

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Vlado Radan

Claim Number: 600231/KG¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Vlado Radan (the “Account Owner”) at [REDACTED] (“Bank 1”)² and to the unpublished accounts of the Account Owner at the [REDACTED] (“Bank 2”), the [REDACTED] (“Bank 3”) and the New York branch of the [REDACTED] (“Bank 4”) (together, the “Banks”).

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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his father, Vlado (Vladimir) Radan, who was born on 4 January 1893 in Sveti Ivan Zabno, Austria-Hungary (now Croatia), and was married to [REDACTED], née [REDACTED], on 1 September 1918. The Claimant indicated that, before 1914, his father’s name was [REDACTED], and that his parents, who were Jewish, had two children, namely the Claimant and his brother, [REDACTED]. The Claimant indicated that his father was a well-known industrialist in the Balkans and Central Europe and that he was the sole owner of *Rudoarsko Udruzenje Talinica*, a steel manufacturing company in Sisak-Caprag, Yugoslavia (now Croatia). The Claimant further stated that, in addition to the steel factory, his father co-owned *Pancevo Textile Industry*, a company located in Pancevo, Yugoslavia (now

¹ The Claimant submitted a claim, numbered B-01638, on 14 January 1999, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600231.

² 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”), Vlado Radan is indicated as having four accounts. Upon careful review, the CRT has concluded that Bank 1’s records evidence the existence of only three accounts.

Serbia and Montenegro), as well as a brick factory in Sveti Ivan Zabno. The Claimant stated that his father was also a representative of the State Salt and Tobacco Monopoly and that he was Zagreb's Honorary Consul General to Greece until Greece was invaded by Germany in April 1941. According to the Claimant, his father lived in Zagreb between 1918 and April 1941, at which time he was arrested and deported to a prison in Graz, Austria, and from there to the Gestapo Headquarters at the Hotel Metropole in Vienna, Austria.

In a telephone conversation between the HCPO and the Claimant on 7 July 2003, the Claimant indicated that his father had previously donated a large sum of money to the Roman Catholic Church, an act which would later help save his family. According to the Claimant, because of his father's generosity towards the Catholic Church, church officials helped the remaining members of the Claimant's family, including the Claimant himself, to escape Nazi-occupied Yugoslavia. The Claimant stated that the Church provided his mother and himself with disguises (the Claimant and his mother were disguised as an Italian Fascist and a Catholic nun respectively) which assisted in their escape from Yugoslavia. The Claimant added that he was not aware of any official statement that his family was Roman Catholic, but noted that it was possible that his father made arrangements through his contacts at the Catholic Church to have his family declared to be Roman Catholic for its protection.

The Claimant explained that his father escaped from the Gestapo in 1942 while being transferred back to Yugoslavia and that he lived with his family in Split, Dalmatia, Yugoslavia, which had been incorporated into Italy, from the time of his escape in 1942 until January 1943, at which time he was found and deported to St. Omobono, a province of Bergamo, Italy. The Claimant stated that his father remained in St. Omobono until September 1943, when he and his family escaped to Switzerland. In his Initial Questionnaire ("IQ"), which was submitted to the Court in 1999, the Claimant explained that his family were initially taken to Lugano and then transferred to a so-called "acceptance camp" known as Girenbad near Zurich. The Claimant indicated that his parents were later allowed to live in Zurich and then in Geneva, Switzerland at the Hotel d'Angleterre, among other places, until some time between June and July 1945, when they stayed in Paris, France, for a short time before emigrating to the United States, arriving in Hoboken, New Jersey, the United States on 11 November 1946. The Claimant stated that his father became a United States citizen on 24 July 1952.

The Claimant indicated that his father often vacationed in Switzerland prior to the Second World War and that he visited Zurich, Basel, Lucerne, Lausanne, Geneva, and resorts in places such as Davos and Lugano. The Claimant stated that, as a result of his many business dealings and frequent visits to Switzerland, his father had many business acquaintances and friends there. In addition, the Claimant indicated that his father was known to have had business accounts at Bank 1 in Zurich prior to the Second World War. The Claimant submitted documents in support of his claim, including his birth certificate, identifying his father as Vladimir Radan, and documents from Bank 2, Bank 3 and Bank 4, obtained on the Claimant's behalf by the HCPO. These documents are described in detail below.

The Claimant indicated that he was born on 3 September 1919 in Zagreb. As noted above, subsequent to filing his HCPO Claim Form, the Claimant also submitted an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Vlado Radan.

Other information submitted by HCPO on behalf of the Claimant

On behalf of the Claimant, the HCPO submitted numerous documents from the National Compensation Office ("*Landesausgleichsamt*") in Berlin, Germany, and from the Compensation Office in Munich, Germany. These records principally pertain to compensation claims made by [REDACTED], Vlado Radan's spouse, after the Second World War. Some of these documents contain useful information about the Account Owner. One such document is a decision from the Munich Compensation Office, dated 4 June 1980. This decision confirms that Vlado Radan, whose date of birth was 4 January 1893 and who died on 20 July 1959, was a part owner of a textile company which was confiscated and compulsorily sold by the Nazis shortly after the German occupation of Yugoslavia.

The HCPO also submitted numerous documents from the Croatian State Archive in Zagreb on the Claimant's behalf. These documents primarily relate to the substantial pre-war assets of the Radan family and contain information about the Account Owner and his relationship to the Claimant. One assets registration form, dated 26 July 1941, filed by the Claimant, confirms that his parents are Vlado and [REDACTED] Radan and that the family owned a villa and other property in Zagreb. Another assets registration form, dated 26 July 1941, filed on behalf of Vlado Radan by his wife, indicates that, in July 1941, Vlado Radan's wife believed that her husband was imprisoned in Germany. The same document states that Vlado Radan was born Jewish but later converted to Catholicism.

The CRT notes that none of these records makes any reference to Swiss bank accounts owned by the Account Owner or any other member of the Radan family or to any other assets located in Switzerland.

Statement of Mr. [REDACTED]

On 8 July 2003, the HCPO wrote to the Claimant's brother, Mr. [REDACTED], to ask him if he wished his brother, the Claimant, to represent him so that he would be a co-claimant in any decision issued by the CRT. On 25 July 2003, the HCPO received a reply, dated 21 July 2003, from [REDACTED], which it forwarded to the CRT. In that letter, Mr. [REDACTED] declined to sign the Power of Attorney form forwarded to him on the grounds that he believed his father had accessed the accounts he held in Swiss banks and had received all the proceeds of them himself. In the course of setting out his reasons for this view, the Claimant's brother provided details about the circumstances and fate of his father during and after the Second World War. The CRT notes that the information provided by [REDACTED] is substantially similar, although not identical, to the information provided by the Claimant.

Mr. [REDACTED] stated that, approximately one week after the German invasion of Yugoslavia in April 1941, Vlado Radan was arrested by the local Ustasi-Nazi forces and was imprisoned in a Zagreb jail. According to Mr. [REDACTED], a few days later his father was deported to Austria, where he spent seven months in prisons in Vienna and Graz. The Claimant's brother further stated that, during his father's return journey to Yugoslavia, where he was being taken for further interrogation, he managed to escape to Dalmatia, which was then occupied by Italy, where he stayed in a town called St. Omobono. [REDACTED] added that, on 3 September

1943, his father and his family managed to escape first to Switzerland and then, after the Second World War, to New York, where they arrived in November 1946. According to the Claimant's brother, after arriving in the United States, his father became involved in several unsuccessful business ventures, "all necessitating," as he wrote, "considerable financing from family sources." Mr. [REDACTED] concluded that:

Needless to say that father, after using almost all of his wealth and funds the family went through difficult times. Therefore, under those circumstances, I can assure you, all our resources were exhausted. Consequently and beyond any doubt [in] my mind I must confirm that everything we had in Switzerland was withdrawn at that time.

Due to what I have outlined beforehand I do not believe any measure your Organization may undertake in connection to Holocaust victims may qualify us for a claim in Switzerland.

Now, if the New York State – Banking Department could extend similar proceeding toward Germany, Italy, Croatia and Serbia, which have until today refused any compensation to us for the losses incurred in 1941-1945 – I would be more than happy to file a request through your Organization.

Information Available in the Banks' Records

Bank 1's records consist of a booklet for balances ("*Saldiheft*") for the period July - December 1943 and a list of account balances for the month of April 1938. According to these records, the Account Owner was *Konsul* (Consul) Vlado Radan, who resided in Zagreb. Bank 1's records indicate that the Account Owner held three demand deposit accounts.

Bank 1's records indicate that the first demand deposit account had a balance of 1,282.40 Swiss Francs ("SF") as at 30 April 1938; that the second demand deposit account was opened on 1 August 1937 and had a balance of SF 1,271.50 on 30 November 1943; and that the third demand deposit account was opened on 1 October 1943 and had a balance of SF 6,134.00 as at 30 November 1943. Bank 1's records do not show when the accounts at issue were closed (although it is clear in relation to the two accounts with balances as at 30 November 1943 that they must have been closed some time after this date) or to whom they were paid. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of ICEP did not find these accounts in Bank 1'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 Bank 1's records that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

With respect to the accounts at Bank 2, Bank 3 and Bank 4, the CRT notes that the auditors who carried out the investigation of these banks to identify accounts of Victims of Nazi Persecution

pursuant to instructions of ICEP did not report accounts belonging to Vlado Radan during their investigation of these banks. The documents of Bank 2, Bank 3 and Bank 4, which are described in detail below, were obtained from these banks by the HCPO on behalf of the Claimant, and were forwarded to the CRT.

According to these records, the Account Owner held three accounts, one at each of the above-mentioned Banks. Bank 2's records consist of a deposit receipt, an extract from a customer card and an account statement. According to these records, the Account Owner was Vlado Radan, who resided in Geneva, Switzerland. Bank 2's records indicate that the Account Owner held a so-called "refugee account." According to a letter from the bank which acquired Bank 2, dated 7 February 2000, a Swiss Federal Order, dated 12 March 1943, required refugees to deposit their assets in a refugee account. According to this letter, the Account Owner appeared to comply with this requirement in that on 4 October 1943 he deposited two sealed packages, one marked "jewelry," and the other marked "gold coins," with Bank 2 at the refugee camp "Girenbad" near Hinwil and Bank 2 placed SF 9,300.00 in the Account Owner's account on 5 October 1943. The letter states that the account appears to have been closed on 26 November 1943 through the issuance of a check in the amount of SF 9,271.00 (this sum being SF 9,300.00 less SF 29.00 in fees), and through the transfer of the packages to a Dr. Max Bucher of Zurich.

Bank 3's records consist of account instructions sheets. According to these records, the Account Owner of one demand deposit account was Vlado Radan, whose domicile is noted as Croatia. The letter from the bank which acquired Bank 2 (referred to above) stated that the opening date for the account is unclear but that it appears to have been opened on 7 March 1946. The letter further indicates that a [REDACTED] was conferred Power of Attorney over this account on 10 March 1946, and that the account was closed on 9 August 1946.

The CRT did not receive records from Bank 4 but instead received a letter from Bank 4, dated 13 October 1999, and a letter, dated 30 July 1999, from the auditors who carried out the investigation of Bank 4 to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"). These letters state that a search of the relevant databases revealed one document which shows that a Vlado Radan had an account, the type of which is not indicated, at the New York branch of Bank 4 before 1951. According to the letter from Bank 4, this document "also refers to the date June 3, 1949, which we take to be the closing date." The auditors' letter also indicates that the Account Owner's name was not included in the 1941 Treasury list of accounts frozen pursuant to the 1941 U.S. Freeze of Swiss assets.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant also identified the Account Owner's title (namely, Zagreb's Honorary Consul General to Greece), stated that his father held accounts at Bank 1 and identified

the refugee camp in which his father was placed as well as his father's subsequent city of residence in Switzerland (Geneva). This information matches unpublished information about the Account Owner's title and the name of Bank 1 contained in Bank 1's records and about the name of the refugee camp in which the Account Owner lived initially and the city in which he subsequently resided, contained in Bank 2's records.

In support of his claim, the Claimant submitted documents, including his birth certificate, indicating that his father's name was Vladimir Radan and that his place of birth was Zagreb and a decision of the Munich Compensation Office, dated 4 June 1980, confirming that Vlado Radan was a part-owner of a textile company located in Yugoslavia, providing independent verification that the person who is claimed to be the Account Owner had the same name as that recorded in the records of the Banks for the Account Owner, and resided in the same city recorded in Bank 1's records as the city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Vlado Radan, and indicates that his date of birth was 4 January 1893 and that his place of birth was Sv. Ivan Zabno, Croatia, which 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.

The CRT notes that the Claimant submitted an IQ with the Court and a HCPO claim form in 1999, asserting his entitlement to a Swiss bank account owned by Vlado Radan 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"). The CRT also notes that the Claimant submitted his HCPO claim form before the HCPO received the documents from Bank 2, Bank 3 and Bank 4 and before the receipt of the documents from the relevant German and Croatian archives. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, and not simply on documents obtained by the HCPO, but rather on a direct family relationship and details that were known to him before the publication of the ICEP List and before the receipt of the records of Bank 2, Bank 3 and Bank 4. This supports the credibility of the information provided by the Claimant.

The CRT 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,³ that he was imprisoned

³ The CRT notes that an assets registration form obtained from the Croatian State Archive and described above indicates that Vlado Radan converted to Catholicism. However, the CRT considers that the Claimant provided a plausible reason for any such conversion, when he noted that his father may have arranged for himself and his family to be converted to Catholicism to gain the protection of the Church. In any event, the CRT notes that, as an individual of Jewish descent, Vlado Radan would have been considered Jewish under the Nuremberg Laws on Citizenship and Race (September 1935) ("*Reichsbürgergesetz und Gesetz zum Schutze des deutschen Blutes and der deutschen Ehre*"), regardless of any conversion to Catholicism.

in Austrian jails in 1941, and that he escaped custody in 1942, living in Italy, Switzerland and France before finally emigrating to the United States in 1946.

As noted above, a person named Vlado Radan was included in the CRT's database of victims.

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 the Claimant's birth certificate which indicates that his father's name was Vladimir Radan and an assets registration form, dated 26 July 1941, from the Croatian State Archive, confirming that the Claimant's father was Vlado Radan.

The CRT notes that the Claimant has a brother, [REDACTED], whose letter to the HCPO, dated 8 July 2003, stating that he did not wish to be represented in these proceedings, is described in detail earlier in this Award.

The Issue of Who Received the Proceeds

The CRT notes that the Claimant's brother's stated that his father, the Account Owner, received the proceeds of all his Swiss bank accounts. However, the CRT notes that Mr. [REDACTED] may not have been aware of all the Swiss bank accounts held by his father. Moreover, his recollection does not correspond with the recollection of his brother, the Claimant, whose claim indicates that he does not believe that his father received the proceeds of all his Swiss bank accounts. The CRT has therefore reviewed the records for each account to determine if it is plausible that the Account Owner did not receive the proceeds of any one of the accounts addressed in this Award.

With respect to the demand deposit account with a 1938 balance at Bank 1, the CRT notes that Bank 1's records do not provide a closure date for this account. The records only indicate that the account was open as late as 30 April 1938. The CRT further notes that the Account Owner was imprisoned in Austria in 1941, and that he escaped first to Italy and then to Switzerland in 1943. The account could have been closed improperly at any time between the German invasion of Yugoslavia in April 1941 and the Account Owner's arrival in Switzerland in September 1943. Given these facts, and given that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from Bank 1 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 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.

With respect to the remaining two demand deposit accounts at Bank 1, the CRT notes that Bank 1's records indicate that the accounts were closed some time after 30 November 1943, at which time, according to information provided by both the Claimant and his brother, the Account Owner was in Switzerland, where he arrived in September 1943. Moreover, the CRT notes that Bank 1's records indicate that the Account Owner opened one of these accounts on 1 October 1943 while he was in Switzerland. According to the documents obtained by the HCPO and forwarded to the CRT, the Account Owner also opened and closed a "refugee account" (discussed below) in Switzerland during the period of October – November 1943. Given these facts, the CRT concludes that the Account Owner had access to his accounts at that time, and that he closed them and received the proceeds himself.

With respect to the refugee account held at Bank 2, as noted above, the account was opened and closed at a time when the Account Owner was in Switzerland and had full access to his accounts. The CRT notes further that the records indicate that the account was closed through the issuance of a check and the delivery of a package held at the Bank to a third party. The CRT therefore concludes that the Account Owner closed the account and received the proceeds himself.

With respect to the demand deposit account held at Bank 3, the CRT notes that Bank 3's records indicate that the account was likely opened on 7 March 1946, and that [REDACTED] (who was likely the Claimant, whose middle name is Bozidar, although this is not entirely clear), was appointed Power of Attorney over this account on 10 March 1946. The CRT notes that this account was opened after the end of the Relevant Period (1933 – 1945) and thus falls outside the jurisdiction of the CRT, as defined by Article 14 of the Rules. The CRT therefore makes no determination as to the ultimate disposition of this account.

Finally, with respect to the account, the type of which is not indicated, held at the New York branch of Bank 4, the CRT notes that Bank 4's records indicate that this account was closed before 1951 and likely on 3 June 1949, at which time the Account Owner was living in Hoboken, New Jersey. Given that the account was held at the New York branch of Bank 4 and that it was closed while the Account Owner resided in the greater New York area, the CRT concludes that the Account Owner accessed the account, closed it, and received the proceeds himself.⁴

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, nor his heirs received the proceeds of the claimed accounts.

⁴ The CRT notes that the Account Owner's name does not appear on the 1941 Treasury list of accounts frozen pursuant to the U.S. Freeze of Swiss assets, which suggests that the account may only have been opened after the end of the Second World War. In that case, this account would fall outside the CRT's jurisdiction.

Amount of the Award

In this case, the award is for one demand deposit account. Bank 1's records indicate that the value of the first demand deposit account was SF 1,282.40 as at 30 April 1938. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140, as is the case here, 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. Consequently, the total award amount in this case is SF 26,750.00.

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
21 September 2005