

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED],
represented by [REDACTED]

in re Account of Rosa Kantorowicz

Claim Numbers: 219490/AH; 740271/AH¹

This Certified Denial is based on the claim of [REDACTED] (the Claimant) to the accounts of [REDACTED], Rosa Dinershtein, née Kantorowicz, [REDACTED] or [REDACTED]. The CRT did not locate an account belonging to [REDACTED], Rosa Dinershtein, Pasha Dinershtein or Pasha Konkevitch 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 account of Rosa Kantorowicz (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 his mother, Rosa Kantorowicz, who was born in Poland in 1905 and resided there, was the beneficial owner of a Swiss bank account. In the Initial Questionnaire, which he submitted to the Court in 1999, the Claimant indicated that his mother’s name was [REDACTED], née [REDACTED], whereas in his Claim Form the Claimant stated that his mother’s name was Rosa Dinershtein, née Kantorowicz. In a telephone conversation with the CRT on 8 January 2003, the Claimant explained that Rosa Kantorowicz was actually the Claimant’s maternal aunt, who was born in 1878 in Katowice, Poland and resided there.² According to the Claimant, his aunt, who was Jewish, owned a jewelry store in Katowice. The Claimant stated that his mother and his aunt lost touch in the 1930s, after the Claimant’s mother became a Soviet citizen. The Claimant further indicated that his mother died

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 Initial Questionnaire and the claim of the Claimant in one proceeding.

² Due to the Claimant’s difficulties in speaking with the CRT, his wife, [REDACTED], conveyed the Claimant’s replies on his behalf.

on 17 September 1964. The Claimant indicated that he was born on 22 January 1938 in Kharkov, the Ukraine.

The Claimant submitted documents in support of his application, including: (1) his mother's death certificate; (2) his own birth certificates, an identity card. These documents indicate that the Claimant's mother was [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Rosa Kantorowicz. The auditors who carried out the ICEP Investigation reported one account whose owner's name matches 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 5030340

The Bank's records indicate that the Account Owner was Rosa Kantorowicz, who resided in Katowice, Poland, and that the Power of Attorney Holder was Johanna Pollak. The Bank's records also indicate the Account Owner's street address. Furthermore, the Bank's records indicate the date of opening 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.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as his relative. Although the name of his relative matches the published name of the Account Owner, the information provided by the Claimant differs from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, in the Initial Questionnaire the Claimant indicated that his mother's maiden name was Konkevitch, while the Account Owner had the name Kantorowicz. Furthermore, the Claimant did not provide any family documents that include the name Rosa Kantorowicz. 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 his 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