

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Albert Nathan

Claim Number: 216704/MG

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Albert Nathan (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 grandfather, Albert Nathan, who was born on 12 April 1883 in Trieste, Italy, owned a Swiss bank account. The Claimant stated that her grandfather, who was Jewish, was an Italian citizen who also held British citizenship. In her claim, the Claimant indicated that her grandfather had residences in Venice, Trieste, Rome and Milan, Italy; Zurich, Switzerland; Spain, and Berlin, Germany. In a telephone conversation with the CRT on 29 November 2001, the Claimant explained that her grandfather lived in Trieste for some time and then traveled across Europe and spent time in various countries such as Germany, the United Kingdom, Spain and Switzerland. The Claimant added that her grandfather might have been a diplomat or a journalist, that she does not remember his spouse’s name, and that she does not know the circumstances of her grandfather’s death. The Claimant indicated that she was born on 22 May 1945.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Emanuel Alberto Nathan Rogers.

The Claimant submitted documents in support of her application, including her grandfather’s birth certificate issued by the Jewish community of Trieste indicating his name, Emanuel Alberto Nathan Rogers.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Albert Nathan. 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 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 1014668

The Bank's records indicate that the Account Owner was Albert Nathan, who resided in Berlin, Germany. The Bank's records also indicate the Account Owner's title. Furthermore, the Bank's records indicate the date of 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 grandfather 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 her grandfather was Italian, also held British citizenship, and worked as a diplomat or a journalist. In contrast, the Bank's records show that the Account Owner had a title, which was not identified by the Claimant and which is inconsistent with the occupations and the citizenships of the Claimant's grandfather. Moreover, the CRT notes that according to documents provided by the Claimant and according to her previous ATAG claim form the first name of her grandfather was "[REDACTED]" and his last name was "[REDACTED]", whereas the Bank's records indicate "Albert" as the Account Owner's first name and "Nathan" as his last name. All these facts together require the CRT to conclude that the Account Owner and the Claimant's grandfather are not 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
24 December 2004