

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1]

and [REDACTED 2]

## **in re Account of Albert Baumann**

Claim Numbers: 210930/AX; 220874/AX<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Albert Baumann (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**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her cousin, Albert Bauman, the son of her paternal aunt, who was born on 9 February 1928 in Etterbeek, Belgium. Claimant [REDACTED 1] indicated that her cousin, who was Jewish, resided in Mons, Belgium, until 1942, when he was deported, together with his father and brother, to Auschwitz where he was killed. In support of her claim, Claimant [REDACTED 1] submitted an extract from the population registry of Mons, indicating that Albert Bauman died in Auschwitz.

Claimant [REDACTED 1] indicated that she was born on 7 March 1931 in Etterbeek.

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<sup>1</sup> Claimant [REDACTED 2] submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 211319. The CRT will treat the claim to this account in a separate decision.

## Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her father, Franz Albert Baumann, who was born on 19 September 1897 in Cologne, Germany, and was married to [REDACTED], née [REDACTED], in 1922 in Cologne. Claimant [REDACTED 2] indicated that her father, who was Jewish, fled Germany to the Netherlands in 1934. Claimant [REDACTED 2] indicated that her parents and sister were deported from the Netherlands to Theresienstadt and subsequently to Auschwitz, where they perished. In support of her claim, Claimant [REDACTED 2] submitted a letter from the Ministry of Social Welfare in Czechoslovakia and letters from the Red Cross in the Netherlands, indicating that Franz Albert Baumann, [REDACTED], and [REDACTED] were deported to Theresienstadt and subsequently to Auschwitz. Claimant [REDACTED 2] indicated that she was born on 31 May 1929 in Cologne.

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

The Bank's records consist of a list of closed accounts and printouts from the Bank's database. According to these records, the Account Owner was Albert Baumann. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The Bank's records indicate that the account had a balance of 90.50 Swiss Francs ("SF"), but do not indicate the date of this balance. 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") determined that the account was closed to the Bank's profit and loss account on an unknown date.

## **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 two claims of the Claimants in one proceeding.

### Identification of the Account Owner

Claimant [REDACTED 1]'s cousin's name matches the published name of the Account Owner.<sup>2</sup> The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of her claim, Claimant [REDACTED 1] submitted documents including an extract from the population registry of Mons, indicating that

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<sup>2</sup> The CRT notes that Claimant [REDACTED 1]'s relative's name is spelled Bauman, while the Account Owner's name is spelled Baumann, but finds that this is a minor discrepancy does not adversely affect Claimant [REDACTED 1]'s identification of the Account Owner.

Albert Bauman died in Auschwitz, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

Claimant [REDACTED 2]'s father's name matches the published name of the Account Owner.<sup>3</sup> In support of her claim, Claimant [REDACTED 2] submitted documents, including a letter from the Ministry of Social Welfare in Czechoslovakia and letters from the Red Cross in the Netherlands, indicating that Franz Albert Baumann, [REDACTED], and [REDACTED] were deported to Theresienstadt and subsequently to Auschwitz, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Franz Albert Baumann, who was also known as Albert Baumann, and indicates that he was born on 19 September 1897, and that he was from both Cologne and the Netherlands, which matches the information about the Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he perished in Auschwitz.

As noted above, a person named Franz Albert Baumann, who was also known as Albert Baumann, was included in the CRT's database of victims.

#### The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s cousin.

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<sup>3</sup> The CRT notes that Claimant [REDACTED 2]'s father's name is Franz Albert Baumann, while the Account Owner's name is Albert Baumann, but further notes that in the CRT's database containing the names of victims of Nazi persecution, Claimant [REDACTED 2]'s father was listed as both Franz Albert Baumann and Albert Baumann.

The CRT notes that Claimant [REDACTED 1] submitted a copy of an extract from the population registry of Mons, indicating that Albert Bauman died in Auschwitz. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess, and indicates that the Account Owner was well known to Claimant [REDACTED 1] as a family member, and all this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as she has asserted in her Claim Form.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s father. The CRT notes that Claimant [REDACTED 2] identified information which matches information contained in the Yad Vashem records. The CRT further notes that Claimant [REDACTED 2] submitted a letter from the Ministry of Social Welfare in Czechoslovakia and letters from the Red Cross in the Netherlands, indicating that Franz Albert Baumann, [REDACTED], and [REDACTED] were deported to Theresienstadt and subsequently to Auschwitz. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess, and indicate that the Account Owner was well known to Claimant [REDACTED 2] as a family member, and all this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The auditors who carried out the ICEP Investigation determined that the account was closed to the Bank's profit and loss account.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her cousin, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her father, and those relationships justify an Award. Third, the CRT has determined 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 account of unknown type. The Bank's records indicate that the account had a balance of SF 90.50, but do not indicate the date of the balance. Accordingly, the CRT will treat the account as an account with an unknown value. 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was SF 3,950.00. 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 a total award amount of SF 49,375.00.

### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the Account Owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, both Claimants have established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the Award amount.

### **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  
12 May 2005