

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1]

and [REDACTED 2]

in re Accounts of Alfred Bass and Friedrich Bass

Claim Numbers: 203128/AX; 222519/AX; 222629/AX

Award Amount: 382,875.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Alfred Bass and Friedrich Bass, and upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of [REDACTED].¹ This Award is to the published accounts of Alfred Bass (“Account Owner Alfred Bass”) at the Zurich branch of the [REDACTED] (“Bank I”), over which Helene Bass held power of attorney (the “Power of Attorney Holder”), and at the Zurich branch of the [REDACTED] (“Bank II”) (together the “Banks”) and to the published accounts of Friedrich Bass (“Account Owner Friedrich Bass”) at the St. Gallen branch of Bank II.

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 banks have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1] submitted two Claim Forms identifying the Account Owners as her father and her paternal uncle. Claimant [REDACTED 1] stated that her father, Dr. Alfred Bass, who was born on 15 December 1894 in Vienna, Austria, was married to Dr. [REDACTED], née [REDACTED], on 1 June 1946 in New York, New York, the United States. Claimant [REDACTED 1] stated that her uncle, Dr. Friedrich Bass, was born on 13 May 1890 in Vienna, Austria. Claimant [REDACTED 1] indicated that her father was a lawyer in Vienna. According to Claimant [REDACTED 1], her father and her uncle, who were Jewish, fled Austria in 1938 to escape Nazi persecution, and spent a period of time in Zurich, Switzerland and in Vaduz, Liechtenstein. Claimant [REDACTED 1] further indicated that in March 1939 her father and uncle left Switzerland for London, England, and that in December 1939 they went to the United

¹ The CRT will treat the claim to this account in a separate decision.

States. Claimant [REDACTED 1] indicated that her father and her uncle arrived in the United States in poverty, and that after the Second World War, her father tried unsuccessfully to retrieve his family's assets in Europe. Claimant [REDACTED 1] further indicated that her father died on 24 December 1990 in New York, and that her uncle died on 1 July 1975 in New Jersey, the United States. In support of her claim, Claimant [REDACTED 1] submitted copies of her father's death certificate, indicating that Claimant [REDACTED 1] is the daughter of Alfred Bass, and that he was born in Austria; the death certificate of Frederick Bass, indicating that he was born in Austria; the death certificate of [REDACTED], the brother of Alfred and Friedrich Bass; the will of Alfred Bass, indicating that Claimant [REDACTED 1] is the heir to the estate of Alfred Bass; and the will of Frederick Bass, indicating that his brothers, [REDACTED] and Alfred Bass, are the heirs to his estate, but that if [REDACTED] predeceases Friedrich Bass, then the entire estate shall be inherited by Alfred Bass. Claimant [REDACTED 1] indicated that she was born on 10 April 1948 in New York.

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owners as his uncles, Alfred Bass and Friedrich Bass, who were the sons of Dr. [REDACTED] and Helene Bass, née Nagel. Claimant [REDACTED 2] stated that Alfred and Friedrich Bass were the brothers of Claimant [REDACTED 2]'s father, [REDACTED]. According to Claimant [REDACTED 2], his uncles, who were Jewish, fled Austria with his grandmother to Switzerland in the summer of 1938. Claimant [REDACTED 2] indicated that from Switzerland, his uncles went to London and later to the United States. In support of his claim, Claimant [REDACTED 2] submitted a copy of his birth certificate, indicating that his father was Richard Bass. Claimant [REDACTED 2] indicated that he was born on 28 January 1927 in Vienna.

Information Available in the Banks' Records

Accounts of Alfred Bass

Bank I

Bank I's records submitted to the CRT 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") consist of a customer card, a registry of closed numbered accounts, and printouts from Bank I's database. According to these records, Account Owner Alfred Bass was Dr. Alfred Bass, an attorney who resided at Eichendorffgasse 3, Vienna XIX, Austria, and that the Power of Attorney Holder was *Frau* (Mrs.) Helene Bass. Pursuant to Article 6 of the Rules, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank I to obtain additional information about Account Owner Alfred Bass' accounts at this bank ("Voluntary Assistance"). On 7 July 2004, Bank I provided the CRT with additional documents. These documents consist of another customer card, internal memoranda, and a certificate of deposit of securities in a custody account.

These records indicate that Account Owner Alfred Bass held a custody account, numbered 36805, a savings/passbook account, numbered 11933, and another custody account held under the numbered identity 61719. Bank I's records indicate that Account Owner Alfred Bass

deposited 4% *S.B.B. 1933* bonds with a total nominal value of 5,000.00 Swiss Francs ("SF") on 23 August 1933 in custody account 36805. Bank I's records also indicate that custody account 36805 was closed on 23 August 1937. Bank I's records further indicate that the proceeds of numbered custody account 61719 were paid to an authorized party and the account was closed on 15 March 1939. The values of these accounts on the date of their closure are not known.

Bank I's records do not show when the savings/passbook account was closed nor does it indicate its value. The auditors who carried out the ICEP Investigation did not find the savings/passbook account in Bank I's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on the savings/passbook account after 1945. There is no evidence in Bank I's records that Account Owner Alfred Bass, the Power of Attorney Holder, or their heirs closed the savings/passbook account and received the proceeds themselves.

Bank II

Bank II's record consists of a customer card. According to this record, Account Owner Alfred Bass was Dr. Alfred Bass, who resided at Wipplingerstrasse 23 in Vienna. According to this record, Account Owner Alfred Bass held one custody account, numbered 50590, and one demand deposit account. Bank II's record shows that the custody account was closed on 19 August 1938, and that the demand deposit account was closed on 10 November 1938. The value of these accounts on the date of their closure is not known. There is no evidence in Bank II's record that Account Owner Alfred Bass or his heirs closed the accounts and received the proceeds themselves.

Accounts of Friedrich Bass

Bank II's records consist of two customer cards. According to these records, Account Owner Friedrich Bass was Dr. Friedrich Bass, a medical doctor, who resided at Alserbachstrasse in Vienna. Bank II's records indicate that at some time this address was crossed out and replaced with an address in Vaduz, Liechtenstein.

Bank II's records indicate that Account Owner Friedrich Bass initially ordered Bank II to send all correspondence to [REDACTED] at *Allgemeiner Tarifanzeiger*, Biberstrasse 16 in Vienna, and that on 24 January 1940 he ordered Bank II to hold all correspondence. According to Bank II's records, Account Owner Friedrich Bass granted power of attorney over his accounts to Dr. Alfred Bass, who was a lawyer who used an address at Wipplingerstrasse 23 in Vienna.

Bank II's records indicate that Account Owner Friedrich Bass held three accounts: one custody account, numbered L 3764, and two savings/passbook accounts, numbered 14314 and 20577. The opening dates of the accounts are illegible. Bank II's records show that the savings/passbook account, numbered 14314, was closed on 23 October 1943, and that the custody account as well as the savings/passbook account, numbered 20577, were closed on 12 February 1944. The value of these accounts on the date of their closure is not known. There is no evidence in Bank II's records that Account Owner Friedrich Bass or his heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

Account Owner Alfred Bass

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Alfred Bass, numbered 15243. These records indicate that Dr. Alfred Bass, who was the son of Helene Bass, was born on 15 December 1894. These records show that Alfred Bass, who was a lawyer, resided at Eichendorffgasse 3, Vienna XIV and worked at Seitzergasse 6 in Vienna I. These records show further that he owned, inter alia, 4% Federal Swiss bonds from 1930 with a market value of 3,040.00 Reichsmark ("RM"). However, the records do not indicate where these securities were held. The records indicate that after an attempt on 14 September 1938 by the head office *Reichsbank* in Vienna (*Reichsbankhauptstelle Wien*) to contact Dr. Alfred Bass regarding the sale of his foreign securities, which were deposited in a custody account of "not insignificant" value, the *Reichsbank* was informed that Dr. Alfred Bass had left the country. According to correspondence dated from November 1938 to January 1939, an investigation was launched into Dr. Alfred Bass affairs regarding the sale of his foreign securities. The investigation discovered that on 8 August 1938, Helene Bass was assessed "flight tax" (*Reichsfluchtsteuer*) of RM 19,337.00, and that two days later, on 10 August 1938, Dr. Alfred Bass and Helene Bass traveled to Switzerland and gave their apartment furniture to a *Frau* Dr. Slatky, a Hungarian citizen said to be of "Aryan origin". These records make no mention of assets held in a Swiss bank account.

Account Owner Friedrich Bass

In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Friedrich Bass, numbered 12323. These records show that Dr. Friedrich Bass, who was a medical doctor, was born on 13 May 1890. They also indicate that Friedrich Bass resided at Pfluggasse 6 in Vienna IX, and worked at Alserbachstrasse 11 in Vienna IX. The records show that Dr. Friedrich Bass owned two insurance policies valued at RM 2,733.00, assets totaling RM 13,600.00, and Swiss securities with a nominal value of SF 14,500.00. However, the records do not indicate where these securities were held. The records indicate that after an attempt by the *Reichsbank* head office in Vienna (*Reichsbankhauptstelle Wien*) to contact Dr. Friedrich Bass regarding the sale of his foreign securities, the *Reichsbank* was informed that Dr. Friedrich Bass had left the country for the United Kingdom in early September 1938. According to correspondence dated 28 June 1940, an investigation was launched, which found that Dr. Friedrich Bass sold and/or gave his apartment furniture away and probably took the securities with him. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owners. Claimant [REDACTED 1]'s father's name and city of residence match the published name and city of residence of Account Owner Alfred Bass. Claimant [REDACTED 1]'s grandmother's name matches the published name of the Power of Attorney Holder. Claimant [REDACTED 1] identified her father's profession and title, which match information about Account Owner Alfred Bass contained in the Banks' records. Claimant [REDACTED 1] identified her father's date of birth, which matches unpublished information contained in the Austrian Census Records regarding Account Owner Alfred Bass.

The Claimants' uncle's name and country of residence match the published name and country of residence of Account Owner Friedrich Bass. The Claimants identified their uncle's city of residence, which matches unpublished information about Account Owner Friedrich Bass contained in the Banks records. Claimant [REDACTED 1] identified her uncle's profession and title, which match unpublished information about Account Owner Friedrich Bass contained in the Banks' records. Claimant [REDACTED 1] identified her uncle's date of birth which matches information contained in the Austrian Census Records regarding Account Owner Friedrich Bass.

The CRT notes that the address given for Alfred Bass, who held Power of Attorney over Friedrich Bass' accounts at Bank II, matches the address provided for Account Owner Alfred Bass in Bank II's records. The CRT notes that this is different from the address provided for Account Owner Bass in Bank I's records. However, because the Claimants have clearly identified Account Owner Friedrich Bass as their relative, the CRT has concluded that Alfred Bass either had an additional residential or business address at Wipplingerstrasse 23, and that he is therefore the same Alfred Bass who held accounts at Bank II.

In support of their claims, the Claimants submitted the death certificates of Alfred Bass and Frederick Bass, both indicating that they were born in Austria, providing independent verification that the people who are claimed to be the Account Owners had the same names and were born in the same country recorded in the Banks records as the names and country of residence of the Account Owners.

The CRT notes that the other claims to Account Owner Alfred Bass' accounts were disconfirmed because those claimants identified a different name for their relatives' mother than the name of Account Owner Alfred Bass' mother, namely, Helene Bass, as indicated in the records from the Austrian State Archive. The CRT notes that there were no other claims to Account Owner

Friedrich Bass' accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, and that they fled Austria to escape Nazi persecution.

The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Alfred Bass was Claimant [REDACTED 1]'s father and Account Owner Friedrich Bass was the Claimants' uncle. These documents include Alfred Bass' death certificate, indicating that Claimant [REDACTED 1] is the daughter of Alfred Bass, and the will of Frederick Bass, indicating that [REDACTED] and Alfred Bass are the brothers of Frederick Bass, and Claimant [REDACTED 2]'s birth certificate, indicating that his father is [REDACTED]. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

With respect to Account Owner Alfred Bass' custody account, numbered 36805, that was closed on 23 August 1937, the CRT notes that this account was closed prior to the German annexation of Austria on 13 March 1938. Therefore, the CRT determines that Account Owner Alfred Bass and the Power of Attorney Holder were able to access the account and concludes that Account Owner Alfred Bass closed the account and received the proceeds.

With respect to Account Owner Alfred Bass' custody account, numbered 61719, that was closed on 15 March 1939, Bank I's records indicate that the account was paid to an authorized party. Therefore, the CRT determines that Account Owner Alfred Bass and the Power of Attorney Holder were able to access the account and concludes that Account Owner Alfred Bass closed the account and received the proceeds.

With regard to the remaining accounts, the CRT notes that the Banks' records do not indicate a closing date for Account Owner Alfred Bass' savings/passbook account; that they indicate that Account Owner Alfred Bass' custody account, numbered 50590, was closed on 19 August 1938 and that his demand deposit account was closed on 10 November 1938; and that Account Owner Friedrich Bass' custody account, numbered L 3764, was closed on 12 February 1944 and that his two savings/passbook accounts, numbered 14314 and 20577, were closed on 23 October 1943 and 12 February 1944, respectively. The CRT notes that, according to the Banks' records, the accounts with known closure dates were closed at a time when, according to information provided by the Claimant, the Account Owners were outside Nazi-dominated territory. However, given that the Banks' documentation neither indicates to whom the accounts were closed nor records of a date of closure of Account Owner Alfred Bass' savings/passbook account, that the Account Owners fled their country of origin due to Nazi persecution, that the Account Owners may have had relatives remaining in their country of origin and that they may

therefore have yielded to Nazi pressure to turn over their accounts to ensure their safety, that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, 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, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners, the Power of Attorney Holders, or their 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.

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, the Claimants have plausibly demonstrated that Account Owner Alfred Bass was Claimant [REDACTED 1]'s father and Claimant [REDACTED 2]'s uncle, and the Claimants have plausibly demonstrated that Account Owner Friedrich Bass was their uncle, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holder nor their heirs received the proceeds of the savings/passbook account held by Account Owner Alfred Bass and of the accounts held by Account Owner Friedrich Bass.

Amount of the Award

In this case, the Award is for one savings/passbook account, one custody account, and one demand deposit account held by Account Owner Alfred Bass, and one custody account and two savings/passbook accounts held by Account Owner Friedrich Bass. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was SF 13,000.00, the average value of a demand deposit account was SF 2,140.00, and the average value of a savings/passbook account was SF 830.00. Thus, the total 1945 average value of the six accounts is SF 30,630.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 382,875.00.

Division of the Award

With regard to Account Owner Alfred Bass' account, according to Article 23(2)(a) of the Rules, if the Claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the Award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. Claimant [REDACTED 1] submitted her father's will, indicating that she is the sole heir of his estate of Alfred Bass. Accordingly, Claimant [REDACTED 1] is entitled to the total award

amount for Account Owner Alfred Bass' accounts.

With regard to Account Owner Friedrich Bass' accounts, according to Article 23(2)(a) of the Rules, if the Claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the Award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, Claimant [REDACTED 1] submitted her uncle's will, indicating that her father and Claimant [REDACTED 2]'s father are the heirs to the estate of Friedrich Bass, but that if [REDACTED] predeceased Account Owner Friedrich Bass, then Account Owner Alfred Bass was to become the sole heir to the estate. The Claimants stated that [REDACTED] died on 18 February 1975, and that Friedrich Bass died on 1 July 1975. Claimant [REDACTED 1] also submitted her father's will, indicating that she is the sole heir of his estate of Alfred Bass. Accordingly, Claimant [REDACTED 1] is entitled to the total award amount for Account Owner Friedrich Bass' accounts.

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