

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Salomon Kremer**

Claim Number: 222869/RS

Award Amount: 830,888.25 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], formerly [REDACTED] (the “Claimant”) to the published and unpublished accounts of Salomon Kremer (the “Account Owner”) at the Zurich and New York branches of the [REDACTED] (the “Bank”).<sup>1</sup>

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 grandfather, Salomon Kremer (Cremer),<sup>2</sup> who was born in approximately 1885 in the province of Bukovina, Austria, and was married to [REDACTED] in 1904 in Leova, Bessarabia (now Moldova). The Claimant stated that his grandfather had two sons: [REDACTED] (the Claimant’s father), who was born in 1906 in Leova; and [REDACTED], who was born in 1908 in Bessarabia. The Claimant indicated that his grandfather was a successful businessman who owned a wholesale grain trading and export business; the company used its own grain barges to ship grain along the Danube River to Vienna, Austria. The Claimant stated that his grandfather, who was Jewish, held Austrian, Romanian, and Russian citizenship, and that he lived at various times in Bukovina, Vienna, Leova, and Kishinev (now Chisinau, Moldova). The Claimant also indicated that his grandfather traveled to Western Europe on several occasions until 1940.

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<sup>1</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Salomon Kremer is indicated as having four accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence an additional account.

<sup>2</sup> The Claimant stated that prior to the Second World War, the letter ‘K’ was infrequently used in Romania, and that Germanic names such as the Claimant’s family name Kremer were transliterated using the letter ‘C.’ Consequently, the name Kremer was written Cremer in Romania. The CRT notes that the Claimant spelled his grandfather’s name as “Kremer” in his Initial Questionnaire, which he submitted to the Court prior to the publication of the Account Owner’s name in February 2001.

According to the Claimant, his father [REDACTED] studied medicine in Western Europe in the 1930s, and the Claimant's grandfather established a bank account in Switzerland in order to facilitate payments for his son's studies. The Claimant stated that his grandfather told the Claimant's father that documents evidencing the account were destroyed during the War.

According to the Claimant, in 1941, his grandfather was exiled or fled to 'Central Asia,' which ultimately became the Soviet Union. The Claimant stated that in 1941, his grandfather's second son, [REDACTED], died in an unknown location and that in 1945, his grandmother, [REDACTED], died in Russia. The Claimant indicated that his grandfather survived the Second World War and that he died in 1950 in Kishinev, and that his father died in 1992 in Israel.

In support of his claim, the Claimant submitted a copy of his birth certificate, indicating that [REDACTED] was born on 14 April 1948, and that his father's name was [REDACTED].

The Claimant indicated that he was born on 14 April 1948 in Bucharest, Romania.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his grandfather, Schlomo (Salomon) Kremer.

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

### Accounts held in Zurich

The Bank's record consists of a customer card. According to this record, the Account Owner was Salomon Kremer, who resided in Vienna, Austria, and who also provided an address at Talstrasse 20 in Zurich, Switzerland. This record indicates that the Account Owner held a safe deposit box numbered 798 that was opened on an illegible date and was closed on 20 August 1938; a demand deposit account that was opened on an illegible date and was closed on 31 March 1939; and a demand deposit account, denominated in United States Dollars ("US \$"), that was opened on 20 December 1942 and was closed on 10 April 1943.

The amounts in the accounts on the dates of their closure are unknown.

There is no evidence in the Bank's record that the Account Owner or his heirs closed the demand deposit account denominated in United States Dollars and received the proceeds themselves.

### Accounts held in New York

The Bank's records consist of reports from 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"). The auditors' reports consist of printouts from a database of accounts blocked in the 1941 United States freeze of European assets (the "1941 Freeze").<sup>3</sup> According to the database printouts, the

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<sup>3</sup> During the Second World War, the United States government froze certain foreign assets located in the United States, under the powers of the Trading with the Enemy Act of 1917 (50 U.S.C. App.). On 14 June 1941, President

Account Owner was Salomon Kremer, with a stated address at *Pension Thalhof*, Thalstrasse 18 [sic], Switzerland. The auditors' reports indicate that the Account Owner held two accounts, the types of which are not indicated. According to these reports, the two accounts had balances of 4,926.00 and 10,000.00 as of 14 June 1941, but the printouts do not specify the currency in which the balances were held.

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

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's grandfather's name and one of his countries of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the name Salomon Kremer appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Salomon Kremer, prior to the publication in February 2001 of 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 these accounts. 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 lived in Nazi-controlled Moldova and Austria. The Claimant also indicated that the Account Owner was forced to flee to Central Asia because of Nazi persecution in Moldova and Austria.

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Roosevelt extended freezing controls to cover all of continental Europe (the "1941 Freeze"). Executive Order 8785 Regulating Transactions in Foreign Exchange and Foreign-Owned Property, Providing for the Reporting of All Foreign-Owned Property, and Related Matters (6 Fed. Reg. 2897).

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's paternal grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record; and that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of his own birth certificate, which provides independent verification that the Claimant and his relatives bore substantially the same family name as the Account Owner. 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 the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the Account Owner held three accounts at its branch in Zurich. The safe deposit box was closed on 20 August 1938; the first demand deposit account was closed on 31 March 1939; and the second demand deposit account, denominated in United States Dollars, was opened on 20 December 1942, and was closed on 10 April 1943. Given that the Account Owner opened the third account on 20 December 1942, the CRT concludes that the Account Owner would have received the proceeds of the safe deposit box and the first demand deposit account, which were closed in 1938 and 1939, respectively.

However, the third account, a demand deposit account denominated in United States Dollars, was closed on 10 April 1943. Given that there is no record of the payment of the Account Owner's United States Dollar demand deposit account to him; 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), (i) 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.

With regard to the Account Owner's two accounts of an unknown type held at the New York branch of the Bank, the CRT notes that an inquiry with the New York State Comptroller Office of Unclaimed Funds revealed no information regarding funds belonging to the Account Owner. Given that there is no record of the payment of the Account Owner's accounts to him, nor any record of a date of closure of the accounts; that the accounts were included in the 1941 Freeze;

that the Account Owner and his heirs would not have been able to obtain information about his accounts 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), (i) and (j), as provided in Article 28 of the Rules, 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 his paternal grandfather, 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 demand deposit account denominated in United States Dollars, or the two accounts of unknown type.

### Amount of the Award

In this case, the Account Owner held one demand deposit account at the Zurich branch of the Bank, and two accounts of unknown type at the New York branch of the Bank.

With respect to the demand deposit 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 demand deposit account was 2,140.00 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 an award amount of SF 26,750.00 for this account.

With respect to the two accounts of unknown type, the auditors' reports indicate that as of 14 June 1941, the accounts had balances of US \$4,926.00 and US \$10,000.00, or a combined balance of US \$14,926.00, which at the time was equivalent to SF 64,331.06.<sup>4</sup> The current value of this amount is calculated by multiplying it by a factor of 12.5, to produce an award amount of SF 804,138.25 for these two accounts.

Accordingly, the total award amount for the three accounts at issue is SF 830,888.25.

### **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

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<sup>4</sup> The CRT uses official exchange rates when making currency conversions.

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  
24 October 2008