

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]  
represented by [REDACTED 3]

and to Claimant [REDACTED 4]

## **in re Accounts of Rosa Straus (Strauss)**

Claim Numbers: 200137/MBC; 209866/MBC;<sup>1</sup> 216506/MBC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Benno Strauss,<sup>2</sup> the claim of [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”), to the accounts of Rosa and Emanuel (Emil) Strauss (Straus),<sup>3</sup> and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the account of Max (Emanuel) Strauss.<sup>4</sup> This Award is to the published accounts of Rosa Strauss (Straus) (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>5</sup>

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.

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<sup>1</sup> Claimant [REDACTED 2] submitted two Claim Forms, which were registered under the Claim Numbers 203884 and 209866. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 209866.

<sup>2</sup> The CRT will treat the claim to this account in a separate determination.

<sup>3</sup> The CRT will treat the claim to the accounts of Emanuel (Emil) Strauss (Straus) in a separate determination.

<sup>4</sup> The CRT will treat the claim to this account in a separate determination.

<sup>5</sup> The CRT notes that, on the February 2001 published 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”), Rosa Straus and Rosa Strauss are each indicated as having three accounts. Upon careful review, the CRT has concluded that these names refer to the same person and that the Bank’s records evidence the existence of only two accounts.

## Information Provided by the Claimants

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his mother, Rosa Strauss, née Sommer, who was born on 10 February 1900 and was married to [REDACTED] on 14 April 1926 in Wuerzburg, Germany. Claimant [REDACTED 1] indicated that his family is Jewish. Claimant [REDACTED 1] further indicated that his parents lived in Hoechheim, Germany, where his father owned a general store, and that they had one child, Claimant [REDACTED 1], who was born on 21 May 1927 in Hoechheim. According to Claimant [REDACTED 1], his father was arrested by the Nazis several times and was imprisoned in Dachau from 1938 to 1939. Finally, Claimant [REDACTED 1] indicated that his family fled to the United States in 1939, where his mother died in 1962 in White Plains, New York, and his father in 1966 in Port Chester, New York.

In additional correspondence with the CRT, on 19 November 2002, Claimant [REDACTED 1] further indicated that his father was forced to sell the family's two houses in Hoechheim to a person selected by the Nazis at a small fraction of their market value.

In support of his claim, Claimant [REDACTED 1] submitted his own passport, indicating that [REDACTED 1] was born on 21 May 1927 in Germany.

### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her paternal aunt, Rosa Strauss (Straus), née Laemle (Lämle, Laemmle), who was born on 21 July 1881 in Bretten, Germany, and was married to [REDACTED]. Claimant [REDACTED 2] indicated that her aunt and uncle, who were Jewish, lived in Stuttgart, Germany, where her aunt was a housewife and where her uncle was a partner in a wool wholesale firm named *Furchheimer and Strauss*. Claimant [REDACTED 2] further indicated that her aunt and uncle moved to a Jewish old age home in Stuttgart in 1940 and that they had no children. According to Claimant [REDACTED 2], her aunt and uncle were later forced to move to the Jewish house ("Judenhaus") in Dellmensingen, Germany. Claimant [REDACTED 2] indicated that in 1942, her aunt and uncle were deported to Theresienstadt and then to Minsk (at that time part of the German Reich's Commissariat Ostland, now Belarus), where they presumably perished. Claimant [REDACTED 2] indicated that her aunt and uncle were declared deceased by a court in Stuttgart in 1950. Finally, Claimant [REDACTED 2] indicated that her aunt and uncle had intended to flee to Switzerland, where they had a significant amount of money deposited, but by the time they tried to leave, it was no longer possible to immigrate from Germany.

In support of her claim, Claimant [REDACTED 2] submitted documents, including a letter, dated 28 September 1965, from Dr. Fritz Haffner, a lawyer in Stuttgart, to Claimant [REDACTED 2], involving her attempts to recover the property of Rosa and [REDACTED], including Swiss bank accounts. Attached to the letter is an application for restitution prepared by Dr. Haffner and addressed to a restitution office located in Munich, Germany, concerning the assets of Rosa and [REDACTED]. These documents indicate that Rosa Strauss, née Laemle,

was born on 21 July 1881 in Bretten and was married to [REDACTED], that they were Jewish, that they lived in Stuttgart, that they were relocated by the Nazis to a Jewish home in Dellmensingen and then deported to Theresienstadt, that they were declared deceased by a court in Stuttgart on 12 May 1950, and that their date of death was declared to be 1 October 1942. These documents further indicate that Dr. Haffner represented the legal heirs of Rosa and [REDACTED], including Claimant [REDACTED 2], and that these heirs had already received 2,000.00 Deutschmark in 1958 as compensation for looted assets.

Claimant [REDACTED 2] indicated that she was born on 10 December 1917 in Stuttgart.

Claimant [REDACTED 2] previously submitted an ATAG Ernst & Young claim form (“ATAG Form”) in 1998 and Initial Questionnaires (“IQs”) to the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Rosa Strauss (Straus).

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as her maternal grandmother, Rosa Strauss, née Hirsch, who was married to [REDACTED]. Claimant [REDACTED 4] indicated that her grandparents, who were Jewish, resided in Michelstadt, Germany, where her grandfather owned a butcher shop, and that they had two children: [REDACTED], who was born in 1901 in Michelstadt, and [REDACTED] (Claimant [REDACTED 4]’s mother), who was born on 23 February 1908, also in Michelstadt. According to Claimant [REDACTED 4], her grandfather was deported under unknown circumstances and presumably perished in the Holocaust, and her aunt [REDACTED] also perished in the Holocaust. Finally, Claimant [REDACTED 4] indicated that her mother died in 1994 in Argentina.

In support of her claim, Claimant [REDACTED 4] submitted documents, including: 1) her mother’s birth certificate, indicating that [REDACTED] was born on 23 February 1908 in Michelstadt and that her parents were [REDACTED] and Rosa Strauss, née Hirsch, who were both Jewish; 2) her own birth certificate, indicating that [REDACTED 4] was born on 16 November 1938 in Alcaraz, Argentina, to [REDACTED] and [REDACTED], and that her maternal grandparents were [REDACTED] and Rosa Strauss; and 3) her own passport, issued in 1957, indicating that [REDACTED 4] was born on 16 November 1938 and that she lived in Alcaraz.

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

The Bank’s records consist of an extract from archival records regarding the 1945 Swiss Freeze of assets held in Switzerland by the citizens of Germany and the territories incorporated into the Third Reich (the “1945 Freeze”) and from a database of the Swiss Compensation Office. According to these records, the Account Owner was *Frau* (Mrs.) Rosa Strauss, who resided in Germany. These records indicate that the Account Owner held a demand deposit account that was frozen in the 1945 Freeze. These records indicate that the demand deposit account held a balance of 161.00 Swiss Francs (“SF”) on 28 November 1947, and that it was unfrozen on 20

February 1953 due to its relatively low balance. 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 find the demand deposit 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 it was unfrozen in 1953.

Additionally, the records pertaining to the Account Owner include a report from the auditors who investigated the Bank, which indicates that the Account Owner held a custody account, numbered 32046, which was closed on 13 October 1934. The auditors’ report does not indicate the value of this account.

There is no evidence in the archival records or the auditors’ report that the Account Owner or her heirs closed either of the accounts and received the proceeds themselves.

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

### Identification of the Account Owner

The Claimants’ relatives’ names, marital status, and country of residence match the published name, marital status, and country of residence of the Account Owner.

In support of her claim, Claimant [REDACTED 2] submitted documents, including a letter dated in 1965 and a restitution application prepared by her lawyer, providing independent verification that the person who is claimed to be the Account Owner had the same name and marital status and resided in the same country recorded in the auditors’ report and archival records as the name, marital status, and country of residence of the Account Owner.

In support of her claim, Claimant [REDACTED 4] submitted documents, including her mother’s birth certificate and her own birth certificate, also providing independent verification that the person who is claimed to be the Account Owner had the same name and marital status and resided in the same country recorded in the auditors’ report and archival records as the name, marital status, and country 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 Rosa Strauss, née Laemle (Laemmler), who was born in Bretten on 21 July 1881, married to [REDACTED], resided in Stuttgart and Dellmensingen, was transported from Stuttgart to Theresienstadt, and died in Minsk, which matches the information about the

Account Owner provided by Claimant [REDACTED 2]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The database of victims also includes pages of testimony submitted in 1995 and 1997 to the Yad Vashem Memorial by Claimant [REDACTED 4]k's brother, [REDACTED], regarding Rosa Strauss (Straus), née Hirsch, indicating that she was born in Birkenau, Germany, on 26 April 1872, that she was married to [REDACTED], and that she lived in Michelstadt, which matches the information about the Account Owner provided by Claimant [REDACTED]. The database of victims also indicates that Rosa Strauss, née Hirsch, was deported to Theresienstadt on 28 September 1942 and that she died on 15 November 1943.

The CRT notes that Claimant [REDACTED 2] filed an ATAG Form in 1998 and IQs in 1999, asserting her entitlement to Swiss bank accounts owned by Rosa Strauss (Straus), 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"). Claimant [REDACTED 2] also submitted documents, including a letter from her lawyer, indicating that she was pursuing the recovery of these accounts as early as 1965. This indicates that Claimant [REDACTED 2] has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that Claimant [REDACTED 2] had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2].

The CRT notes that Claimant [REDACTED 1]' relative, Claimant [REDACTED 2]'s relative, and Claimant [REDACTED 4]'s relative are each different persons. However, given that the Claimants have identified all published information about the Account Owner that is available in the auditors' report and archival records; that the information provided by each claimant supports and in no way contradicts any information available in the auditors' report and archival records; that there is no additional information in the auditors' report and archival records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account was disconfirmed because those claimants provided a different marital status than the marital status of the Account Owner (that is, the person claimed to be the Account Owner was too young to have the title *Frau* at the time the accounts were active, or the maiden name of the person claimed to be the Account Owner matches the Account Owner's married name), the CRT finds the Claimants have each plausibly identified the Account Owner.

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

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's family was Jewish, that she resided in Germany, and that she fled to the United States in 1939. Claimant [REDACTED 1] further stated that the Account Owner's spouse was imprisoned in Dachau from 1938 to 1939 and that he was forced to sell the family's homes in Germany to a Nazi buyer for a fraction of their value.

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that she was deported to Theresienstadt in 1942, and that she was then transported to Minsk, where she presumably perished. Claimant [REDACTED 2] further stated that the Account Owner was declared deceased by a court in Stuttgart in 1950 and that her date of death was declared to be 1 October 1942. As noted above, a person named Rosa Strauss, née Laemle (Laemmle), was included in the CRT's database of victims.

Finally, Claimant [REDACTED 4] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that the Account Owner was Jewish and that she resided in Germany. Claimant [REDACTED 4] further stated that the Account Owner's spouse and daughter perished in the Holocaust. As noted above, a person named Rosa Strauss (Straus), née Hirsch, was included in the CRT's database of victims.

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

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]' mother. The CRT further notes that Claimant [REDACTED 1] submitted a copy of his passport, which provides independent verification that Claimant [REDACTED 1]' relatives bore the same family name as the Account Owner and that they resided in Germany. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]' paternal aunt. These documents include an application for restitution, prepared by Claimant [REDACTED 2]'s lawyer in 1965 or earlier, indicating that Claimant [REDACTED 2] was one of Rosa and [REDACTED]' legal heirs. This document further indicates that the Account Owner may have additional surviving heirs, but as they are not represented on Claimant [REDACTED 2]'s claim and have not submitted claims on their own behalf, their potential entitlement to her accounts will not be treated in this Award.

Finally, Claimant [REDACTED 4] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was Claimant [REDACTED 4]'s maternal grandmother. These documents include Claimant [REDACTED 4]'s birth certificate, indicating that her mother was [REDACTED], née [REDACTED], and that her maternal grandmother was Rosa Strauss, and her mother's birth certificate, indicating that [REDACTED] was born in Michelstadt and that her mother was Rosa Strauss. The CRT notes that Claimant [REDACTED 4]'s brother submitted pages of testimony regarding the Account Owner to the Yad Vashem Memorial. However, as he

is not represented on Claimant [REDACTED 4]'s claim and has not submitted a claim on his own behalf, his potential entitlement to the accounts will not be treated in this Award.

### The Issue of Who Received the Proceeds

The auditors' report indicates that the custody account was closed on 13 October 1934. Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that each of the Account Owners identified by the Claimants resided in Nazi Germany at the time the custody account was closed, meaning that the Account Owner would not have been able to repatriate her account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her 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) and (h), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),<sup>6</sup> 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.

With regard to the demand deposit account, the auditors' report and archival records indicate that the account was frozen in 1945, unfrozen in 1953, and closed on an unknown date thereafter. Given that two of the persons plausibly identified as the Account Owner perished in the Holocaust; 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 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 Presumption (h) as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs.

### 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, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his mother, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her aunt, and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was her grandmother, and those relationships justify an Award. Third, the CRT has determined that it is

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<sup>6</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account.

Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case with the custody account, 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 a custody account was SF 13,000.00. 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 an award amount for the custody account of SF 162,500.00.

The Bank's records indicate that the value of the demand deposit account as of 28 November 1947 was SF 161.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 45.00, which reflects standardized bank fees charged to the account between 1945 and 1947. Consequently, the adjusted balance of the account at issue is SF 206.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of this amount 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 an award amount for this account of SF 26,750.00.

Consequently, the total award amount for both accounts is SF 189,250.00.

### 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], Claimant [REDACTED 2], and Claimant [REDACTED 4] are each entitled to one-third of the 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  
12 October 2007