

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Helga Isolde Schwartz
also acting on behalf of Maja Cecilia Gorland
and Marjorie Winkler

in re Account of Karl Winkler

Claim Number: 216386/PY/AH^{1,2}

This Certified Denial is based on the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Karl (Carl) Winkler and to accounts of Helga Isolde Schwartz, née Winkler, Gunter Emil Winkler, Max Lustig, Bianca Lustig, Frantz Ulrich Goldstuecker, Frank T. Gorlan, and Friedrich Goldstuecker.³ The CRT did not locate an account belonging to Helga Isolde Schwartz, née Winkler, Gunter Emil Winkler, Max Lustig, Bianca Lustig, Frantz Ulrich Goldstuecker, Frank T. Gorlan, or Friedrich Goldstuecker 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 Karl Winkler (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 paternal cousin, Karl (Carl) Winkler, who was born in approximately 1900, owned a Swiss bank account. The Claimant stated that her cousin resided in Cologne, Germany, where he was the chief of police. The Claimant stated that her cousin, who was Jewish, went into hiding during the Second World War and survived the

¹ The Claimant submitted three additional claims to the accounts of Fritz Winkler, Paul Lustig and Kurt Lustig, which are registered under the Claim Numbers 216388, 216387 and 216389, respectively. The CRT will treat the claims to these accounts in separate decisions.

² The Claimant submitted four Initial Questionnaires with the Court in 1999 and four Claim Forms to the CRT. The CRT is treating the Initial Questionnaires and the Claim Forms under the consolidated Claim Numbers 216386, 216387, 216388, 216389.

³ In one of her Initial Questionnaires, the Claimant also claimed the account of Berta Winkler. The CRT will treat the claim to this account in a separate decision.

Holocaust, but could not provide his fate. In a telephone conversation with the CRT on 31 July 2003, the Claimant stated that she did not know of any connection her cousin may have had with the published town of residence, Kiesenbach. The Claimant indicated that she was born on 20 December 1931 in Gleiwitz, Germany.

The Claimant previously submitted four Initial Questionnaires with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Helga Isolde Schwartz, née Winkler, Gunter Emil Winkler, Berta Winkler, Max Lustig, Bianca Lustig, Frantz Ulrich Goldstuecker, Frank T. Gorlan, and Friedrich Goldstuecker.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Karl (Carl) Winkler. The auditors who carried out 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 1013869

The Bank's records indicate that the Account Owner was Karl Winkler, who resided in Kiesenbach, Germany. The Bank's records also indicate a name of a person associated with the account, who appears to be related to the Account Owner.

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 Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her cousin 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. Specifically, the Claimant stated that her cousin resided in Cologne, Germany. In contrast, the Bank's records show that the Account Owner resided in Kiesenbach, Germany, which is located approximately 400 kilometers from Cologne. Furthermore, the Claimant stated that she did not know of any connection her cousin may have had to Kiesenbach. Finally, the Claimant did not identify the name of the other person as indicated in the Bank's records, although this person appears to be related to the Account Owner. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's cousin 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 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
19 November 2004