

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
also acting on behalf of [REDACTED] and [REDACTED]

in re Account of Ivan Brawer

Claim Number: 002971/OW

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Ivan Brawer (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 his paternal uncle, Ivan Brawer, owned a Swiss bank account. The Claimant stated that his uncle, who was Jewish and unmarried, was approximately 45 years old when the Second World War began. According to the Claimant, his uncle, who was a merchant, resided in Austria prior to the Second World War. According to the Claimant, his uncle did not survive the Holocaust, as he never heard from him after the Second World War. The Claimant indicated that he was born in Warsaw in approximately 1932. The Claimant is representing his brother and sister, [REDACTED] and [REDACTED], née [REDACTED], who were born in Warsaw in approximately 1934 and 1936, respectively.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Ivan Brawer. 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 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 5029873

The Bank’s records indicate that the Account Owner was Ivan Brawer, who resided in Austria. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the

“Rules”), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account (“Voluntary Assistance”). The Bank provided the CRT with additional documents. These documents include the account opening contract and signature specimens of the Account Owner and an individual who held power of attorney over the account at issue, indicating the date on which the documents were signed.

The CRT’s Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Jurisdiction of the CRT

The CRT notes that the Bank’s records indicate that the account was opened after the end of the Second World War. According to Article 14 of the Rules, the CRT has jurisdiction to resolve claims to accounts of Victims of Nazi persecution that were open or opened in Swiss banks during the Relevant Period, which is defined as 1933 to 1945. Formally, therefore, the CRT has no jurisdiction to treat this account. Nevertheless, because this published account was claimed by the Claimant, the CRT addresses the Claimant’s identification of the Account Owner below in order to treat his claim.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his paternal uncle matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank’s records. Specifically, according to the Claimant, his uncle perished in the Holocaust. In contrast, the Bank’s records show that the Account Owner was in contact with the Bank many years after the end of the Second World War. Consequently, the CRT concludes that the Account Owner and the Claimant’s paternal uncle are not 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 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. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number, which 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
23 January 2006