

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Lea Okouneff  
also acting on behalf of Eli Manor and Chava Azriel

## **in re Accounts of Leopold Tritsch**

Claim Number: 300053/IG

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Lea Okouneff, née Manor, (the “Claimant”) to the accounts of Leopold Tritsch (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 great-uncle, Leopold Tritsch, who was born to Ludwig Tritsch and Bertha Tritsch, née Janovsky, on 19 July 1881 in Vienna, Austria. The Claimant indicated that her great-uncle, who was Jewish, was not married, and that he had four siblings, Fanny Tritsch (the Claimant's grandmother), Hans Tritsch, Marie Tritsch, and Walter Tritsch. The Claimant stated that her great-uncle resided at Wurthgasse 6 in Vienna, together with his two brothers, Hans and Walter. The Claimant explained that her family was a target of Nazi persecution and that several members of the family perished in the Holocaust, including Leopold Tritsch's brother, Hans, and Leopold Tritsch's niece, the only daughter of his other brother, Walter. The Claimant further explained that her great-uncle died on 13 November 1938 in the Jewish hospital for disabled persons in Vienna.

In support of her claim, the Claimant submitted a document issued by the Vienna magistrate demonstrating that Fanny Morgenstern, née Tritsch, was her grandmother; an entry in the Vienna birth registry pertaining to her grandmother; a change of name certificate (issued by the State of Israel, Ministry of Interior, Department of Immigration and Registration), showing the change of the Claimant's name from Lotte Morgenstern to Lea Manor; her marriage certificate; and a detailed family tree. The Claimant indicated that she was born on 31 March 1933 in Vienna. The Claimant is representing Eli Manor, her brother, who was born in June 1932 in Vienna, and her cousin, Chava Azriel, née Manor, who was born in June 1932 in Vienna.

## **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was Leopold Tritsch, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner passed away on an unknown date and that the heirs to the account contacted the Bank on an unspecified date. The Bank's record indicates that the Account Owner held one demand deposit account which was opened on an unknown date and was closed on 20 April 1938, and one custody account, numbered 31561, which was opened on 31 March 1938 and closed on 18 March 1941. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's great-uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimant stated that her great-uncle resided in Vienna, which matches unpublished information contained in the Bank's record. Additionally, the Claimant stated that her great-uncle died in 1938, which is consistent with unpublished information about the Account Owner's death contained in the contemporaneous Bank's record. In support of her claim, the Claimant submitted numerous documents, including a document, issued by the Vienna magistrate, showing her relationship to her grandmother Fanny Morgenstern, née Tritsch; an entry in the Vienna birth registry, pertaining to her grandmother; a change of name certificate, showing the change of the Claimant's name from Lotte Morgenstern to Lea Manor; her marriage certificate; and a detailed family tree. The CRT notes that these documents provide independent verification that the Claimant is related to the Tritsch family and that the Claimant's family was from Vienna. Furthermore, the CRT notes that there are no other claims to these accounts. 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, resided in Austria after the Anschluss, until his death in November 1938 in a Jewish hospital in Vienna. The Claimant also explained that her family was a target of Nazi persecution and that several members of her family perished in the Holocaust, including the Account Owner's brother, Hans, and the Account Owner's niece, the only daughter of his other brother, Walter.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner was her great-uncle, the brother of her grandmother, by submitting documents, a family tree, and detailed biographical information, including several familial documents, such as a document issued by the Vienna magistrate demonstrating that Fanny Morgenstern, née Tritsch, was her grandmother; and an entry in the Vienna birth registry pertaining to her grandmother. The CRT notes that the Claimants identified unpublished information about the residence of her great-uncle in Vienna as contained in the Bank's records. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

### The Issue of Who Received the Proceeds

Regarding the demand deposit account closed on 20 April 1938, given that the account was closed after the *Anschluss*; that Nazi confiscatory legislation was in effect at the time the accounts were closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that the Account Owner remained in Austria after the *Anschluss* until his death in November 1938, in a Jewish hospital in Vienna, and would not have been able to repatriate his account without its confiscation; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and 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 (a), (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 or his heirs.

Regarding the custody account closed on 18 March 1941, while the Bank's record indicates that the heirs to the account contacted the Bank on an unspecified date, to the extent they were in a Nazi occupied country they could not have been paid the proceeds of the account; given that there is no record that the Bank gave the account proceeds to the Account Owner; that the Account Owner and 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 (a), (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 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 great-uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. Consequently, the total 1945 average value of the accounts at issue was 15,140.00 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 189,250.00 Swiss Francs.

#### Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner’s spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendant of the Account Owner’s parents in equal shares by representation. In this case, the Claimant is representing her brother, Eli Manor, and her cousin, Chava Azriel, née Manor. Accordingly, the Claimant and her brother and cousin, as the great-nieces and great-nephew of the Account Owner, and therefore as his direct descendants, are each entitled to one-third of the total award amount.

#### **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  
31 December 2003