

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Mladen Kos

in re Account of Arthur (Artur) Kohn

Claim Number: 223206/AC¹

Award Amount: 385,547.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Arthur (Artur) Kohn (the “Account Owner”) at the New York branch of the [REDACTED] (the “Bank”).

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 her half-brother, Dr. Arthur (Artur) Kohn, who was born on 8 March 1900 in Zagreb, Yugoslavia (now Zagreb, Croatia), and whose parents were [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that her half-brother, who was Jewish, was a Primarius Doctor of Urology at the Sisters of Mercy University Hospital, and that he never married or had children. The Claimant further indicated that her half-brother maintained residential and business addresses in a central part of Zagreb. The Claimant stated that because he was Jewish, her half-brother was forced to leave his university hospital position for another hospital in 1940, and that he was evicted from his apartment at Trg. B. Josipa Jelacica 4 in 1941, after which he moved to a place outside the city on Sufflayeva Street. The Claimant stated that her half-brother died on 6 October 1947 in Zagreb. The Claimant submitted documents in support of her claim. These documents include: 1) a copy of the birth certificate of Artur Kohn, indicating that he was born on 5 March 1900 in Zagreb, and that his parents’ names were [REDACTED] and [REDACTED], née Adler; 2) a copy of her own birth certificate, indicating that [REDACTED] was born on 18 February 1926 in Zagreb, and that her parents’ names were [REDACTED] and [REDACTED], née Klauser; 3) a copy of the marriage certificate of [REDACTED] and [REDACTED],

¹ The Claimant submitted an additional claim to the account of Ernestine Kohn, which is registered under the Claim Number 223207. The CRT will treat the claim to this account separately.

indicating that they were married in Zagreb, that [REDACTED] was divorced, and that his parents' names were [REDACTED] and [REDACTED]; and 4) a copy of the death certificate of [REDACTED], indicating that he was born on 20 July 1871, that his parents names were [REDACTED] and [REDACTED], that he was Jewish, that he was married to [REDACTED], née [REDACTED], and that he died on 28 January 1957 in Zagreb. The Claimant indicated that she was born on 18 February 1926 in Zagreb.

Information Available in the Bank's Records and the United States National Archives

The Bank's records consist of an account registry card, lists of accounts, account statements, and a printout from the Bank's database. The records from the United States National Archives, provided by the auditors who investigated this Bank pursuant to instructions from the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") consist of an excerpt from a report of the Comptroller of the Currency at the United States Department of the Treasury and a list of account owners.

According to these records, the Account Owner was Dr. Arthur (Artur) Kohn,² who resided in Zagreb, Yugoslavia. The Bank's records indicate that the Account Owner held one demand deposit account, for which he had instructed the bank to hold his mail.

According to the records at the United States National Archives, the account was blocked by the United States Government on or before 16 October 1940. The balance of the account on that date was 6,994.05 United States Dollars ("US \$"). The Bank's records show that the account at issue was closed on 21 March of a year which is illegible, but no later than 1949 ("3/21/4[illegible]"), but they do not show to whom it was paid. There is no evidence in the Bank's records 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 also plausibly identified the Account Owner. The Claimant's half-brother's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's title and an alternate name spelling, which matches unpublished information about the Account Owner contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including a copy of the birth certificate of Artur Kohn, indicating that he was born in Zagreb, providing independent verification that the person who is claimed to be the Account Owner had the same name and

² The excerpt from the United States National Archives and the account closure card indicate that the Account Owner's first name was spelled Artur, whereas the other records from the Bank indicate that his name was spelled Arthur.

resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

The CRT notes that the name Arthur Kohn appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. Additionally, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different title or country of residence than the title and country of residence of 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 because he was Jewish, he was forced to leave his job in 1940, and that he was evicted from his home in 1941.

The Claimant's Relationship to the Account Owner

The Claimant has also plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's half-brother. These documents include a copy of the birth certificate of Artur Kohn, indicating that his father was [REDACTED], and a copy of her own birth certificate, indicating that her father was [REDACTED]. 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 was closed between 16 June 1941 and 21 March 1949; that there is no record of the payment of the Account Owner's account to him or his heirs; that the account was blocked by the United States Government and there is no record of a release of the account; that the Account Owner and his heirs resided in a Communist country in Eastern Europe after the Second World War; that the Account Owner and his heirs would not have been able to obtain information about the account 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 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 claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her half-brother, 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. The Bank's records indicate that the value of the demand deposit account as of 16 October 1940 was US \$ 6,994.05, which was equivalent to 30,843.76 Swiss Francs ("SF").³ The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 385,547.00.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
28 June 2006

³ In converting the amounts into foreign currencies, the CRT uses official exchange rates.