

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by Elisheva Ansbacher

## **in re Accounts of in re Accounts of M. Baer and Accounts of Moritz Baer**

Claim Number: 219500/AH<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published accounts of Moritz Baer. This Denial is to the published accounts of M. Baer (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Moritz Baer (“Account Owner 2”) at Bank 1, and to the published accounts of Moritz Baer (“Account Owner 3”) at the [REDACTED] (“Bank 2”).

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 asserting that his father, Moritz Baer, who was born in Rheinbrohl, Germany, on 14 September 1873, owned a Swiss bank account. The Claimant indicated that his father was married to [REDACTED], née [REDACTED], in Bad Ems, Germany in 1904, and resided in Rheinbrohl at Kirchstrasse 64, where he owned a wine cellar. According to the Claimant, his father, who was Jewish, was deported to Theresienstadt, where he perished on 9 August 1942. The Claimant indicated that his mother perished in Auschwitz in 1942 or 1943. The Claimant indicated that he was born on 22 August 1913 in Rheinbrohl.

The Claimant submitted documents in support of his application, including: (1) the Claimant’s brother’s German passport indicating the family’s origin in Rheinbrohl and their Jewish faith; (2) Moritz Baer’s certificate of deportation, showing that the Claimant’s father perished in Theresienstadt on 9 August 1942; (3) a page of a testimony submitted to Yad Vashem.

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<sup>1</sup> The Claimant submitted an additional claim to the account of Albert Baer, which is registered under the Claim Number 219501. The CRT will treat the claim to this account in a separate decision.

## **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Moritz Baer. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported four accounts whose owners' names match that provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. Each account is identified below by its Account Identification Number.

### Accounts 1000202 and 1000202.1

Bank 1's records indicate that Account Owner 1 was M. Baer, who was located in Germany. The Bank's records also indicate that Account Owner 1 was not a private person.<sup>2</sup> In addition, Bank 1's records indicate the name of the person who was associated with the accounts and Account Owner 1's city. Furthermore, Bank 1's records indicate the dates of opening and closing of the accounts at issue.

### Account 1000039

Bank 1's records indicate that Account Owner 2 was Moritz Baer, who resided in Germany. Bank 1's records also indicate Account Owner 2's city of residence, his title and his profession. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

### Accounts 5033962, 5033963

Bank 2's records indicate that Account Owner 3 was Moritz Baer, who resided in Coburg, Germany. Bank 2's records also indicate Account Owner 3's street address, his title and his profession. Finally, Bank 2's records contain Account Owner 3's signature sample.

## **The CRT's Analysis**

### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

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<sup>2</sup> The account was published under "Account Owners - People" on the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). After careful review of Bank 1's records, the CRT has found that Account Owner 1 was actually not a private person.

### Identification of the Account Owners

As for Accounts 1000202 and 1000202.1, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his father was born in and resided in Rheinbrohl, and that he married in Bad Ems, Germany. In contrast, Bank 1's records show that Account Owner 1 was located in a different city. Moreover, Bank 1's records show that Account Owner 1 was not a private person. Finally, the Claimant failed to identify the name of the person who was associated with the accounts. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Account 1000039, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father matches the published name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 available in Bank 1's records. Specifically, the Claimant indicated that his father was the owner of a wine cellar, which is not consistent with Account Owner 2's profession as identified in Bank 1's records. Moreover, the Claimant did not identify Account Owner 2's title. In addition, the Claimant stated that his father was born in and resided in Rheinbrohl. In contrast, Bank 1's records show that Account Owner 2 resided in a different city located over 350 kilometers away from Rheinbrohl. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Accounts 5033962 and 5033963, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his father matches the published name of Account Owner 3, the information provided by the Claimant differs from the published and unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant indicated that his father was the owner of a wine cellar, which is not consistent with Account Owner 3's profession as identified in Bank 2's records. Moreover, the Claimant did not identify Account Owner 3's title. In addition, the Claimant stated that his father was born in and resided in Rheinbrohl. In contrast, Bank 2's records show Account Owner 3's street address in Coburg, which is located over 350 kilometers away from Rheinbrohl. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

### 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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of 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 the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
13 October 2004