

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Hanoch Ashkenazi**

Claim Numbers: 401088/WT

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Hanoch Ashkenazi (the “Account Owner”).

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.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his father, Chanoch (Heinrich, Henri) Ashkenazi, who was born on 8 August 1908 in Maramarossziget, Hungary (today Maramures, Romania) and was married to [REDACTED], née [REDACTED], in 1942 in Budapest, Hungary. The Claimant indicated that his father, who was Jewish, worked as a diamond merchant in Budapest. The Claimant indicated that his father was imprisoned in Dachau but that he was able to flee with his wife in 1944 to Palestine (today Israel). The Claimant indicated that his father’s mother, [REDACTED], née [REDACTED], perished in Auschwitz. The Claimant indicated that his father lived until 1952 in Tel Aviv, Israel, when he moved to Antwerp, Belgium, and that he died there on 3 May 1990.

In support of his claim, the Claimant submitted copies of: (1) his father’s Belgian passport, indicating that Henri Ashkenazi was born on 8 August 1908 in Maramarossziget; (2) his mother’s immigration permit, indicating that on 25 May 1944 [REDACTED] was granted permission to remain in Palestine; (3) his father’s naturalization certificate, indicating that on 22 November 1946 Heinrich Ashkenazi was granted citizenship in Palestine; (4) his father’s application to the Immigration Authority in Tel Aviv, dated 15 December 1946, indicating that Heinrich Ashkenazi was born on 8 August 1908 in Maramarossziget, Hungary, that he was married to [REDACTED], née [REDACTED], that he worked as a manager, and that he had two children, [REDACTED], who was born on 11 November 1944, and [REDACTED], who was born on 4 June 1946; (5) his father’s 1949 Israeli passport, indicating that on 7 March 1949 Chanoch Ashkenazi resided on Shlomo Hamblech Street 107, that he was born on 8 August 1908

in Maramarossziget, Hungary, and that he was married and had two children, [REDACTED] and [REDACTED]; and (6) his father's Israeli passport from a later date, indicating that Heinrich Ashkenazi was domiciled in Antwerp, Belgium.

The Claimant indicated that he was born on 11 November 1944 in Tel Aviv. The Claimant is representing his sister, [REDACTED], who was born on 4 June 1946, and his sister [REDACTED], who was born on 6 August 1956.

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

The CRT notes that 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") did not report an account belonging to Chanoch Ashkenazi during their investigation. The documents evidencing accounts belonging to Hanoch Ashkenazi were obtained from archival sources in Switzerland and are further described below.

### **Information Available in the Swiss Federal Archive**

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the "1962 Survey"). In the Swiss Confederation Federal Register (*Bundesblatt*) in which the names included in the 1962 Survey were published,<sup>1</sup> the name Hanoch Ashkenazi appears, whose residence is listed as Jerusalem, Israel. The *Bundesblatt* list further indicates that Hanoch Ashkenazi was represented by an individual named Kraus, and that the bank account which he held contained less than 1000.00 Swiss Francs ("SF"). The CRT notes that no documents could be found in the records of the Swiss Federal Archive in Bern, Switzerland, relating to this account.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The Claimant identified the Account Owner's country of residence, which match information about the Account Owner contained in the *Bundesblatt* list.<sup>2</sup> The CRT notes that the 1999 *Bundesblatt* list

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<sup>1</sup> Registration Decree of 1962 - Fund for "Unclaimed Assets" Publication of Names of Asset Owners and their Representatives of 19 January 1999, BBl. 1999 vol. I no. 2, pp. 470 - 492. The publication was also made available on the internet by the Swiss Federal Archive, see [www.amtsdruckschriften.bar.admin.ch](http://www.amtsdruckschriften.bar.admin.ch).

<sup>2</sup> Although the spelling of the Claimant's father's name is slightly different than the spelling of the Account Owner's name in the *Bundesblatt*, the CRT concludes that the two spellings are variations of the same name.

indicates that the Account Owner resided in Jerusalem, while the Claimant stated that his father resided in Tel Aviv. Given that no records pertaining to the account exist to confirm the information on the 1999 *Bundesblatt* list, the CRT considers it plausible that Jerusalem was identified on this list simply because it was a major city in Palestine, the Account Owner's domicile as of 1945. The CRT therefore determines that this discrepancy does not affect the Claimant's identification of the Account Owner.

In support of his claim, the Claimant submitted documents, including three passports belonging to his father, his father's naturalization certificate, and his father's application to the Immigration Authority in Tel Aviv, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the *Bundesblatt* list as the name of the Account Owner. The CRT notes that the name Hanoch Ashkenazi appears only once in the 1999 *Bundesblatt* publication and on the List of Account Owners Published in 2005 (the "2005 List"). The CRT notes that the other claims to this account 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 he was imprisoned in Dachau before he was able to flee with his wife in 1944 to Palestine. The Claimant further stated that the Account Owner's mother, [REDACTED], perished at Auschwitz.

#### 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 and documents, demonstrating that the Account Owner was the Claimant's father. These documents include his father's application to the Immigration Authority in Tel Aviv and his father's Israeli passport, indicating that Chanoch Ashkenazi had two children, [REDACTED] and [REDACTED]. The CRT notes that the Claimant indicated that the Account Owner has no surviving relatives other than the parties whom the Claimant is representing.

The CRT also notes that the Claimant submitted a copy of his mother's immigration permit. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT notes that the Claimant submitted a copy of his father's naturalization certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Palestine. Finally, the CRT 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 all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

### The Issue of Who Received the Proceeds

The CRT notes that the only record available for this account was the 1999 publication in the *Bundesblatt* list, which indicates that the Account Owner held one account of unknown type with a value of less than SF 1000.00. The accounts published on that list were registered pursuant to the 1962 Swiss Federal Survey, which, as noted above, mandated the registration of dormant Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution. Therefore, this account remained dormant as of 1999. There is no record that the account was claimed pursuant to the 1999 publication or paid out to the Claimant or other heirs of the Account Owner. The ultimate disposition of the account is unknown.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and the parties he represents. 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one account, the type of which is not indicated. The 1999 *Bundesblatt* publication indicated that the account's value was less than SF 1,000.00. According to Article 29 of the Rules, if the amount in an unknown type of account was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. Based on the ICEP investigation, in 1945 the average value of an account of unknown type was SF 3,950.00. 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 SF 49,375.00.

### Division of the Award

According to Article 23(1)(v) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sisters. Accordingly, Claimant [REDACTED] is entitled to one-third of the total award amount, Claimant [REDACTED] is entitled to one-third of the total award amount, and Claimant [REDACTED] is 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 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  
15 November 2007