

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to the Estate of Claimant Marta Friedova<sup>1</sup>

to Claimant George Kraus

and to Claimant Hava Vinner  
also acting on behalf of Edith Bloedy

## **in re Account of Gustav Kraus**

Claim Numbers: 200108/AX; 201704/AX; 221755/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Marta Friedova, née Krausova, (“Claimant Friedova”) to the account of Otylie Krausova, the claim of George Kraus (“Claimant Kraus”) to the account of Gustav Kraus, and the claim of Hava Vinner née Bloedy, (“Claimant Vinner”) to the account of Gustav Kraus. This Award is to the published account of Gustav Kraus (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 Claimants**

### Information Provided by Claimant Friedova

Claimant Friedova submitted a Claim Form identifying the Account Owner as her father, Gustav Kraus. Claimant Friedova stated that Gustav Kraus was married to Otylie Krausova, and that the couple had three children: Egon, who was born on 5 April 1908 in Prague, Czechoslovakia (now Czech Republic); Karel, who was born on 24 March 1910 in Prague; and Marta (Claimant Friedova), who was born on 22 October 1912 in Prague. Claimant Friedova explained that her family lived in Prague where her father owned a textile shop. Claimant Friedova stated that her father, who was Jewish, was forced to sell his business for a fraction of its value to the Nazis in 1939, and that he was deported to Theresienstadt, where he perished. Claimant Friedova further stated that her mother and her brother Egon were killed in Auschwitz, and that her brother Karel

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<sup>1</sup> The CRT was notified by Claimant Friedova’s daughter, Alena Freed, that Claimant Friedova passed away in March 2002.

died in the concentration camp in Kaufering. In support of the claim, Claimant Friedova's daughter submitted the birth certificate and marriage certificate of Claimant Friedova, indicating that her father was Gustav Kraus, and that he resided in Prague; and the death certificate of Marta Friedova, indicating that she resided in Prague.

Claimant Friedova previously submitted an Initial Questionnaire with the Court in 1999 asserting her entitlement to a Swiss bank account owned by Otylie Krausova.<sup>2</sup>

#### Information Provided by Claimant Kraus

Claimant Kraus submitted a Claim Form identifying the Account Owner as his father, Gustav Kraus, who was born on 11 September 1889 in Prague, and was married to Marie Kraus, née Hermannova, in 1923. Claimant Kraus indicated that the couple had one child, Jiri, also known as George (Claimant Kraus), who was born on 3 January 1927 in Prague. Claimant Kraus explained that his father lived and worked in Prague where he owned a factory named *Krycner & Co.* Claimant Kraus stated that his parents were Jewish, and that they were deported to Auschwitz, where they perished on 26 October 1942. In support of his claim, Claimant Kraus submitted documents, including his birth certificate, indicating that his parents were Gustav and Maria Kraus, and that he was born in Prague; a document issued by the Czech Council of Jewish Communities describing the fate of Claimant Kraus' parents; and a certificate of incarceration from the International Red Cross, indicating that Claimant Kraus was incarcerated in several concentration camps, and that his parents were Gustav and Maria Kraus.

Claimant Kraus previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Gustav Kraus.

#### Information Provided by Claimant Vinner

Claimant Vinner submitted a Claim Form identifying the Account Owner as her maternal grandfather, Gustav Kraus, who was born on 18 May 1878 in Senozat, then Austria-Hungary, and was married to Mathilde Kraus, née Kareis. Claimant Vinner indicated that her grandfather had two children: Alice Kraus who was born on 13 October 1906 in Prague, and Edith Kraus (Claimant Vinner's mother), who was born on 16 May 1913 in Vienna, Austria. Claimant Vinner explained that her grandfather lived in Vienna until 1919, and that he later moved to Karlovy Vary, Czechoslovakia (now Czech Republic), where he owned a linen store. Claimant Vinner stated that Mathilde Kraus died in 1931, and that Gustav Kraus was remarried to Ida Kraus, née Bleyer. Claimant Vinner stated that from 1932 Gustav Kraus lived in Prague. Claimant Vinner stated that her grandfather was Jewish, and that he was deported to the Ghetto in Theresienstadt, and later to a concentration camp, where he perished. Claimant Vinner indicated that Ida Kraus and Alice Kraus also perished in the Holocaust. In support of her claim,

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<sup>2</sup> The CRT did not locate an account belonging to Otylie Krausova in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons ( ICEP or ICEP Investigation ), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the Rules ). Claimant Friedova's Estate should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by Claimant Friedova or upon information from other sources.

Claimant Vinner submitted her mother's birth and marriage certificates, indicating that her mother's father was Gustav Kraus, and that he resided in Prague. Claimant Vinner indicated that she was born on 6 April 1947 in Prague. Claimant Vinner is representing her mother, Edith Bloedy, née Kraus.

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

The Bank's records consist of a list of numbered accounts opened in 1938 and a list of numbered accounts closed in 1939. According to these records, the Account Owner was Gustav Kraus who resided in Prague, Czechoslovakia. The Bank's records indicate that the Account Owner held a numbered account, the type of which is not indicated, which was identified by number 66332. The account was opened on 2 August 1938 and closed on 3 May 1939, when, according to the Bank's records, the money in the account was sent to the Account Owner ("*Notensendung*"). The amount in the account on the date of its closure is not known. There is no evidence in the Bank's records that the Account Owner or his heirs received the proceeds of the account.

The CRT notes that while this account was part of the Account History Database at the CRT, the list of numbered accounts closed in 1939 was located as a result of matching and research carried out at the Bank and using the Total Accounts Database ("TAD") at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the ICEP auditors as open or opened in the 1933-1945 period in Swiss banks, less an estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks, are composed of 1.9 million savings accounts with a 1930-1940s value of 200.00 Swiss Francs ("SF") or less or of unknown value, and/or accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included in the Account History Database, which contains the 36,000 accounts that ICEP determined were "probably or possibly" owned by victims of Nazi persecution.

### **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 claims of the three claimants in one proceeding.

#### Identification of the Account Owner

##### *Claimant Friedova*

Claimant Friedova's father's name matches the published name of the Account Owner. Claimant Friedova indicated that her father resided in Prague, which matches published

information about the Account Owner's city of residence. In support of her claim, Claimant Friedova's daughter submitted the birth certificate and marriage certificate of Claimant Friedova, indicating that her father was Gustav Kraus, and that he resided in Prague, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

#### *Claimant Kraus*

Claimant Kraus' father's name matches the published name of the Account Owner. Claimant Kraus indicated that his father resided in Prague, which matches published information about the Account Owner's city of residence. In support of his claim, Claimant Kraus submitted his birth certificate, indicating that his parents were Gustav and Maria Kraus, and that he was born in Prague; a document issued by the Czech Council of Jewish Communities describing the fate of Claimant Kraus' parents; and a certificate of incarceration from the International Red Cross, indicating that Claimant Kraus was incarcerated in several concentration camps, and that his parents were Gustav and Maria Kraus, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Gustav Kraus, and indicates that his date of birth was 11 September 1889, which matches the information about the Account Owner provided by Claimant Kraus. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Furthermore, the CRT notes that Claimant Kraus filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Gustav Kraus, 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 Claimant Kraus 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 father, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant Kraus had reason to believe that his father owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant Kraus.

#### *Claimant Vinner*

Claimant Vinner's grandfather's name matches the published name of the Account Owner. Claimant Vinner indicated that her grandfather resided in Prague, which matches published information about the Account Owner's city of residence. In support of her claim, Claimant Vinner submitted her mother's birth and marriage certificates, indicating that her mother's father was Gustav Kraus and that she resided in Prague, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Gustav Kraus, and indicates that his date of birth was 18 May 1878, which matches the information about the Account Owner provided by Claimant Vinner. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant Friedova's relative, Claimant Kraus' relative, and Claimant Vinner's relative are not the same person. However, given that the Claimants have identified all the 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 Friedova, Claimant Kraus, and Claimant Vinner have each plausibly identified the Account Owner.

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

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi persecution. The Claimants stated that their relatives were Jewish. Claimant Friedova stated that her father perished in Theresienstadt; Claimant Kraus stated that his father perished in Auschwitz; and Claimant Vinner stated that her grandfather perished in the Holocaust. As noted above, two persons named Gustav Kraus, who were born on 11 September 1889 and 18 May 1878, were included in the CRT's database of victims.

#### The Claimants' Relationship to the Account Owner

Claimant Friedova has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that Gustav Kraus was her father. These documents include the birth certificate and marriage certificate of Claimant Friedova, indicating that her father was Gustav Kraus. Claimant Kraus has also plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was his father. These documents include his birth certificate and a certificate of incarceration from the International Red Cross, indicating that his parents were Gustav Kraus and Maria Kraus. Claimant Vinner has also plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was her grandfather. These documents include her mother's birth and marriage certificates, indicating that her mother's father was Gustav Kraus. There is no information to indicate that the Account Owner has surviving heirs other than Claimant Vinner's mother, Edith Bloedy, whom Claimant Vinner is representing.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that the account was closed on 3 May 1939 and that they contain the notation "*Notensendung*," which, in normal circumstances, would indicate

that the assets in the account were sent to the account owner. However, in this case, the account was closed and the assets were sent after the German occupation of Prague, the Account Owner's residence. Given that, according to all three Claimants, the Account Owner perished during the Second World War; that the account was closed after Germany occupied Prague; 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 (a)(ii) and (h) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A),<sup>3</sup> 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, each Claimant has individually demonstrated that he or she is related to the Account Owner. Claimant Friedova has demonstrated that she is the Account Owner's daughter, Claimant Kraus has demonstrated that he is the Account Owner's son, and Claimant Vinner's mother, Edith Bloedy, has demonstrated that she is the Account Owner's daughter. Finally, 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 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 the Rules. Furthermore, according 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

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<sup>3</sup> An expanded version of Appendix A appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

have submitted a claim, in equal shares by representation. In this case each of the Claimants has established a plausible relationship to a person with the same name as the Account Owner. Claimant Vinner is representing her mother, Edith Bloedy, who is the daughter of the Account Owner, and therefore, has a better entitlement to the award than does Claimant Vinner, who is the granddaughter of the Account Owner. Accordingly, Claimant Friedova, Claimant Kraus, and Edith Bloedy are each entitled to one-third 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  
15 July 2005