

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by Erez Bernstein

**in re Accounts of Edgar Roth, Madame Edgar Roth and Madame Victor Haas**

Claim Number: 501859/DE

Award Amount: 242,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Edgar Roth and *Madame* Edgar Roth. This award is to the published accounts of *Madame* Edgar Roth (“Account Owner Madame Roth”), Edgar Roth (“Account Owner Edgar Roth”), and *Madame* Victor Haas (“Account Owner Haas”) (together “the Account Owners”) at the Basel and Lausanne branches of the [REDACTED] (the “Bank”).<sup>1</sup>

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 Account Owner Madame Roth as his mother, Jacqueline Anna Roth, née Haas, who was born on 18 July 1912, and was married to his father, Edgar Roth, who was born on 18 September 1903 in Wolfisheim. The Claimant indicated that his parents, who were Jewish, resided in Wolfisheim, France, near Strasbourg, and had two children, [REDACTED] (the Claimant), and [REDACTED] (the Claimant’s brother). According to the Claimant, his father worked in the timber wholesale business. The Claimant indicated that his maternal grandparents were named Victor Haas and Blanche Haas, née Levy.

According to the Claimant, he and his family left the Strasbourg area in September 1939 along with his paternal grandparents, [REDACTED] and [REDACTED], and his paternal uncle, [REDACTED]. The Claimant indicated that the family traveled throughout France in an attempt

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<sup>1</sup> The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), *Frau* Victor Haas of Basel, Switzerland; Edgar Roth of Wolfisheim, France; and *Mme.* Edgar Roth of Wolfisheim, France are each listed as holding three accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of four accounts that were jointly held by these three account owners.

to avoid deportation until 1944. According to the Claimant, in 1944 his grandparents and uncle were deported from Grenoble, France to Auschwitz, where they perished. The Claimant indicated that his immediate family survived the Holocaust, and returned to the Strasbourg area following the Second World War.

In support of his claim, the Claimant submitted a page from a French website,<sup>2</sup> indicating that the inner courtyard of a Rambaum synagogue in Strasbourg had been named “Edgar Roth Square” in honor of Edgar Roth, who was an active member of a synagogue committee and a founder of the synagogue’s choir. This document further indicates that Edgar Roth’s parents and brother were deported to Auschwitz, where they perished in 1944. According to this document, [REDACTED] and [REDACTED] are the children of the late Edgar Roth.

The Claimant also submitted: his own marriage certificate, indicating that he is the son of Edgar Roth and Jacqueline Roth, née Haas; and two Yad Vashem memorial records, indicating that [REDACTED], born on 31 July 1874 in Wolfisheim, and [REDACTED], born on 18 October in Wolfisheim, were deported from Drancy, France to Auschwitz on 7 March 1944.

The Claimant indicated that he was born on 29 July 1937 in Strasbourg, France.

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

The Bank’s record consists of a customer card. According to this record, the Account Owners were Edgar Roth and *Madame* (Mrs.) Edgar Roth of Wolfisheim-Strasbourg, France, and *Madame* (Mrs.) Victor Haas, who resided at 16 Schertlingasse in Basel, Switzerland. The Bank’s record indicates that the three Account Owners jointly held one custody account, numbered 39391, which was held in Basel; one demand deposit account denominated in Swiss Francs which was held in Basel; one demand deposit account denominated in French Francs which was held in Basel; and one demand deposit account numbered 8869, which was held at the Lausanne branch of the Bank. The Bank records further indicate that coupons and interest payments from the securities held in the custody account were to be deposited into one of the two Basel demand deposit accounts based on the currency of the security.

The Bank’s record indicates that the custody account and the Swiss Franc-denominated demand deposit account held in Basel were closed on 24 March 1941. The French Franc-denominated demand deposit account held in Basel was closed, according to the records, on an unknown date prior to 24 March 1941. The amounts in these accounts on their dates of closure are unknown.

The Bank’s record does not show when the demand deposit account numbered 8869 which was held in Lausanne was closed, nor does this record indicate the value of that 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

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<sup>2</sup> See <http://judaisme.sdv.fr/perso/dirirge/ed-roth.htm>.

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 Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant's father and mother's names and city and country of residence match the published names and city and country of residence of Account Owner Edgar Roth and Account Owner Madame Roth, and the Claimant's maternal grandmother's name matches the published name of Account Owner Haas. The Claimant identified a link between all three Account Owners, which matches unpublished information about the Account Owners contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including a page from a website discussing the naming of a synagogue after Edgar Roth, and the Claimant's own marriage certificate, providing independent verification that the persons who are claimed to be Account Owner Edgar Roth and Account Owner Madame Roth had the same names recorded in the Bank's record as the names of Account Owner Edgar Roth and Account Owner Madame Roth.

The CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and resided in Nazi-occupied France; he also indicated that Account Owner Edgar Roth's parents and brother perished in the Holocaust. The Claimant submitted two Yad Vashem memorial records indicating that Edgar Roth's father and brother were deported to Auschwitz.

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

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Edgar Roth and Account Owner Madame Roth were the Claimant's parents, and Account Owner Haas was the Claimant's maternal grandmother. These documents include a page from a website, indicating that a courtyard at the Rambaum synagogue had been named in honor of Edgar Roth, father of Mr. [REDACTED] and [REDACTED], and the Claimant's marriage certificate, indicating that he is the son of Edgar Roth and Jacqueline Roth, née Haas.

The CRT notes that the Claimant indicated that he has another surviving relative, but that because he is not represented in the Claimant's claim, the CRT will not treat his potential entitlement to the Account Owners' accounts in this decision.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the custody account and Swiss Franc-denominated demand deposit account in Basel were closed on 24 March 1941, and that the French Franc-denominated demand deposit account in Basel was closed on an unknown date prior to 24 March 1941. These records do not indicate a closure date for the demand deposit account numbered 8869, which was held in Lausanne.

The CRT notes that the Bank's record indicates that one of the three Account Owners, Account Owner Haas, lived in Switzerland, outside of Nazi-dominated territory. However, given that the Bank's record does not indicate to whom the accounts were closed; that Account Owner Haas had relatives remaining in Nazi-occupied France who were the joint owners of these accounts and she may have yielded to Nazi pressure to turn over their accounts to ensure their safety; that the Account Owners and their heirs would not have been able to obtain information about their accounts 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 Owners 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. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Edgar Roth and Account Owner Madame Roth were his parents and that Account Owner Haas was his maternal grandmother, and these relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owners held one custody account and three demand deposit accounts. 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") and the average value of a demand deposit account was SF 2,140.00. Thus, the combined 1945 average value for the four accounts at issue is SF 19,420.00. 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 amount of SF 242,750.00.

**Certification of the Award**

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

Claims Resolution Tribunal  
12 May 2009