

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Rogerto van Kuijk

Claimed Account Owner: Hans Fischer¹

Claim Number: 400771/RT

This Certified Denial is to the claim of Rogerto van Kuijk (the “Claimant”) to a Swiss bank account published on the list of account owners in 2005 and potentially owned by the Claimant’s relative, Hans Fischer (the “Claimed Account Owner”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a claim stating that Hans Fischer, who was Jewish, resided in Chemnitz and Oberlungwitz, Germany, until 1938, when he fled to Buenos Aires, Argentina.

The CRT’s Investigation

The CRT matched the name of Hans Fischer to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs’ and Heroes’ Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

¹ The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owner stated above, and that the CRT is aware that the Claimant may have submitted other claims.

The CRT's Analysis

Identification of the Account Owner

The list below contains names of account owners that match the name of the Claimed Account Owner and the reasons why the CRT has concluded that the Claimed Account Owner and an account owner are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: Hans Fischer

Account Identification Numbers: 1012867, 1012868, 1012869, 1012870

Specifically, the Claimant stated that his relative, Hans Fischer, resided in Germany and Argentina. In contrast, the records show that the account owner resided in a different country.

Name: Hans Fischer

Account Identification Numbers: 1012887, 1012888, 1012889

Specifically, the Claimant stated that his relative, Hans Fischer, resided in Chemnitz and Oberlungwitz, Germany. In contrast, the records show that the account owner resided in a different city, which is over 350 kilometers from Chemnitz and Oberlungwitz. The CRT notes that Oberlungwitz is a small town close to Chemnitz and that Chemnitz and the account owner's place of residence are both major cities, thus rendering it unlikely that a resident of Oberlungwitz or Chemnitz would indicate the account owner's distant city of residence as his/her place of residence, even for the purpose of maintaining a Swiss bank account.

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The CRT now considers the Claimant's claim to the accounts of Hans Fischer closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
23 June 2008