

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of the Estate of [REDACTED 2]¹
represented by Philip Ryffel

in re Account of Emil Kraft

Claim Number: 500504/NP²

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Emil Kraft (the “Account Owner”) at the Basel 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 her father’s cousin, Emil Kraft, who was born on 23 October 1871 in Landeck in Grafschaft Glatz, Silesia (now Ladek-Zdrój, Poland). In a telephone conversation with the CRT on 3 October 2005, the Claimant indicated that her father’s cousin, who was Jewish, was married to [REDACTED]. In this telephone conversation, the Claimant further indicated that Emil Kraft’s father, [REDACTED], was the brother of [REDACTED], the Claimant’s paternal grandfather. The Claimant indicated that her father’s cousin lived in Lörrach, Germany, together with his brother, [REDACTED],³ and that he later maintained a residence there for business purposes. The Claimant further indicated that her father’s cousin was a lumber merchant in Wunsdorf

¹ Claimant [REDACTED 1] (“the Claimant”) informed the CRT by telephone on 26 September 2005 that her brother, [REDACTED 2], whom she is representing, died on 13 August 2005. On 7 October 2005, the Claimant submitted a death certificate, dated 17 August 2005, indicating that [REDACTED 2], who was born on 11 October 1925 in Rückers, Kreis Glatz, Silesia (now Szczytna, Poland), died on 13 August 2005 in Lörrach, Germany. The death certificate further indicates that [REDACTED 2] was married to [REDACTED], née [REDACTED].

² The Claimant submitted an additional claim to the account of Leopold Kraft, which is registered under the Claim Number 500506. The CRT will treat the claim to this account in a separate determination.

³ The CRT notes that the familial relationship between Emil and [REDACTED] Kraft was indicated by the Claimant in Claim Number 500506.

(Wunstorf), near Hanover, Germany, but did not specify exactly when he was based there. Moreover, the Claimant indicated that her father's cousin lived in Frankfurt am Main, Germany, in 1940, as did his brother [REDACTED]. The Claimant indicated that she was unaware of the fate of her father's cousin thereafter, but that [REDACTED], who was also Jewish, was deported to an unknown location on 25 September 1942.

The Claimant submitted several documents in support of her claim, including: the death certificate of her father, [REDACTED], dated 23 February 1928, issued in Hartau in Grafschaft Glatz, Silesia (now Podborze, Poland); her birth certificate, indicating that she was born as [REDACTED 1] on 6 April 1928 in Hartau, as the third child of the family; an undated excerpt from the police registry of Frankfurt am Main, indicating that [REDACTED], who was Jewish, was "evacuated" and that his assets were held by the Foreign Exchange Office of the State Central Bank in Frankfurt am Main (*Devisenstelle Landeszentralbank Frankfurt a. M.*); a letter from the Institute for Municipal History (*Institut für Stadtgeschichte*) in Frankfurt am Main, dated 29 October 2002, indicating that its archives showed that Emil Kraft lived at Friedberger Landstrasse 82 in Frankfurt am Main in 1940, but that no further records were available because these were destroyed; and two letters, dated 6 November 2002 and 6 October 2005, respectively, indicating that the Claimant was a founding member of the Jewish Community of Lörrach (*Israelitische Kultusgemeinde Lörrach KdöR*) and that she and her family have been active members since 1995. The Claimant indicated that she was born on 6 April 1928 in Hartau, and that she currently resides in Weil am Rhein, near Lörrach, Germany. The Claimant is representing her brother, [REDACTED 2], who was born on 11 October 1925 in Rückers in Grafschaft Glatz, Silesia (now Szczytna, Poland).

Information Available in the Bank's Records

The Bank's record submitted by 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") consists of a printout from the Bank's database. According to this record, the Account Owner was Emil Kraft, who resided in Lörrach, Germany. The Bank's record indicates that the Account Owner held one account, numbered 390. The Bank's record further indicates that the account was transferred to a suspense account on an unknown date, and that it remains there today.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of two registry cards and indicate that the account held by the Account Owner was a savings/passbook account. The Bank's records do not indicate the value of the account at issue.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's cousin's name and city and country of residence match the published

name and city and country of residence of the Account Owner.

In support of her claim, the Claimant submitted documents, including a letter from the *Institut für Stadtgeschichte* in Frankfurt am Main, Germany, indicating that Emil Kraft lived in that city in 1940, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Emil Kraft, and indicates that his date of birth was 23 October 1871 and his place of birth was Landeck, Silesia (now Ladek-Zdrój, Poland), which matches the information about the Account Owner provided by the Claimant. The database further indicates that Emil Kraft resided in Wunstorf, Germany, that he was deported to an unknown location in 1942, and that he perished on 24 September 1943 in Auschwitz. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Moreover, the CRT notes that the name Emil Kraft appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The CRT further 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.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he resided in Nazi Germany. As noted above, a person named Emil Kraft was included in the CRT's database of victims, and this database indicates that Emil Kraft perished at Auschwitz on 24 September 1943.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's father's cousin. The CRT notes that the Claimant identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of her birth certificate, issued in Hartau, Silesia (now Podborze, Poland), indicating that her maiden name was Kraft, and her father's death certificate, also issued in Hartau, providing independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Hartau, approximately thirty-five kilometers from Landeck, Silesia (now Ladek-Zdrój, Poland), the Account Owner's place of birth as indicated in the Yad Vashem records. The CRT further notes that the Claimant currently resides in Weil am Rhein, six kilometers from Lörrach, Germany, the Account Owner's city of residence as stated in the Bank's records, and that she submitted a document certifying that she has been an active member of the Jewish Community of Lörrach since 1995, which indicates a long-standing family connection with the city and the region. Finally, the CRT notes that the foregoing information is of the type that family members would possess, and all of this information

supports the plausibility that the Claimant 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 surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account, where it remains.

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 the Account Owner was her father's cousin, and that relationship justifies 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 savings/passbook account. 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 a savings/passbook account was 830.00 Swiss Francs ("SF"). 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 10,375.00.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the account owner's spouse nor any descendants of the account owner's parents have submitted a claim, the award shall be in favor of any descendants of the account owner's grandparents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her brother, [REDACTED 2]. Accordingly, the Claimant and [REDACTED 1] are each entitled to one-half of the total award amount.

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
18 April 2006