

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Franziska Bondy

Claim Number: 211028/SJ¹

Award Amount: 29,760.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née Bondy, (the “Claimant”) to the account of Franziska Bondy (the “Account Owner”) at the Zurich 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 and an Initial Questionnaire (“IQ”) identifying herself as the Account Owner, [REDACTED] Bondy, who was born on 14 November 1918 in Brno, Czechoslovakia, and was married. The Claimant stated that her uncle, [REDACTED], was a wealthy engineer who opened the account for her benefit, under a false identity: Franziska Bondy. The Claimant stated that her uncle told her that the account was set up and that it was opened under a pseudonym. The Claimant added that the reason for this action was that it was illegal in Czechoslovakia at that time to own a Swiss bank account. The Claimant also stated that she fled to Prague, Czechoslovakia in 1939. By 1940 the Nazi persecution in Prague became too intense, and the Claimant then fled to Palestine. In support of her claim, the Claimant submitted a copy of her Certificate of Domicile in Prague, a copy of her uncle’s Czech citizenship certificate, a copy of his signature, and a copy of her birth certificate.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account opened by her uncle [REDACTED] on her behalf, opened under a pseudonym, or with the use of

¹ The Claimant submitted two additional claims to the accounts of [REDACTED] which are registered under the Claim Numbers 211027 and 213828. The CRT will treat the claims to these accounts in separate decisions.

a password. In her IQ the Claimant stated that her uncle had always lived in Prague until his deportation to a concentration camp, in which he perished.

Information Available in the Bank Record

The bank record consists of an account opening card. According to this record, the Account Owner was *Frau* (Mrs.) Franziska Bondy from Prague, Czechoslovakia. The bank records indicate that the Account Owner held two safe deposit box accounts, opened on 15 October 1938. The accounts were closed on 22 July 1939 and 8 June 1946, unknown by whom. The bank record does not show to whom the accounts were paid, nor does this record indicate the value of these accounts. There is no evidence in the bank record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The pseudonym, Franziska Bondy, matches the published name of the Account Owner. The Claimant has provided documentation proving that she was in Prague, Czechoslovakia at the time the account was opened for her, which matches published information about the Account Owner's place of residence contained in the bank records. Finally, the Claimant provides a reasonable explanation as to why the account was opened under a pseudonym. In support of her claim, the Claimant submitted her birth certificate, her Czech registration papers, and a copy of her uncle's signature. The CRT notes that there are no other claims to these accounts.

The CRT notes that the Claimant filed an IQ with the Court in 1999, an ATAG Ernst & Young claim form in 1998, and sent letters as early as January 1965 to the legal department of the Swiss government's office dealing with the assets of foreigners with dormant accounts asserting her entitlement to a Swiss bank account under the name of her uncle [REDACTED], who resided in Prague, or herself, or under a pseudonym, prior to the publication in February 2001 of the list of accounts determined by Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears her name or the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned or opened for her benefit a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that she is the Account Owner and that she was a Victim of Nazi Persecution. The Claimant stated that she was Jewish and that she fled Brno,

escaping to Prague, and then fled Czechoslovakia in 1940 to Palestine, in order to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is the Account Owner herself by submitting documents that demonstrate this.

The Issue of Who Received the Proceeds

Pertaining to the account closed on 22 July 1939, given the application of Presumptions (a) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Pertaining to the account closed on 8 June 1946, 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 Owner or her 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 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 she was the Account Owner, and that justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two safe deposit box accounts. 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 investigation carried out pursuant to the instructions of the ICEP, in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs. In this case, there were two such accounts. The present value of this amount is calculated by multiplying the total of both accounts by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 29,760.00 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 her claim to determine whether there are additional Swiss bank accounts to which she 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
March 5, 2003