

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants Arnold Krul and Felix Krul

### **in re Account of Leon Kroll**

Claim Numbers: 207800/EZ; 209056/EZ

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claims of Arnold Krul and Felix Krul (the “Claimants”) to the account of Henoeh Kröl.<sup>1</sup> This Award is to the account of Leon Kroll (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

### **Information Provided by the Claimant**

The Claimants submitted Claim Forms identifying the Account Owner as their brother, Leibel, or Leon, Kröl, who was born in 1911 in Pabianice, near Lodz, Poland, and was married to Edzia, with whom he had one daughter. The Claimants stated that their brother used the alternative name Leon. In a telephone conversation with Claims Resolution Tribunal (“CRT”) on 27 June 2002, Claimant Felix Krul stated that his brother lived with his family in Lodz, Poland, where he worked in the family’s textile business. Claimant Felix Krul further stated that their family lived at Pomorska 73 in Lodz. In the early 1940s, their brother was deported with his wife and daughter to a concentration camp in Germany. Later he was returned to the Lodz ghetto, and on an unknown date, he was deported by the Nazis from the ghetto and did not return. His daughter was an infant when she was murdered by the Nazis.

The Claimants further stated that their parents were Henoeh Kröl and Brana Kröl, née Bressler, who had ten children. The Account Owner was their eldest son. Their family was murdered by the Nazis in different concentration camps and ghettos. The only survivors were the Claimants and their sister, Rosalie, who died in 1995 in the United States, and their brother, Eli, who died in 1971 in the United States.

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<sup>1</sup> The CRT will treat the claims to this account in a separate decision.

The Claimants stated that they were also deported to different ghettos and concentration camps. Claimant Arnold Krul was interned in the Lodz ghetto and was liberated in 1945 from the Buchenwald concentration camp. Claimant Felix Krul was interned in the Lodz ghetto and in the Auschwitz and Dachau concentration camps. Claimant Felix Krul stated that he was liberated by the United States Army in 1945 from the Dachau concentration camp. The Claimants stated that after the Holocaust they both changed their family names from Kröl to Krul.

Claimant Arnold Krul indicated that he was born on 15 December 1919 in Pabianice, and Claimant Felix Krul indicated that he was born on 10 January 1921 in Pabianice.

The Claimants previously submitted Initial Questionnaires with the Court in 1999, asserting their entitlement to assets deposited by their parents in Swiss bank accounts.

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

The bank records consist of a ledger card and printouts from the Bank's database. According to these records, the Account Owner was Leon Kroll. The bank records indicate that the Account Owner held an account of unknown type. The balance of the account as of 30 June 1937 was 179.00 Swiss Francs. On an unknown date the account was transferred to a suspense account, which is a grouping of open and dormant accounts. The account remains open and dormant.

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

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

#### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their brother's last name is spelled slightly differently but essentially matches the unpublished name of the Account Owner. In addition, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Leon Krul, and indicates that he was born in 1913 in Lodz, Poland, which is consistent with the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the Claimants filed Initial Questionnaires with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by their parents, and that the Claimants identified their brother Leon in their Claim Forms. The name of Account Owner Leon Kroll was not published on the February 2001 of the 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”). This indicates that the Claimants have not based their present claim on the fact that an individual identified on the ICEP list as owning a Swiss bank account bears the same name as their relative, but rather on their personal knowledge of a direct family relationship. It also indicates that the Claimants had reason to believe that members of their family owned a Swiss bank account. This supports the credibility of the information provided by the Claimants. Finally, the CRT notes that there were no other claimants to this account.

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

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish and was murdered with his family by the Nazis. As noted above, a person named Leon Krul was included in the CRT's database of victims.

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

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents demonstrating that he was their brother. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a suspense account and remains open and dormant.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their brother, and that relationship justifies an Award. Finally, 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 account of unknown type. The bank records indicate that the value of the account as of 30 June 1937 was 179.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 47,400.00 Swiss Francs.

### Division of the Award

According to Article 23 of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares of representation. Accordingly, Claimant Arnold Krul and Claimant Felix Krul are each entitled to receive one-half of the total award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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  
May 15, 2003