

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of *Vilko Kardos***

Claim Numbers: 702056/MBC; 770472/MBC<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (or [REDACTED]) (the “Claimant”) an account of Zlatko Kremen.<sup>2</sup> This award is to the published account of *Vilko Kardos* (the “Account Owner”), over which Franjo Kardos (“Power of Attorney Holder Kardos”) and Zlatko Kremen (“Power of Attorney Holder Kremen”) (together the “Power of Attorney Holders”) held power of attorney 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 two Initial Questionnaires (“IQ”) identifying the owner of the Account Owner as his paternal uncle, Vilko Kardos and identifying Power of Attorney Holder Kremen as his father, Zlatko Kremen, formerly Kardos, both of whom resided at Ilica 73 in Zagreb, Yugoslavia (now Croatia). The Claimant explained that in the 1930s, his father changed his surname from Kardos to Kremen. The Claimant indicated that his uncle and father, who were Jewish, owned a business in Zagreb called *Kolonial* (*Colonial*). According to the Claimant, his father’s family held assets in banks in Switzerland, and his father and uncle both traveled to Switzerland. The Claimant further indicated that after the Nazi invasion of Yugoslavia in 1941,

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<sup>1</sup> [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted two Initial Questionnaires (“IQ”), numbered ENG-0019130 and ENG-0053030, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires, which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim number 770472 and 702056, respectively.

<sup>2</sup> The CRT did not locate an account belonging to Zlatko Kremen in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

his uncle and father were deported to the Jasenovac concentration camp, where they perished. The Claimant indicated that the rest of his family was deported to Auschwitz, but that he and his mother escaped and lived in hiding until they were later deported to a concentration camp in Italy, where they were imprisoned until the end of the Second World War. The Claimant indicated that he was born on 27 September 1933 in Zagreb.

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

The CRT notes that 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") did not report an account belonging to *Vilko Kardos* during their investigation of the Bank. The existence of an account at the Bank is evidenced by documents from the Swiss Federal Archive in Bern, Switzerland.

### **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey").

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to *Vilko Kardos*, numbered 118. According to these records, the Account Owner was *Vilko Kardos (Firma)*, a business located at Ilica 73 in Zagreb, Yugoslavia, and the Power of Attorney Holders were Franjo Kardos and Zlatko Kremen. The records further indicate that contact with the Power of Attorney Holders was lost before the end of the Second World War. The Swiss Federal Archive records indicate that the Account Owner held a demand deposit account denominated in United States Dollars ("US \$"), which had a balance of US \$108.00 as of 1 September 1963, which the Swiss Federal Archive records indicate was equivalent to 466.55 Swiss Francs ("SF"). The records do not refer to the ultimate disposition of the account.

### **The CRT's Analysis**

#### Identification of the Account Owner and Power of Attorney Holder

The Claimant has plausibly identified the Power of Attorney Holders. The Claimant's uncle's name matches the published name of the Account Owner. The Claimant identified the Account Owner's street address and city of residence and Power of Attorney Holder Kremen's name, which matches unpublished information contained in the Swiss Federal Archive records. The CRT notes that the Claimant stated that *Vilko Kardos* was an individual (his uncle), whereas the records from the Swiss Federal Archive indicate that the Account Owner was a business. The

CRT notes, however, that the Claimant was born in 1933, and may not have been aware of all his uncle's business activities. Given the Claimant's identification of the Account Owner's street address and Power of Attorney Holders, the CRT determines that this does not affect the Claimant's identification of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes pages of testimony concerning persons named Vilko and Zlatko Kardos, and indicates that they were brothers, and that they were born in 1905 and 1903, respectively, in Zagreb, which matches the information provided by the Claimant. These records further indicate that Vilko Kardos was unmarried, and that both brothers perished in the Jasenovac concentration camp. These pages of testimony were submitted by their sister, [REDACTED], in 1955. Additionally, the database indicates that Zlatko Kardos resided at 73 Ilica Street in Zagreb. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimant filed IQs with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Zlatko Kremen, prior to the publication in 2005 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "2005 List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the 2005 List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the 2005 List. It also indicates that the Claimant had reason to believe that his relatives owned a Swiss bank account prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant. The CRT notes that there are no other claims to this account.

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

The Claimant has made a plausible showing that the owner of the Account Owner was Victim of Nazi Persecution. The Claimant stated that the owner of the Account Owner was Jewish, and that he and his brother were deported to the Jasenovac concentration camp, where he perished. As noted above, a person named Vilko Kardos was included in the CRT's database of victims.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the owner of the Account Owner by submitting specific biographical information, demonstrating that the owner of the Account Owner was the Claimant's uncle. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Swiss Federal Archive records; that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the owner of the Account Owner and the Claimant, prior to the publication of the 2005 List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the owner of the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the owner of the Account Owner, as he has asserted in his Claim

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

### The Issue of Who Received the Proceeds

Given that the owner of the Account Owner and Power of Attorney Holder Kremen resided Zagreb until the German occupation of Yugoslavia and that they perished in the Jasenovac concentration camp; that there is no record of the payment of the Account Owner's account to its owner nor any record of a date of closure of the account; that the account was reported in the 1962 Survey; that the Account Owner's owner's heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumption (h), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holders, or their 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the owner of the Account Owner was his uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the owner of the Account Owner, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank's records indicate that the value of a demand deposit account as of 1 September 1963 was US \$108.00, which at the time was equivalent to SF 466.55.<sup>3</sup> In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects numbered account fees and standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 751.55. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 SF 26,750.00.

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<sup>3</sup> The CRT uses official exchange rates when making currency conversions.

### **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 claims 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  
27 February 2007