

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED] and [REDACTED], née [REDACTED]

in re Account of Klara Ramer, Salomon Ramer and Samuel Herzig

Claim Number: 204180/MBC; 204181/MBC; 204365/MBC; 204366/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] and [REDACTED], née [REDACTED] (the “Claimants”) to the account of Klara Ramer, Salomon Ramer and Samuel Herzig (the “Account Owners”) at the Basel branch of [REDACTED](the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

Each of the Claimants submitted two Claim Forms, indicating that the Account Owners Klara Ramer and Salomon Ramer were their paternal grandparents. The Claimants stated that their grandmother, Klara Ramer, née [REDACTED], was born in Krakow, Poland, on 4 October 1878, and perished in Auschwitz between 1943 and 1945. The Claimants further stated that their grandfather, Dr. Salomon Mandel Ramer, was born in Sanok, Poland, on 14 November 1873 and died in Dolina, Poland, on 7 November 1939 while fleeing Nazi persecution after the invasion of Poland on 1 September 1939. The information on file shows that the Claimants’ grandparents, who were Jewish, married on 18 July 1899 in Krakow, Poland. The Claimants identified Dr. Salomon Ramer as a physician of Polish nationality, who lived with his wife in Sanok, Poland, until September 1939, and in Dolina, Poland, from September 1939 until his death in November 1939.

The Claimants stated that their grandparents had two children, [REDACTED], who was born in 1900 in Sanok and perished in Auschwitz between 1943 and 1945, and [REDACTED], the Claimants’ father, who was born in 1903 in Sanok and died in New York in 1992. The Claimants indicated that [REDACTED]’s husband, [REDACTED], and their only child, [REDACTED], are now deceased. In support of their claims, the Claimants submitted copies of numerous documents, including their father’s birth, marriage and death certificates, showing the names of his parents, Dr. Salomon Mandel Ramer and Klara [REDACTED]. The Claimants also

submitted their own birth certificates and certificates of baptism showing the name of their father, [REDACTED].

Information Available in the Bank Records

According to the bank records, the joint Account Owners were Frau Klara Ramer, Dr. Salomon Ramer and Dr. Samuel Herzig, who used the code-name *Waisenhaus, Sanok, Polen*. The best known contact with the Bank was in 1935, and the bank records indicate that the Account Owners held an account of an unknown type that was registered with the Swiss registration authority in 1963, pursuant to the *Swiss Federal Decree of 20 September 1962 on the Assets in Switzerland of Foreigners or stateless Persons who have been Victims of Racial, Religious and Political Persecution* (the “1962 Decree”). The audit file indicates that the balance of the account of 917.00 Swiss Francs on 1 September 1963 was paid to the Polish Government in accordance with the Agreement between Switzerland and Poland of 1949. This Agreement effectively provided for use of victim depositors’ funds to assist in the compensation of Swiss nationals whose property was expropriated by the Polish Government.

The CRT’s Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (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 four claims fo the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified two of the three Account Owners. The names of their paternal grandparents match the published names of the Account Owners. Additionally, the Claimants provided the unpublished professional title of Dr. Salomon Ramer, and indicated that Ramer was their grandmother’s married name, which is consistent with the notation “Frau” in the bank documents. In addition, the Claimants stated that their grandparents resided in Sanok, Poland, which matches the Account Owners’ residence identified in the bank documents.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have provided plausible evidence that the Account Owners Klara Ramer and Salomon Ramer were Victims of Nazi Persecution. The Claimants have shown that their paternal grandparents were Jewish and that they were murdered by the Nazis.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly shown that the Account Owners Klara Ramer and Salomon Ramer were their paternal grandparents, by providing the above-mentioned family documents. The Claimants stated that they are the sole surviving heirs of their paternal grandparents.

The Issue of Who Received the Proceeds

The bank records indicate that the account was paid to the Polish Government in accordance with the Agreement between Switzerland and Poland of 1949, as described above. Therefore, it is clear that the three Account Owners or their heirs have not received the proceeds of the account, and no presumption is required for the CRT to conclude that the Account Owners did not receive the proceeds of their Account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners Klara Ramer and Salomon Ramer were their paternal grandparents, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the account as of 1 September 1963 was 917.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 285.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1963. According to Article 35 of the Rules, if the amount in an unknown type of account 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 present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Articles 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the Claimant shall be 35% of the Certified Award, and the Claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 35% of the total award amount is 16,590.00 Swiss Francs.

Division of the Award

As noted above, the account was a joint account. According to Article 31(2) of the Rules, in cases where the joint account is claimed by relatives of only one of some of the joint account

owners, the Tribunal shall presume that the account was owned as a whole in equal shares by the account owners whose shares of the account have been claimed. Therefore, according to Article 29(1)(c) of the Rules, each of the Claimants is entitled to receive one-half of the Award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 of the Rules, the Tribunal 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