

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of *R. Henriques Jr.*

Claim Number: 215465/MBC

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of *R. Henriques Jr.* (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All Denials 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, *R. Henriques Jr.*, as a firm of stockbrokers, which was founded in 1801 by the Claimant’s great-grandfather in Copenhagen, Denmark. In telephone conversations with the CRT on 21 and 26 February 2003, the Claimant stated that he belonged to an ancient Jewish Portuguese family that emigrated to Denmark in the early nineteenth century. According to the Claimant, the company evolved over time and, by the early twentieth century, was a successful money- and stockbrokerage.

The Claimant stated that prior to and during the Second World War, *R. Henriques Jr.* was managed by his father, [REDACTED], and by other relatives, from its offices located at Hojbroplads 9, 1200 Copenhagen, K. According to the Claimant, this remained the case until his father was forced into hiding in Copenhagen. The Claimant further stated that in November 1943 his father fled Denmark for Sweden. The Claimant added that a long-time and trusted employee, who was able to stay in Copenhagen, ran the company during this time. According to the Claimant, his family was able to control the company from Sweden.

The Claimant stated that *R. Henriques Jr.* kept numerous accounts with most major Swiss banks both before and after the Second World War, and that eventually, the Claimant’s family returned to Copenhagen. The Claimant stated that he was then a partner in the firm *R. Henriques Jr.*, together with his cousin [REDACTED], and remained so until he and his partners sold the company in 1969. Finally, the Claimant stated that he is the only remaining living partner of the firm *R. Henriques Jr.*

The Claimant indicated that he was born on 27 April 1924 in Copenhagen.

Information Available in the Bank's Records

The Bank's records consist of two customer cards, a register of loan granted to the Account Owner by the Bank, and a collateral agreement signed on behalf of *R. Henriques, Jr.* on 15 October 1936 in Copenhagen, Denmark. According to these records, the Account Owner was *R. Henriques, Jr., Bankhaus* (a bank), of Copenhagen, Denmark. The Bank's records indicate that the Account Owner was located at Højbroplads 9 in Copenhagen K. The Bank's records indicate that the Account Owner held two custody accounts, numbered 8414 (previously numbered as 40220) and 8211 (previously numbered 29120). The Bank's records indicate that the securities deposited in the custody account were used as a collateral for a loan granted to the Account Owner by the Bank. The Bank's records further indicate that the loan was cancelled on 16 March 1937.

According to the Bank's records, the custody account numbered 8414 was closed on 27 January 1940, and the custody account numbered 8211 was closed on 21 September 1939. The Bank's records do not indicate the value of the securities in the custody accounts on the dates of their closure.

The CRT's Analysis

Identification of the Account Owner

The Claimant has identified the Account Owner. The name of his family's firm matches the published name of the Account Owner. The Claimant identified the Account Owner as a firm of stockbrokers, which is consistent with the unpublished information contained in the Bank's records that the Account Owner was a bank. Furthermore, the Claimant provided the street address of his family's firm, which matches precisely the unpublished address of the Account Owner contained in the Bank's records. The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that his family, the owners of the Account Owner, were Victims of Nazi Persecution. The Claimant stated that his father, who ran *R. Henriques Jr.* at the time of the Second World War, was Jewish, that he was forced into hiding in Copenhagen and that he fled to Sweden, during the Nazi amnesty offered in November 1943.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is a member of the [REDACTED] family, who owned the Account Owner until 1969. The Claimant stated that the Account Owner had been in his family's possession since 1801, that his father managed the company prior to and during the

Second World War, until his flight from Denmark in 1943, and that the Claimant was a co-owner of the Account Owner until 1969. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. All of this information supports the plausibility that the Claimant's family owned the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were closed on 21 August 1939 and on 27 January 1940. The CRT notes that the accounts were closed before the German invasion of Denmark in April 1940. Therefore, the CRT concludes that the Account Owner's owners or representatives closed the accounts and that they received the proceeds of the claimed accounts.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
28 September 2004