

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Marco Cohen

Claim Number: 501242/CC/RG

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] to the published account of Marco Cohen (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

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 paternal grandfather, Marco Cohen, who was born on 24 January 1887 in Constantinople, Turkey, and was married to [REDACTED], née [REDACTED], on 11 January 1920 in Vienna, Austria. According to the Claimant, his grandfather was the son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that his grandfather owned the business *Orient Import and Export*, which was located at Wiesingerstrasse 1 in Vienna, and that he traveled widely. The Claimant further stated that his grandfather, who was Jewish, resided at Jordangasse 7/8 in Vienna and had two children: the Claimant’s father, [REDACTED], who was born on 22 September 1920 in Vienna, and [REDACTED], who was born on 25 September 1928 in Vienna.

According to the Claimant, his father was sent to England shortly before the Second World War with a transport of Jewish children. The Claimant indicated that his grandfather remained in Vienna along with the Claimant’s grandmother and aunt, and that they were all deported to Maly Trostinec near Minsk, Poland (now Belarus) on 17 August 1942, where they were murdered on 21 August 1942.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Marco Cohen is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of two such accounts.

In support of his claim, the Claimant submitted copies of a letter dated 29 January 1939 to his grandfather from the *Israelitische Kultusgemeinde Wien*, indicating that Marco Cohen's address was Jordangasse 8 in Vienna, and decisions issued by the national court in Austria certifying the deaths of Marco Cohen, [REDACTED] and [REDACTED], which indicate the familial relationships and state that the three were deported to Minsk and never heard from again. The Claimant also submitted copies of his father's birth certificate, issued by the *Türkische Israeliten-Gemeinde Wien*, indicating that he was born on 22 September 1920; his father's identity card, indicating that he was born in Vienna to Marco Cohen; and his father's marriage certificate and British certificate of naturalization. The Claimant also submitted copies of his father's last will and testament, his father's death certificate, and the Claimant's own birth certificate, which all indicate that the Claimant's father was [REDACTED].

Finally, the Claimant submitted a copy of a bank statement issued by the *Anglo-Palestine Bank Limited*, Tel-Aviv, on 6 March 1939, indicating that Marco Cohen held a demand deposit account with that bank. This document indicates that a sum of 6,609.00 Pound Sterling ("£") was transferred to this account from the Zurich branch of the Bank in Swiss Francs on 29 April 1938.

The Claimant indicated that he was born on 12 May 1954 in London, England and that his father died on 5 January 2004 in Moor Park, England.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Marco Cohen, who resided in Vienna. The Bank's records indicate that the Account Owner held two demand deposit accounts in Swiss Francs.

The Bank's record indicates that one demand deposit account was closed on 30 April 1938 and that the second demand deposit account was closed, but the date of closure is not indicated. The amount in the accounts on the dates of their closure is unknown.

With respect to the demand deposit account closed on an unknown date, there is no evidence in the Bank's record that the Account Owner or his 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 Claimant's grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's records.

Additionally, according to the statement from the *Anglo-Palestine Bank*, the Claimant's grandfather's account at that bank was credited with an amount that was transferred from the Bank one day before the closing of one of the Account Owner's accounts at the Bank. The CRT determines that the proximity of these events supports the conclusion that the Claimant's grandfather and the Account Owner are the same person.

The Claimant also submitted his grandfather's death certificate and his father's birth certificate and marriage certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same place recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Marco Cohen and indicates that his date of birth was 1887 and place of birth was Constantinople, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to these accounts.

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 deported with his wife and daughter to Maly Trostinec, where they were murdered on 21 August 1942.

As noted above, a person named Marco Cohen was included in the CRT's database of victims.

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 grandfather. These documents include the birth certificates of both the Claimant and his father.

The Issue of Who Received the Proceeds

With respect to the demand deposit account closed on 30 April 1938, the CRT notes that the statement from the *Anglo-Palestine Bank* indicates that an amount in Swiss Francs was transferred from the Zurich branch of the Bank on 29 April 1938 and credited to the Account Owner's account at the *Anglo-Palestine Bank*. Given that the Account Owner's demand deposit account at the Bank was closed one day after this transfer, the CRT concludes that the Account Owner closed this account himself with the transfer of the proceeds to the bank in Palestine.

With respect to the demand deposit account closed on an unknown date, given that the Account Owner was deported to Maly Trostinec and perished there in 1942; that his wife and daughter met the same fate; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure; that the Account Owner and his heirs would not have been

able to obtain information about his 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) 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 his grandfather, 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 demand deposit 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 ("SF"). 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 26,750.00 .

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
12 May 2005