

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1]

and [REDACTED 2], née [REDACTED]

## **in re Account of Leopold Strauss**

Claim Numbers: 704487/AE<sup>1</sup>

Award Amount: 32,331.25 Swiss Francs

This Certified Award is based upon the joint claim of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”), to the published account of Leopold 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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) with the Court and the Claimants submitted a joint claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as their father, Leopold Strauss, who was born on 29 April 1883 in Rothenkirchen, Germany, and who married [REDACTED] on 12 July 1922. The Claimants indicated that they are the only children of Leopold and [REDACTED] Strauss. The Claimants

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<sup>1</sup> [REDACTED 1] (“Claimant [REDACTED 1]”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG 0492015, 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 which 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 704487. On 19 November 2003, the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department forwarded a joint claim, numbered B-01975, that had been submitted to them by Claimant [REDACTED 1] and [REDACTED 2], née [REDACTED] (“Claimant Lilie”) (together the “Claimants”) on 16 August 1999. On 19 January 2001, Claimant [REDACTED 1] signed a “Declaration of Consent,” which authorized the HCPO to forward his claim to the CRT for treatment. It is not clear why the claim was not forwarded to the CRT until 19 November 2003. The CRT is treating this claim under the consolidated claim number 704487.

further indicated that their father, who was Jewish, was a wholesale dealer of industrial-grade oil and the sole owner of *Firma Leopold Strauss*, which was established in 1910. The Claimants indicated that their father resided at Springerstrasse 21 in Leipzig N. 22, Germany, and that his office and an oil storage facility he owned were also located in Leipzig. Claimant [REDACTED 1] indicated that their father was arrested during the *Kristallnacht* (“Night of Broken Glass”) pogrom and was subsequently jailed. Claimant [REDACTED 1] further indicated that because their father lost his leg while fighting for Germany in the First World War, he was released from jail under the condition that that he leave Germany. The Claimants further indicated that their father was forced to close and liquidate his business and that he attempted to obtain entry visas for him and his family to Switzerland, but was denied. The Claimants stated that, in 1939, their family was able to emigrate to Palestine (today Israel), where their father remained until 1947. The Claimants indicated that their mother died on 22 June 1974 in Frankfurt am Main, Germany and that their father died on 19 September 1982, also in Frankfurt.

In support of their claim, the Claimants submitted an emigrants’ questionnaire filed by Leopold Strauss with the Emigration Advisory Agency (*Mitteldeutsche Auswanderungsberatungsstelle*) in Leipzig and dated 21 November 1938, indicating that he resided at Springerstrasse 21 in Leipzig N. 22, that he had two children named [REDACTED 1] and [REDACTED 2], aged 15 and 10, respectively, and that his real estate, valued at 50,600.00 Reichsmark (“RM”) served as security for his RM 50,000.00 flight tax (*Reichsfluchtsteuer*) liability. The Claimants also submitted an opinion from the Emigration Advisory Agency, indicating that Leopold Strauss resided at Springerstrasse 21 in Leipzig N. 22 and had two children aged 15 and 10; a letter from Leopold Strauss on his company letterhead to the Foreign Exchange Office (*Devisenstelle*) of the city of Leipzig, dated 8 August 1938, indicating his name as Leopold Strauss, who resided at Springerstrasse 21 in Leipzig N. 22; a copy of the atonement tax assessment amounting to RM 42,000.00, dated 14 December 1938, for Leopold Straus, who resided at Springerstrasse 21 in Leipzig N. 22; and documents from the Bundesarchiv and Sächsische Staatsarchiv in Leipzig, including an inventory of personal goods that Leopold Strauss and his family intended to ship to Palestine upon their emigration. Claimant [REDACTED 1] indicated that he was born on 14 July 1923 in Leipzig, and Claimant [REDACTED 2] indicated that she was born on 17 November 1928, also in Leipzig.

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

The Bank’s records consist of a customer card and printouts from the Bank’s database. According to these records, the Account Owner was Leopold Strauss, who resided at Springerstrasse 21 in Leipzig N. 22, Germany. The Bank’s records indicate that the Account Owner held one demand deposit account, which had a balance of 2,586.50 Swiss Francs (“SF”) in 1932, and was closed on 11 August 1933. The amount in the account on the date of its closure is unknown. The Bank’s records do not indicate to whom this account was paid. There is no evidence that the Account Owner or her heirs closed the account and received the proceeds themselves.

## The CRT's Analysis

### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' fathers name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimants also identified the Account Owner's address, Springerstrasse 21 in Leipzig N. 22, which matches unpublished information about the Account Owner contained in the Bank's records. In support of their claim, the Claimants submitted numerous documents, including a questionnaire filed by Leopold Strauss with the Emigration Advisory Agency in Leipzig dated 21 November 1938, indicating that he resided at Springerstrasse 21 in Leipzig N. 22; an opinion from the Emigration Advisory Authority, indicating that Leopold Strauss resided at Springerstrasse 21 in Leipzig N. 22; a letter from Leopold Strauss on his company letterhead to the Foreign Exchange Office Authority of the city of Leipzig dated 8 August 1938, indicating his name as Leopold Strauss, who resided at Springerstrasse 21 in Leipzig N. 22; a copy of the atonement tax assessment dated 14 December 1938, for Leopold Straus, who resided at Springerstrasse 21 in Leipzig N. 22; and documents from the *Bundesarchiv* and *Sächsische Staatsarchiv* in Leipzig, including an inventory of household and personal items of Leopold and his family to be shipped upon emigration. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name, address, city and country of residence recorded in the Bank's records as the name, address, city and country of residence of the Account Owner.

The CRT notes that Claimant [REDACTED 1] filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Leopold Strauss, 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"). This indicates that Claimant [REDACTED 1] 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 Claimant [REDACTED 1] 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 Claimant [REDACTED 1].

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city and country of residence than the city or country of residence of the Account Owner.

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

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish. Claimant [REDACTED 1] indicated that their father was arrested during *Kristallnacht* and subsequently jailed. Claimant [REDACTED 1] further indicated that because their father lost his leg while fighting for Germany in the First World War, he was released from jail under the condition that he leave Germany. The Claimants stated that their father lost his business. The Claimants indicated that

their father attempted to obtain entry visas for Switzerland but was denied, and that their family emigrated to Palestine (today Israel) in 1939.

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

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was their father. These documents include a questionnaire filled out by Leopold Strauss to the Emigration Advisory Agency in Leipzig dated 21 November 1938, indicating that he had two children named [REDACTED 1] and [REDACTED 2], aged 15 and 10, respectively, and an opinion from that Agency, indicating that Leopold Strauss had two children aged 15 and 10. 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 taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1939, and would not have been able to repatriate his 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 him; 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 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; 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 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their 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 account.

### Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 1932 was SF 2,586.50. The Bank's records further indicate that the demand deposit account was closed on 11 August 1933. The current

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

value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 32,331.25.

#### 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 Claimants are the children of the Account Owner. Accordingly, the Claimants are each entitled to one-half 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 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  
21 September 2005