

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant John Hans Baumann

in re Account of Hans Baumann

Claim Number: 204043/IG¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of John Hans Baumann (the “Claimant”) to the account of [REDACTED].² This Award is to the account of Hans Baumann (the “Account Owner”) at the Lugano 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 father, but this is an award of an account in the name of the Claimant. As explained below, the Claimant was born in 1930, was a child in the pre-war period and was unaware that his father had opened an account in his name.

The Claimant indicated that he is Jewish and that he was born on 7 November 1930 in Gumbinnen, Germany. The Claimant stated that he is his parents’ only child, and that he is known as both John Hans Baumann and Hans Baumann. The Claimant stated that his father, [REDACTED], who was born on 25 October 1893 in Danzig, Germany, was married to [REDACTED] on 8 March 1928 in Gumbinnen. The Claimant further stated that his parents owned a large men’s clothing store at Königstrasse 9 in Gumbinnen, and that they resided at the same address. The Claimant indicated that his father was the vice president of the *Jewish Congregation* of Gumbinnen. The Claimant further

¹ The Claimant submitted an additional claim to an account of [REDACTED], which is registered under the Claim Number 209256. The CRT will treat the claim to this account in a separate decision.

² The CRT treated the claim to this account in a separate decision.

indicated that after the Night of Broken Glass (*Kristallnacht*) in 1938, his parents' store along with most of their possessions were confiscated by the Nazis. The Claimant explained that his parents told him that before 1938 they were able to smuggle some money to Switzerland, but that all the related documents were lost during the Second World War. The Claimant stated that his father was detained by the Gestapo and kept in custody at the Gestapo headquarters, where he was tortured. The Claimant also stated that his mother repeatedly attempted to obtain an entry visa to Switzerland, but all her requests were denied. The Claimant indicated that his father was released from custody in 1939, and that the family was forced to flee Germany to Shanghai, China. The Claimant further stated that in Shanghai they were detained at a refugee camp, where they suffered from starvation. According to the Claimant, upon their release from the camp, they succeeded in immigrating to the United States in 1949. The Claimant indicated that his father died on 21 January 1951 in San Francisco, and that his mother died on 27 May 1980 in San Francisco. In support of his claim, the Claimant submitted his passport indicating that his name is John Hans Baumann.

Information Available in the Bank's Record

The Bank's record consists of printout from the Bank's database. According to this record, the Account Owner was Hans Baumann. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates that the Account Owner held an account, but does not indicate its type. The account was transferred to a suspense account for dormant assets on 9 July 1997. The amount in the account on the date of its transfer was 1,243.50 Swiss Francs. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's name matches the published name of the Account Owner. In support of his claim, the Claimant submitted his passport indicating that his name is John Hans Baumann. The CRT notes that while the Claimant's middle name matches the Account Owner's first name, the Claimant indicated that he is also known as Hans Baumann. In addition, the CRT notes that it has awarded the Claimant accounts belonging to his father, [REDACTED], based on the Claimant's providing information that matched unpublished information about Account Owner [REDACTED].³ The CRT further notes that the Claimant submitted a claim form to his father's account, but that this award is for the Claimant's account. Given that the Claimant was a child at the time of the Second World War, the CRT concludes that it is plausible that the Claimant's parents opened an account in his name, of which the Claimant was unaware; and therefore, that the Claimant did not initially claim the account bearing his name. Finally, 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.

³ See In re Account of [REDACTED] (approved on 24 October 2002).

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that he was a Victim of Nazi Persecution. The Claimant stated that he was Jewish, that his family's possessions were confiscated by the Nazis, that his father was tortured by the Gestapo, and that his family was forced to flee Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting his own passport, identifying him as John Hans Baumann.

The Issue of Who Received the Proceeds

The Bank's record indicates the account remains open in the Bank's suspense account.

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 Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that he is the Account Owner, thereby justifying an Award. Finally, 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 record indicates that the value of the account as of 9 July 1997 was 1,243.50 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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 49,375.00 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
6 February 2004