

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]
represented by Amos Adler and Micha Adler

in re Account of Emil Heymann

Claim Numbers: 211742/SB; 212612/SB¹

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Emil Heymann (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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants, who are siblings, submitted Claim Forms asserting that their maternal uncle, Emil Heymann, who was born on 21 October 1889 in Ahrweiler, Germany, and was married to Frida Hahn, owned a Swiss bank account. The Claimants stated that their uncle, who was Jewish, was a chemist who resided in Cologne, Germany, where he also owned a chemical factory. The Claimants further stated that, in 1935, their uncle fled to Arnhem, Holland, and later was held at the camp in Westerbork, Holland, from where he and his family were deported to Bergen-Belsen in 1942. The Claimants stated that their uncle and his family perished in Bergen-Belsen. Claimant [REDACTED 1] indicated that he was born on 16 May 1920 in Sötern, Germany. Claimant [REDACTED 2] indicated that she was born on 4 July 1922 in Trier, Germany.

¹ 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.

Information Available in the Bank's Records

The CRT notes that the Claimants submitted claims to an account belonging to their relative, Emil Heymann. 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 Claimants. 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 1009221

The Bank's records indicate that the Account Owner was Emil Heymann, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence, and the date on which the Bank was informed of the Account Owner's death. Finally, the Bank's records also indicate the date on which the account at issue was closed.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owner

The CRT concludes that the Claimants have not identified the Account Owner as their relative. Although the name of their uncle matches the published name of the Account Owner, the information provided by the Claimants differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimants stated that their uncle was deported to Bergen-Belsen in 1942, and that he subsequently perished there. In contrast, the Bank's records show that the Account Owner died several years before the Claimants' uncle was deported to Bergen-Belsen. Further, the Claimants stated that their uncle resided in Cologne, Germany until 1935, when he fled to Holland. In contrast, the Bank's records show that the Account Owner resided in another German city, which is located approximately 400 kilometers from Cologne. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' uncle are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant/s 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 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
10 August 2005