

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets
Case No. CV96-4849

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2] and [REDACTED 3]

in re Account of Julius Strauss

Claim Number: 216538/UM

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Julius Strauss (the “Account Owner”) at the Neuchâtel 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 his father, Julius Strauss, who was born on 22 September 1865 in Dolni Bela, Austria-Hungary (now the Czech Republic), and was married to [REDACTED], née [REDACTED], on 27 October 1910 in Vienna, Austria-Hungary (now Austria). The Claimant stated that his parents had three children, all born in Usti nad Labem, Austria-Hungary (now the Czech Republic): [REDACTED 2], who was born in 1912; [REDACTED 3], who was born in 1913; and the Claimant, who was born in 1919. The Claimant further stated that his father, who was Jewish, was a chief medical official. In a telephone conversation with the CRT on 3 December 2002, the Claimant indicated that his family resided in Usti nad Labem until 1938. The Claimant further stated that his family resided in Prague, Czechoslovakia (now the Czech Republic) from 1938 to 1942. In a telephone conversation with the CRT on 20 February 2003, the Claimant added that his father frequently traveled to Vienna, his wife’s birthplace. The Claimant further stated that his parents were deported to Theresienstadt on 4 September 1942, and subsequently deported to Auschwitz, where his father perished in May 1944. Finally, the Claimant stated that his mother died in London, the United Kingdom, on 10 August 1972.

The Claimant submitted his own birth certificate, identifying his parents as Julius Strauss and [REDACTED], née [REDACTED]; his parents’ marriage certificate, indicating that his mother was born in Vienna; a certificate issued by the National Head Office for Security in Prague,

confirming that his father resided in Prague, and that he was deported to an unspecified location in 1942; and a document issued by the Czech and Moravian Jewish Community on 6 March 1947, stating that the Claimant's mother resided in Prague until 4 September 1942, when she was transported to Theresienstadt, and that she was subsequently deported to Auschwitz in May 1944.

The Claimant indicated that he was born on 15 February 1919 in Usti nad Labem. The Claimant is representing his sister, [REDACTED 2], née [REDACTED], who was born on 10 March 1912 in Usti nad Labem, and his brother, [REDACTED], who was born on 12 April 1913, also in Usti nad Labem.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account held by [REDACTED], the custodian of valuables seized from the Claimant's mother, [REDACTED].¹ In that form, the Claimant indicated that his parents were forced to leave Usti nad Labem for Prague in September 1938.

Information Available in the Bank's Record

The Bank's record consists of an account opening card. According to this record, the Account Owner was Julius Strauss, whose place of residence is not recorded. The auditors who investigated this Bank pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") determined that the Account Owner resided in Vienna. The Bank's record indicates that the Account Owner held one demand deposit account, which was opened in June 1938 and closed on 31 December 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record 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 father's name matches the published name of the Account Owner. The Claimant indicated that his father's wife was born in Vienna, that they were married in Vienna, and that his father frequently traveled to that city, thereby establishing a strong connection to the published country of residence identified by the auditors who carried out the ICEP Investigation of this bank. In support of his claim, the Claimant submitted documents, including his own birth certificate, which identifies his father as Julius Strauss, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's

¹ The CRT did not locate an account belonging to the Claimant's relative, [REDACTED], or to [REDACTED], in the Account History Database prepared pursuant to the investigation of the ICEP, which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the "Rules"). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

record as the name of the Account Owner. In addition, the Claimant submitted his parents' marriage certificate, indicating that his mother was born in Vienna, providing independent verification that the person who is claimed to be the Account Owner had a strong connection to the country of residence identified by the auditors. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Julius Strauss, and indicates that his date of birth was 22 September 1865, 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 also notes that the name Julius Strauss appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution. Finally, the CRT notes that the other claims to these accounts were disconfirmed because those claimants failed to provide a connection to the Account Owner's country of residence. 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, that he fled from Usti nad Labem to Prague, Czechoslovakia, in September 1938, that he was transported from Prague to Theresienstadt in 1942, and that he was subsequently deported to Auschwitz, where he perished in May 1944. The Claimant also submitted a certificate issued by the National Head Office for Security in Prague, confirming that his father was deported from Prague to an unspecified location in 1942. As noted above, a person named Julius 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 information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's own birth certificate, identifying Julius Strauss as his father. There is no information to indicate that the Account Owner has other surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the demand deposit account was closed on 31 December 1938, at which time, according to information provided by the Claimant, the Account Owner was in Prague, and therefore outside Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the account was closed; that the Account Owner fled Usti nad Labem at most one month before it was annexed by Nazi Germany as part of the Sudetenland in October 1938; that the Account Owner may have had relatives remaining in the Sudetenland and that he may therefore have yielded to Nazi pressure to turn over his account to ensure their safety, 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, even for the stated purpose of obtaining indemnification from the German authorities, 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 his father, 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. Pursuant to Article 29 of the Rules Governing the Claims Resolution Process, as amended (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 demand deposit account was 2,140.00 Swiss Francs ("SF"). 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 SF 26,750.00.

Division of the Award

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, the Account Owner's wife is deceased, and the Claimant is representing his brother and sister. Accordingly, the Claimant and both of his siblings are each entitled to one-third of 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 his claim 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
18 November 2004