

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Vilem Bauer

Claim Number: 500053/PI¹

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Vilem Bauer (the “Account Owner”) at 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 step-father, Vilem Ferdinand Bauer, who was born on 17 January 1901 in Brno, Czechoslovakia, and was married to [REDACTED], née [REDACTED], on 26 January 1943 in Florac, France. The Claimant stated that his mother was born on 31 March 1900 and died on 5 April 1984 in New York, New York, the United States. The Claimant further stated that his step-father, who was Jewish, was a soldier in the Czechoslovakian Army while living in Czechoslovakia, and that he fled Czechoslovakia in 1938. The Claimant indicated that his step-father first obtained a work permit in Austria on 19 January 1938, and then entered France and obtained a residency permit on 12 April 1938. The Claimant further indicated that his step-father joined the French Army in 1939 and was released from his military service in 1940. According to the Claimant, his mother and step-father had only been married for a month when the Claimant’s step-father was arrested in February 1943. The Claimant explained that while his step-father was “being marched to the train station,” the Claimant attempted to provide him with a bicycle for his escape, but that his step-father refused, saying that as a French soldier he would soon be released. The Claimant indicated that his step-father perished in March 1943 in the Lublin-Maidanek concentration camp. The Claimant further indicated that he thought his step-father had a sister who is currently living in the United States.

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 208010. The CRT notes that on 12 November 2001, the Court awarded the Claimant this account, in a decision entitled In re Account of [REDACTED].

According to the Claimant, his step-father lived in Czechoslovakia before he fled to France, and between 1938 and 1939, he lived at 16 rue St. Ferdinand, Paris. The Claimant stated that his step-father volunteered for the French Army and was stationed in Agde (Hérault) from 1939 to 1940. The Claimant further stated that after being demobilized, his step-father lived at 28 rue de la République in Agde from 1941 to 1942, and in rue Lambert, in Florac (Lozère) from 1942 until 1943.

In support of his claim, the Claimant submitted his step-father's birth certificate, a copy of his step-father's work permit in Austria issued on 19 January 1938, and a copy of his step-father's application to the Seine Commerce Tribunal (*Tribunal de commerce de la Seine*), dated 7 July 1938, indicating that the Claimant's step-father was granted a permit to reside in France on 12 April 1938, and that he intended to establish his own business in France. The Claimant further submitted a document dated 9 August 1940 indicating the Claimant's step-father's demobilization (*Demobilisation des Militaires Tchécoslovaques*) from the French Army, a document issued by the French Ministry of Deportation (*Ministère de la Deportation*) dated 1946, identifying the Claimant's step-father as an interned and political deportee and certifying that he did not return, and correspondence dated 8 December 1955 between the Claimant's mother and the French Victims of War Ministry (*Ministère des Anciens Combattants et Victimes de la Guerre*) documenting the Claimant's step-father's transport from Gurs to Drancy and then to Lublin-Maidanek on 4 March 1943. The Claimant also submitted his mother's and step-father's marriage certificate dated 26 January 1943, photographs, and correspondence between the Claimant's step-father and mother dated 1943, written while the Claimant's step-father was interned at the Gurs concentration camp. Finally, the Claimant submitted his own birth certificate.

The Claimant indicated that he was born on 29 March 1927 in Vienna, Austria.

Information Available in the Bank's Records

The Bank's records consist of ledger sheets, printouts from the Bank's database, and a protocol regarding the opening of safe deposit boxes dated 16 January 1964. According to these records, the Account Owner was Vilem Bauer, who resided at Klimentaska 30, in Prague II, Czechoslovakia. The Bank's records indicate that the Account Owner held a safe deposit box numbered 812 S. The Bank's records further indicate that on 15 January 1964 the Bank opened the Account Owner's safe, the contents of which were described as being valueless (*Inhalt wertlos*). The Bank's records further indicate that the last contact between the Bank and the Account Owner was on 1 June 1938.

The CRT's Analysis

Identification of the Account Owner

The Claimant's step-father's name matches the published name of the Account Owner. The Claimant stated that his step-father resided in Czechoslovakia until 1938, which matches published information about the Account Owner contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and street address in Prague. The Claimant stated that his step-father fled Czechoslovakia in 1938, eventually settled in France, and joined the French Army in 1939, which is consistent with the unpublished information in the Bank's records that show that the last date of contact with the Bank was in 1938. In support of his claim, the Claimant submitted documents, including his step-father's birth certificate, his step-father's Austrian work permit, his step-father's application for business registration in France, his step-father's demobilization certificate, documentation regarding his step-father's deportation to Gurs, Drancy, and ultimately Lublin-Maidameck, and his mother's and step-father's marriage certificate, identifying the Claimant's step-father as Vilem Bauer of Czechoslovakia. The CRT notes that the name Vilem Bauer appears only once 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. Furthermore, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 he perished in Lublin-Maidanek.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his step-father's birth certificate, his step-father's Austrian work permit, his step-father's application for business registration in France, his step-father's demobilization certificate, documentation regarding his step-father's deportation to Gurs, Drancy, and ultimately Lublin-Maidanek, and his mother's and step-father's marriage certificate, identifying the Claimant's step-father as Vilem Bauer of Czechoslovakia, demonstrating that the Account Owner was his step-father. The CRT notes that the Claimant stated that his step-father may have a sister who is currently living in the United States. The CRT notes that there are no other claims to this account.

The Issue of Who Received the Proceeds

The Bank's records indicate that the safe deposit box was opened by the Bank on 16 January 1963, and that the contents of the box were considered valueless by the Bank.

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 step-father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one safe deposit account. The Bank's records indicate that on 15 January 1964, the Bank opened the safe and described its contents as being valueless. Given that the Account Owner was a Victim of Nazi Persecution and as such did not have an opportunity to adjust his assets in light of the wartime conditions, and given that the safe was not opened until 1964, the value of the safe deposit account before and during the Second World War cannot be determined. Taking these factors into account, the CRT concludes that in this case, the average value of a safe deposit account is the appropriate amount to award for the Account Owner's account. Based on the ICEP Investigation, in 1945 the average value of a safe deposit account was 1,240.00 Swiss Francs. 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 a total award amount of 15,500.00 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
22 December 2003