

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Dr. Amadeu de Jesus Nunes

in re Accounts of Rosalie Leicht, Albert Leicht, and Robert Leicht and Account of Heinrich Löwinger

Claim Numbers: 207369/MC; 219398/MC^{1,2}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Rosalie Leicht (“Account Owner Rosalie Leicht”) and Albert Leicht (“Account Owner Albert Leicht”), over which Robert Leicht held power of attorney; to the published account of Robert Leicht (“Account Owner Robert Leicht”), over which Irma Leicht held power of attorney at the [REDACTED] (“Bank I”), and to the published account of Heinrich Löwinger (“Account Owner Heinrich Löwinger”) (together the “Account Owners”) at the [REDACTED] (“Bank II”) (together the “Banks”).

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 two Claim Forms asserting that the Account Owners – Albert Leicht, Rosalie Leicht, née Schlesinger, Robert Leicht, Irma Leicht, née Allina, and Heinrich Löwinger – may have been relatives of her late husband, [REDACTED]. Despite repeated inquiries from the CRT, the Claimant was not able to specify how these individuals were related to her late husband. The CRT notes that the Claimant submitted publicly available documents that contain information about the individuals whose accounts she claimed, but was not able to provide any other information about them. The CRT also notes that the documentation submitted by the Claimant were not in her personal possession, but were obtained by the Claimant’s representative

¹ In a separate decision, the CRT treated the Claimant’s claims to the accounts of Andor Leicht, Andrej Leicht, Berta Loewinger, Heinrich Leicht, Josefine Loewinger, Leopold Leicht, Margita Leicht and Moritz Loewinger. See *In re Accounts of Andor Leicht, Andrej Leicht, Berta Loewinger, Heinrich Leicht, Josefine Loewinger, Leopold Leicht, Margita Leicht and Moritz Loewinger* (approved on 30 March 2007). In a separate decision, the CRT treated the Claimant’s claim to the accounts of Adalbert Löwinger and Bedrich Löwinger.

² The Claimant submitted two additional claims numbered 753075 and 735676, which were treated in two separate decisions.

during archival research conducted in connection with her claims. With her claims, the Claimant submitted copies of published lists of Swiss bank account owners with the names of every person with the surname “Leicht” or “Löwinger” (the maiden name of her late husband’s mother) highlighted, and indicated that she was claiming the accounts belonging to all persons with those names.

According to the documents and information submitted by the Claimant, Albert Leicht was born on 22 September 1862; Rosalie Leicht, née Schlesinger, was born on 17 January 1865; and their son Robert Leicht, was born on 14 March 1887 in Graz, Austria. This information indicates that Robert Leicht was married to Irma Leicht, who was born on 21 November 1889 in Saint Pölten, Austria, on 26 March 1911 in Saint Pölten. The information submitted by the Claimant shows that Robert and Irma Leicht, who were Jewish, had three daughters, [REDACTED], [REDACTED] and [REDACTED]. According to the information submitted by the Claimant, Rosalie Leicht was deported on 29 July 1942 to Theresienstadt, where she perished. The Claimant did not provide any information about the fate of Albert, Robert or Irma Leicht’s fate.

According to the documents and information submitted by the Claimant, Heinrich Löwinger was born on 26 March 1887 in Vienna, Austria, and was married twice to [REDACTED], the second time on 9 October 1959. The documents submitted by the Claimant show that Heinrich Löwinger, who was Jewish, died on 24 June 1960.

The Claimant stated that she married [REDACTED] on 9 May 1987 in Sao Paulo, Brazil, and that her husband died on 1 June 1997 in Sao Paulo. The Claimant indicated that she was born on 30 November 1947 in Sao Paulo.

As noted above, the information provided by the Claimant was obtained from publicly available documents, some of which the Claimant submitted in support of her claim, including:

- (1) the birth certificate of Robert Leicht, which was issued by the Israeli Culture Community in Vienna (“*Israelitische Kulturgemeinde Wien*”) and which indicates that he was born on 14 March 1887 in Graz, that Albert Leicht and Rosalie Leicht were his parents, and that they were Jewish;
- (2) an excerpt from the registry of births of the Israeli Culture Community in Vienna, indicating that Heinrich Löwinger, who was Jewish, was born on 26 March 1887 in Vienna and that he was married twice to [REDACTED];
- (3) an excerpt from the registry of marriages of the Israeli Culture Community in Vienna referring to the marriage between Robert Leicht and Irma Allina and indicating that they resided in Saint Pölten, and that Albert Leicht and Rosalie Leicht, née Schlesinger, were the parents of Robert Leicht;
- (4) the birth certificate of her late husband, indicating that [REDACTED] was born on 14 December 1914 in Komarno, Czechoslovakia;
- (5) her own marriage certificate, indicating that [REDACTED] and [REDACTED] were married on 9 May 1987 in Sao Paulo; and
- (6) her husband’s death certificate, indicating that [REDACTED] died on 1 June 1997 in Sao Paulo.

Information Available in the Bank's Records

Bank I

Bank I's records indicate that the owners of the accounts at issue were Albert Leicht, Rosalie Leicht, and Robert Leicht, who resided in Saint Pölten, Austria. Bank I's records show the names of the persons who held power of attorney over the accounts at issue, and include the street addresses and signatures of the Account Owners and power of attorney holders.

Bank II

Bank II's records indicate that the owner of the account at issue was Henrich Löwinger, who resided in Vienna, Austria.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) 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 two claims of the Claimant in one proceeding.

Identification of the Account Owners and the Power of Attorney Holders

The Claimant has plausibly identified the Account Owners and persons who held power of attorney over the accounts, although she did not identify them as members of her family or of the family of her late husband. The names and places of residence provided by the Claimant match the published names and places of residence of the Account Owners and Power of Attorney Holders. The CRT notes that, while the Claimant identified publicly available information about the Account Owners and the persons who held power of attorney over the accounts, she did not identify any of the unpublished information about these persons contained in the Banks' records. The CRT also notes that the Claimant did not identify the relationship between these individuals and her late husband.

The CRT notes that a public database containing the names of victims of Nazi persecution includes persons named Albert Leicht, who was born in 1862 and who resided in Saint Pölten; Rosalie Leicht, who was born on 17 January 1865; Robert Leicht, who was born on 14 March 1887 in Graz; Irma Leicht, who was born on 21 November 1889 in Saint Pölten; and Heinrich Löwinger, who was born on 26 March 1887 in Vienna. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to the accounts of Albert Leicht, Rosalie Leicht and Robert Leicht. The CRT notes that the account of Heinrich Löwinger was awarded another,

unrelated claimant, who definitely identified Heinrich Löwinger as his close relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

Status of the Account Owners and Power of Attorney Holders as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners and Power of Attorney Holders were Victims of Nazi Persecution. The Claimant submitted documents showing that the Account Owners were Jewish. In addition, the Claimant stated that Account Owner Rosalie Leicht was deported on 29 July 1942 to Theresienstadt, where she perished.

As noted above, persons named Albert Leicht, Rosalie Leicht, Robert Leicht, Irma Leicht and Heinrich Löwinger were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners and Entitlement to the Accounts

The Claimant has not plausibly demonstrated that she is related to the Account Owners. The Claimant asserted that the Account Owners may have been relatives of her late husband. However, despite repeated inquiries from the CRT, the Claimant was not able to specify how these individuals were related to her late husband. The CRT notes that the Claimant submitted publicly available documents that contain information about the individuals whose accounts she claimed, but was not able to provide any other information about them. The CRT also notes that the documentation submitted by the Claimant were not in her personal possession, but were obtained by the Claimant's representative during archival research conducted in connection with her claims.

In the absence of a family relationship between the Claimant and the Account Owners, or a will or testamentary documents indicating that the Claimant is a beneficiary of the Account Owners or Power of Attorney Holders, the Claimant is not entitled to the Account Owners' accounts.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the

Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
17 September 2010