

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Accounts of H. Strauss, Hans Strauss and Hans A. Straus<sup>1</sup>**

Claim Number: 204694/MG; 709726/MG<sup>2</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the account of Hans Strauss. This Denial is to the published account of H. Strauss (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published accounts of Hans Strauss (“Account Owner 2”) at Bank 1, and to the unpublished account of Hans A. Straus (“Account Owner 3”) at the [REDACTED] (“Bank 2”).

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 a Claim Form asserting that his father, Hans Strauss, who was born on 1 March 1908 in Berlin, Germany, and was married to [REDACTED], née [REDACTED], on 7 November 1945 in Berlin, owned a Swiss bank account. The Claimant stated that his father, who was Roma, was a horse dealer, and that he lived in Berlin. The Claimant also stated that his father was arrested and deported in 1937 to Bad Sulza, Buchenwald, Lichtenberg and Dachau, and that he died in Berlin on 18 November 1949. The Claimant indicated that he was born on 29 July 1949 in Berlin.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Hans Strauss.

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

<sup>2</sup> According to Article 37 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 Initial Questionnaire and the claim of the Claimant in one proceeding.

The Claimant submitted documents in support of his application, including: (1) a copy of his own birth certificate; (2) a copy of his father's passport; (3) his parent's marriage certificate; (4) a record of his father's internment in the Dachau concentration camp; and (5) a copy of his parents' death certificates.

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

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Hans Strauss. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported three accounts whose owners' names match or are substantially similar to that provided by the Claimant. Upon review of the bank documents, the CRT also located two additional accounts that were not reported by the auditors. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Account 1014520

Bank 1's records indicate that Account Owner 1 was H. Strauss who resided in Germany. Bank 1's records also indicate Account Owner 1's full first name and city of residence. Furthermore, Bank 1's records indicate the date of closing of the account at issue.

#### Accounts 1014067, 1014067.1 and 1014067.2

Bank 1's records indicate that Account Owner 2 was Hans Strauss who resided in Germany. Bank 1's records also indicate Account Owner 2's city of residence in Germany and his other city of residence in a different country. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

#### Account 5034166

Bank 2's records indicate that Account Owner 3 was Hans A. Strauss. Bank 2's records also indicate Account Owner 3's country of residence, city and street address. In addition, Bank 2's records indicate the name of Account Owner 3's spouse. Furthermore, Bank 2's records indicate the date on which the power of attorney form was signed. Finally, Bank 2's records contain Account Owner 3's signature.

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

#### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

### Identification of the Account Owners

As for Account 1014520, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father is substantially similar to the published first initial and last name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, Bank 1's records include the first name of Account Owner 1, which is different from the Claimant's father's first name, Hans. Moreover, the Claimant stated that his father lived, married and died in Berlin, Germany. In contrast, Bank 1's records show that Account Owner 1 resided in a different city, which is over 400 kilometers from Berlin. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1014067, 1014067.1 and 1014067.2, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant stated that his father lived, married and died in Berlin, Germany. In contrast, Bank 1's records show that Account Owner 2 lived in a different city, which is over 400 kilometers from Berlin and in another country, which was not identified by the Claimant as a country of residence of his father. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Account 5034166, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his father is substantially similar to the unpublished name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that his father lived in Berlin, Germany and married [REDACTED] in Berlin. In contrast, Bank 2's records show that Account Owner 3 lived in another country and was married to a woman with a different name. Furthermore, the Claimant did not identify Account Owner 3's middle initial. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

**Scope of the Denial**

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.

**Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
30 December 2004