

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Hermann Strauss**

Claim Number: 708025/UM<sup>1</sup>

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of Dr. [REDACTED] (the "Claimant") to the published accounts of Hermann Strauss (the "Account Owner") at the Geneva 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 identifying the Account Owner as his paternal grandfather, Dr. Hermann Strauss, who was born on 28 April 1868 in Heilbronn, Germany, and was married to [REDACTED], née [REDACTED], in approximately 1899 in Berlin, Germany. In a telephone conversation with the CRT on 10 May 2004, the Claimant stated that his grandparents had two children: [REDACTED], the Claimant's father, who was born in 1900, and [REDACTED], born in 1903. The Claimant further stated that his grandfather, who was Jewish, was the head physician of the Jewish Hospital in Berlin. The Claimant indicated that his grandfather was deported to Theresienstadt in 1942, and that he perished there in October 1944. The Claimant submitted a copy of his own birth certificate, identifying his father as [REDACTED] from Berlin-Charlottenburg, Germany. The Claimant indicated that he was born on 7 February 1930 in Berlin.

---

<sup>1</sup> Dr. [REDACTED] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 he submitted an Initial Questionnaire ("IQ"), numbered GER 0001 032, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires that can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 708025.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Dr. Hermann Strauss.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Hermann Strauss, who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held one custody account, numbered L 4943, which was opened on 7 February 1936 and was closed on 12 February 1937, and a demand deposit account, which was closed on 4 June 1937. The amounts in the two accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner's city of residence contained in the Bank's record. Moreover, the Claimant specified that his grandfather was a doctor, which is consistent with the unpublished professional title of the Account Owner contained in the Bank's record. In support of his claims, the Claimant submitted documents, including his own birth certificate, indicating that his family resided in Berlin-Charlottenburg, providing independent verification that the Claimant's family resided in the same city of residence as that of the Account Owner.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hermann Strauss, and indicates that his date of birth was 28 April 1868 and place of birth was Heilbronn, Germany, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Dr. Hermann Strauss, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative 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 the other claims to these accounts were

disconfirmed because those claimants provided a different city of residence than the city of residence of the Account Owner, and information regarding their relatives' professions that is inconsistent with the Account Owner's professional title.

#### 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 he was deported to Theresienstadt, where he perished in October 1944. As noted above, a person named Hermann Strauss was included in the CRT's database of victims.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was the Claimant's paternal grandfather. These documents include a copy of his own birth certificate, which provides independent verification that the Claimant's relatives bore the family name [REDACTED] and that they resided in Berlin-Charlottenburg, Germany. 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 Claimant as a family member. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and Claimant, prior to the publication in February 2001 of the ICEP List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. All of this information supports the plausibility that the Claimant 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.

#### The Issue of Who Received the Proceeds

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 the Account Owner's accounts were closed in 1937; that the Account Owner lived in Berlin, Germany, until he was deported to Theresienstadt in 1942; that there is no record of the payment of the Account Owner's accounts to him; and given the application of Presumptions (a) 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 his paternal grandfather, 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 accounts.

#### 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 investigation carried out pursuant to the instructions of the ICEP Investigation (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. Thus, the 1945 total average value of the accounts at issue 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 his claims to determine whether there are additional Swiss bank accounts to which he 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  
29 June 2004