

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

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

## **in re Account of Otto Strakosch**

Claim Numbers: 210724/LH; 210725/LH

This Certified Denial is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the accounts of Jonas Strakosch and Karl Anton Strakosch.<sup>1</sup> This Denial is to a published account of Otto Strakosch (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>2</sup>

On 26 November 2002, the Court approved an award to the Claimant (the “November 2002 Award”) for one demand deposit account owned by the Account Owner at the Bank, and two custody accounts, one of which was held at another Swiss bank. In that decision, the CRT did not make a determination regarding the disposition of an additional custody account held by the Account Owner at the Bank. This Certified Denial addresses the custody account held by the Account Owner that was held for further consideration in the November 2002 Award.

All denials 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 two Claim Forms and an Initial Questionnaire identifying the Account Owner as her paternal uncle, Otto Strakosch, who was born on 29 May 1884 in Vienna, Austria. The Claimant indicated that her uncle, who was Jewish, resided at Deutschmeisterplatz 4 in Vienna, that he held accounts at the Zurich branch of the Bank and at the Zurich branch of

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<sup>1</sup> The CRT did not locate an account belonging to Jonas Strakosch nor to Karl Anton Strakosch in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), 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”).

<sup>2</sup> The CRT notes that on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Otto Strakosch of Austria is indicated as owning three accounts, and Otto Strakosch of Vienna, Austria, is indicated as owing one account. Upon careful review, the CRT has determined that the Bank’s records and the records of another Swiss bank evidence the existence of four accounts that were held by Otto Strakosch of Vienna, Austria.

another Swiss bank, and that he and his brother, [REDACTED], the Claimant's father, were the children of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that her paternal grandparents were deported to Theresienstadt, where they perished in 1942, and that her uncle, who remained childless, perished in Auschwitz in 1942. The Claimant indicated that she and her father fled Austria for Paris, France, in September 1938 and on 30 June 1938, respectively, and that her father died on 13 February 1971 in Zurich, Switzerland. The Claimant further stated that she and her sister, whom she represents, are the only surviving members of the family.

In support of her claim, the Claimant submitted copies of the following documents: (1) her father's birth certificate, indicating that [REDACTED]'s parents were [REDACTED] (also known as [REDACTED]) and [REDACTED], née [REDACTED], and that he was born in Vienna; (2) her birth certificate, indicating that the Claimant's father was [REDACTED], that she was born in Vienna and that she is Jewish; and (3) a marriage certificate of [REDACTED 2], née [REDACTED], the Claimant's sister, indicating that her father was [REDACTED], and that she was born in Vienna as well.

The Claimant indicated that she was born on 10 September 1922 in Vienna. The Claimant is representing her sister, [REDACTED 2], née [REDACTED], who was born on 4 August 1929 in Vienna.

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

The Bank's records consist of a customer card, correspondence with the Bank, a balance sheet, a canceled check and a probate certificate. According to these records, the Account Owner was Otto Strakosch, who resided in Vienna, Austria and who was living in France as of 12 April 1939. The Bank's records indicate that the Account Owner held three bank accounts: a custody account, which was closed on 6 February 1937; a second custody account, numbered 57822, which was closed on 29 April 1938, and a demand deposit account, which was closed on 30 April 1938. The CRT notes that the latter two accounts were awarded in the November 2002 Award. The Bank's records do not indicate the value of these accounts.

The Bank's records contain correspondence, dated 1945, between Edgar Sachs, who claimed to be the administrator of the Account Owner's estate appointed by the French Civil Tribunal of Gourdon, France, and the Bank, in which he requested information about certain checks payable to the Account Owner through the Bank. In his letter, Edgar Sachs wrote that the Account Owner and his wife, [REDACTED], fled Vienna in 1938 to Paris, France, and later to Cahors, France, where they remained until 1942, when they were deported to Nazi Germany. The Bank replied to this inquiry by demanding documentation proving that the Account Owner was deceased. The Bank's records further indicate that in 1950, Henry M. Cohn, an American lawyer who represented Mr. Richard J. Auerbach, the administrator of the Account Owner's estate appointed by the Surrogate's Court of New York, contacted the Bank to request statements regarding the accounts and securities held there by the Account Owner. In a letter in response, the Bank stated that it did not recognize the rights of an appointed administrator to a customer's account as being legally valid, because the Account Owner was not an American resident. That

same year, Mr. Juan Jorge Hecht replied to the Bank in a letter in which he claimed that he and his sister were the legal heirs of the Account Owner, according to the Account Owner's will. In response, the Bank stated that it could provide no information because it had no proof that they were the legal heirs, and it did not keep customer records for more than ten years. In addition, the Bank stated that it required a death certificate of the Account Owner.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Otto Strakosch, numbered 65923. These records include letters, bank receipts from the Bank and from another Swiss bank, and documents written by Nazi authorities. The receipts from the Bank include a receipt for 1,800.00 Pound Sterling in English gold coins, valued at 64,260.00 Swiss Francs. This receipt shows that on 29 January 1937, the Bank sold these assets upon the request of the Otto Strakosch, in connection with the closure of a custody account. The letters consist of correspondence between Otto Strakosch and *Sturmhauptführer* Franz Neukirchner (an SS officer), between Neukirchner and his superior officer, and between Otto Strakosch and Dr. Alfred Redlich, a lawyer who was appointed by the Nazis to manage Otto Strakosch's estate.

The records indicate that Otto Strakosch was born on 29 May 1884 in Vienna, resided at Deutschmeisterplatz 4 in Vienna until April 1939, when he fled for France, and owned a wholesale business that traded and marketed chemicals (*Grosshandel mit Chemikalien und Handelsvertretung*) at Deutschmeisterplatz 2 in Vienna. According to these records, Otto Strakosch held a custody account, numbered 57822, at the Zurich branch of the Bank and a custody account, numbered 40768, at the Zurich branch of another Swiss bank. The records also include a Nazi document, dated 2 March 1941, indicating that Otto Strakosch was deprived of his citizenship and that all his assets were confiscated.

### **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 two claims of the Claimant in one proceeding.

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle'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 exact street address and date of birth, which

matches unpublished information about the Account Owner contained in the 1938 Census records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Otto Strakosch, and indicates that his date of birth was 29 May 1884 and place of birth was Vienna, which match 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 notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Otto Strakosch, 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 the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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 there are no other claims to this account.

#### 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 resided in Nazi-controlled Austria, and was subsequently deported to Auschwitz, where he perished in 1942. Additionally, the Claimant indicated that the Account Owner's parents were deported to Theresienstadt, where they perished in 1942 as well. The CRT notes that the Account Owner was required to declare his assets pursuant to the 1938 Census. These Census records indicate that the Account Owner fled Austria for France in April 1938, that he was deprived of his citizenship on 2 March 1941, and that all of his assets were confiscated. As noted above, a person named Otto Strakosch was included in the CRT's database of victims.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant's uncle. There is no information to indicate that the Account Owner has other surviving heirs other than the party whom the Claimant is representing.

The CRT also notes that the Claimant identified unpublished information about the Account Owner as contained in the 1938 Census records; that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the 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. The CRT further notes that the Claimant submitted a copy of her father's birth certificate, which

provides independent verification that the Claimant's relatives bore the same family name and that they resided in Vienna. Finally, 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, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

#### The Issue of Who Received the Proceeds

As noted above, the demand deposit account and the custody account, numbered 57822, were awarded in the November 2002 Award.

With respect to the additional custody account held by the Account Owner at the Bank, the Bank's records indicate that the account was closed on 6 February 1937. The CRT notes that this account was closed prior to the incorporation of Austria into the German Reich in March 1938 (the "*Anschluss*"). Therefore, the CRT concludes that the Account Owner was able to access the account, and that he closed the account and received the proceeds himself.

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

#### **Scope of the Denial**

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims 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 Denial**

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal  
20 December 2007