

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Judith Wohlberg
also acting on behalf of the Estate of Herman Landau, Sara Schneider-Fogel,
Akiva Fogel, Israel Fogel and Perl Schreibman-Fogel

in re Account of Moise Landau

Claim Number: 215567/AX¹

This Certified Award is based upon the claim of Judith Wohlberg, née Landau, (the “Claimant”) to the published account of Moise Landau (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 identifying the Account Owner as her brother, Moise Landau, who was born in 1922 to Chaim Akiva Mihai Landau and Sara Landau, née Stern, in Rozavlea, Romania. The Claimant indicated that her brother was Jewish, and that he resided in Rozavlea. In a telephone conversation with the CRT on 14 February 2002, the Claimant explained that her brother perished in the Holocaust. The Claimant added that she was too young at the time that the Second World War broke out and therefore, has limited recollections. The Claimant indicated that she remembers that her father, who was a fabric wholesaler, traveled to Switzerland a number of times and that he told her about the existence of a bank account. The Claimant stated that her brother was the only person named Moise Landau in Rozavlea. In support of her claim the Claimant submitted her birth certificate indicating that she was born in Rozavlea to Mihai and Sara Landau; a certificate from the Jewish community of Bregenz, Austria, indicating that Herman Landau, the Claimant’s brother, was born in Rozavlea and was deported to several concentration camps; and a sworn affidavit by the Claimant, indicating that she was born Ita Landau, but that she changed her name to Judith. The Claimant indicated that

¹The Claimant submitted an additional claim to the account of Mihai Landau, which is registered under the Claim Number 203122. The CRT did not locate an account belonging to the Claimant’s relative, Mihai Landau, 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). 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.

she was born in Rozavlea on 21 August 1926. The Claimant represents the Estate of her brother, Herman Landau, who was born in Rozavlea on 14 August 1924 and passed away in 2002, as well as her late sister Rozi Fogel's children: Sara Schneider-Fogel, Akiva Fogel, Israel Fogel and Perl Schreibman-Fogel.

Information Available in the Bank's Records

The Bank's records consist of registers of numbered accounts. According to these records, the Account Owner was Moise Landau, who resided in Rozavlea, Romania. The Bank's record do not indicate the type of account held by the Account Owner, though they indicate that he held a numbered account, which was numbered 66260. The Bank's records further indicate that the account was opened on 14 June 1938. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") determined that the account was closed on 24 December 1938. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that the name Moise Landau appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") as those of Victims of Nazi Persecution (the "ICEP List"). In support of her claim, the Claimant submitted her birth certificate indicating that she was born in Rozavlea and a certificate from the Jewish community of Bregenz, Austria, indicating that Herman Landau, the Claimant's brother, was born in Rozavlea, providing independent verification that the siblings of the person who is claimed to be the Account Owner had the same family name and resided in the same town recorded in the Bank's records as the family name and place of residence of the Account Owner.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Mihai Landau from Rozavlea, Romania, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather indicates that the Claimant had reason to believe that her relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Furthermore, the CRT notes that the other claims to this account were disconfirmed because those claimants provided different countries and/or a different city of residence than that of the

Account Owner. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he perished in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's brother. The CRT notes that the Claimant submitted her birth certificate indicating that she was born in Rozavlea to Mihai and Sara Landau, and a certificate from the Jewish community of Bregenz, Austria, indicating that Herman Landau, the Claimant's brother, was born in Rozavlea and was deported to several concentration camps, which provide independent verification that the Claimant and her relatives bore the same family name and resided in the same city as the Account Owner, and all this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant represents in these proceedings.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 24 December 1938. Given that the account was closed prior to Romania allying itself with Nazi Germany by joining the Tripartite Pact on 20 November 1940, the CRT concludes that the Account Owner was able to access the account and receive the proceeds of the claimed account.

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. 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, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims to determine whether there are additional Swiss bank accounts to

which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Denial

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

Claims Resolution Tribunal
18 November 2004