

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
and  
Claimant [REDACTED 2]

**in re Account of Frau Frieda Fischer  
and  
Accounts of F. Fischer<sup>1</sup>**

Claim Numbers: 200144/SB; 221065/SB<sup>2,3,4,5</sup>

This Certified Denial is based on the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Samuel and Frieda (Frida) Fischer. The CRT did not locate an account belonging to Samuel Fischer in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published account of Frau Frieda Fischer (“Account Owner1”) at the [REDACTED] (“Bank 1”) and to the unpublished accounts of F. Fischer (“Account Owner 2”) at the [REDACTED] (“Bank 2”).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.

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimants’ relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimants’ relative, even if the Claimants did not specifically claim that particular account.

<sup>2</sup> Claimant [REDACTED 2] submitted an additional claim to the account of Berek Goldstein, which is registered under the Claim Number 221064. The CRT will treat the claim to this account in a separate decision.

<sup>3</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

<sup>4</sup> Claimant [REDACTED 1] submitted two Initial Questionnaires with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaires and the Claim Form under the consolidated Claim Number 200144.

<sup>5</sup> Claimant [REDACTED 2] submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 221065.

## **Information Provided by the Claimants**

The Claimants, who are siblings, each submitted a Claim Form asserting that their mother, Frieda (Frida) Fischer, née Fischer, who was born on 14 September 1892 and was married to [REDACTED] on 18 May 1919 in Vienna Austria, owned a Swiss bank account. The Claimants stated that their family, who is Jewish, resided in Vienna, where their father ran an electrical business, until they were deported by the Nazis to Theresienstadt. The Claimants stated that their mother perished in Auschwitz. Claimant [REDACTED 1] indicated that she was born on 5 July 1920 in Austria. Claimant [REDACTED 2] indicated that she was born on 27 October 1922 in Austria.

The Claimants previously submitted Initial Questionnaires with the Court in 1999, asserting their entitlement to Swiss bank accounts owned by Samuel and Frieda Fischer.

Claimant [REDACTED 1] submitted her birth certificate in support of her application, indicating that her parents were Samuel and Frieda Fischer.

## **Information Available in the Banks' Records**

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Frieda Fischer. The auditors who carried out the ICEP Investigation reported three accounts whose owners' names match or are substantially similar to that provided by the Claimants. Each 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 5023635

Bank 1's records indicate that Account Owner 1 was Frau (Mrs.) Frieda Fischer, who resided in Jestetten, Germany.

### Accounts 5035602 and 5035645

Bank 2's records indicate that Account Owner 2 was F. Fischer. Bank 2's records indicate Account Owner 2's gender, city and country of residence. Furthermore, Bank 2's records indicate the names of a joint account owner and power of attorney holders.

## **The CRT's Analysis**

### Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules.

### Identification of the Account Owners

As for Account 5023635, the CRT concludes that the Claimants have not identified Account Owner 1 as their relative. Although the name of their mother matches the published name of Account Owner 1, the information provided by the Claimants differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimants stated that their mother resided in Vienna, Austria until the Nazis deported her. In contrast, Bank 1's records show that Account Owner 1 resided in Jestetten, Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimants' mother are the same person.

As for Account 5035602 and 5035645, the CRT concludes that the Claimants have not identified Account Owner 2 as their relative. Although the name of their mother matches the unpublished initial and last name of Account Owner 2, the information provided by the Claimants differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, Bank 2's records indicate that Account Owner 2 was male. Further, the Claimants stated that their mother resided in Vienna, Austria until the Nazis deported her. In contrast, Bank 2's records show that Account Owner 2 resided in another country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimants' mother are the same person.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants 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 Claimants 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 Claimants 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

**Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
19 November 2004