

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Peter Gustav Reichenbach

in re Account of Fritz Reichenbach

Claim Number: 735703/MBC¹

Award Amount: 49,3750.00 Swiss Francs

This Certified Award is based upon the claim of Peter Gustav Reichenbach (the “Claimant”) to the account of Fritz Reichenbach (the “Account Owner”) at the Zurich branch of 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 an Initial Questionnaire with the Court in 1999 identifying the Account Owner as his grandfather, Fritz Reichenbach. The Claimant indicated that his grandfather resided at Breitestrasse 7 in Wernigerode, Germany, where he owned a store that sold various goods, including oriental rugs. According to the Claimant, his grandfather, who was Jewish, perished in the Buchenwald concentration camp in 1938. The Claimant indicated that he was born on 21 July 1936 and that he is his grandfather’s only grandchild and heir.

Information Available in the Bank’s Records

The Bank’s records consist of power of attorney forms and printouts from the Bank’s database. According to these records, the Account Owner was Fritz Reichenbach and the Power of Attorney Holder was *Frau* (Mrs.) Martha Reichenbach, née Pohly, the Account Owner’s wife. Both the Account Owner and the Power of Attorney Holder resided at Breitestrasse 7 in Wernigerode, Germany. The Bank’s records indicate that the Account Owner held an account of

¹ Claimant Reichenbach submitted an Initial Questionnaire to the United States District Court for the Eastern District of New York in 1999. The Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely filed claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). Therefore, this Initial Questionnaire has been assigned Claim Number 735703 by the CRT and is treated as a timely claim.

unknown type.² The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank’s records that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Account Owner’s name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner’s exact street address, which matches unpublished information about the Account Owner contained in the Bank’s records. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Fritz Reichenbach, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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 name Fritz Reichenbach appears only once on the ICEP List. Finally, the CRT notes that there are no other claims to this account. Taking all of these 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, who was Jewish, perished in the Buchenwald concentration camp in 1938.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was his grandfather. The CRT notes that the Claimant identified the unpublished street address of the Account Owner as contained in the Bank’s records; and that the Claimant filed an Initial Questionnaire with the Court in 1999, in which he identified the relationship between the Account Owner and the Claimant, prior to the

² The CRT notes that, according to the Bank’s records, the Account Owner opened an account in the name of his son, Werner Reichenbach. This account will be treated by the CRT in a separate decision.

publication in February 2001 of the ICEP List. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany, and would not have been able to repatriate his account without its confiscation; that the Account Owner perished in the Buchenwald concentration camp in 1938; that there is no record of the payment of the Account Owner's account to him and no record of a date of closure of the account; that the Account Owner's heirs would not have been able to obtain information about the 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 (h) 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, the Power of Attorney Holder 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 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 his grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 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 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 Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
20 May 2004