

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Anne Lowenthal  
represented by Myra Lowenthal and Julia Paisley  
and  
Claimant Esther Bem  
represented by Liora Yakubowitz and Amir Bem

## **in re Accounts of Anna Böhm**

Claim Numbers: 208596/SB; 207319/SB<sup>1,2</sup>

This Certified Denial is based on the claims of Anne Lowenthal, née Böhm, (“Claimant Lowenthal”) and Esther Bem, née Swabenitz, (“Claimant Bem”) (together the “Claimants”) to the accounts of Anna (Anne) Böhm (Bem), Armin Bohm (Bem), Sigmund Lichtenberg, and to the accounts opened under the code names “Lux” (also spelt Luxe) or “Hermes.” The CRT did not locate an account belonging to Anna (Anne) Bem, Armin Bem (or Böhm), Sigmund Lichtenberg, “Lux” (or Luxe) or “Hermes” in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published accounts of Anna Böhm (the “Account Owner”) at the [REDACTED] (“the Bank”).

All denials 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 Claimants**

Claimant Lowenthal and Claimant Bem, who are sisters-in-law, each submitted a Claim Form asserting that their father or father-in-law, respectively, Armin Böhm (Bem), who was born on 7 November 1882 in Ujvidek, Hungary, and was married to Juliana Stein on 28 May 1914 in Ujvidek, owned a Swiss bank account. The Claimants stated that their relative, who was Jewish, resided in Novi Sad, Yugoslavia (formerly Ujvidek, Hungary) from 1928 to 1944, where he

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<sup>1</sup> 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 Claimants in one proceeding.

<sup>2</sup> Claimant Lowenthal and Claimant Bem each submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating these Initial Questionnaires and Claim Forms under the consolidated Claim Numbers of 207319 and 208596, respectively.

owned an import/export business and had two children, Mirko, now deceased, and Anne (Anna) (Claimant Lowenthal). The Claimants explained that their relative had deposited money in a Swiss bank in either his own name, his daughter's name, Anne (Anna) Böhm, or the code name of Lux (Luxe) or Hermes. Claimant Lowenthal indicated that she lived in Novi Sad, and Subotica, Yugoslavia from 1930 to 1944. The Claimants stated that their relative died at the end of the Second World War. Claimant Lowenthal indicated that she was born on 18 April 1918 in Novi Sad, Yugoslavia. Claimant Bem indicated that she was born on 23 June 1930 in Osijek, Croatia.

The Claimants previously submitted Initial Questionnaires with the Court in 1999 and a joint ATAG Ernst & Young claim form in 1998, asserting their entitlement to a Swiss bank account owned by Armin Böhm (Bem).

The Claimants submitted documents in support of their application, including: (1) Claimant Lowenthal's birth certificate, which indicates that her father was Armin Böhm and (2) Claimant Bem's marriage certificate indicating her marriage to Mirko Bem.

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

The CRT notes that the Claimants each submitted claims to an account belonging to Anne (Anna) Böhm. The auditors who carried out the ICEP Investigation reported one account whose owners' names matches or are substantially similar to that provided by the Claimant. Upon review of the bank documents, the CRT also located four additional accounts that were not reported by the auditors. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 1000003, 1000003.1, 1000003.2, 1000003.3, 1000003.4

The Bank's records indicate that the Account Owner was Anna Böhm, who resided in Hungary. The Bank's records also indicate the dates of the opening and closing of the accounts 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.

#### Identification of the Account Owner

The CRT concludes that the Claimants have not identified the Account Owner. Although the name of their relative matches the published name of the Account Owner, the information provided by the Claimants differs from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that the family resided in Novi Sad, Yugoslavia from 1928 to 1944 and that she also resided in Subotica, Yugoslavia from 1940

to 1941. In contrast, the Bank's records show that Account Owner Bohm resided in Hungary. The CRT notes that the Claimant explained that Novi Sad and Subotica were occupied by Hungary for some time. However, the CRT notes that at the time the accounts at issue were opened, the Novi Sad and Subotica regions were part of Yugoslavia. Consequently, the CRT is unable to conclude that the Account Owner and the Claimants' relative are the same person. Moreover, it should be noted that the CRT has determined that another claimant has plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at [www.crt-ii-org](http://www.crt-ii-org).

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimants should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

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

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
28 September 2004