

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Gustav Bondy

Claim Number: 600513/SB¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Gustav Bondy and Margaret Bondy.² This denial is to the unpublished account of Gustav Bondy (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).³

All denials 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 maternal uncle, Gustav Bondy, who was born on 31 October 1888 in Prague, Austro-Hungary (present day Czech Republic). The Claimant stated that his uncle, who was Jewish, lived at Rakovnicka 1 and Prokopova 8 in Prague, with his sister, [REDACTED]. The Claimant further stated that his uncle was deported to Poland in 1941 and that he died in the Lodz Ghetto in 1944. The Claimant continued that he was born on 9 July 1924 in Prague, the son of [REDACTED] and [REDACTED], née [REDACTED], the sister of Gustav Bondy.

Information Available in the Bank's Records

The CRT notes that 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 report an account belonging to

¹ The Claimant submitted a claim, numbered B-00907, on 2 April 1998, 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 600513.

² The CRT will treat the claim to the account of Margaret Bondy in a separate determination.

³ The CRT has previously awarded the Claimant’s claim to two accounts owned by the Account Owner and Gertrude Bondy. See *In re Account of Gustav and Gertrude Bondy* (approved on 23 January 2003).

Gustav Bondy during their investigation of the Bank. The Bank's documents were obtained from the Bank by the HCPO on the Claimant's behalf and were forwarded to the CRT.

The Bank's records consist of excerpts of custody account ledgers and correspondence between the Bank and the HCPO. According to these records, the Account Owner was Gustav Bondy of Prokopova 8, Prague. The Bank's records show that the Account Owner held a custody account, numbered 9871 which was opened on 7 August 1930 and was closed on 20 October 1938. The Bank's records also show that the custody account was included on a list of accounts that had been closed by 31 December 1941. The Bank's records do not indicate the value of this account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle's name, street address, city and country of residence match the unpublished name, street address, city and country of residence of the Account Owner. The CRT notes that there are no other claims to this account.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Gustav Bondy, and indicates that his date of birth was 31 October 1888 and place of birth was Czechoslovakia, 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 filed a claim with the HCPO in 1998, asserting his entitlement to a Swiss bank account owned by Gustav 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"). 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, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victims of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that his uncle died in the Lodz ghetto in 1944. As noted above, a person named Gustav Bondy 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 demonstrating that Account Owner was the Claimant's uncle. There is no information to indicate that the Account Owner has other surviving heirs. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant filed a claim with the HCPO in 1998, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his claim to the HCPO.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 20 October 1938, which is prior to the Nazi occupation of Bohemia and Moravia, which includes Prague, on 15 March 1939. Therefore, the CRT concludes that the Account Owner was able to access his account, closed it, and received the proceeds himself.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

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 Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 September 2005