

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Paul Auerbach

Claim Number: 218267/CN¹

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Paul Auerbach (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).

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 identifying the Account Owner as her father’s cousin, Paul Auerbach, who was born on 6 June 1897, and resided in Amsterdam, the Netherlands. The Claimant indicated that her father’s cousin, who was Jewish, perished in the Holocaust. The Claimant indicated further that her relative never married and did not have any children. The Claimant submitted documents, including a family tree, indicating that Paul Auerbach was the cousin of her father [REDACTED]; a birth certificate, indicating that her father was [REDACTED]; her parents’ joint will; and a biography of her family. The Claimant indicated that she was born on 2 September 1929 in Frankfurt am Main, Germany.

Information Available in the Bank's Record

The Bank's record consists of an account opening card. According to this record, the Account Owner was Paul Auerbach, who resided in Amsterdam, the Netherlands. The Bank's records

¹ In a separate decision, the CRT awarded the demand deposit account of Paul Auerbach to the Claimant. See *In re Account of Paul Auerbach* (approved on 14 May 2002). The Claimant submitted two additional claims, which are registered under the Claim Numbers 218266 and 218268. The CRT will treat Claim Number 218266 in a separate determination. In a separate decision, the CRT denied the Claimant’s Claim Number 218268 to the accounts of Erich Ganz and Emilie Gertrude Ganz. See *In re Accounts of Erich Ganz and Emilie Gertrud Ganz* (approved on 18 August 2004).

indicate that the Account Owner held a custody account, which was closed on 1 October 1937, and a demand deposit account, which was closed on 20 June 1944.²

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's relative's name and country of residence match the published name country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Paul Auerbach, and indicates that his date of birth was 6 June 1897 and place of birth was Amsterdam, 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 name Paul Auerbach 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 CRT notes that there are no other claims to this account. 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, resided in Amsterdam at the onset of the Second World War, and perished in the Holocaust. As noted above, a person named Paul Auerbach was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the cousin of her father. These documents include her birth certificate and a family tree. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; that the Claimant filed an Initial Questionnaire 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; and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that

² As noted above, the CRT has awarded the demand deposit account to the Claimant in a separate decision.

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

Regarding the custody account at issue here, the Bank's records indicate that it was closed on 1 October 1937, prior to the German invasion of the Netherlands on 9 May 1940. Therefore, the CRT determines that the Account Owner was able to access this account, and concludes that the Account Owner closed this account and received the proceeds himself.

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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims 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 Denial

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

Claims Resolution Tribunal
9 November 2006