

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and

Claimant [REDACTED 2],  
also acting on behalf of [REDACTED], [REDACTED], and [REDACTED1]

## **in re Accounts of Dr. Otto Strauss and Ilse Strauss**

Claim Numbers: 201611/IG; 201628/IG; 206151/IG

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the accounts of Dr. Otto Strauss and Ilse Strauss (together the “Account Owners”) and upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of [REDACTED].<sup>1</sup> This Award is to the accounts of Dr. Otto Strauss and Ilse Strauss at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case Claimant [REDACTED 2] has, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

## **Information Provided by the Claimants**

Claimant [REDACTED 1] submitted two Claim Forms identifying the Account Owners as his parents, Dr. Otto Strauss, who was born on 6 April 1890 in Marburg, Germany, and Ilse Strauss, née [REDACTED], who was born on 4 July 1902 in Berlin, Germany. Claimant [REDACTED 1] indicated that his parents were married on 17 November 1922 in Berlin. Claimant [REDACTED 1] stated that his parents, who were Jewish, resided at Kaiser Friedrichstrasse 195 in Berlin until October 1933, when they were forced to flee to Palestine. Claimant [REDACTED 1] also indicated that his father was a physician, and that his mother was a housewife. In support of his claim, Claimant [REDACTED 1] submitted his parents’ passports, wills, birth, marriage and death certificates; his father’s naturalization certificate; his own birth certificate, bearing the seal of the Neukölln District of Berlin and indicating that Otto and Ilse Strauss were his parents; and his name change certificate, indicating the change of his name from [REDACTED] to

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<sup>1</sup> The CRT will treat the claim to this account in a separate decision.

[REDACTED 1]. Claimant [REDACTED 1] indicated that he was born on 31 October 1930 in Berlin.

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owners as his maternal aunt, Ilse Strauss, née [REDACTED], and her husband, Otto Strauss. Claimant [REDACTED 2] indicated that he was born on 8 September 1922 in Frankfurt am Main, Germany. Claimant [REDACTED 2] is representing [REDACTED], née [REDACTED], his cousin, who was born on 29 June 1921 in Berlin; [REDACTED] ([REDACTED]), his cousin, who was born on 19 April 1932 in Berlin; and Claimant [REDACTED 1].

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

The Bank's record consists of a customer card. According to this record, the Account Owners were *Dr. med.* (Medical Doctor) Otto Strauss and *Frau* (Mrs.) Ilse Strauss, who resided in Berlin-Neukölln, Germany. The Bank's record indicates that the Account Owners held a demand deposit account and a custody account, numbered 5678, which were both opened on 4 July 1931. According to the Bank's record, the demand deposit account was closed on 17 June 1933 and the custody account was closed on 24 June 1933. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed 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 Owners

Claimant [REDACTED 1] has plausibly identified the Account Owners. His parents' names and country of residence match the published names and country of residence of the Account Owners. Claimant [REDACTED 1] identified his father's title and occupation, and his parents' city and district of residence, Berlin-Neukölln, which match unpublished information about the Account Owner contained in the Bank's record. In support of his claim, Claimant [REDACTED 1] submitted his parents' passports, wills, birth, marriage and death certificates; his father's naturalization certificate; his own birth certificate, bearing the seal of the Neukölln District of Berlin and indicating that the Account Owners were his parents; and his name change certificate, indicating the change of his name from [REDACTED] to [REDACTED 1]. The CRT notes that other claims to

these accounts were disconfirmed because those claimants provided different cities of residence than the city of residence of the Account Owners, or identified the name of only one of the Account Owners.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they were forced to flee Nazi Germany in October 1933.

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

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owners by submitting specific biographical information and documents, including his birth certificate and name change certificate, demonstrating that they were his parents. Claimant [REDACTED 2] has plausibly demonstrated that the Account Owners were his maternal aunt and her husband.

#### The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; given that the Account Owners remained in Germany until October 1933, and would not have been able to repatriate their accounts, which were both closed in June 1933, to Germany without their confiscation; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about their 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 Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,<sup>2</sup> the CRT concludes that it is plausible that the accounts proceeds were not paid to the Account Owners or their 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 Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owners were his parents, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

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<sup>2</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### Amount of the Award

In this case, the Account Owners held one demand deposit account and one custody account. 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 present value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. The current value of those amounts is calculated by multiplying them by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 189,250.00 Swiss Francs.

### Division of the Award Section

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, Claimant [REDACTED 1], who is the son of the Account Owners, is a direct descendant of the Account Owners. Therefore, Claimant [REDACTED 1] has better entitlement to the accounts than Claimant [REDACTED 2] and the parties he is representing in these proceedings. Therefore, Claimant [REDACTED 1] is entitled to 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  
31 December 2003