

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Account of Emile Thau**

Claim Number: 217855/SB<sup>1</sup>

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Emile Thau (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 maternal uncle, Emile Thau, who was born in 1903 in Romania, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her uncle, who was Jewish, was a businessman who resided in Nancy and Toulouse, France until 1944, when he was deported to Auschwitz, where he perished. The Claimant indicated that she was born on 10 October 1932.

### **Information Available in the Bank’s Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Emile Thau. 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 4020196

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<sup>1</sup> The Claimant submitted one additional claim, which is registered under the Claim Number 215698. The CRT has treated this claim in a separate determination, by means of a letter dated 15 August 2006.

The Bank's records indicate that the Account Owner was Emile Thau, who resided in France. The Bank's records also indicate the Account Owner's street address and city of residence in France, together with the names of two joint account owners.

## **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 uncle matches the published name of the Account Owner, the information provided by the Claimant differs materially from the unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her uncle resided in Nancy and Toulouse, France. In contrast, the Bank's records show that the Account Owner resided in another city, which is over 700 kilometers from Nancy and over 200 kilometers from Toulouse, and which the Claimant did not identify. The CRT notes that there are several major cities significantly closer to the Account Owner's city of residence than Nancy and Toulouse, rendering it unlikely that the Account Owner would indicate Nancy or Toulouse as his place of residence, even for the purposes of maintaining a Swiss bank account. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's uncle are the same person.

### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the Claimant 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 Claimant 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 Claimant 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 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  
27 February 2007