

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Marianne Bardach**

Claim Number: 208668/AH

Award Amount: 9,687.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Marianne Bardach (the “Account Owner”) 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 identifying the Account Owner as his paternal aunt, Marianne Bardach, who was born on an unknown date in 1894 in Vienna, Austria, was never married and did not have any children. The Claimant stated that between 1903 and 1942, his aunt, who was Jewish, lived with her parents and brother at Frankgasse 4 in Vienna, and that she owned a jewelry factory called *Turiet & Bardach* with her only brother, [REDACTED], the Claimant’s father. The Claimant further stated that his relatives’ business was located at Herbstrasse 10 in Vienna. The Claimant indicated that his aunt traveled frequently to Zurich, Switzerland, and that she told the Claimant’s father that she held a Swiss bank account there. According to the Claimant, his aunt refused to flee Austria with her brother and the Claimant in 1938 and chose instead to remain with her elderly mother. The Claimant explained that the *Gestapo* arrested his aunt in 1942 while she was attending her mother’s funeral. The Claimant stated that his aunt was then deported to Auschwitz, where she perished. In support of his claim, the Claimant submitted documents including a family tree, his own birth certificate, his father’s marriage certificate showing that he resided at Frankgasse 4 in Vienna and his daughter’s passport, which identifies her as Marianne, whom the Claimant indicated was named after his aunt, in accordance with Jewish tradition.

The Claimant indicated that he was born on 21 November 1920 in Vienna.

## **Information Available in the Bank's Records**

The Bank's records consist of an opening card and printouts from the Bank's database. According to these records, the Account Owner was *Fräulein* (Miss) Marianne Bardach, who resided in Vienna, Austria. The Bank's records indicate that the Account Owner held a demand deposit account, which was opened on 20 September 1929 and closed on 20 July 1938. The Bank's records do not show when the account at issue was closed or to whom it was paid, nor do these records indicate the value of this account.

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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

## **Information Available from the Austrian State Archives**

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Marianne Bardach, numbered 38034. These documents include an Austrian census form, completed by Marianne Bardach on 15 July 1938. These documents indicate that Marianne Bardach was Jewish, that she was born on 12 April 1895, that she resided at Frankgasse 4, Vienna IX, Austria, and that she worked in a private company. The documents also indicate that Marianne Bardach held one demand deposit account, which corresponds to information contained in the Bank's records, at the Zurich branch of the Bank valued at 775.00 Swiss Francs (443.22 Reichsmarks) as of 15 July 1938. The records also indicate that Marianne Bardach also held a considerable amount of money in stocks and bonds in foreign companies, some of which were in Swiss Francs, but there is no indication as to where these securities were kept. The documents also include a request by Marianne Bardach, following the aryanization of her brother's and father's assets, not to sell some of her stocks, so as to enable her to immigrate with her ailing mother. The documents further indicate that the Austrian Authorities refused her request, and that she was later forced to sell the aforementioned stocks in July 1938 and was subsequently deported to Poland.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His aunt's name matches the published name of the Account Owner. The Claimant identified his aunt's city of residence and the fact that she was not married, which matches unpublished information about the Account Owner contained in the Bank's records. Furthermore, the Claimant identified his aunt's address

and profession, which matches information about Marianne Bardach contained in the Austrian State Archives. Both the Claimant and the Austrian census form indicate that Marianne Bardach held an account at the Bank, and the two sources provide identical information regarding the branch of the Bank in which the account was held. Moreover, the closing date for the account mentioned in the Bank's records is five days after the date Marianne Bardach submitted her Austrian census form. Accordingly, the CRT concludes that the Marianne Bardach who submitted the Austrian census form on 15 July 1938 and Account Owner Marianne Bardach are the same person. In support of his claim, the Claimant submitted documents, including his parents' marriage certificate, identifying his father as [REDACTED], who resided at Frankgasse 4 in Vienna.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Marianne Bardach, and indicates that her date of birth was 12 April 1895 and her place of birth was Vienna, which is consistent with 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. Finally, the CRT notes that there are no other claimants to this account.

#### 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, and that she was arrested by the Gestapo in 1942 and subsequently deported from Vienna to Auschwitz, where she perished. As noted above, a person named Marianne Bardach 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 detailed information in connection with his aunt's marital status, her address, business and whereabouts before and during the Second World War. In addition, the Claimant submitted various documents, including a family tree, his own birth certificate and a copy of his daughter's passport, who was born prior to the publication of the ICEP List, whom he stated was named after his aunt. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Austrian census form, together with the closing date of the demand deposit account contained in the Bank's records, indicates that the accounts were paid to Nazi authorities.

#### 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 Governing the Claims Resolution, as amended. Second, the Claimant has plausibly demonstrated that the

Account Owner was his aunt, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account. The Austrian State Archives records indicate that the value of the demand deposit account as of 15 July 1938 was 775.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 9,687.50 Swiss Francs.

#### **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  
July 15, 2003