

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of *L. Richter & Söhne*¹

Claim Number: 221726/IG

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Moritz Richter, Jakob Richter and *L. Richter & Söhne*. This Award is to the account of *L. Richter & Söhne* (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards 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 the Account Owner as the transport company *L. Richter & Söhne*, which was co-owned by her paternal great-uncle, Jakob Richter, and her paternal grandfather, Moritz Richter, who was born on 2 January 1866 in Kis-Várda, Hungary, and was married to [REDACTED] on 8 February 1897 in Budapest, Hungary. The Claimant stated that the company was located in Budapest and had a branch in Vienna, Austria. The Claimant further stated that the company was founded by her paternal great-grandfather, [REDACTED], and that his sons, Moritz and Jakob Richter, inherited it after his death. The Claimant indicated that Moritz Richter and [REDACTED] Richter, née [REDACTED], had one child, [REDACTED] (the Claimant’s father), who was born on 4 July 1899 in Budapest. The Claimant further indicated that [REDACTED] died in 1901 in Budapest, that Moritz Richter later married [REDACTED], and that the couple had one child,

¹ The CRT notes that the account was incorrectly published on the 2001 list under the names “Richter, Jakob [Budapest, Hungary] [1]” and “Richter, Moritz [Budapest, Hungary] [1].” The Bank’s records indicate that the owner of the account was the company *L. Richter & Söhne*.

[REDACTED], who was born in 1902 in Budapest.

The Claimant stated that her grandfather and her great-uncle, who were Jewish, resided in Vienna from 1920 to 1938, when their business was aryanized, and that they were forced to flee Austria to Hungary. The Claimant further stated that her grandfather and her great-uncle resided in Budapest during the Second World War. The Claimant indicated that her great-uncle was deported, and that he died during the deportation. The Claimant further indicated that from 1944 to 1945, her grandfather was forced to reside under a false identity in a “Swedish House,” a special refuge protected by the Swedish diplomat, Raoul Wallenberg. The Claimant explained that in 1951 her grandfather moved to Sweden, where he resided until his death in 1972. The Claimant further explained that her father, [REDACTED], died on 11 July 1967 in Tihany, Hungary. The Claimant stated that her grandfather’s second wife, [REDACTED], died in 1962 in Stockholm, Sweden, and that his daughter from his second marriage, [REDACTED], née [REDACTED], died in 1973 in Stockholm. The Claimant also stated that her great-uncle was single and had no children.

In support of her claim, the Claimant submitted documents, including her own birth certificate, issued on 4 July 1951 in Budapest and identifying her father as [REDACTED]; her father’s birth certificate, issued on 2 January 1901 in Budapest and identifying his father as Moritz Richter; her grandparents’ marriage certificate, issued on 8 February in Budapest; excerpts from the commercial registry of Vienna, issued on 15 June 1981 in Vienna, pertaining to *L. Richter & Söhne* company, and showing that the owners of the company were Jakob and Moritz Richter, that the company relocated to Vienna in November 1929, and that the ownership of the company was transferred to an “Aryan” employee after April 1938; and a detailed family tree. The Claimant indicated that she was born on 24 June 1951 in Budapest.

Information Available in the Bank’s Records

According to the Bank’s records, the Account Owner was a company, *L. Richter & Söhne*, which had its headquarters in Budapest, Hungary, and a branch in Vienna, Austria. These records further indicate that the owners of the company were Moritz Richter and Jakob Richter from Budapest. According to the commercial registry excerpt that was in the Bank’s records, on 21 June 1938, a provisional administrator (*Kommissarischer Verwalter*) was appointed to manage the company in place of its owners. As a consequence, Moritz Richter and Jakob Richter’s powers were suspended. These records further indicate that on 30 December 1938, the sole owner of the company was Moritz Richter. According to these records, on 31 January 1939, the provisional administrator was removed from his position and the ownership of the company was transferred to a “[REDACTED].”

The Bank’s records indicate that the Account Owner held one account of unknown type. The Bank’s records do not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. 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”) did not find this account in the Bank’s system

of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or the heirs of the company owners closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name of the company jointly owned by her grandfather and by her great-uncle matches the published name of the Account Owner. The Claimant provided detailed information about her relatives' company, including the information about the locations of its branches, its owners, and its fate, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her own birth certificate, identifying her father as [REDACTED]; her father's birth certificate, identifying his father as Moritz Richter; and excerpts from the commercial registry of Vienna pertaining to the Account Owner, indicating that the owners of the Account Owner were Jakob and Moritz Richter, that the Account Owner relocated to Vienna in November 1929, and that the ownership of the Account Owner was transferred to Nazi control after April 1938. The CRT notes that the other claims to this account were disconfirmed because those claimants provided different countries of location than the locations of the Account Owner's branches.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the owners of the Account Owner were Victims of Nazi Persecution. The Claimant stated that Moritz Richter and Jakob Richter were Jewish, that their company was confiscated, and that they were forced to flee Austria to Hungary. The Claimant further stated that Jakob Richter was deported, and that he died during the deportation. In addition, the Claimant stated that in the years 1944 to 1945, Moritz Richter was forced to reside under a false identity in a refuge house in Budapest, protected by Raoul Wallenberg.

The Claimant's Relationship to the Account Owner

According to Article 23(3) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), if the Account Owner is a legal or other entity (such as a corporation, association, organization, etc.), the Award will be made in favor of those Claimants who establish a right of ownership to the assets of the entity.

The documents provided by the Claimant demonstrate that the owners of the company were Moritz and Jakob Richter. The Claimant has plausibly demonstrated that she is related to Moritz Richter by submitting documents, including her father's and her own birth certificates, demonstrating that Moritz Richter was her grandfather. The Claimant explained that Jakob Richter was his brother. There is no

information to indicate that the owners of the Account Owner have other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner's branch in Vienna was placed under provisional administration, and the rights of the legitimate owners of the account were suspended on 21 June 1938 after the *Anschluss*, which occurred on 13 March 1938; that Nazi confiscatory legislation was in effect at the time the rights of the legitimate owners of the account were suspended; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that the ownership of the Account Owner was changed in January 1939; that there is that there is no record of the payment of the Account Owner's account to its owners; that the Account Owner, the owners of the Account Owner or their heirs would not have been able to obtain information about their account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the Banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the rightful owners of the Account Owner or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the owners of the Account Owner were her grandfather and her great-uncle, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither rightful owners of the Account Owner nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim 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 Award

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

Claims Resolution Tribunal
31 December 2003