

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ariana Josefina Kadin
represented by Avraham Weber

in re Account of Richard Trichter

Claim Number: 004498/IG¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Ariana Josefina Kadin, née Trichter, (the “Claimant”) to the account of Richard Trichter (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards 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 father, Richard Trichter, who was born in Cernauti, Romania, and was married to Cicilia Becker. In a telephone conversation with the CRT on 5 March 2004, the Claimant’s husband, Alexander Kadin, stated that the Claimant’s father was a very wealthy individual who owned various properties in Cernauti. Alexander Kadin further stated that the Claimant’s father and his brother disappeared during the Second World War and that their exact fates are unknown. Alexander Kadin explained that the Claimant managed to buy her way out of Cernauti during the Second World War. Alexander Kadin further explained that between the years of 1952 to 1954 his mother-in-law, Cicilia Trichter, née Becker, made several attempts to collect her husband’s money from a Swiss bank, but was not successful. In support of her claim the Claimant submitted an excerpt from the records of the Israeli Ministry of Interior pertaining to the Claimant, which states that the Claimant was born in Romania, that her father’s name was Richard, and that her maiden name was Trichter. The Claimant indicated that she was born on 12 October 1935 in Cernauti.

¹ The Claimant provided her name and some of her relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim Form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

Information Available in the Bank's Records

The Bank's records consist of lists of dormant accounts and printouts from the Bank's database. According to these records, the Account Owner was Richard Trichter, who resided in Cernauti, Romania. The Bank's records indicate that the Account Owner held a demand deposit account, numbered 463.462. The Bank's records indicate that the last contact with the Account Owner took place in 1938. These records further indicate that the Bank considered the account for registration in the 1962 survey of assets held in Switzerland by foreigners or stateless persons who presumably had been victims of racial, religious or political persecution (the "1962 Survey"), but did not register it. According to the Bank's records, the balance of the account was 123.50 Swiss Francs, but the Bank's records do not indicate the date of that balance. Also according to the Bank's records, the account was closed on 25 August 1975. The amount in the account on the date of its closure is not known. There is no evidence in the Bank's records that the Account Owner or his heirs closed the accounts and received the proceeds.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name matches the published name of the Account Owner. The Claimant stated that her father resided in Cernauti, Romania, which matches published information about the Account Owner contained in the Bank's records. The CRT notes that the Claimant submitted an excerpt from the records of the Israeli Ministry of Interior pertaining to the Claimant, which states that the Claimant was born in Romania, that her father's name was Richard, and that her maiden name was Trichter, providing independent verification that the person who is claimed to be the Account Owner had the same name as the person recorded in the Bank's records as the Account Owner. The CRT further notes that the name Richard Trichter appears 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. Furthermore, the CRT notes that there are no other claims to this account. Taking all of the 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 disappeared during the Second World War.

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 and documents demonstrating that he was her father. These documents include an excerpt from the records of the Israeli Ministry of Interior pertaining to the Claimant, which states that the Claimant was born in Romania, that her father's name was Richard, and that

her maiden name was Trichter. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner, who was Jewish, disappeared during the Second World War; that the Account Owner's account was closed in 1975, after the death of the Account Owner; that the Bank considered the account for registration in the 1962 survey of assets held in Switzerland by foreigners or stateless persons who presumably had been victims of racial, religious or political persecution; that between the years of 1952 to 1954 the Account Owner's wife made several attempts to collect her husband's money from a Swiss bank, but was not successful; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner or his heirs would not have been able to obtain information about his 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 (b), (h), (i) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 Account Owner was her father, 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 demand deposit account. The Bank's records indicate that the value of the account was 123.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 26,750.00 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
20 May 2004