

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

Claimant [REDACTED 2]

and to Claimant [REDACTED 3],  
also acting on behalf of [REDACTED 4]

## **in re Accounts of Ernst Reichard, Lotte Reichard, and Desider Reichard**

Claim Numbers: 217447/HS; 217749/HS; 219419/HS<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”), and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published account of Ernst Reichard (“Account Owner Ernst Reichard”) at the Zurich branch of the [REDACTED] (“Bank I”). This decision addresses the published account of Account Owner Ernst Reichard and the unpublished joint account of Account Owner Ernst Reichard, Lotte Reichard (“Account Owner Lotte Reichard”), and Desider Reichard (“Account Owner Desider Reichard”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (“Bank II”) (together the “Banks”).<sup>2</sup>

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.

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<sup>1</sup> Claimant [REDACTED 3] (“Claimant [REDACTED 3]”) submitted an additional claim, which is registered under the Claim Number 300523. In a separate decision, the CRT awarded the account of Paul Waldmann to Claimant [REDACTED 3]. See *In re Account of Paul Waldmann* (approved on 28 June 2006).

<sup>2</sup> The CRT notes that, 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 (the “ICEP List”), Ernst Reichard (“Account Owner Ernst Reichard”) is indicated as having one account. Upon careful review of additional documents obtained from Claimant [REDACTED 3] and from Bank II, the CRT has concluded that Account Owner Ernst Reichard also held a joint account with Desider Reichard (“Account Owner Desider Reichard”) and Lotte Reichard, née Berman (“Account Owner Lotte Reichard”) (together the “Account Owners”). This decision addresses both accounts.

## Information Provided by the Claimants

Claimant [REDACTED 1] and Claimant [REDACTED 2] submitted Claim Forms identifying the Account Owners as their maternal aunt Lotte Reichard, née Berman, and her husband Ernst Reichard. Claimant [REDACTED 3] submitted a Claim Form identifying Account Owners Lotte and Ernst Reichard as his cousins and Account Owner Desider Reichard as his great-uncle (and as the father of Account Owner Ernst Reichard). According to Claimant [REDACTED 3], his paternal grandfather's sister was Lotte Reichard's mother and his paternal grandmother's sister was Ernst Reichard's mother (and the wife of Desider Reichard).

The Claimants stated that Ernst Reichard was born on 8 September 1897 in Oradea/Nagyvarad, Austria-Hungary.<sup>3</sup> The Claimants further indicated that Lotte Reichard was born in 1908 to [REDACTED], née [REDACTED]. According to the Claimants, Ernst and Lotte Reichard were married in 1928 in Budapest, Hungary, and resided in Oradea. According to the Claimants, Ernst and Lotte Reichard, who were Jewish, had two children: [REDACTED], who was born in Oradea in 1932, and [REDACTED], who was born in Oradea in 1938. The Claimants indicated that Ernst Reichard owned a shoe factory and shop in central Oradea called *Carmen*. The Claimants further indicated that Ernst and Lotte Reichard lived on Szecheny Ter in Oradea from 1938 to 1941.

Claimant [REDACTED 3] stated that Ernst Reichard died of food poisoning in 1941. However, according to Claimant [REDACTED 2] and Claimant [REDACTED 1], Ernst Reichard died in an airplane crash. The Claimants indicated that in May or June 1944 Lotte Reichard and her two daughters were deported to Auschwitz, where they perished. Claimant [REDACTED 3] explained that Ernst Reichard's parents, Desider and [REDACTED], who were also Jewish, committed suicide on 4 May 1944 at the Oradea train station rather than face deportation to a concentration camp. Claimant [REDACTED 3] indicated that his father, [REDACTED], was Ernst Reichard's sole legal successor. Claimant [REDACTED 3] stated that in the early 1960s his father received letters from the Romanian authorities containing copies of correspondence from Bank II relating to Ernst Reichard's accounts, but that he never accessed the accounts as this was prohibited under Romanian law. Claimant [REDACTED 3] indicated that his father resided in Romania after the Second World War until 1990, when his father emigrated to Australia. Finally, Claimant [REDACTED 3] indicated that his father died intestate in 1995 in Sydney, Australia.

In support of his claim, Claimant [REDACTED 3] submitted correspondence from Bank II, which is discussed in more detail below. Additionally, Claimant [REDACTED 3] submitted: (1) the birth certificate of Claimant [REDACTED 3]'s father, [REDACTED], indicating that he was born in Oradea in 1909 to [REDACTED] and [REDACTED], née [REDACTED]; (2) Ernst

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<sup>3</sup> Known in Romanian as Oradea and in Hungarian as Nagyvarad, this city is located in Northern Transylvania. During the 19<sup>th</sup> and 20<sup>th</sup> Centuries, Northern Transylvania was part of the Austro-Hungarian Empire (1867-1920), Romania (1920-1940, and again from 1945 onwards), and Hungary (1940-1945). *Transylvania*, COLUMBIA ENCYCLOPEDIA (6th ed., 2007), available at <http://www.encyclopedia.com/doc/1E1-Transylv.html>. See also ENCYCLOPEDIA OF THE HOLOCAUST 1477 (Israel Gutman ed., 1990).

Reichard's death certificate, indicating that he died on 17 January 1941 in Oradea; (3) an inheritance certificate, dated in June 1950, from the local authorities in Oradea, regarding the estate of Dezideriu (Desider) Reichard and [REDACTED], née [REDACTED], indicating that they died by suicide on 4 May 1944 in Oradea, that their son Ernst Reichard died before them, that their daughter [REDACTED] was deported to Auschwitz and presumed to be dead as of 9 May 1945, that Ernst Reichard's two children [REDACTED] and [REDACTED] were deported and presumed to be dead as of 9 May 1945, and that [REDACTED] would inherit Desider and [REDACTED]'s estate as a collateral heir; and (4) [REDACTED]'s death certificate, indicating that his children are [REDACTED 4] and [REDACTED 3], and that he died in Australia in 1995.

In support of their claims, Claimant [REDACTED 2] and Claimant [REDACTED 1] submitted documents, including: (1) Claimant [REDACTED 1]'s mother's birth certificate, indicating that [REDACTED] was born in Budapest in 1911 to [REDACTED] and [REDACTED]; (2) Claimant [REDACTED 2]'s birth certificate, indicating that she was born in Budapest in 1937 to [REDACTED] and [REDACTED]; (3) the death certificate of [REDACTED], née [REDACTED], indicating that she died in 1985 in Budapest and that her parents were [REDACTED] and [REDACTED]; and (4) the death certificate of [REDACTED], née [REDACTED], indicating that she died in 1999 in Canberra, Australia, and that her son is [REDACTED 1].

Claimant [REDACTED 2] stated that she was born in Budapest on 6 April 1937. Claimant [REDACTED 1] indicated that he was born in Budapest on 30 August 1946. Claimant [REDACTED 3] is representing his sister, [REDACTED 4], who was born in Bucharest, Romania, on 25 September 1942. Claimant [REDACTED 3] stated that he was born in Bucharest on 24 June 1947.

## **Information Available in the Banks' Records**

### Bank I

Bank I's record consists of a customer card. According to this record, Account Owner Ernst Reichard of Oradea, Romania, owned a demand deposit account which was opened on an unknown date. This record indicates that Account Owner Desider Reichard transferred funds to Account Owner Ernst Reichard in 1937. The Bank I record further indicates that Account Owner Ernst Reichard's demand deposit account was closed on 31 March 1939. The balance of the account is not indicated in Bank I's record.

### Bank II

The auditors who carried out the investigation of Bank II 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 report an account belonging to Ernst Reichard at Bank II. However, Claimant [REDACTED 3] submitted account statements to the CRT, which he stated his father received from Bank II in the early 1960s. According to these documents, which are

dated 14 December 1939, demand deposit account 2609 had a balance of 496.00 Swiss Francs (“SF”) as of 31 December 1939.<sup>4</sup>

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT requested the voluntary assistance of Bank II to obtain additional information about this account (“Voluntary Assistance”). Bank II provided the CRT with additional documents. These documents consist of an account statement, lists of suspended accounts, and an information card related to a collective suspense account containing assets of account owners with no known address. These records indicate that the Account Owners were Ernst Reichard, *Frau* (Mrs.) Lotte Berman Reichard, and Desider Reichard of Romania. According to these records, the Account Owners jointly held a numbered demand deposit account, held under the numbered-account relationship 2609, which was also listed as 702609. The records obtained from Bank II through Voluntary Assistance indicate that Bank II was instructed to use the password “Annemarie” in telephone and telegraph communications with the Account Owners. These records further indicate that account 2609 had a balance of SF 424.50 as of 31 December 1948. According to these records, account 2609 was transferred to a collective suspense account on 30 August 1964. The amount in the account on the date of its transfer is unknown. Finally, these records indicate that account number 2609 (702609) was recycled by Bank II on 7 January 1986. Bank II’s records do not indicate the ultimate fate of the account. There is no evidence in Bank II’s records that the Account Owners or their heirs closed the account and received the proceeds themselves.

## **The CRT’s Analysis**

### Joinder of Claims

According to Article 37(1) of 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 three claims of the Claimants in one proceeding.

### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Their relative’s name and country of residence match the published name and country of residence of Account Owner Ernst Reichard.<sup>5</sup> In addition, the Claimants identified the unpublished names of Account Owners Lotte and Desider Reichard, as well as the unpublished city of residence of Account Owners

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<sup>4</sup> Claimant [REDACTED 3] also submitted an undated document addressed to Ernst Reichard in care of Bank II in Zurich from the *Royal Bank of Canada* in Montreal, Canada. This document indicates that Ernst Richard had an account at the *Royal Bank of Canada* with a balance in an unknown currency of 3,500.00 as of 30 December 1940. The CRT lacks jurisdiction over this account, because it was not held at a Swiss bank. Article 14 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) defines the CRT’s jurisdiction: “The CRT shall have jurisdiction to resolve claims to Accounts of Victims open or opened in *Swiss* banks during the Relevant Period and to certify to the Court for payment of the value of the Accounts.” [Emphasis added.]

<sup>5</sup> The CRT notes that Claimant [REDACTED 3] indicated that Ernst Reichard died of food poisoning, whereas Claimants [REDACTED 1] and [REDACTED 2] indicated that he died in an airplane crash. However, considering the amount of identical information provided by the Claimants, the CRT determines that this inconsistency is not substantial and that the Claimants have identified the same person as Account Owner Ernst Reichard.

Ernst and Desider Reichard. Further, Claimant [REDACTED 3] submitted account statements from Bank II referring to account 2609 at the Zurich branch of Bank II, which matches the account number, branch, and bank in the Account Owners' records obtained through Voluntary Assistance. The Claimants also indicated that Account Owners Ernst and Lotte Reichard had a daughter named [REDACTED], which is consistent with the password "[REDACTED]" assigned to account 2609.

In addition to the account statements from Bank II, Claimant [REDACTED 3] submitted an inheritance certificate for Desider Reichard and Ernst Reichard's death certificate, providing independent verification that two of the persons who are claimed to be the Account Owners had the same names and resided in the same city as Account Owners Desider and Ernst Reichard.

The CRT notes that there are no other claims to these accounts.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Ernst Reichard was a Target of Nazi Persecution and that Account Owners Desider and Lotte Reichard were Victims of Nazi Persecution. The Claimants indicated that Account Owner Ernst Reichard, who was Jewish, resided in Nazi-allied Romania/Hungary until his death in 1941. Additionally, Claimant [REDACTED 3] indicated that Account Owner Desider Reichard and his wife, who were Jewish, committed suicide in 1944 at the Oradea train station rather than face deportation to a concentration camp. The Claimants also indicated that Account Owner Lotte Reichard and her children, who were also Jewish, were deported to Auschwitz, where they perished.

Claimant [REDACTED 3] submitted Ernst Reichard's death certificate, showing his place of residence and date of death. Claimant [REDACTED 3] also submitted an inheritance certificate for Desider Reichard, indicating that he and his wife died by suicide in Oradea on 9 May 1944. This inheritance certificate also indicates that Desider Reichard's daughter and granddaughters were deported and are presumed to have died some time before 9 May 1945.

#### The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents demonstrating that Account Owners Ernst and Lotte Reichard were Claimant [REDACTED 3]'s cousins, that Account Owner Desider Reichard was Claimant [REDACTED 3]'s great-uncle, and that Account Owner Lotte Reichard was the maternal aunt of Claimant [REDACTED 2] and Claimant [REDACTED 1].

Claimant [REDACTED 3] submitted an inheritance certificate pertaining to Desider Reichard's estate, [REDACTED]'s birth certificate, and [REDACTED]'s death certificate, together indicating that [REDACTED] was the heir of Desider Reichard, that [REDACTED]'s mother's maiden name ([REDACTED]) was the same as the maiden name of Desider Reichard's wife, that [REDACTED] came from the same town as the Account Owners, and that [REDACTED]'s children are Claimant [REDACTED 3] and represented party [REDACTED 4].

Claimant [REDACTED 1] and Claimant [REDACTED 2] submitted the birth certificates of Claimant [REDACTED 1]’s mother and Claimant [REDACTED 2]’s mother, as well as their own birth certificates, together indicating that their mothers had the same maiden name ([REDACTED]) as Account Owner Lotte Reichard. The birth certificates also indicate that the maternal grandmother of Claimants [REDACTED 2] and [REDACTED 1] was [REDACTED], née [REDACTED], whom the Claimants identified as the mother of Lotte Reichard, and whom Claimant [REDACTED 3] identified as the sister of his paternal grandfather.

There is no information to indicate that the Account Owners have other surviving heirs.

### The Issue of Who Received the Proceeds

With regard to Account Owner Ernst Reichard’s demand deposit account, Bank I’s record indicates that it was closed on 31 March 1939. The CRT notes that this account was closed more than one year before Hungary, which annexed the Account Owners’ residence of Northern Transylvania in August 1940, formed a formal alliance with Nazi Germany.<sup>6</sup> Therefore, the CRT concludes that Account Owner Ernst Reichard closed the account himself and received the proceeds.

As for the Account Owners’ joint demand deposit account, numbered 2609, Bank II’s records indicate that it was booked to a collective suspense account in 1964. The CRT notes that, according to Claimant [REDACTED 3], his father received documentation of this account from Bank II in the early 1960s. However, given that the account was still open many years after the deaths of all three Account Owners; that Claimant [REDACTED 3] indicated that the Romanian Communist authorities knew about the account and that Claimant [REDACTED 3]’s father resided until 1990 in Romania, meaning that it would have been extremely difficult and dangerous for him to access the account; that there is no evidence that the account was paid to the Account Owners or their heirs, or any evidence that the account was closed; that the Account Owners’ heirs would not have been able to obtain information about their accounts after the Second World War from the Banks, 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), (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 Owners 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that Account Owner Desider Reichard was Claimant

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<sup>6</sup> See note 3 *supra*. Both Romania and Hungary joined the Tripartite Pact with Nazi Germany in November 1940. See <http://www.ushmm.org/wlc/article.php?lang=en&ModuleId=10005177>. See also Order of the Court dated November 29, 2006 regarding various occupation and alliance dates, including those for Hungary and Romania.

[REDACTED 3]'s great-uncle, that Account Owner Ernst Reichard was Claimant [REDACTED 3]'s cousin, and that Account Owner Lotte Reichard was Claimant [REDACTED 2]'s and Claimant [REDACTED 1]'s maternal aunt, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the account at Bank II.

#### Amount of the Award

For the purpose of this award, the Account Owners held one demand deposit account. According to Bank II's records, the account had a balance of SF 424.50 as of 31 December 1948. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 260.00, which reflects numbered account fees and standardized bank fees charged to the account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 684.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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, to produce a total award amount of SF 26,750.00.

#### Division of the Award

According to Article 25(1) of the Rules, if an account is a joint account and claimants related to each of the account owners have submitted claims to the account, it shall be presumed that each account owner was the owner of an equal share of the account. Accordingly, the CRT shall presume that each of the Account Owners owned a one-third share of the account.

In this case, Claimant [REDACTED 3] has provided an inheritance certificate indicating that his father was Account Owner Desider Reichard's only heir. Under Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with the principles of fairness and equity. Accordingly, since Claimant [REDACTED 3] and represented party [REDACTED 4] are the children of the heir of Account Owner Desider Reichard, they shall each receive one-half of Account Owner Desider Reichard's share of the account.

As for Account Owner Ernst Reichard's share of the account, Article 23(1)(e) provides that if neither the account owner's spouse nor any descendants of the account owner's parents have submitted a claim, the award shall be in favor of any of any descendants of the account owner's grandparents who have submitted a claim in equal shares by representation. In this case, Claimant [REDACTED 3] and represented party [REDACTED 4] are the great-grandchildren of Account Owner Ernst Reichard's grandparents. Accordingly, they are each entitled to one-half of Ernst Reichard's share of the account.

With respect to Account Owner Lotte Reichard's share of the account, Article 23(1)(d) provides that if neither the account owners' spouse nor any descendants of the account owner have

submitted a claim, the award shall be in favor of any descendants of the account owner's parents who have submitted a claim, in equal shares by representation. Although all of the Claimants are plausibly related to her by blood, the entitlement of Claimant [REDACTED 1] and Claimant [REDACTED 2] is stronger than that of Claimant [REDACTED 3] and represented party [REDACTED 4], since Claimant [REDACTED 1] and Claimant [REDACTED 2] are descended from Account Owner Lotte Reichard's parents, while Claimant [REDACTED 3] and represented party [REDACTED 4] are descended from her grandparents. Therefore, as the grandchildren of Account Owner Lotte Reichard's parents, Claimants [REDACTED 1] and [REDACTED 2] are each entitled to one-half of her share of the account.

Therefore, the award is divided as follows: Claimant [REDACTED 3] and represented party [REDACTED 4] shall each receive one-third of the award amount and Claimant [REDACTED 2] and Claimant [REDACTED 1] shall each receive one-sixth of the award amount. The final distribution is set forth in the table below.

Party	Desider Reichard	Ernst Reichard	Lotte Reichard	Total
Claimant [REDACTED 3]	4,458.33	4,458.34	0.00	8,916.67
[REDACTED 4]	4,458.34	4,458.33	0.00	8,916.67
Claimant [REDACTED 2]	0.00	0.00	4,458.33	4,458.33
Claimant [REDACTED 1]	0.00	0.00	4,458.33	4,458.33
Total	8,916.67	8,916.67	8,916.66	26,750.00

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 December 2007