

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

**in re Account of Jakob Richter
and
Account of Alfred Richter**

Claim Numbers: 401729/SB; 500192/SB^{1, 2}

This Certified Denial is based on the claims of [REDACTED] (the “Claimant”) to the account of Jakob (Alfred) Richter. This Denial is to the published account of Jakob Richter (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the unpublished account of Alfred Richter (“Account Owner 2”) at the [REDACTED] (“Bank 2”).

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 in 2005 and an Initial Questionnaire, asserting that her maternal great-uncle, Jakob (Alfred) Richter, owned a Swiss bank account. The Claimant provided limited information regarding her great-uncle, stating that he was Jewish and resided in Basel, Switzerland. The Claimant further stated that her great-uncle may have opened an account on behalf of her parents, [REDACTED] and [REDACTED], who were Jewish, resided in Poland and were persecuted during the Second World War. The Claimant indicated that she was born on 8 May 1927 in Wirek, Poland.

¹ The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire under the Claim Number 500192. In these claims, the Claimant claimed accounts belonging to Erich Simenauer and Elisabeth Simenauer. The CRT will treat the claims to these accounts in a separate determination.

² According to Article 37 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.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Jakob (Alfred) Richter. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported two accounts whose owners' names match that provided by the Claimant. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5024344

Bank 1's records indicate that Account Owner 1 was Jakob Richter. Bank 1's records also indicate Account Owner 1's city and country of residence, together with the names of three joint account owners.

Account 4020257

Bank 2's records indicate that Account Owner 2 was Alfred Richter. Bank 2's records also indicate Account Owner 2's city and country of residence, together with the dates of opening and closing of the account at issue.

The CRT's Analysis

Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owners

As for Account 5024344 the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her great-uncle matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her great-uncle resided in Switzerland and that her parents resided in Poland. In contrast, Bank 1's records show that Account Owner 1 resided in a different country. The CRT also notes that there is no evidence to indicate that the account at issue was opened on behalf of any parties other than those named in Bank 1's records, which does not include the names of the Claimant's parents. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's great-uncle are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified Account Owner 1 as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

As for Account 4020257 the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her great-uncle matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her great-uncle resided in Switzerland and that her parents resided in Poland. In contrast, Bank 2's records show that Account Owner 2 resided in a different country. The CRT also notes that there is no evidence to indicate that the account at issue was opened on behalf of any parties other than that named in Bank 2's records. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's great-uncle are the same person.

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.

Scope of the Denial

The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
19 March 2007