

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

Claimed Account Owner: Jonathan Pfeifer¹

Claim Numbers: 218132/MC; 221280/MC; 218216/MC

This Certified Denial is to the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to a Swiss bank account potentially owned by the Claimants’ relative Jonathan (Nathan) Pfeifer (the “Claimed Account Owner”).²

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 Claimants

The Claimants, who are siblings, submitted substantially similar Claim Forms stating that their paternal grandfather, Jonathan (Nathan) Pfeifer, who was Jewish, resided in Germany. The Claimants stated that their grandfather preferred to use the name Nathan instead of Jonathan and that he usually referred to himself as Nathan Pfeifer. In their original claim forms, the Claimants referred to the name of “Johann Pfeifer [*sic*] (Germany)” as it appeared on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”) and stated that it was conceivable that Jonathan Pfeifer opened an account using the name Johann Pfeiffer in an effort to protect against the danger of the account’s possible detection by German authorities. The Claimants did not provide any documentation showing that their grandfather used the name Johann Pfeiffer.

¹ The Claimants should note that this determination relates only to the Claim Number and Claimed Account Owner stated above, and that the CRT is aware that the Claimant may have submitted other claims.

² In a separate decision, the Claimants were determined to be less entitled to the accounts of Dr. Fritz Rothschild than another, related claimant. See *In re Accounts of Dr. Fritz Rothschild* (approved on 20 August 2003). In a separate decision, the Claimants, together with another unrelated claimant, were awarded the accounts of F. Pfeifer. See *In re Account of F. Pfeiffer* (approved on 15 July 2005). In other decisions, the Claimants were awarded the accounts of Dr. [REDACTED], and (together with a related claimant) the accounts of Fritz and Herta Rothschild. See *In re Account of Dr. [REDACTED]* (approved on 12 October 2007); and *In re Accounts of Fritz Rothschild and Herta Rothschild* (approved on 17 March 2008).

In support of their claims, the Claimants submitted several documents referring to their grandfather, including his birth certificate, citizenship certificate (*Bürgerrechts-Urkunde*) dated 1922, and certificate of inheritance. In all these documents, he is referred to as Jonathan Pfeifer or Nathan Pfeifer. The Claimants also submitted a copy of a postcard dated 6 August 1941 written by their grandfather in which he identified himself as Nicol Pfeifer. With regard to this postcard, Claimant [REDACTED 1] wrote that his grandfather wrote to his son's future wife, the then [REDACTED] (Claimant [REDACTED 1]'s mother), who passed the correspondence along to his son. He wrote that, "Nicol Pfeifer is a pseudonym used by [Claimant [REDACTED 1]'s grandfather] to protect his son's future wife from the suspicion of the Nazis." Claimant [REDACTED 1] also wrote:

The fact that [Claimant [REDACTED 1]'s grandfather], later in his life, clearly used a pseudonym in an effort to protect family members from Nazi persecution, raises the *possibility* [emphasis in the original] that he had used a pseudonym earlier in his life when he opened his Swiss bank account. For this reason I believe that it is reasonable to *attempt a match* [emphasis added] between [Claimant [REDACTED 1]'s grandfather] and the Account Published on the 2001 List under the similar name Johann Pfeiffer (Germany). Although I consider an attempted match between [Claimant [REDACTED 1]'s grandfather] and the Account Published on the 2001 List under the name Johann Pfeiffer as prudent under these circumstances, I regard such a match as only a *conceivable possibility* [emphasis added]. I continue to strongly believe that the in all probability [Claimant [REDACTED 1]'s grandfather] used a Swiss address when opening his account. (This is supported by [various documents] which confirm that [Claimant [REDACTED 1]'s grandfather's] son, Dr. [REDACTED] (my father), attended Bern University in Switzerland, where he earned his doctorate.

After Claimant [REDACTED 1] was contacted by the CRT per telephone with additional questions about his grandfather, Claimant [REDACTED 1] submitted a letter dated 2 December 2003, in which he stated that he recalled his father stating that his father (Claimant [REDACTED 1]'s paternal grandfather) possibly used a false name to evade the Germans. Claimant [REDACTED 1] stated that his father said, "Maybe your grandfather used the name Johann Pfeiffer. Pfeiffer with three f's." In this letter, Claimant [REDACTED 1] explained that while he was growing up, his father had told him that the way his family spells their name "Pfeifer," with two f's, is the less-common spelling and "is almost always used only by Jews." He stated that his father told him that the more-common spelling of the name, "Pfeiffer," with three f's was often a non-Jewish name. He wrote, "So, when my father said 'Pfeiffer with three f's' I knew exactly what he meant." Claimant Pfeiffer did not provide this information with his original claim. The CRT notes that the pseudonym used by the Claimants' grandfather on his 1941 postcard, Nicol Pfeifer, was spelled with only two "f's." Claimant [REDACTED 1] did not explain why his grandfather would have used a pseudonym that incorporated a name that "is almost always used by Jews," if his intent was to protect the addressee – his future daughter-in-law – from Nazi persecution.

The CRT's Investigation

The CRT matched the name of Jonathan (Nathan or Johan) Pfeifer (Pfeiffer) to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owner. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimants provided regarding the Claimed Account Owner. Accordingly, the CRT was unable to conclude that any of these accounts belonged to the Claimed Account Owner.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) 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 three claims of the Claimants in one proceeding.

Identification of the Account Owner

The list below contains names of account owners that match the name of the Claimed Account Owner and the reasons why the CRT has concluded that the Claimed Account Owner and an account owner are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: Johann Pfeiffer (Germany)

Account Identification Number: 1011837

Specifically, the Claimants stated that their grandfather Jonathan Pfeifer usually referred to himself as Nathan Pfeifer. With their original claims, the Claimants submitted documents showing that their grandfather used the names Jonathan and Nathan Pfeifer. In his original claims, Claimant [REDACTED 1] explained that the name "Johann Pfeiffer" was published on the 2001 ICEP List and stated that it was conceivable that his grandfather may have used this name to conceal his accounts from the Nazis. The Claimants did not provide any documentation showing that their grandfather used this alias, and provided nothing to support their claim other than the similarity between the name of their grandfather and the published name. The CRT notes that the Claimants did provide documentation with their original claims showing that their grandfather used the alias "Nicol Pfeifer," with two "f's." After being contacted by the CRT, Claimant [REDACTED 1] stated that he recalled that his father once mentioned that his father (Claimant [REDACTED 1]'s grandfather) may have used the name Johann Pfeiffer, with three "f's," because that was the non-Jewish variant of the name. Claimant [REDACTED 1] did not explain why, then, his grandfather used the pseudonym of "Nicol Pfeifer" (with the so-called

Jewish variant of the name), when writing to his son's future wife in order to protect her from Nazi persecution. The CRT also notes that Claimant [REDACTED 1] stated that it was more probable that his grandfather attempted to conceal the account by using a Swiss address, because his son (Claimant [REDACTED 1]'s father) attended university in Switzerland. The CRT notes that the bank records do not contain any indication that the account owner's name, Johann Pfeiffer, is an alias. The CRT notes that in this case, the information and evidence the Claimants submitted in support of their claims did not plausibly demonstrate that their relative and the account owner were the same person. This determination is based on a variety of factors, including but not limited to, whether the Claimants identified an exact spelling of the account owner's name; whether the Claimants identified the account owner's name prior to its publication; and/or whether the fate of the Claimant's relative is consistent with the disposition of the claimed account.

The Claimants should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimants may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimants should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimants should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The CRT now considers the Claimants' claims to the account of Jonathan Pfeifer closed. Please note that this decision applies only to the Claim Numbers and Claimed Account Owner identified herein, and that the CRT is aware that the Claimants may have claimed accounts held by other persons or entities both in the Claim Numbers specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
17 December 2010