

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Estate of Claimant Victor Paul Arend
also acting on behalf of Eva Ruth Saxl

in re Accounts of Irma Arend

Claim Numbers: 208111/MBC¹

This Certified Denial is based upon the claim of Victor Paul Arend (the "Claimant") to the published accounts of Irma Arend (the "Account Owner") at the Zurich branch of the [REDACTED] (the "Bank").²

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Irma Arend, née Oppenheimer, who was born on 19 March 1894 in Příbram, Czechoslovakia, and was married to Oskar Arend in 1919 in Prague, Czechoslovakia. The Claimant stated that his mother resided at Dlouha tr. 9 in Prague between the years 1936 and 1942. The Claimant further stated that his father traveled to Switzerland in 1938 and opened a bank account there. The Claimant explained that Irma Arend, who was Jewish, was deported to the Lodz ghetto, and that his parents perished in Auschwitz.

In support of his claim, the Claimant submitted copies of documents, including: 1) his birth certificate, which indicates that he was born in Prague, that his mother was Irma Arend, née Oppenheimer, and that she lived in Prague; 2) his marriage certificate, which indicates that his mother was Irma Arend; and 3) his sister's birth certificate, issued in Prague, which indicates that her mother was Irma Arend, and that her parents resided at Dlouha tr. 9 in Prague.

The Claimant indicated that he was born on 16 April 1921 in Prague. The Claimant is

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 208111 and 213481. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 208111.

² 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"), Irma Arend is indicated as the owner of one account. Upon careful review, the CRT has concluded that the Bank's record indicates that Irma Arend owned two accounts.

representing his sister, Eva Ruth Saxl, née Arend, who was born on 1 April 1920 in Prague.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Irma Arend, who resided in Prague, Czechoslovakia. The Bank's record indicates that the Account Owner held one custody account, numbered L 41664, and one demand deposit account. According to the Bank's record, the custody account was closed on 24 February 1939, and the demand deposit account was closed on 28 February 1939. The amount in the accounts on the dates of their closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's mother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified his mother's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. The Claimant identified Arend as his mother's married name, which also matches the unpublished marital status of the Account Owner (*Frau*) contained in the Bank's record. In support of his claim, the Claimant submitted his birth certificate, which indicates that he was born in Prague, that his mother was Irma Arend, née Oppenheimer, and that she lived in Prague; and his marriage certificate, which indicates that his mother was Irma Arend. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Irma Arend, and indicates that her date of birth was 19 March 1894 and place of birth was Příbram, then Austria-Hungary, now the Czech Republic, 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 there are no other claims to these accounts.

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 and perished in Auschwitz. As noted above, a person named Irma Arend was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include his birth certificate, which indicates that he was born in Prague, and that his mother was Irma Arend, née Oppenheimer; and his marriage certificate, which indicates that his mother was Irma Arend. There is no information to indicate that the Account Owner has other surviving heirs than the party whom he is representing.

The Issue of Who Received the Proceeds

The Bank's record indicates that the custody account was closed on 24 February 1939, and the demand deposit account was closed on 28 February 1939. The CRT notes that the Account Owner resided in Prague, and that the accounts were closed prior to the Nazi occupation of Bohemia, the region of Czechoslovakia in which Prague is located, on 15 March 1939. The CRT therefore determines that the Account Owner was able to access these accounts, and concludes that the Account Owner closed these accounts and received the proceeds herself.

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 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 his claim to determine whether there are additional Swiss bank accounts to which he 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.

Claims Resolution Tribunal
23 April 2007