

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Accounts of Edith Strauss

Claim Number: 221523/IG¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Edith Strauss (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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her mother’s maternal cousin, Edith Strauss. The Claimant stated that her mother’s cousin was unmarried, and that she resided in Berlin, Germany. According to the Claimant, her mother’s cousin, who was Jewish, was forced to flee from Germany to the United Kingdom in 1939, together with the Claimant’s mother, [REDACTED], née [REDACTED], in order to escape from being deported to the Bergen-Belsen concentration camp. According to the information provided by the Claimant, her mother, [REDACTED], née [REDACTED], was born to [REDACTED], née [REDACTED], therefore, the Account Owner belongs to the Claimant’s maternal side of the family. The Claimant added that her mother’s cousin resided in London, the United Kingdom, until her death on an unknown date. The Claimant’s representative stated in a letter to the CRT that the Claimant visited Edith Strauss in London on numerous occasions, and that Edith Strauss would speak of her lost money and accounts. In support of her claim, the Claimant submitted her mother’s death certificate; her own birth certificate; and the certificate of inheritance of her

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 204118. The CRT will treat the claim to this account in a separate decision.

grandmother, [REDACTED], née [REDACTED], of Berlin, Germany, who was killed in Theresienstadt on 14 November 1942, issued on 6 July 1950 in Berlin-Charlottenburg, stating that the Claimant's mother was [REDACTED]'s daughter. The Claimant stated that she was born on 31 March 1940 in the United Kingdom.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frl.* (Miss) Edith Strauss, who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held a custody account and a demand deposit account that was opened in 1931. According to the Bank's record, the custody account was closed on 3 April 1935 and the demand deposit account was closed on 10 April 1935. The amounts in the accounts on their dates of closure are unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The name of the Claimant's mother's cousin matches the published name of the Account Owner. The Claimant stated that her mother's cousin resided in Germany, which matches published information about the Account Owner contained in the Bank's record. The Claimant also stated that her mother's cousin's resided in Berlin and that she was unmarried, which matches unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted numerous documents, including the certificate of inheritance of [REDACTED], née [REDACTED], of Berlin, showing that the Claimant's mother was [REDACTED]'s daughter and providing independent verification that the Claimant's maternal relatives bore the family name Strauss and that they resided in Berlin. Moreover, the Claimant's mother's certificate of inheritances established that her grandmother's maiden name was Strauss, the same last name of the Account Owner, providing, in addition to unpublished information about the Account Owner, support for her identification of the Account Owner as a blood relative. Furthermore, the CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different names, and/or different countries and cities of residence, than the name, and country and city of residence of the Account Owner. 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 stated that the Account Owner was Jewish, and that she was forced

to flee from Germany to the United Kingdom in 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by providing documents and detailed information demonstrating that the Account Owner was her mother's cousin. These documents include the certificate of inheritance of [REDACTED], née [REDACTED], of Berlin, showing that the Claimant's mother was [REDACTED]'s daughter and providing independent verification that the Claimant's maternal relatives bore the family name Strauss and that they resided in Berlin. The CRT notes that the Claimant identified unpublished information about the residence and marital status of her mother's cousin. The CRT further notes that the information submitted by the Claimant and the identification of unpublished information about her mother's cousin supports the plausibility of the Claimant's assertion that she is related to the Account Owner.

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 its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; given that the Account Owner remained in Germany until 1939, and would not have been able to repatriate her accounts to Germany when they were closed in 1935 without their confiscation; that the Account Owner told the Claimant on several occasions that she lost her money and accounts; that there is no record of the payment of the Account Owner's accounts to her; 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 inquires 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,² the CRT concludes that it is plausible that the accounts 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 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 mother's cousin, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

² Appendix C appears on the CRT II website -- www.crt-ii.org.

Amount of the Award

In this case, the Account Owner 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs. Thus, the total 1945 average value of the two accounts was 15,140.00 Swiss Francs. 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 189,250.00 Swiss Francs.

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
31 December 2003