

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
to Claimant [REDACTED 2]
to Claimant [REDACTED 3]
to Claimant [REDACTED 4]
to the Estate of Claimant [REDACTED 5]¹
to the Estate of Claimant [REDACTED 6]²
and to Claimant [REDACTED 7]

in re Account of B. Kratz

Claim Numbers: 001751/WT; 202379/WT; 790518/WT; 790500/WT; 201065/WT; 202427/WT;
223651/WT³

Award Amount: SF 49,375.00

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Israel Kratz and Bluma Kratz, née Popovits,⁴ the claim of [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”), [REDACTED 4] (“Claimant [REDACTED 4]”), [REDACTED 5], née [REDACTED]

¹ The CRT notes that [REDACTED 5] passed away on 19 December 2006.

² The CRT notes that [REDACTED 6] passed away on 6 October 2005.

³ [REDACTED 3] (“Claimant [REDACTED 3]”) and [REDACTED 4] (“Claimant [REDACTED 4]”) did not submit Claim Forms to the CRT. However, in 1999 they submitted Initial Questionnaires (“IQs”), numbered ENG 0105 104 and ENG 0132 089, respectively, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned claim numbers 790518 and 790500, respectively. The CRT notes that Claimant [REDACTED 3] previously received a decision regarding his claim to the account of Benzion (Benjamin) Kratz, in which he was informed that no accounts belonging to this person were included in the Account History Database, which was prepared by the auditors pursuant to instructions from the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”) and which contains accounts “probably” or “possibly” belonging to Victims of Nazi Persecution. That determination was based on the full name of Claimant [REDACTED 3]’s relative. The account addressed in the current decision is identified in the Account History Database only by the Account Owner’s first initial and last name. [REDACTED 6] (“Claimant [REDACTED 6]”) and [REDACTED 7] (“Claimant [REDACTED 7]”) each submitted one Claim Form, which were registered under the Claim Numbers 202427 and 223651, respectively, and also submitted IQs in 1999, numbered ENG 0280 065 and ENG 0139 176, respectively. The IQs were forwarded to the CRT and have been assigned claim numbers 777273 and 773902, respectively. The CRT is treating their claims under the consolidated Claim Numbers 202427 and 223651, respectively.

⁴ The CRT will treat Claimant [REDACTED 1]’s claim to the account of Israel Kratz in a separate decision.

(“Claimant [REDACTED 5]”), and [REDACTED 6], née [REDACTED] (“Claimant [REDACTED 6]”) to the account of Benzion (Benjamin) Kratz, and the claim of [REDACTED 7], née [REDACTED] (“Claimant [REDACTED 7]”) (together the “Claimants”) to the account of Beryl (Simca) Kratz, and Esther Kratz.⁵ This Award is to the unpublished account of B. Kratz (the “Account Owner”) at the Lugano 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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his mother, Bluma Kratz, née Popovits, who was married to [REDACTED]. Claimant [REDACTED 1] stated that his mother, who was Jewish, lived in Sighet (today Sighetul Marmatiei), Romania. Claimant [REDACTED 1] indicated that his parents had investments in banks across Europe, including Switzerland. Claimant [REDACTED 1] explained that in 1941 he was deported to a Jewish ghetto, and that from April 1944 until May 1945 he was imprisoned in the concentration camps at Buchenwald and Magdeburg. Claimant [REDACTED 1] indicated that he was born on 4 November 1928 in Sighet.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Israel Leib Kratz and Bluma Kratz.

Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant [REDACTED 5], and Claimant [REDACTED 6]

Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant [REDACTED 5], and Claimant [REDACTED 6], who are siblings, submitted Claim Forms identifying the Account Owner as their father, Benzion (Benjamin) Kratz, who was born on 28 September 1892 in Luh, Czechoslovakia (today the Czech Republic), and was married to [REDACTED], née [REDACTED], in Sighet, Hungary (today Sighetul Marmatiei, Romania). These Claimants indicated that their parents lived in Luh from 1930 until 1944. These Claimants indicated that their father, who was Jewish, owned two textile stores and made several business trips to Switzerland, and that he told his family that he had deposited money in a Swiss bank. These Claimants indicated that in April 1944, their parents were deported to Auschwitz, where they both perished.

Claimant [REDACTED 2] indicated that she was born on 23 July 1927 in Luh. Claimant [REDACTED 3] indicated that he was born on 2 January 1925 in Luh. Claimant [REDACTED 4] indicated that he was born on 25 October 1923 in Luh. Claimant [REDACTED 5] indicated

⁵ The CRT will treat Claimant [REDACTED 7]’s claim to the account of Esther Kratz in a separate decision.

that she was born on 19 May 1921 in Velky Bockov, Czechoslovakia (today Ukraine). Claimant [REDACTED 6] indicated that she was born on 3 July 1920 in Luh.

Claimant [REDACTED 7]

Claimant [REDACTED 7] submitted a Claim Form identifying the Account Owner as her father-in-law, Beryl (Simka) Kratz, who was married to [REDACTED], née [REDACTED], and who lived in Kretchnev (today Craciunesti), Romania. Claimant [REDACTED 7] indicated that her father-in-law, who was Jewish, had three daughters and six sons, including [REDACTED], who was born on 17 September 1925 in Kretchnev and who was Claimant [REDACTED 7]'s husband. Claimant [REDACTED 7] indicated that during the Second World War her husband was deported to Auschwitz and Buchenwald, where he had the numbers "58420" tattooed on his arm and was forced to perform slave labor in a stone quarry. Claimant [REDACTED 7] indicated that her father-in-law, mother-in-law, and four of their nine children perished in the Holocaust. Claimant [REDACTED 7] indicated that her husband passed away on 21 January 1994 in Palm Beach, Florida, the United States. Claimant [REDACTED 7] submitted documents, including: (1) her marriage certificate, indicating that [REDACTED], who was born on 17 September 1925, married [REDACTED 7], who was born on 6 January 1940, on 18 April 1970 in Margate City, New Jersey, the United States; (2) her husband's will, indicating that Bernard Kratz left his estate to his wife, [REDACTED 7]; and (3) her husband's naturalization certificate, indicating that [REDACTED] of Romania was granted United States citizenship on 28 August 1957. Claimant [REDACTED 7] indicated that she was born on 6 January 1940 in Atlantic City, New Jersey, the United States.

Information Available in the Bank's Records

The Bank's records consist of a report 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") and a printout from the Bank's database. According to these records, the Account Owner was B. Kratz. The Bank's records do not indicate the Account Owner's domicile, nor do the Bank's records indicate the type of account held by the Account Owner. The Bank's records indicate that on an unspecified date the account was transferred to a suspense account for dormant accounts. The amount in the account on the date of its transfer was 106.85 Swiss Francs ("SF"). The account remains suspended.

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 seven claims of the Claimants in one proceeding.

Identification of the Account Owner

The surname and the first name initial of Claimant [REDACTED 1]'s mother, Claimant [REDACTED 2]'s, Claimant [REDACTED 3]'s, Claimant [REDACTED 4]'s, Claimant [REDACTED 5]'s, and Claimant [REDACTED 6]'s father, and Claimant [REDACTED 7]'s father-in-law match the unpublished surname and first name initial of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner than his or her surname and first name initial.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by Claimant [REDACTED 5] in 1955, which indicates that Ben Zion Kratz was born in 1893, that he was married to [REDACTED], née [REDACTED], that he lived in Lonka, Czechoslovakia (today Luh, the Czech Republic), and that he perished in 1944 in Auschwitz, which matches information about the Account Owner provided by Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant [REDACTED 5], and Claimant [REDACTED 6]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s mother, Claimant [REDACTED 2]'s, Claimant [REDACTED 3]'s, Claimant [REDACTED 4]'s, Claimant [REDACTED 5]'s, and Claimant [REDACTED 6]'s father, and Claimant [REDACTED 7]'s father-in-law are not the same person. However, given that the Claimants have identified all information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant [REDACTED 5], Claimant [REDACTED 6], and Claimant [REDACTED 7] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] indicated that the Account Owner was Jewish, that she lived in Romania during the Second World War, that in 1941 her son was deported to a Jewish ghetto, and that from April 1944 until May 1945 he was imprisoned in the Buchenwald and Magdeburg concentration camps.

Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant [REDACTED 5], and Claimant [REDACTED 6]

Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant [REDACTED 5], and Claimant [REDACTED 6] have each made a plausible showing that the

Account Owner was a Victim of Nazi Persecution. These Claimants indicated that the Account Owner was Jewish and that in April 1944 he was deported to Auschwitz, where he perished.

Claimant [REDACTED 7]

Claimant [REDACTED 7] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 7] indicated that the Account Owner was Jewish and that he was deported to Auschwitz and Buchenwald, where he performed slave labor in a stone quarry.

The Claimants' Relationship to the Account Owner

The Claimants have each plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother, Claimant [REDACTED 2]'s, Claimant [REDACTED 3]'s, Claimant [REDACTED 4]'s, Claimant [REDACTED 5]'s, and Claimant [REDACTED 6]'s father, and Claimant [REDACTED 7]'s father-in-law. There is no information to indicate that the Account Owner identified by the Claimants has other surviving heirs.

The Issue of Who Received the Proceeds

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

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have each plausibly demonstrated that the Account Owner was their relative and those relationships justify 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, the type of which is not indicated. The Bank's records indicate that the value of the account as of the date of its transfer was SF 106.85, but the date of the transfer is not specified. Accordingly, the CRT treats the account as an account of unknown value. 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 SF 3,950.00. 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.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-third of the award amount; Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant [REDACTED 5], and Claimant [REDACTED 6] are together entitled to one-third of the award amount; and Claimant [REDACTED 7] is entitled to one-third of the award amount.

With respect to the share of the award for Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4], Claimant [REDACTED 5], and Claimant [REDACTED 6], pursuant to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. These Claimants, who are siblings, have all identified the Account Owner as their father. Accordingly, they are each entitled to one-fifteenth 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
19 December 2007