTED]. Claimant [REDACTED 3] indicated that her father was in the textile industry, and that her parents and brother resided at 47 Mala Skalice, in Ceska Skalice, Czechoslovakia (today the Czech Republic). Claimant [REDACTED 3] further indicated that her parents and brother, who were Jewish, fled to Yorkshire, England in 1939 in order to escape Nazi persecution. In addition, Claimant [REDACTED 3] indicated that her parents subsequently moved to Australia and later to Canada, where her mother died in 1975, and her father died in 1994. Finally, Claimant [REDACTED 3] indicated that her brother currently resides in Ontario, Canada.

Claimant [REDACTED 1] submitted a copy of her brother's passport, identifying him as [REDACTED 2]; her own birth certificate, identifying her parents as [REDACTED] and [REDACTED], née [REDACTED]; and her brother's birth certificate, identifying him as [REDACTED 2], and similarly identifying his parents as [REDACTED] and [REDACTED], née [REDACTED].⁵ Claimant [REDACTED 1] indicated that she was born on 27 December 1944 in Harrogate, England. Claimant [REDACTED 1] is representing her brother, who was born on 2 April 1936 in Prague, Czechoslovakia.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his paternal grandmother, [REDACTED], née [REDACTED], who was born in 1860 in Mlada Vozice, Czechoslovakia (today the Czech Republic), and who was married to [REDACTED]. Claimant [REDACTED 3] indicated that his grandparents had four children, all of whom were born in Nove Mesto Nad Metuji, Czechoslovakia (today the Czech Republic): [REDACTED], née [REDACTED], who was born in 1887; [REDACTED], Claimant [REDACTED 3]'s father, who was born in 1889; [REDACTED], née [REDACTED], who was born in 1891; and [REDACTED], née [REDACTED], who was born in 1902. Claimant [REDACTED 3] further indicated that his grandfather died in 1922. In addition, Claimant [REDACTED 3] indicated that his grandmother, who was Jewish, resided in Nove Mesto Nad Metuji until 1938, when she moved to Prague, Czechoslovakia (today the Czech Republic). Finally, Claimant [REDACTED 3] indicated that his grandmother was subsequently deported to Theresienstadt, where she perished in 1942, and that all of her children were killed in Auschwitz.

⁵ The CRT notes that [REDACTED] is the Czech equivalent of [REDACTED 2].

The CRT notes that Claimant [REDACTED 3] submitted his birth certificate, which identifies his father as [REDACTED], and his father's mother as [REDACTED], née [REDACTED].⁶ Claimant [REDACTED 3] indicated that he was born on 29 July 1931 in Nachod, Czechoslovakia (today the Czech Republic).

Claimant [REDACTED 3] previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his grandmother, [REDACTED]. In that IQ, Claimant [REDACTED 3] additionally stated that his grandmother owned property in Himberg, Austria, and that she deposited money she received from renting out that property into a Swiss bank account.

Information Available in the Bank's Record

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") did not submit any original Bank's records, but reported their findings to the CRT. These auditors determined that the Account Owner was P. Bondy. The auditors further indicated that the Account Owner held an account of unknown type. In addition, the auditors indicated that the account was transferred to a suspense account for dormant assets on an unknown date, and that the amount in the account on the date of its suspension was 239.00 Swiss Francs ("SF"). Finally, the auditors indicated that the account remains in the Bank's suspense account.

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 Claimants in one proceeding.

Identification of the Account Owner

The first name initial and the last names of both Claimant [REDACTED 1]'s brother and Claimant [REDACTED 3]'s grandmother match the unpublished first name initial and the last name of the Account Owner. The CRT notes that the auditors who carried out the investigation of this bank did not provide any specific information about the Account Owner other than his or her name.

In support of her claim, Claimant [REDACTED 1] submitted documents, including a copy of her brother's passport, identifying him as [REDACTED 2], providing independent verification that

⁶ The CRT notes that [REDACTED] is the Czech equivalent of [REDACTED].

the person who is claimed to be the Account Owner had the same first name initial and last name identified by the auditors as the first name initial and last name of the Account Owner. The CRT notes that it is plausible that the Account Owner's parents opened the account in their son's name. Claimant [REDACTED 3] submitted his birth certificate, which identifies his paternal grandmother as [REDACTED], similarly providing independent verification that the person who is claimed to be the Account Owner had the same first name initial and last name identified by the auditors as the first name initial and last name of the Account Owner.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all the information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, and that he resided in Czechoslovakia until 1939, when he fled to England with his parents in order to avoid Nazi persecution.

Claimant [REDACTED 3]

Claimant [REDACTED 3] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and that she perished in Theresienstadt in 1942. In addition, Claimant [REDACTED 3] stated that the Account Owner's four children were killed in Auschwitz.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s brother. These documents include her own birth certificate, which identifies her parents as [REDACTED] and [REDACTED], née [REDACTED], and her brother's birth certificate, similarly identifying his parents as [REDACTED] and [REDACTED], née [REDACTED].

Claimant [REDACTED 3]

Claimant [REDACTED 3] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 3]'s paternal grandmother. These documents include his birth certificate, which identifies his father as [REDACTED], and his father's mother as [REDACTED], née [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation of this bank indicated that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her brother, and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was his grandmother, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his or her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The auditors who carried out the investigation of this bank indicated that the value of the account was SF 239.00 on an unknown date. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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. Consequently, the total award amount in this case is SF 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, both of the Claimants have established a plausible relationship to a person with the same name as the Account Owner. Claimant [REDACTED 3] has plausibly established that he is the Account Owner's grandson. Claimant [REDACTED 1] has plausibly established that she is the Account Owner's sister. Furthermore, the CRT notes that Claimant [REDACTED 1]'s brother, [REDACTED 2], as the actual Account Owner, has a better entitlement to the

account than Claimant [REDACTED 1]. Accordingly, Claimant [REDACTED 3] and [REDACTED 2] are each entitled to one-half of the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
18 November 2004