

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by David J. Rowland

**in re Account of Arthur Cohn
and
Account of Arthur Kohn
and
Account of A. Cohen¹**

Claim Number: 216695/MD/AX²

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Arthur Cohn and the account of Rudolf Zoellner. The CRT did not locate an account belonging to Rudolf Zoellner 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 account of Arthur Cohn (“Account Owner 1”) at the [REDACTED] (“Bank 1”) and to the published account of Arthur Kohn (“Account Owner 2”) at the [REDACTED] (“Bank 2”) and to the unpublished account of A.Cohen (“Account Owner 3”) at the [REDACTED] (“Bank 3”).

All denials are published, but where a claimant has requested confidentiality, as in this case, the name 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 asserting that her maternal grandfather, Arthur Cohn, who was born on 6 March 1872 in Berlin, Germany, as a son of [REDACTED] and [REDACTED], owned a Swiss bank account. The Claimant stated that Arthur Cohn was married to

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted an Initial Questionnaire with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the Initial Questionnaire and the Claim Form under the consolidated Claim Number 216695.

[REDACTED] and that they had two children: [REDACTED] (the Claimant's father) and [REDACTED]. The Claimant stated that her grandfather owned a paint and varnish factory named *S.H. Cohn*, later *Zoellner Werke*, that was located in Berlin. According to the Claimant, Arthur Cohn resided in Berlin and Neukölln, Germany. The Claimant explained that her grandfather, his wife, and his children changed their family name from Cohn to [REDACTED] in 1919. The Claimant stated that her grandfather frequently traveled to Switzerland. The Claimant stated further that her grandfather was Jewish and committed suicide in September 1933 as a result of Nazi persecution. The Claimant indicated that she was born on 11 June 1963 in Santiago de Chile, Chile.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Arthur Cohn.

The Claimant submitted numerous documents in support of her application, including: (1) a court decision regarding the change of name from Cohn to [REDACTED] dated 20 June 1919, and (2) a copy of [REDACTED]'s passport in which the Claimant's grandfather is identified as a factory owner.

Information Available in the Bank Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Arthur Cohn (Zoellner). The auditors who carried out ICEP Investigation reported three accounts whose owners' names were substantially similar to that provided by the Claimant. Each account is identified below by its Account Identification Number.

Account 1000101

The Bank's records indicate that Account Owner 1 was Arthur Cohn, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence and his profession. Furthermore, Bank 1's records indicate that Account Owner 1 used an auxiliary address in a country other than Germany. Finally, Bank 1's records indicate the opening and closing dates of the account.

Account 5027453

The Bank's records indicate that Account Owner 2 was Arthur Kohn, who resided in Zagreb, Yugoslavia. Bank 2's records also indicate Account Owner 2's nationality.

Account 3016905

The Bank's records indicate that Account Owner 3 was A. Cohen. Bank 3's records further indicate Account Owner 3's city and country of residence, and the joint account owner, a person who appears to be closely related to Account Owner 3.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owner

As for Account 1000101, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her grandfather matches the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her grandfather was a factory owner and indicated that he changed his family name from Cohn to [REDACTED] in 1919. In contrast, Bank 1's records show that Account Owner 1 had a different profession and that the account was opened under the name Cohn at a time when the Claimant's grandfather used the name [REDACTED]. Furthermore, the Claimant stated that her grandfather resided in Berlin, Germany, and did not indicate that he may have used an address in a different city or country. Bank 1's records, however, indicate that Account Owner 1 used an auxiliary address in a country different from Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's grandfather are the same person.

As for Account 5027453, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her grandfather is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the information about Account Owner 2 available in the Bank 2's records. Specifically, the Claimant stated that her grandfather resided in Berlin, Germany, and that he was a German national. By contrast, Bank 2's records indicate that Account Owner 2 resided in Zagreb, Yugoslavia, and that he was a national of a different country. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's grandfather are the same person. Moreover, it should be noted that the CRT awarded the account to claimants who plausibly identified Account Owner 2 as their respective relatives. A copy of the award -- *In re Account of Arthur Kohn* -- is enclosed.

As for Account 3016905, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the first initial and last name of her grandfather is substantially similar to the unpublished name of Account Owner 3, the information provided by the Claimant differs materially from the unpublished information about Account Owner 3 available in Bank 3's records. Specifically, the Claimant stated that her grandfather resided in Berlin, Germany. In contrast, Bank 3's records indicate that Account Owner 3 resided in a different country. Furthermore, the Claimant did not identify the joint account owner, a person who appears to be closely related to Account Owner 3. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's grandfather are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant 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 Claimant 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 Claimant 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 Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 September 2004