

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of P. Bota

Claim Number: 004428/MG

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of P. Bota (the “Account Owner”) at the [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 asserting that her relative, P. Bota, who was born in Germany, owned a Swiss bank account. The Claimant stated that she does not know whether her relative was a male or a female, however she explained that P. Bota must be a child of her uncle, [REDACTED], and therefore a cousin of the Claimant. The Claimant explained that as a child she knew about her uncle who went to Berlin, Germany, before she was born, where he was also known as [REDACTED]. The Claimant stated that she does not know where her relative resided, what he or she did for a living, whether he or she was married, and the date and place of death of her relative. The Claimant indicated that she was born on 20 October 1919 in Poland.

The Claimant submitted documents in support of her application, including: (1) her birth certificate; and (2) her parents’ immigration card.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, P. Bota. 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 one account whose owner’s name matches to that provided by the Claimant. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5027400

The Bank's records indicate that the Account Owner was P. Bota, who resided in Berlin, Germany. The Bank's records also indicate the Account Owner's street address. Furthermore, the Bank's records show that the Account Owner had a connection to another foreign country.

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").

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her relative matches the published name of the Account Owner, the information provided by the Claimant is substantially different and is primarily based on published information. Specifically, the Claimant did not identify the other country to which the Account Owner had a connection. Moreover, the CRT notes that the documents submitted by the Claimant show that her maiden name was [REDACTED], but that the Claimant did not submit any document showing her relationship to the name Bota. In addition, the Claimant stated that she does not know whether her relative was a male or a female, where her relative resided, what he or she did for a living, whether he or she was married, and the date and place of death of her relative. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's cousin 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 her 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
10 December 2004