

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Erna Paul¹

Claim Numbers: 208758/AH; 776528/AH²

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the accounts of Erna Pohl, [REDACTED], [REDACTED], [REDACTED] née [REDACTED], [REDACTED] and [REDACTED]. The CRT did not locate an account belonging to the Claimant’s relatives, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] or to [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 published account of Erna Paul (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 eldest sister, Erna Pohl, née Atlas, who was born in 1912 in Lwow, Poland, owned a Swiss bank account. The Claimant stated that his parents and two sisters, who were Jewish, lived in Lwow, where his father worked. The Claimant further stated that in 1941 his parents and younger sister, [REDACTED], were killed in a concentration camp, and that he and his sister Erna, who was studying in London, England, survived the Holocaust. In a telephone conversation with the CRT on 17 May 2002, the Claimant added that [REDACTED] was married to a lawyer by the name Pohl, who was also

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² 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.

born in Lwow, had two children named [REDACTED] and Erna Sweet, née Pohl, and that after the Second World War she moved to Australia. The Claimant also stated that he knew that his father opened an account in Switzerland in Erna Pohl's name or on her behalf, to provide for her expenses during her studies. The Claimant indicated that he was born on 25 September 1920 in Lwow.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to Swiss bank accounts owned by [REDACTED], née [REDACTED], [REDACTED], [REDACTED], Erna Pohl, and [REDACTED].

The Claimant submitted documents in support of his application, including the Claimant's marriage certificate, indicating his parents were [REDACTED] and [REDACTED].

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Erna Pohl. The auditors who carried out the ICEP Investigation reported one account whose owner's name is similar 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 4023072

The Bank's records indicate that the Account Owner was *Frau* (Mrs.) Erna Paul. Furthermore, the Bank's records indicate the date of closing of the account at issue.

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 sister is similar to the published name of the Account Owner, the information provided by the Claimant differs from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated in his submissions and in his telephone conversation with the CRT, that his sister's married name was Pohl. In contrast, the Bank's records show that the Account Owner's last name was Paul. In addition, the Claimant indicated that his father opened an account in Switzerland, in Erna Pohl's name or on her behalf. However, the Bank's records do not contain any indication of another person associated with the account. Moreover, the CRT notes that the Claimant did not provide any

documents to demonstrate his relationship to a person by the name of Erna Paul or Erna Pohl. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's sister 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