

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1], [REDACTED 2],  
[REDACTED 3] and [REDACTED 4]

## **in re Account of Otto Haas**

Claim Numbers: 700254/AX; 708871/AX; 722877/AX;  
750809/AX; 771944/AX; 779513/AX<sup>1</sup>

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”) and [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the unpublished account of Otto Haas (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”). The account awarded is from the Total Accounts Database at 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] and Claimant [REDACTED 2] jointly filed a claim with the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as their father, Otto Haas, who was born on 18 September 1889 in Turdosin, Czechoslovakia (today part of

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<sup>1</sup> Claimant [REDACTED 2], Claimant [REDACTED 1], Claimant [REDACTED 3], and Claimant [REDACTED 4] did not submit Claim Forms to the Claims Resolution Tribunal. However, in 1999 Claimant [REDACTED 4], Claimant [REDACTED 1], and Claimant [REDACTED 3] each submitted an Initial Questionnaire (“IQ”) numbered IQ-HEB 308192, ENG 0372082, and ENG 0071165, respectively, and Claimant [REDACTED 2] submitted two IQs, numbered CZE 007083 and GER 014187, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT. Claimant [REDACTED 2]’s IQs have been assigned Claim Numbers 700254 and 708871, Claimant [REDACTED 1]’s IQ has been assigned Claim Number 779513, Claimant [REDACTED 4]’s IQ has been assigned Claim Number 722877, and Claimant [REDACTED 3]’s IQ has been assigned Claim Number 771944.

Slovakia), and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that their father, who was Jewish, owned a trading business in Turdosin called *Strauss & Haas*. According to Claimant [REDACTED 1] and Claimant [REDACTED 2], their father remained in Turdosin until the Nazis occupied Czechoslovakia, at which time he was then deported to Majdanek concentration camp in 1942, where he ultimately perished. Claimant [REDACTED 1] indicated that she was born on 2 December 1927 in Turdosin. Claimant [REDACTED 2] indicated that she was born on 17 March 1925 in Turdosin.

Claimant [REDACTED 2] previously submitted two Initial Questionnaires and Claimant [REDACTED 1] previously submitted one Initial Questionnaire (“IQ”) with the Court in 1999 asserting their entitlement to a Swiss bank account owned by Otto Haas.

Claimant [REDACTED 4] submitted an IQ with the Court in 1999 identifying the Account Owner as his grandfather, Otto Haas, who was born on 18 September 1889 in Turdosin. According to Claimant [REDACTED 4], Otto Haas’s children were Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 4]’s father, [REDACTED], who is now deceased. Claimant [REDACTED 4] stated that his grandfather, who was Jewish, was a wealthy businessman who owned a metal trading business and forests in Turdosin. According to Claimant [REDACTED 4], his grandfather remained in Turdosin until the Nazis occupied Czechoslovakia, at which time he was then deported to Majdanek concentration camp in 1942, where he ultimately perished. Claimant [REDACTED 4] indicated that he was born on 28 August 1973.

Claimant [REDACTED 3] submitted an ATAG Ernst & Young claim form in 1998 and an IQ with the Court in 1999 identifying the Account Owner as his grandfather, Otto Haas, who was born on 18 September 1889 in Turdosin, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 3] indicated that he is the son of Claimant [REDACTED 2]. Claimant [REDACTED 3] stated that his grandfather was a shop owner in Turdosin. Claimant [REDACTED 3] indicated that he was born on 7 October 1947.

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

The Bank’s record consists of a power of attorney form. According to this record, the Account Owner was Otto Haas and the Power of Attorney Holder was [REDACTED], the Account Owner’s wife, both of whom resided in Turdosin, Czechoslovakia. The Bank’s record shows that the Account Owner held a custody account.<sup>2</sup> The Bank’s record shows that the account was opened no later than 5 August 1928, the date that the power of attorney form was signed.

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<sup>2</sup> The Bank’s record contains a power of attorney form that references a “*Titeldepot*,” which is a custody account. Such forms were typically used by the Bank at the time regardless of whether the account in question was in fact a custody account. Although this power of attorney form therefore does not necessarily demonstrate that the Account Owner held a custody account, in the absence of evidence to the contrary, the CRT concludes that it is plausible that he held such an account.

The Bank's record does not show when the account at issue was closed, or to whom it was paid, nor does this record indicate the value of this account. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

This account was not part of the Account History Database at the CRT, but was identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the ICEP auditors as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,<sup>3</sup> are composed of 1.9 million savings accounts with a 1930-1940s value of 200 Swiss francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database, that is within the 36,000 accounts that ICEP determined were "probably or possibly" owned by victims of Nazi persecution. The account awarded is part of a group of accounts identified in the TAD.

## **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 seven claims of the Claimants in one proceeding.

### Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' relative's name matches the unpublished name of the Account Owner contained in the Bank's record. The Claimants also stated that their relative resided in Turdosin (today, Slovakia), which matches the unpublished residence of the Account Owner contained in the Bank's record. The CRT notes that the Claimants stated that Otto Haas' spouse's first name was [REDACTED] whereas the Account Owner's spouse's name was [REDACTED], but finds that this discrepancy does not adversely affect the Claimant's identification of the Account Owner as it determines that it is plausible that [REDACTED] and [REDACTED] are variations of the same name.

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<sup>3</sup> These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Otto Haas, and indicates that he resided in Turdosin, 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 notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified 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 and that he was deported to Majdanek concentration camp, where he perished in 1942. As noted above, a person named Otto Haas was included in the CRT's database of victims.

#### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information demonstrating that the Account Owner was the father of Claimant [REDACTED 1] and Claimant [REDACTED 2] and the grandfather of Claimant [REDACTED 4] and Claimant [REDACTED 3]. The CRT notes that each of the Claimants identified unpublished information about the Account Owner as contained in the Bank's record, and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

#### The Issue of Who Received the Proceeds

Given that the Account Owner was deported to Majdanek in 1942 where he perished; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner's 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; and given the application of Presumptions (h), (i), and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their 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 [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 4]. 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 the father of Claimant [REDACTED 1] and Claimant [REDACTED 2] and the grandfather of Claimant [REDACTED 4] and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor his heirs, nor the Power of Attorney Holder received the proceeds of the claimed account. Claimant [REDACTED 2] and Claimant [REDACTED 1], who are the daughters of the Account Owner, and Claimant [REDACTED 4], as the son of the Account Owner's deceased third child, have a better entitlement to the account than does Claimant [REDACTED 3], who is Claimant [REDACTED 3]'s son.

### Amount of the Award

In this case, the Account Owner held 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 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 of SF 162,500.00.

### 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, Claimant [REDACTED 1] and Claimant [REDACTED 2] are the daughters of the Account Owner and Claimant [REDACTED 4] is the son of the Account Owner's third child who is now deceased. Accordingly, they are each entitled to one-third of the total award amount.

According to the Rules, Claimant [REDACTED 3] is not entitled to share in the award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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) at banks other than the Bank.

**Certification of the Award**

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

Claims Resolution Tribunal  
13 October 2004