

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Harald Reichert

in re Accounts of Emile Landau and Elise Landau

Claim Number: 221356/MC

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Emile Landau (“Account Owner Emile Landau”) and Elise Landau (“Account Owner Elise Landau”) (together the “Account Owners”) at the Geneva branch of 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 identifying Account Owner Emile Landau as his paternal grandfather’s brother, Emile Landau, and Account Owner Elise Landau as Emile Landau’s wife, Marie Elise Henriette (known as ‘Elise’) Landau, née Goemans. The Claimant stated that Emile Landau was born on 6 November 1877 in Stettin, Germany (today Szczecin, Poland), and that Elise Landau was born on 20 July 1887 in Leuven, Belgium. According to the Claimant, Emile and Elise Landau, who were Jewish, married in 1936, and did not have children. The Claimant explained that following their wedding, the couple resided in Antwerp, and later in Brussels, Belgium. The Claimant stated that Emile Landau was an insurance agent who worked for the insurance company *La Patriotique*, primarily in providing insurance for the diamond industry.

The Claimant stated that Emile Landau’s brother, [REDACTED] (the Claimant’s paternal grandfather), was deported to Auschwitz together with his wife and three of his children. The Claimant further stated that his father, [REDACTED], who was Jewish, was the only member of [REDACTED]’s family to have survived the Holocaust, and that he (the Claimant) is Emile and Elise Landau’s only heir.

In support of his claim, the Claimant submitted documents, including:

- (1) the marriage certificate of Emil Landau and Marie Elise Henriette Goemans, indicating that the groom was born on 6 November 1877 in Stettin, Germany, and that the bride was

born on 20 July 1887 in Leuven, Belgium, and that the marriage took place on 25 September 1936 in Antwerp;

- (2) a detailed marriage declaration, indicating that Emil Landau was the son of [REDACTED] and [REDACTED], and that Marie Elise Henriette Goemans was the daughter of [REDACTED] and [REDACTED], and including the signatures of Emile Landau and Elise Goemans;
- (3) a letter dated 20 February 2004 from the Belgian Archives- War Victims Department, indicating that they had no records in their files regarding Emile Landau or Marie Elise Henriette Goemans;
- (4) the marriage contract between Emile Landau, a businessman, and Marie Elise Henriette Goemans, indicating that both resided in Antwerp prior to their marriage, and referring, *inter alia*, to a silver drinks service consisting of six silver goblets;
- (5) a photograph provided by the Claimant of a silver drinks service consisting of six silver goblets, which the Claimant indicated is the same silver drinks service formerly owned by Emile and Elise Landau, which was given to Emile Landau's nephew [REDACTED] (the Claimant's father); and
- (6) his own Belgian residence certificate, indicating that [REDACTED], who was born in Brussels on 25 May 1936, was of Belgian nationality and resided in Lens, Belgium.

The Claimant indicated that he was born on 25 May 1936 in Brussels, Belgium.

Information Available in the Bank's Records

The Bank's records consist of two pages of information regarding an account holder relationship numbered 12989. According to these records, the joint Account Owners were *Monsieur* (Mr.) Emile Landau and his wife, *Madame* (Mrs.) Emile Landau, née Elise Goemans. The records indicate that originally, the sole holder of the accounts was Emile Landau, but that subsequently, *Mademoiselle* (Miss) Elise Goemans was added as a joint account holder, and, following the receipt of a letter on 6 October 1936, the Bank changed the name of *Mademoiselle* Elise Goemans to *Madame* Emile Landau, née Elise Goemans. The records also indicate that the Account Owners provided the Bank with a correspondence address of 30 Place de Meir, Antwerp, Belgium.

The Bank's records indicate that the Account Owners jointly held four demand deposit accounts, one each in Swiss Francs, Pound Sterling, United States Dollars, and Dutch Florins, which were all held under the account holder relationship number 12989 at the Bank. The records show that the earliest opening date was 8 April 1929, and that the demand deposit account denominated in Dutch Florins was opened on 26 August 1937. The records indicate that the account relationship numbered 12989 was closed on 30 January 1939, and that consequently all of the Account Owners' accounts were all closed by that date.

The records also include a sample of Emile Landau's signature, dated 5 January 1934, as well as a further sample of the signatures of both Emile and *Madame* Emile Landau, dated 29 October 1936.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's paternal grandfather's brother's name and city and country of residence match the published name and city and country of residence of Account Owner Emile Landau, and the Claimant's paternal grandfather's sister-in-law's name, maiden name, and city and country of residence match the published name, maiden name, and city and country of residence of Account Owner Elise Landau.

In support of his claim, the Claimant submitted documents, including the marriage certificate, marriage declaration, and marriage contract of Emile Landau and Marie Elise Henriette Goemans, the latter of whom signed those documents as Elise Goemans, as well as a certificate that was found in Hasselt, Belgium, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's records as the names and city of residence of the Account Owners.

The CRT notes that the names Elise Landau and Emile Landau each appear only once 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 CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and resided in Belgium. The CRT notes that the Claimant did not provide details regarding the Account Owners' fate. However, the Claimant did state that Emile Landau's brother, [REDACTED], perished in Auschwitz together with his wife and three of his children.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information demonstrating that the Account Owners were the Claimant's great-uncle and his wife. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owners as contained in the Bank's records. The CRT also notes that the Claimant submitted a copy of a photograph of a silver drinks set that is in his possession, and which was referred to in the marriage contract of the Account Owners. The CRT notes that it is plausible that this connection is one which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and

indicates that the Account Owners were known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owners' accounts at the Bank were all closed by 30 January 1939, which was over a year prior to the Nazi occupation of Belgium on 10 May 1940. Therefore, the CRT concludes that the Account Owners closed the accounts and received the proceeds themselves.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of 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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
30 August 2010