

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Gertrude Glücksmann and Account of Samuel Glücksmann

Claim Numbers: 002964/MG; 100017/MG^{1, 2, 3}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Gertrude Glücksmann, Samuel Glücksmann, Sally Henschel and Sacheta Glücksmann (Reicher). The CRT did not locate an account belonging to Sally Henschel or Sacheta Glücksmann (Reicher) 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 accounts of Gertrude Glücksmann (“Account Owner 1”) and Samuel Glücksmann (“Account Owner 2”), both 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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted two Claim Forms asserting that his maternal aunt, Gertrude Glücksmann, and his maternal uncle, Samuel Glücksmann, owned Swiss bank accounts. The Claimant identified Gertrude and Samuel Glücksmann, as well as [REDACTED] and [REDACTED], as the siblings of his biological mother, [REDACTED], née [REDACTED] ([REDACTED]). According to the Claimant, his aunts and uncles were Jewish. The Claimant also stated that his mother’s family was from Germany and that his parents resided in Berlin,

¹ The Claimant submitted two additional claims to the accounts of his aunt and uncle, Rosa and Max Henschel, which are registered under the Claim Numbers 002965 and 100018. In a separate decision, the CRT awarded these accounts to the Claimant. See *In re Accounts of Rosa and Max Henschel* (approved on 4 October 2004).

² 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 Claimant in one proceeding.

³ The Claimant 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 Numbers 002964 and 002965.

Germany, until the late 1930s, when they fled, together with the Claimant's paternal aunt, [REDACTED], and paternal grandmother, [REDACTED], from Germany, first to Switzerland, where they were refused entry, then to France and later to Brussels, Belgium. The Claimant further stated that his biological parents were taken from their home in 1942 by the Nazis. The Claimant indicated that his paternal aunt, [REDACTED], who later adopted him, and he were the only persons from his parents' families who survived the Holocaust. The Claimant further indicated that he was born on 6 August 1940 in France.

In support of his claims, the Claimant submitted documents, including: (1) a copy of his biological parents' marriage certificate; and (2) his own birth certificate.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives, Gertrude Glücksmann and Samuel Glücksmann. The auditors who carried out the ICEP Investigation reported two accounts whose owners' names match those provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. 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.

Accounts 5026649 and 5026649.1

The Bank's records indicate that Account Owner 1 was Gertrude Glücksmann, who resided in Berlin, Germany, and that the Power of Attorney Holders were Samuel Glücksmann, Ilse Glücksmann and Willy Glücksmann. The Bank's records also indicate Account Owner 2's street address, her maiden name and her relationship to Power of Attorney Holder Samuel Glücksmann. In addition, the Bank's records indicate the addresses of Power of Attorney Holders. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain Account Owner 1's and the Power of Attorney Holders' signatures.

Account 5023730

The Bank's records indicate that Account Owner 2 was Samuel Glücksmann, who resided in Moscow, the Union of Soviet Socialist Republics, and that the Power of Attorney Holders were Gertrude Glücksmann, Ilse Glücksmann and Willy Glücksmann. The Bank's records also indicate Account Owner 2's street address in Moscow and the address of the Power of Attorney Holders in a different country. In addition, the Bank's records indicate the relationship between Account Owner 2 and Power of Attorney Holder Willy Glücksmann. Furthermore, the Bank's records indicate the date on which the power of attorney was granted. Finally, the Bank's records contain Account Owner 2's and the Power of Attorney Holders' signatures.

The CRT's Analysis

Admissibility of the Claim

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

Identification of the Account Owners

As for Accounts 5026649 and 5026649.1, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his aunt matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimant indicated that his relatives, Samuel, Gertrude, [REDACTED], and [REDACTED] Glücksmann, were all siblings, whereas the Bank's records show that the family relationship between Account Owner 1 and Power of Attorney Holder Samuel Glücksmann was different. The CRT also notes that based on the information provided by the Claimant, [REDACTED] was the maiden name of his aunt, whereas the Bank's records indicate that the maiden name of Account Owner 1 was different. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 5023730, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 2 available in the Bank's records. Specifically, the Claimant indicated that his relatives, Samuel, Gertrude, [REDACTED], and [REDACTED] Glücksmann, were all siblings of his mother, whereas the Bank's records show that the family relationship between Account Owner 2 and the Power of Attorney Holders was different. In addition, the Bank's records indicate that Account Owner 2 had an address in Moscow, a place to where the Claimant did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's uncle 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 his claims 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