

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Denis Delcros

in re Account of Charles Baszanger, Jacqueline Baszanger and Louise Gatelet

Claim Number: 218890/WT; 218891/WT; 218892/WT

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Jacques Baszanger, Elisabeth Baszanger and Charles Baszanger.¹ This Award is to the published account of Charles Baszanger (“Account Owner Charles Baszanger”), Miss (*Mlle.*) Jacqueline Baszanger (“Account Owner Jacqueline Baszanger”), and Mrs. (*Mme.*) Louise Gatelet (“Account Owner Louise Gatelet”) (together the “Account Owners”) at the Basel 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 Account Owner Charles Baszanger as his father, Charles Baszanger, who was born on 21 November 1897 in Paris, France, and was married to [REDACTED], née [REDACTED], on 19 August 1920 in Etretat, France. The Claimant stated that his father, who was Jewish, worked as a diamond merchant with the Claimant’s grandfather, [REDACTED], who was born on 11 October 1860 in Amsterdam, the Netherlands, and was married to [REDACTED], née [REDACTED] on 29 October 1892 in Paris.

In a telephone conversation with the CRT, the Claimant’s representative identified Account Owner Jacqueline Baszanger as the Claimant’s paternal aunt, Jacqueline Baszanger, who also lived in Paris. According to the Claimant, his father and paternal grandmother remained in France during the Second World War, but his paternal grandfather was arrested, interned at the

¹ In a separate decision, the CRT awarded the accounts of Jacques Baszanger, Elisabeth Baszanger and Charles Baszanger to the Claimant. See *In re Accounts of Jacques Baszanger, Elisabeth Baszanger and Charles Baszanger* (approved on 20 May 2004).

transit camp at Drancy, and on 30 September 1942 deported to Auschwitz, where he perished. The Claimant stated indicated that his father moved to Switzerland in 1960, where he died on 10 September 1986 in Genolier, Switzerland.

In support of his claim, the Claimant submitted copies of: 1) his parents' marriage certificate, indicating that Charles Baszanger married [REDACTED], née [REDACTED], on 19 August 1920 in Etretat; 2) his own birth certificate, indicating that [REDACTED] is the son of Charles Baszanger and [REDACTED], née [REDACTED]; 3) his own marriage certificate, indicating [REDACTED] is the son of Charles Baszanger; 4) a list, dated 1 October 1942, containing the names of Jews transported from Drancy to Auschwitz, including the name, date, place of birth, and residence of the Claimant's grandfather, [REDACTED]; and 5) his grandparents' marriage certificate, indicating that [REDACTED] married [REDACTED], née [REDACTED] on 29 October 1892 in Paris. The Claimant indicated that he was born in Paris on 5 May 1921.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts and a customer card. According to these records, the Account Owners were Charles Baszanger and Miss (*Mlle.*) Jacqueline Baszanger, who held the account as owners without usufruct right (*nus-propriétaires*), and Mrs. (*Mme.*) Louise Gatelet, who held usufruct right (the right to use property or income from property that is owned by another) over the account. The Bank's records indicate the Account Owners' nationality was French, and that they resided at rue de Maubeuge 23, Paris IX.

The Bank's records indicate that the Account Owners held a demand deposit account, numbered 32038. The records further indicate that this account was frozen pursuant to the 1940 freeze of French assets held in Switzerland (the "1940 Freeze"). The Bank's records indicate the account was transferred to a suspense account on 18 April 1950. The amount in the account on the date of its transfer was 11.00 Swiss Francs ("SF"). The account remains suspended today.

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 three claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified Account Owner Charles Baszanger and Account Owner Jacqueline Baszanger. The names of the Claimant's father and aunt and their city and country of residence match the published names, city and country of residence of Account Owner Charles Baszanger and Account Owner Jacqueline Baszanger. In support of his claim, the Claimant

submitted documents, including his parents' marriage certificate and the Claimant's own birth and marriage certificates, providing independent verification that the person who is claimed to be Account Owner Charles Baszanger had the same name, city and country of residence recorded in the Bank's records as the name, city and country of residence of Account Owner Charles Baszanger.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that his date of birth was 11 October 1860 and place of birth was Amsterdam, which corresponds with information about the family of Account Owner Charles Baszanger and Account Owner Jacqueline Baszanger 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 there are no other claims to this account.

The CRT notes that the Claimant did not identify Account Owner Louise Gatelet. However, the CRT notes that Account Owner Louise Gatelet shares the same surname as the maiden name of the Claimant's paternal grandmother, [REDACTED], née [REDACTED], and considers it likely that she was a more distant relative of the Claimant. Accordingly, the CRT concludes that the Claimant's failure to identify Account Owner Louise Gatelet does not adversely affect the plausibility of his identification of Account Owner Charles Baszanger and Account Owner Jacqueline Baszanger.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Charles Baszanger and Account Owner Jacqueline Baszanger were Victims of Nazi Persecution. The Claimant stated that Account Owner Charles Baszanger and Account Owner Jacqueline Baszanger were Jewish, that they lived in France during the Second World War, and that their father perished in 1942 in Auschwitz.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to Account Owner Charles Baszanger and Account Owner Jacqueline Baszanger by submitting specific information and documents, demonstrating that Account Owner Charles Baszanger was the Claimant's father and Account Owner Jacqueline Baszanger was the Claimant's aunt. These documents include the Claimant's own birth and marriage certificates, indicating that [REDACTED] was the son of Charles Baszanger. There is no information to indicate that Account Owner Charles Baszanger or Account Owner Jacqueline Baszanger have other surviving heirs.

The CRT notes that the Claimant did not indicate whether he is related to Account Owner Louise Gatelet. However, given that the Bank's records indicate that Account Owner Louise Gatelet shares the same surname as the maiden name of the Claimant's paternal grandmother, [REDACTED], née [REDACTED], the CRT concludes that it is plausible that the Account Owners were related, and that by plausibly demonstrating that he is related to Account Owner Charles Baszanger and Account Owner Jacqueline Baszanger, the Claimant has also plausibly demonstrated that he is related to Account Owner Louise Gatelet.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred on 18 April 1950 to a suspense account, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Charles Baszanger was his father and Account Owner Jacqueline Baszanger was his aunt, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one demand deposit account, numbered 32038. The Bank's records indicate that the value of the demand deposit account as of 18 April 1950 was SF 11.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 390.00, which reflects numbered account fees and standardized bank fees charged to the demand deposit account between 1945 and 1950. Consequently, the adjusted balance of the account at issue is SF 401.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, 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, to produce a total award amount of SF 26,750.00.

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 claims 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
23 June 2008