

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rosa Gross

Claim Number: 223934/MI

Award Amount: 225,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Lazar (Lazer) and Hermina (Heminaeni) Krausz (Kraus).¹ This Award is to the published account of Rosa Gross (the “Account Owner”) at the Basel 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 her sister, Rosza (Rosa, Roizy and Rozja) Krausz, née Gross, who was born in 1920 in Czechoslovakia (today Slovakia). The Claimant further stated that, in 1942, her sister, who was Jewish, moved to Berlin, Germany, where she married [REDACTED]. The Claimant stated that her sister and brother-in-law moved back to Slovakia in 1943 after the birth of their child. According to the Claimant, her sister told her that their family had sent money and valuables to a Swiss bank for safekeeping. The Claimant stated that in 1944, her sister and her sister’s baby were deported to Auschwitz, where they perished.

The Claimant submitted a copy of her own marriage certificate, indicating that [REDACTED] was married to [REDACTED] on 22 December 1959 in New York, New York, United States.

The Claimant indicated that she was born on 15 August 1926 in Paczin, Hungary.

¹ The CRT did not locate an account belonging to Hermina Krausz or Lazer Krausz 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”).

The Claimant previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting her entitlement to a Swiss bank accounts owned by her sister, and Hermina and Lazer Krausz, her aunt and uncle, respectively.

Information Available in the Bank’s Records

The Bank’s records consist of a list of accounts that were frozen pursuant to the 1945 freeze of assets held in Switzerland by citizens of Germany and territories incorporated into the Reich (the “1945 Freeze”), which was obtained from archival sources, and a printout derived from this list. According to these records, the Account Owner was *Frl.* (Miss) Rosa Gross, and the contact person was *Frau* (Mrs.) [REDACTED], who resided at Burgfeldstrasse 101 in Basel, Switzerland. The records relating to the 1945 Freeze indicate that the Account Owner held an account, numbered 210321, the type of which is not indicated.

These records indicate that the account was frozen in the 1945 Freeze, and that the amount in the account as of 17 February 1945 was 18,045.00 Swiss Francs (“SF”).

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. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the records relating to the 1945 Freeze 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 Claimant’s sister’s name and country of residence match the published name and country of residence of the Account Owner.

The CRT notes that the name Rosa Gross appears only once 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”). The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her sister, prior to the publication in February 2001 of 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 the other claims to this account were disconfirmed because those claimants provided a different country of residence or maiden name than the country of residence and

maiden name of the Account Owner, or they indicated that their relatives were already married long before the Second World War. 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 she resided in Nazi Germany, and that she and her baby were deported from Slovakia to Auschwitz, where they perished.

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 sister. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant filed an IQ 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. The CRT further notes that the Claimant submitted a copy of her own marriage certificate, which provides independent verification that the Claimant's maiden name was the same as that of the Account Owner. 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

Given that the Account Owner was deported to Auschwitz, where she perished; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner's account was frozen in 1945 and continued to exist after the Second World War; that the Account Owner and her heirs would not have been able to obtain information about her 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) 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 her 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 her sister, and that relationship

justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The records relating to the 1945 Freeze indicate that the value of the account of unknown type as of 17 February 1945 was SF 18,045.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 15.00, which reflects standardized bank fees charged to the account of unknown type during 1945. Consequently, the adjusted balance of the account at issue is SF 18,060.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 225,750.00.

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 her claim 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 Award

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

Claims Resolution Tribunal
30 May 2007