

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Oskar Kramer

Claim Number: 773095/KG¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Oskar Kramer (the “Account Owner”) at the [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) identifying the Account Owner as her father, Oskar Kramer, who was born on 26 August 1889, probably in Nyitra, Hungary (now Slovakia) and was married to [REDACTED] on 28 August 1917 in Satoraljauhely, Hungary. The Claimant indicated that her father, who was Jewish, was the general manager of a sugar factory owned by a Hungarian group. According to the Claimant, the factory was located near Brasov, Romania, and its offices were in Bucharest, Romania. The Claimant stated that her family had a house in the country near Bucharest, where the Claimant and her sisters attended school. The Claimant further stated that her family lived in Bucharest until approximately 1937, when the Claimant's father retired and the entire family moved to Bratislava, Czechoslovakia, apart from the Claimant, who went to study in England, where she remained throughout the Second World War. According to the Claimant, in 1939 her father and the rest of her family fled to East Africa via Budapest and England with no more of their possessions than could fit into a

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG 0111 100, to the Court in the United States. Although this IQ was not a Claim Form, 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 IQ was forwarded to the CRT and has been assigned Claim Number 773095.

suitcase. The Claimant further stated that her father died on 8 January 1948 in Kenya, and that her mother passed away on 1 August 1950 in Kenya and that she has no living siblings.

The Claimant submitted the following documents in support of her claim:

- Oskar Kramer's marriage certificate showing that he was born on 26 August 1889, and that he was married to [REDACTED] on 28 August 1917 in Satoraljauhely;
- The Claimant's birth certificate, showing that she was born on 22 August 1918 in Satoraljauhely, and that her parents were Oszkar Kramer, a sugar factory employee, and [REDACTED];
- The Claimant's undated secondary school report which shows the signature of her father, Oskar Kramer;
- Oskar Kramer's confirmation of residency dated 5 August 1938, confirming that Oskar Kramer resided in Bratislava, Czechoslovakia, that he was born on 26 August 1889, that he was married, and that his profession was “sugar producer;”
- Oskar Kramer's residency acknowledgement, noting his right to live in Nagyrépany, Hungary;
- Oskar Kramer's death certificate, which states that he passed away at the age of 59 on 8 January 1948 in Limaru, Kenya;
- the Claimant's marriage certificate stating that she was married to [REDACTED] on 21 December 1951 in Nairobi, Kenya; and
- a certified copy of an entry of death relating to [REDACTED] showing that she was the widow of Oscar Kramer and that “[REDACTED]” was her daughter.

The Claimant indicated that she was born on 22 August 1918 in Satoraljauhely, Hungary (now Slovakia).

Information Available in the Bank’s Record

The Bank’s record consists of a signature sample of Oskar Kramer, who resided in Bucharest, Romania, dated 1 February 1937. 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”) determined that Oskar Kramer held one account of unknown type.

The Bank’s record does not show when the account at issue was closed, nor does the record indicate the value of this account.

The auditors who carried out the ICEP Investigation did not find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence

in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner. The Claimant also submitted a sample of her father's signature, which matches the signature contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including:

- Oskar Kramer's marriage certificate, showing that he was born on 26 August 1889 and that he married [REDACTED] on 28 August 1917 in Satoraljauhely;
- The Claimant's birth certificate, stating that she was born on 22 August 1918 in Satoraljauhely and that her parents were Oszkar Kramer, a sugar factory employee, and [REDACTED];
- Oskar Kramer's confirmation of residency permit dated 5 August 1938 confirming that Oskar Kramer resided in Bratislava, Czechoslovakia, that he was born on 26 August 1889, that he was married and that his profession was "sugar producer;" and
- Oskar Kramer's death certificate which states that he passed away at the age of 59 on 8 January 1948.

These documents provide independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Oskar Kramer, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears 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 a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Finally, the CRT notes that the other claims to this account was disconfirmed because those claimants provided a different last name spelling, or a different country of residence than the last name spelling or country of residence of 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 fled Bratislava to East Africa via England in 1939 in order to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's birth certificate, showing that she was born on 22 August 1918 in Satoraljauhely and that her parents were Oszkar Kramer and [REDACTED].

The Issue of Who Received the Proceeds

Given that the Account Owner fled Europe to East Africa in 1939; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his 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 Presumptions (h) and (j), 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 or his 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 the Account Owner was her father and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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. 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 an account of unknown type was 3,950.00 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 49,375.00.

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
31 March 2005