

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Frida Kramer

Claim Number: 001329/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account Frida Kramer (the “Account Owner”) at the Lausanne 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 his paternal aunt, Frida Kramer (Krammer), née Leibowitz, who was born in Czechoslovakia. The Claimant indicated that his aunt was the daughter of [REDACTED] and the sister of the Claimant’s father, [REDACTED]. According to the Claimant, his aunt resided in Czechoslovakia, where she owned vineyards. The Claimant indicated that his aunt, who was Jewish, was deported to Auschwitz, where she perished in 1944. The Claimant indicated that he was born in 1921 in Czechoslovakia.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Frida Kramer and [REDACTED], and an Initial Questionnaire with the Court in 1999 asserting entitlement to a Swiss bank account owned by himself.¹

Information Available in the Bank’s Records

The Bank’s records consist of printouts from the Bank’s database and a list of accounts. According to these records, the Account Owner was Frida Kramer. The Bank’s records do not

¹ The CRT will treat the claim to these accounts in a separate determination.

indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, numbered 36058, the type of which is not indicated. The Bank's records indicate that the account was considered dormant by the Bank and was transferred to a suspense account on 25 October 1961. The amount in the account on the date of its transfer was 2.90 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's aunt's name matches the published name of the Account Owner.² The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Frida Kramer, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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.

The CRT 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 she was deported to Auschwitz, where she perished in 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's aunt. The CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, identifying the relationship between the Claimant and the Account Owner, prior to the publication in February 2001 of the ICRP List. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports

² The CRT notes that the Claimant submitted his Claim Form in Hebrew, and that Kramer and Krammer can be transliterated into Hebrew using the same Hebrew characters. The CRT therefore determines that it is plausible that the Claimant's aunt's surname was Krammer.

the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his aunt, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 25 October 1961 was SF 2.90. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00, which reflects standardized bank fees charged to the account between 1945 and 1961. Consequently, the adjusted balance of the account at issue is SF 257.90. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 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 his claim 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
30 November 2005