

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Erich Ganz and Emilie Gertrud Ganz

Claim Number: 218268/MW¹

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Emilie Gertrud Ganz.² This Denial is to the published accounts of Erich Ganz (“Account Owner Erich Ganz”) and Emily Gertrud Ganz (“Account Owner Emily Ganz”) (together the “Account Owners”) at the Zurich branch of 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Emilie Ganz as her father’s cousin, Emilie (Emily) Gertrud Ganz, née Auerbach, who was born on 7 September 1899, and was married to Account Owner Erich Ganz. The Claimant stated that Emilie Gertrud Ganz was

¹ The Claimant submitted two additional claims to the accounts of [REDACTED], [REDACTED] and Paul Auerbach, which are registered under the Claim Numbers 218266 and 218267. The CRT did not locate accounts belonging to [REDACTED] or [REDACTED] 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”). 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. An award for the account of Paul Auerbach was issued to the Claimant in a previous decision. See *In re Account of Paul Auerbach*, which was approved by the Court on 14 May 2002.

² The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP list”), Emilie Gertrud Auerbach, Emilie Gertrud Ganz, and Erich Ganz are each indicated as having three accounts. Upon careful review, the CRT has concluded that the Bank’s record indicates that Emilie Gertrud Auerbach and Emilie Gertrud Ganz are the same person, and that she owned three accounts jointly with Erich Ganz. The CRT notes also that Emily Gertrud Ganz’s first name was erroneously published as “Emilie” instead of “Emily.”

the child of [REDACTED] and [REDACTED], and that she had one sibling, Paul Auerbach. The Claimant stated that Emilie and Erich Ganz had two children, [REDACTED], formerly known as [REDACTED], and [REDACTED], née [REDACTED], both of whom were born in Frankfurt am Main, Germany. According to the Claimant, Emilie Gertrud Ganz, who was Jewish, lived on Heerengracht in Amsterdam, the Netherlands, but fled to Cuba during the Second World War, and then went to the United States, where she lived until her death in 1977. The Claimant indicated that her relatives changed their last name to [REDACTED]. In support of her claim, the Claimant submitted, *inter alia*, her birth certificate, dated 3 September 1929 in Frankfurt am Main, which indicates that her maiden name is Auerbach, and that her father was [REDACTED]. The Claimant indicated that she was born on 2 September 1929 in Frankfurt am Main.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owners were Dr. Erich Ganz and *Frau* (Mrs.) Dr. Emily Gertrud Ganz, née Auerbach, who both resided in Amsterdam, the Netherlands. The Bank's record indicates that the Account Owners held three accounts: a demand deposit account, which was opened on 31 January 1937, and closed on 20 June 1939; and two custody accounts, numbered L 57807 and L 61863, both of which were opened on 3 February 1937, and closed on 10 July 1939, and 1 May 1940, respectively. The amounts in the accounts on their dates of closure are unknown.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's relative's name and her relative's husband's name both match the published names of the Account Owners. The Claimant stated that her relatives lived in Amsterdam, which matches unpublished information in the Bank's record. The CRT notes that although the Account Owners were listed separately on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), the Claimant identified them as related, which matches unpublished information contained in the Bank's record. The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as a Victim of Nazi Persecution

The Claimant has made a plausible showing that one of the Account Owners was a Victim of Nazi Persecution. The Claimant stated that Emilie Ganz was Jewish, and that she fled the Netherlands during the Second World War.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information, demonstrating that the Account Owners were the Claimant's cousins. The CRT notes that the Claimant provided unpublished information about the Account Owners, as contained in the Bank's record. The CRT further notes that the Claimant submitted her birth certificate, indicating that her maiden name and her father's last name is Auerbach, which provides independent verification that the Claimant's relatives bore the last name "Auerbach". Furthermore, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

In this case, the Account Owners held one demand deposit account, which was opened on 31 January 1937, and closed on 20 June 1939; and two custody accounts, numbered L 57807 and L 61863, both of which were opened on 3 February 1937, and closed on 10 July 1939, and 1 May 1940, respectively. The CRT notes that the Account Owners' accounts were all closed before the German invasion of the Netherlands on 9 May 1940. Therefore, the CRT determines that the Account Owners were able to access these accounts, and concludes that the Account Owners closed these accounts and received the proceeds themselves.

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. 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
18 August 2004