

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Franziska Kohn

Claim Number: 212339/MD

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Franziska Kohn (the “Account Owner”) at the Zurich 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 his mother, Franziska Kohn, née [REDACTED]. The Claimant stated that his mother was born on 19 September 1898 in Vienna, Austria, and was married to [REDACTED] in 1920. The Claimant further stated that Franziska and [REDACTED] Kohn had three children: [REDACTED] (the Claimant), who was born on 18 September 1920 in Vienna; [REDACTED], who was born on 3 March 1925 in Vienna; and [REDACTED], who was born on 18 March 1934 in Vienna. The Claimant explained that [REDACTED], who was a locksmith, owned a workshop at Hardtgasse 11 in Vienna XIX. According to the Claimant, his parents, who were Jewish, resided in Vienna XIX at Billrothstrasse 20.

The Claimant explained that after the annexation of Austria in March 1938, the Nazis confiscated his father’s workshop and the Claimant’s family was expelled from their apartment. The Claimant stated that afterwards, in 1939, his father was able to open a locksmith workshop at Billrothstrasse 80 in Vienna, in which he trained apprentices. The Claimant further explained that in the winter of 1941, his parents and his brother and sister were all deported to the ghetto in Kovna, and that he never heard from them again. The Claimant stated that he is the only surviving heir of his parents. In support of his claim, the Claimant submitted documents, including his own birth certificate, demonstrating that he is the son of Franziska and [REDACTED] Kohn of Vienna, and that he was born on 18 September 1920 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Franziska Kohn, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account in Pounds Sterling, which was opened on 31 October 1937 and closed on 20 July 1938. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her 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. His mother's name matches the published name of the Account Owner. The Claimant stated that his mother was married and that she lived in Vienna, which matches the unpublished information about the Account Owner's marital status and city of residence as contained in the Bank's record. In support of his claim, the Claimant submitted documents, including his birth certificate, which indicates that his mother was Franziska Kohn from Vienna. This document provides independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's record as the residence of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Franziska Kohn, and indicates that her place of birth was Vienna, 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 this account. 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, that she was deported to the ghetto in Kovna in 1941, and that she was never heard from again. As noted above, a person named Franziska Kohn 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 documents, including his birth certificate, which indicates that Franziska

Kohn 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 after the Nazi annexation of Austria in March 1938, the Nazis embarked on a campaign to seize the domestic and foreign assets of the Jewish population in Austria through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that soon after the annexation of Austria, the Nazis confiscated the Account Owner's spouse's business, and the Account Owner's family was expelled from their apartment, and it is therefore plausible that the Nazis also confiscated the Account Owner's account, which was closed unknown to whom in July 1938; that the Account Owner apparently remained in Austria until 1941, when she was deported along with her husband and two children and never heard from again, and would not have been able to repatriate her account to Austria without its confiscation; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her 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 inquires by account owners because of the Banks' concern regarding double liability; and given the application of Presumptions (a), (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 her 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 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 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. 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

26,750.00 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
31 December 2003