

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2],  
represented by Claudia Schoch Zeller

## **in re Account of Johanna Kanter**

Claim Number: 223211/MG<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Johanna Kanter (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 claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form asserting that her father, Dr. [REDACTED], who was born on 4 December 1874 in Berlin, Germany and was married to [REDACTED], née [REDACTED], in March 1916 in Cologne, Germany, owned a Swiss bank account. The Claimant stated that Johanna Kanter was married to [REDACTED], her father’s brother, and that she was probably not Jewish. The Claimant explained that in order to save her father’s assets from the Nazis, Johanna Kanter served as a trustee and opened an account in Switzerland in her name, while the actual owner of the account was [REDACTED] (the Claimant’s father), who was Jewish. The Claimant stated that her father, Dr. [REDACTED] lived in Saarbrücken, in the *Saarland* (now Germany), and that he was the director and majority shareholder of the *Walsheim* brewery until 1936. The Claimant indicated that her father was arrested in 1935 because he was Jewish and a political opponent of the reintegration of *Saarland* into Germany in 1935. According to the Claimant, in 1936 her father fled Germany to Switzerland, where he died in 1937. The Claimant has no further information regarding Johanna Kanter. The Claimant indicated that she was born on 16 May 1919 in Saarbrücken.

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<sup>1</sup> The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 221046 and 223211. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 223211.

The Claimant submitted documents in support of her application, including: (1) her birth certificate; and (2) the decision of the government of Saarland, dated 1 December 1950, which refers to the official determination of 3 March 1950, that [REDACTED] and [REDACTED] were victims of Nazi Germany.

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Johanna Kanter. 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 to that provided by the Claimant. 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 4019862

The Bank's records indicate that the Account Owner was Johanna Kanter, who resided in Feldafing, Germany. The Bank's records also indicate the dates of opening and closing of the account at issue.

### **The CRT's Analysis**

#### Admissibility of the Claim

The CRT has determined that the claim is 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 Claimant has not identified the Account Owner as her relative. Although the name of her relative matches the published name of the Account Owner, the information provided by the Claimant differs from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that the account was opened in the name of her relative in order to save the assets of her brother-in-law (the Claimant's father) from the Nazis. In contrast, the Bank's records show that the account was opened before 1933 and before the Nazis came to power in Germany. In addition, the Claimant did not submit documents relating to Johanna Kanter, or documents establishing a connection to Feldafing, Germany, which is located over 300 kilometers from Saarbrücken, from where the Claimant indicated her family came. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's relative 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 her claim 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  
18 August 2004