

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Otto Richter

Claim Number: 218342/ME¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Otto Richter (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 her maternal aunt’s husband, Otto Richter, who was born sometime before 1893, and was married to [REDACTED], the Claimant’s aunt. The couple had one son, [REDACTED]. The Claimant stated that her aunt died in approximately 1925. The Claimant indicated that the Account Owner was a manufacturer/industrialist, who lived in Berlin, Germany. The Claimant stated that [REDACTED]’s sister, [REDACTED], née [REDACTED] (the Claimant’s mother) and her husband [REDACTED] (the Claimant’s father) resided in Geneva, Basel, and Zurich, Switzerland. According to the information provided by the Claimant, her uncle, who was Jewish, was deported to the Oranienburg-Sachsenhausen concentration camp and was killed in Oranienburg-Sachsenhausen in 1937. The Claimant indicated that she was born on 20 September 1920 in Witterswil, Switzerland and submitted her birth certificate and her parents’ marriage certificate.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1997, asserting her entitlement to a Swiss bank account owned by her aunt or her aunt’s husband.

¹ The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 218341 and 218343, respectively. The CRT will treat the claims to these accounts in separate decisions.

Information Available in the Bank Records

The bank records consist of an extract from the Bank's ledger, an internal memorandum, and a printout from the Bank's database. According to these records, the Account Owner was Otto Richter. The bank records indicate that the Account Owner died sometime before 15 December 1959, but do not indicate the source of this information. The bank records indicate that the Account Owner held an account of unknown type numbered 524487, which had been dormant since at least 1950. The bank records do not indicate when the account was opened.

The account was transferred to a suspense account on 15 December 1959. The amount in the account on the date of its transfer was 987.50 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's name matches the published name of the Account Owner.

The CRT also notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Otto Richter prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("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 a person identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT also notes that the one other claim to this account was disconfirmed because the Otto Richter in that claim was still living, whereas Account Owner Otto Richter died before 1959.

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 was killed in Oranienburg-Sachsenhausen concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that the Account Owner was her uncle by marriage.

The Issue of Who Received the Proceeds

The bank records indicate that the account was transferred to a suspense account and remains open and dormant.

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 Account Owner was her aunt's husband, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case the Account Owner held one account of unknown type. The Bank records indicate that the value of the account as of 15 December 1959 was 987.50 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 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
April 4, 2003