

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
and represented by [REDACTED 2] and [REDACTED]

in re Account of Henri Strasburger

Claim Number: 772985/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“the Claimant”) to the published account of Maria Strassberger.² This award is to the published account of Henri Strasburger (“the Account Owner”) at the Lausanne 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 Claimant

The Claimant submitted an Initial Questionnaire to the Court in 1999 identifying [REDACTED] as her paternal aunt. In written correspondence submitted to the CRT and received on 14 March 2005, the Claimant indicated that her relatives may have spelled their surnames as Strasburger or Strassburger. In a telephone conversation with the CRT on 1 July 2005, the Claimant identified the Account Owner as her brother, Henri Strasburger, who was born in 1911, in Bekescaba, Hungary. The Claimant stated that her brother was in the textile business and that he moved from Bekescaba to Nyiregyhaza, Hungary, prior to the outbreak of the Second World War. The Claimant stated that her brother was married to [REDACTED], née [REDACTED], and that they had two children together. The Claimant further stated that during the Second World War, her brother, who was Jewish, was deported to a concentration camp in Czechoslovakia, where he

¹ The CRT notes that the Claimant also filed a claim in 2005, numbered 400546, to accounts published on the 2005 List of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (the “2005 List”). In claim 400546, the Claimant claimed accounts belonging to Paul Strasburger, Marie Strasburger, and Henri Strasburger. The CRT will treat claims to those accounts in separate determinations.

² The CRT will treat the claim to this account in a separate determination.

perished. According to the Claimant, her husband, [REDACTED 2], is also her and Henri Strasburger's cousin as the Claimant's father and her husband's mother were siblings.

In support of her claim, the Claimant submitted her birth certificate, indicating her name as [REDACTED], and her parents' names as [REDACTED] and [REDACTED], and her Canadian passport, indicating her name as [REDACTED]. The Claimant indicated that she was born on 18 March 1927 in Bekescaba, and that her husband was born on 12 November 1919, also in Bekescaba.

Information Available in the Bank's Records

The Bank's record submitted by 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") consists of an excerpt from the Bank's ledger. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about the account at issue ("Voluntary Assistance"). The Bank provided the CRT with an additional document consisting of another excerpt from the Bank's ledger.

According to the Bank's records, the Account Owner was Henri Strasburger. The Account Owner's domicile is not recorded. The Bank's records indicate that the Account Owners held an account, the type of which is not indicated. The Bank's records further indicate that the account was considered dormant by the Bank and was transferred on 23 February 1953 to a suspense account. The balance of the account on that date was 33.50 Swiss Francs ("SF"). The Bank's records indicate that the account still existed in January 1963, but they do not show when the account at issue was closed. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of her claim, the Claimant submitted information and documents including her birth certificate, indicating her name as [REDACTED], and her parents' names as

[REDACTED]³ and [REDACTED]. These documents provide independent verification that the person who is claimed to be the Account Owner had the same surname recorded in the Bank's records as the surname of the Account Owner.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED], 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 the Claimant had reason to believe that her relatives 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 this account. 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 indicated that the Account Owner was Jewish and that he was deported to a concentration camp in Czechoslovakia, where he perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific documents and information demonstrating that the Account Owner was her brother. The CRT notes that the Claimant submitted her birth certificate, indicating her name as [REDACTED], and her parents' names as [REDACTED] and [REDACTED], and her Canadian passport, indicating her name as [REDACTED]. These documents provide independent verification that the person who is claimed to be the Account Owner had a substantially similar surname as recorded in the Bank's records as the surname of the Account Owner. Furthermore, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying her paternal aunt as [REDACTED], indicating that she had reason to believe that her relatives owned a Swiss bank account prior to the publication in February 2001 of the ICEP List. This information supports the plausibility that the Claimant is related to the Account Owner, as she asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

³ The CRT notes that the Claimant's and her father's last name is spelled "Straszburger" on the Claimant's birth certificate. The CRT finds the spelling discrepancy between this document and the surname indicated in the Bank's records does not adversely effect the Claimant's identification of the Account Owner, since the Claimant's father's surname may have been transliterated from Hungarian into German. Furthermore, the CRT notes that the Claimant indicated the spelling of her own last name to be "Strassburger" and the spelling of her aunt's name to have been "Strassberger" in the Initial Questionnaire submitted to the Court in 1999. Accordingly, the CRT finds it plausible that the Claimant's family members may have used different name spelling variations as the Claimant further clarified in written correspondence to the CRT in March 2005. The CRT finds the different spelling variations of the surnames to be substantially similar for purposes of this decision.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on 23 February 1953. The auditors who carried out the ICEP Investigation presumed that the account was subsequently closed.

Given that there is no record of the payment of the Account Owner's account to him; that the Account Owner perished in a concentration camp during the Second World War; 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) 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.

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 her brother, 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 claimed account.

Amount of the Award

In this case, the Account Owner held an account of unknown type. The Bank's records indicate that the value of the account as of 23 February 1953 was SF 33.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 135.00, which reflects standardized bank fees charged to the account between 1945 and 1953. Consequently, the adjusted balance of the account at issue is SF 168.50. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

Division of the Award

The CRT notes that the Claimant is representing her husband, [REDACTED 2], who is also the cousin of the Account Owner. According to Article 23(1)(d) 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 by representation. The CRT notes that the Claimant, as the Account

Owner's sister, has a better entitlement to the Account Owner's account than [REDACTED 2]. Accordingly, the Claimant is entitled to the total award amount.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
3 March 2006