

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ichak Basan

in re Accounts of Anna Böhm

Claim Number: 004391/MBC¹

Award Amount: 529,750.00 Swiss Francs

This Certified Award is based upon the claim of Ichak Basan (the “Claimant”) to the accounts of Anna Böhm (the “Account Owner”) at the Geneva 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 a Claim Form identifying the Account Owner as his mother, Anna Sandorne Böhm, née Schwarcz, who was born on 19 November 1902 in Martonvásár, Hungary. The Claimant stated that his mother, who was Jewish, was married twice, first on 9 September 1923 in Martonvásár to the Claimant’s father, Miklos Böhm, from whom she divorced on 11 August 1928, and then to Sandor Heinrich on 11 May 1930 in Martonvásár. In a telephone conversation with the CRT on 4 February 2003, the Claimant stated that his mother continued using her first marriage name after her divorce from Miklos Böhm. The Claimant further stated that his mother resided at Budai U. 10, Martonvásár until 1944, when she and her spouse and siblings were deported to Auschwitz, where they perished. The Claimant further stated that his mother’s family owned several granaries, a department store named *Schwarcz Vilmos es Fiai*, and the majority share in the bank *Martonvásár es Erdlgeti Takarekpenztar R.T.* The Claimant further stated that either his mother or his mother’s brother, who ran the family business, opened bank accounts in Switzerland, probably with the help of the director general of the family bank. The Claimant submitted his birth certificate, issued on 31 January 1992 in Martonvásár; his mother’s birth certificate, issued on 7 August 1992 in Martonvásár; an extract from the register of marriages, pertaining to his parents’ marriage, issued on 7 August 1992 in Martonvásár, which also indicates that the marriage was dissolved on 11 August 1928; the marriage certificate of his mother and his stepfather, Sandor Heinrich, issued on 15 August 1963 in Martonvásár; a decision

¹ The Claimant submitted an additional claim to the account of Maria Schwarcz, which is registered under the Claim Number 004387. The CRT will treat the claim to this account in a separate decision.

of the Bicske District Court, Hungary, issued on 30 December 1946, declaring the death of the Claimant's relatives, including his mother, in the Holocaust; a citizenship certificate issued on 19 May 1963 in Ramle, Israel, demonstrating that the Claimant changed his name from Endre Böhm to Ichak Basan upon immigration to Israel; and a detailed family tree. The Claimant indicated that he was born on 14 January 1925 in Martonvásár.

Information Available in the Bank's Record

The Bank's record consists of a registry card. According to this record, the Account Owner was A. Böhm, who resided in Hungary. While the Account Owner's first name is not legible, the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") determined that the Account Owner's first name was Anna. The Bank's record indicates that the Account Owner held a demand deposit account, a safe deposit box, numbered 3206, and three custody accounts all numbered L16832. The demand deposit account was opened on 20 December 1940 and was closed on 18 December 1947. The safe deposit box was opened on 29 April 1938 and was closed on 14 March 1959. The three custody accounts were opened on 29 June 1940 and were closed on 19 May 1947, 13 June 1949, and 14 March 1959, respectively. The amounts in all of the accounts on the dates of their closure are not known. There is no evidence in the Bank's record that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. The Claimant stated that his mother resided in Hungary, which matches published information about the Account Owner contained in the Bank's record. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name and country of residence. In support of his claim, the Claimant submitted numerous documents, including his birth certificate, his mother's birth certificate, and an extract from the register of marriages, pertaining to his parents' marriage, which were all issued in Martonvásár, Hungary, and provide independent verification that the person who is claimed to be the Account Owner resided in the same country recorded in the Bank's record as the residence of the Account Owner and that the Account Owner is the mother of the Claimant. The CRT further notes that the name Anna Böhm appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (the "ICEP List") to be probably or possibly those of victims of Nazi persecution. Furthermore, the CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner. 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 was Jewish, and that she perished in Auschwitz.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his birth certificate and his mother's birth certificate, demonstrating that the Account Owner was his mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner, her spouse and siblings were deported in 1944 to Auschwitz, where they perished before the closure dates of the Account Owner's accounts; that there is no record of the payment of the Account Owner's accounts to her or her heirs; that the Account Owner's heirs would not have been able to obtain information about the accounts 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), (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 Owner or her heirs. With regard to the safe deposit box and the custody account, which were closed in 1959, given that the accounts were closed after 1955, Presumption (b), as provided in Article 28 of the Rules, also applies. Presumption (b) presumes that neither the Account Owners nor their heirs received the proceeds of a claimed Account in cases where the Account was closed after 1955 or ten years after the freeze of Accounts from the country of residence of the Account owner was lifted, whichever is later. 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 mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account, one safe deposit box, and three custody accounts. 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 a demand deposit account was 2,140.00 Swiss Francs, the average value of a safe deposit box was 1,240.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. Thus, the total 1945 average value of the accounts held by the Account Owner was 42,380.00 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 529,750.00 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
19 November 2003