

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of Rosa Egré

Claim Numbers: 706016/RS; 777024/RS

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together, the “Claimants”) to the unpublished account of Rosa Egré (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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

The Claimants, who are siblings, submitted Initial Questionnaires (“IQs”) identifying the Account Owner as their mother, Rosa Egré, who was born on 23 January 1895, and was married to [REDACTED]. The Claimants indicated that their parents, who were Jewish, resided at Trautmansdorfgasse 48 in Vienna, Austria, prior to the incorporation of Austria into the Reich in March 1938 (the “Anschluss”). The Claimants also stated that their parents owned and operated a fur business, which included a store, *Pelzhaus Egré*, located at Kaerntnerstrasse 4 in Vienna.

According to Claimant [REDACTED 1], in April 1938, Nazi agents entered the Egré family apartment in Vienna and seized a number of valuable items, including jewelry and cash. The Claimants further indicated that in March 1938, their parents were forcibly evicted from their fur store, which contained a large inventory of both furs and equipment; the store was later sold by the Nazis, but the Claimants’ parents did not receive payment for the business.

The Claimants also stated that their mother held a safe deposit box, numbered 1694, at the Zurich branch of the Bank. The Claimants further stated that the Bank forcibly opened the safe deposit box on 2 March 1946, but that the only contents of the safe at that time were old bank account transaction records.

The Claimants indicated that they fled Austria with their parents in June 1938, and settled in France until 1939; in May 1939, the family traveled by ship first to Cuba, and then to New York, New York, the United States. According to the Claimants, their mother died in New York on 3 May 1971.

In support of her claim, Claimant [REDACTED 1] submitted copies of:

- (1) a letter from the Swiss Compensation Office which is further described below;
- (2) a sworn statement made by [REDACTED] and Rosa Egré, who indicated that they resided in New York, that they both worked as furriers, and that their property interests in Austria had included the fur retail store *Pelzhaus Egré*, from which they were forcibly evicted on 22 March 1938 by Nazi officers. The Egrés further stated that the value of the merchandise in the store on that date had been approximately 90,000.00 United States Dollars (“US \$”), and that the store had been sold to three individual purchasers in 1938 without the Egrés’ permission. The Egrés also stated that in April 1938, Nazi officers had entered their family apartment and seized cash and jewelry worth approximately US \$24,000.00 (1938 value). Finally, the Egrés indicated that they previously held an insurance policy whose beneficiary was their daughter, [REDACTED 1].

In support of his claim, Claimant [REDACTED 2] also submitted a copy of the sworn statement described above.

Claimant [REDACTED 1] indicated that she was born on 6 March 1928, and Claimant [REDACTED 2] indicated that he was born on 27 January 1930.

Information Available in the Swiss Compensation Office Record

The CRT notes that 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”) did not report an account belonging to Rosa Egré during their investigation of the Bank. The Swiss Compensation Office record was obtained by the Claimant and was forwarded to the CRT.

This record consists of a letter from the Swiss Compensation Office, Germany / Austrian Payment Freeze Department (*Deutschland / Österreich Zahlungssperre Abteilung*) dated 30 October 1952, and addressed to the Bank’s Zurich branch.

The heading of the letter states: “Sealed Envelope (formerly safe deposit box 1694), Property of Mrs. Rosa Egré, Vienna, [Austria,] safe deposit box opening report number 2124 dated 2 March 1946”. [*Versiegeltes Couvert (ehemals Schrankfach Nr 1694), Eigentum von Frau Rosa Egré, Wien, Safe-Öffnungs-Protokoll Nr 2124 vom 2.3.1946.*]

The record indicates that the account had been frozen in the 1945 freeze of assets held in Switzerland by the citizens of Germany and the territories incorporated into the Third Reich (the “1945 Freeze”). The letter further indicates that the contents of safe deposit box 1694 had no monetary value, and that consequently, the Swiss Compensation Office was unfreezing the account.

The Swiss Compensation Office record does not show whether the account at issue was closed. There is no evidence in the Swiss Compensation Office record that the Account Owner or her heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance) there are documents concerning the assets of Rosa Egré, numbered 34238, and documents concerning the assets of [REDACTED], numbered 34237.

Those records indicate that Rosa Egré’s maiden name was Fiehl, that she was born on 23 January 1895, and that both she and her husband, [REDACTED], were business people who resided at Trautmannsdorfgrasse 48 in Vienna. The records also indicate that Rosa and [REDACTED] Egré each owned 50 percent, or 26,812.00 Reichsmark (“RM), of the business *Egré & Co. Kürschnergewerbe und Pelzwarenhandel*, which was based at Kärntnerstrasse 4 in Vienna. The records also indicate that Rosa and [REDACTED] Egré each held a 50 percent stake in a second business, *Egré G.m.b.H.*, which was also located at Kärntnerstrasse 4 in Vienna, and which was in liquidation in July 1938, when the 1938 Census records were signed.

The Egrés’ 1938 Census records also indicate that jewelry valued at RM 7,350.00 and cash valued at RM 3,733.00 had been seized from the couple by the Gestapo (*sind im Depot bei der Gestapo*). [REDACTED]’s Census record indicates that on 29 November 1939, the couple was jointly charged a “flight tax” (*Reichsfluchtsteuer*) of RM 50,000.00, based upon total joint assessed assets of RM 200,000.00, and that payment of that tax was listed as having been payable, retroactively, by 15 July 1938.

These records make no mention of assets held in a Swiss bank account.

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. The Claimants' mother's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner.

In support of their claims, the Claimants submitted documents, including a sworn statement prepared by their parents, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Swiss Compensation Office's record as the name and city of residence of the Account Owner.

The CRT notes that there are no other claims 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. They also indicated that the Account Owner's home and business were raided by Nazi officers in 1938, and that their family business was forcibly seized by Nazi officials. The Claimants also stated that the Account Owner was forced to flee Austria in June 1938, and that she was forced to settle first in France, then in the United States, via Cuba.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimants' mother. These documents include a sworn statement made by the Account Owner and her husband, indicating that they had held an insurance policy whose beneficiary was their daughter [REDACTED 1]. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that Claimant [REDACTED 1] submitted a copy of the Swiss Compensation Office's record. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their IQs.

The Issue of Who Received the Proceeds

The Swiss Compensation Office's record indicates that the account was frozen in the 1945 Freeze. The record further indicates that the Bank forcibly opened the safe deposit box on 2

March 1946, and that the Swiss Compensation Office unfroze the account on approximately 30 October 1952. The record does not indicate whether the account was later closed.

Given that the Account Owner's home was raided in March 1938, and assets and valuables were seized by Nazi officers at that time; that the Account Owner and her family were forced to flee Austria in June 1938; that the safe deposit box was forcibly opened on 2 March 1946 and found to contain only old bank transaction records; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 Presumption (h), 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 her 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 claims are 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 mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible 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 safe deposit box account. The Swiss Compensation Office's record indicates that as of 2 March 1946, the safe deposit box contained only old bank transaction records, and consequently that the account's value on that date was essentially zero. According to Article 29 of the Rules, if the amount in a safe deposit box was less than SF 1,240.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 1,240.00. 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 15,500.00.

Division of the Award

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 have submitted a claim, in equal shares by representation. In this case, the Claimants are the children of the Account Owner. Accordingly, the Claimants are each entitled to 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
8 October 2008