

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Accounts of Anna Keller
and in re Accounts of Anna Frey (also known as Anna Keller)**

Claim Number: 204350/MG¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the accounts of Anna Keller, [REDACTED], [REDACTED] and [REDACTED].² The CRT did not locate an account 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). This Denial is to the unpublished account of Anna Keller (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published account of Anna Keller (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published accounts of Anna Frey (“Account Owner 3”) at the [REDACTED] (“Bank 3”).

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 an ATAG Ernst & Young claim form in 1998 asserting that his paternal aunt, Anna Keller, who was born around 1905 in Poland and held Polish citizenship, owned a Swiss bank account. The Claimant stated that his parents resided in Sambor, Poland, until 1942, when they were deported. The Claimant also stated that his aunt, who was Jewish, perished during the Second World War in a concentration camp. The Claimant indicated that he was born on 31 December 1931 in Sambor.

¹ The Claimant submitted an Initial Questionnaire with the Court in 1999, ATAG Ernst & Young claim forms in 1998 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire, ATAG Ernst & Young claim forms and the Claim Form under the consolidated Claim Number 204350.

² The CRT will treat the claim to the account of [REDACTED] in a separate decision. In a previous decision, the CRT awarded the Claimant an account owned by Gertrud Keller. See *In re Account of Gertrud Keller* (approved 23 June 2003).

The Claimant also submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Anna Keller. The auditors who carried out the ICEP Investigation reported four accounts whose owners' names match that provided by the Claimant. 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.

Account 2015661

Bank 1's records indicate that Account Owner 1 was Anna Keller. Bank 1's records also indicate Account Owner 1's city and country of residence and her year of birth. Furthermore, Bank 1's records indicate the dates of opening and closing of the account at issue.

Account 4019798

Bank 2's records indicate that Account Owner 2 was Anna Keller. Bank 2's records also indicate Account Owner 2's country of residence and nationality. Furthermore, Bank 2's records indicate the year when Account Owner 2 became a customer at Bank 2 and her title at that time.

Accounts 5034185 and 5034208

Bank 3's records indicate that Account Owner 3 was Anna Frey (also known as Anna Keller), who resided in Huningue, France. Bank 3's records also indicate the name of the Power of Attorney Holder, who appears to be closely related to Account Owner 3. Furthermore, Bank 3's records indicate the dates of opening of the accounts at issue. Finally, Bank 3's records contain Account Owner 3's and the Power of Attorney Holder's signatures.

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 Owners

As for Account 2015661, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his aunt matches the unpublished name of Account Owner 1, the information provided by the Claimant differs from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that his aunt was Polish and was born around 1905 in Poland, where his parents resided

and where he was born. In contrast, Bank 1's records show that Account Owner 1 resided in a different country than Poland, and was born many years before 1905. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's aunt are the same person.

As for Account 4019798, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his aunt matches the published name of Account Owner 2, the information provided by the Claimant differs from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his aunt was Polish and was born in Poland, where his parents resided and where he was born. In contrast, Bank 1's records show that Account Owner 2 resided in a different country than Poland and had a different nationality than Polish. Moreover, Bank 2's records indicate the year when Owner 2 became a customer at Bank 2 and her title at that time, which is not consistent with the age of the Claimant's aunt at that date. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's aunt are the same person.

As for Accounts 5034185 and 5034208, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his aunt matches the published name of Account Owner 3, the information provided by the Claimant differs from the published information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that his aunt was Polish and was born in Poland, where his parents resided and where he was born. In contrast, Bank 3's records show that Account Owner 3 resided in Huningue, France. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder, who appears to be closely related to Account Owner 3. The Claimant also did not identify the last name Frey, which was part of Account Owner 3's last name. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's aunt 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
10 September 2004