

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Dr. [REDACTED]

in re Accounts of Heinrich Nikolaus Landau

Claim Numbers: 201848/MG; 600920/MG^{1, 2, 3, 4}

This Certified Denial is based on the claims of Dr. [REDACTED] (the “Claimant”) to the published accounts of Heinrich Nikolaus Landau, and to the accounts of Kiva Landau, Chaia Landau and Samuel Landau. The CRT did not locate an account belonging to Samuel Landau, Kiva Landau or Chaia Landau 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 Heinrich Nikolaus Landau (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 maternal uncle, Heinrich (Nikolaus) Landau, owned a Swiss bank account. The Claimant stated that his uncle was born sometime between 1890 and 1895 in Poland. According to the Claimant, his uncle was a successful lawyer who lived in Kaunas, Lithuania. The Claimant added that his mother knew that her brother had deposited money in Switzerland and that she tried to claim his accounts after the Second World

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 201848 and 218865. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 201848.

² The Claimant submitted a claim, numbered B-00160, on 6 October 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600920.

³ 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.

⁴ 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 Number 201848.

War, but her claim was denied by the Swiss banks. Furthermore, the Claimant stated that contact with his uncle, who was Jewish, was lost during the Second World War and that he probably perished during the Holocaust. The Claimant stated that he was born on 24 March 1924 in Kaunas.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an HCPO claim form in 1997, asserting his entitlement to a Swiss bank account owned by his uncle, Heinrich Landau.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his uncle, Heinrich (Nikolaus) Landau. The auditors who carried out the ICEP Investigation reported two accounts whose owner's name match that 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 4019831, 4019831.1 and 4019832

The Bank's records indicate that the Account Owner was Heinrich Nikolaus Landau, who resided in Vienna, Austria. The Bank's records also indicate the Account Owner's title, profession, his wife's name and his year of birth.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of the Account Owner. These documents indicate Heinrich Nikolaus Landau's city of residence, street address, title, profession, birthday and the name of his spouse. These documents indicate that Heinrich Nikolaus Landau held an account at the Bank.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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 uncle matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records and in the Austrian State Archives. Specifically, the Claimant stated that his uncle was born in approximately 1890 to 1895 and that he lived in Kaunas, Lithuania. In contrast, the Bank's records and the Austrian State Archives' records show that the Account Owner was born many years prior to 1890 and that he lived in Vienna, Austria. Moreover, the CRT notes that the Claimant could not provide the Account Owner's title and wife's name as indicated in the Bank's records. Consequently, the CRT is unable to conclude that the Account Owner 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
13 October 2004