

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant Uri Arieli

in re Accounts of Max Löwenstein

Claim Numbers: 002154/AH; 005293/AH; 715933/AH^{1,2}

This Certified Denial is based on the claims of Uri Arieli, formerly known as Kurt Löwenstein, (the “Claimant”) to the published accounts of Max Löwenstein and the account of Uri Arieli, and Kurt Löwenstein. The CRT did not locate an account belonging to Uri Arieli or Kurt Löwenstein pursuant to the investigation of the Account History Database prepared by 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 accounts of Max Löwenstein (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, Max (Mose) Löwenstein, who was born on 28 January 1892 in Laufenselden, Germany and was married to Minna Seemann, owned a Swiss bank account. The Claimant stated that his parents had three children: the Claimant and his sisters, Hannelore and Elsbeth. The Claimant further stated that his father, who was Jewish, was a merchant who worked and resided in Laufenselden. The Claimant stated that his father, who was a political activist, was tried by the Nazis in 1935, and committed suicide in the courtroom in Bad-Schwalbach, on 15 October 1935. The Claimant indicated that he was born on 29 July 1927 in Laufenselden.

¹ 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 three claims of the Claimant in one proceeding.

² The Claimant submitted in 1999 an Initial Questionnaire, numbered I Q HEB 0134 113, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned Claim Number 715933.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Mose Löwenstein.

The Claimant submitted documents in support of his application, including his father's death certificate, indicating that he was a merchant from Laufenselden, and his mother's and sister's death certificates.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted claims to an account belonging to his relative, Max Löwenstein. The auditors who carried out the ICEP Investigation reported two accounts whose owner's name matches that provided by the Claimant. Each 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 1010496 and 1010497

The Bank's records indicate that the Account Owner was Max Löwenstein, who resided in Germany. The Bank's records also indicate the Account Owner's city of residence and title. Furthermore, the Bank's records indicate the dates of opening and closing of the accounts at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are 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 his relative. Although the name of his father 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 his father was born in Laufenselden, where he also worked and resided until his death in 1935. In contrast, the Bank's records show that the Account Owner resided in a different city, located over 150 kilometers away from Laufenselden. In addition, the CRT notes that the Claimant did not identify the Account Owner's title. Moreover, it should be noted that the CRT has determined that another claimant has identified the Account Owner as his relative by identifying unpublished information about the Account Owner contained in the Bank's records. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's father are the same person. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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
28 September 2004