

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Shimon Averbuch (Aurbach)

in re Account of Perel Urbach (Power of Attorney Holder - J. Urbach)¹

Claim Number: 004767/MG; 004805/MG²

This Certified Denial is based on the claims of Shimon Averbuch (Aurbach) (the “Claimant”) to the accounts of Josef Aurbach (Averbuch) and Jacob Aurbach (Averbuch). The CRT did not locate an account belonging to Josef Aurbach (Averbuch) or Jacob Aurbach (Averbuch) 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 Perel Urbach (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that his father, Josef Aurbach (Averbuch), who was born on 25 June 1908 in Iasi, Romania, owned a Swiss bank account. The Claimant stated that his father was married to Tzvia Aurbach, née Fromishlinik, in 1932 in Bucharest, Romania. The Claimant further stated that his father was a textile merchant and a cloth manufacturer, and that he traveled to Switzerland for business purposes. The Claimant indicated that his father, who was Jewish, resided in Bucharest from 1930 to 1938, when he was deported to the Bershad camp, where he performed slave labor until 1944. According to the Claimant, his father survived the Holocaust and died on 3 August 1984 in Afula, Israel.

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’ or power of attorney holder’s names are substantially similar to those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as his relative. 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.

The Claimant also submitted a Claim Form asserting that his paternal grandfather, Jacob Aurbach (Averbuch), who was born in 1884 in Bucharest, Romania, and was married to Sara Aurbach (Averbuch) in 1901 in Romania, owned a Swiss bank account. The Claimant stated that his grandfather, who was also a textile merchant and a cloth manufacturer, resided in Bucharest until his death in 1943. The Claimant indicated that he was born on 30 October 1940 in Kishinev, Romania (now Moldova).

The Claimant submitted documents in support of his application, including: (1) his mother's identity card; (2) an Israeli official document confirming the Claimant's date of birth, place of birth and parents' names; and (3) his parents' death certificates.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relatives, Josef Aurbach (Averbuch) and Jacob Aurbach (Averbuch). The auditors who carried out the ICEP Investigation reported one account whose Power of Attorney Holder's name was substantially similar to that provided by the Claimant.

Account 5026509

The Bank's records indicate that the Account Owner was Perel Urbach, who resided in Berlin, Germany, and that the Power of Attorney Holders were J. Urbach, Rachele Ulreich, Josefien Gutter, and Fanny Weintraub. The Bank's records show the name of a person who jointly held the account. The Bank's records also indicate the Account Owner's street address and marital status as well as the city and country of residence of Power of Attorney Holder J. Urbach. Furthermore, the Bank's records indicate the date of opening 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.

Identification of the Power of Attorney Holder

The CRT concludes that the Claimant has not identified Power of Attorney Holder J. Urbach as his relative. Although the names of his father and grandfather are substantially similar to the published name of Power of Attorney Holder J. Urbach, the information provided by the Claimant differs materially from the published and unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that his father and grandfather resided in Romania. In contrast, the Bank's records show that the Power of Attorney Holder resided in a different country, to which the Claimant did not establish a connection. The Claimant also did not identify any of the other names associated with the

account. Consequently, the CRT is unable to conclude that Power of Attorney Holder J. Urbach and the Claimant's father or grandfather are the same person.

The CRT also notes that the Claimant did not identify the Account Owner as his relative and that, under Swiss law, the Power of Attorney Holder is not considered to be the owner of an account. After the Power of Attorney Holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not the Account Owner, as his relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

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
13 October 2004