

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
and [REDACTED 3]

**in re Accounts of Hermann Koller
and
Accounts of Hermann Köhn
and
Account of Hermann Cohn¹**

Claim Number: 205726/PY/AX

This Certified Denial is based on the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Hermann Koller (also known as Hermann Kohn). This Denial is to the published accounts of Hermann Koller (“Account Owner 1”) at the [REDACTED] (“Bank 1”), to the published accounts of Hermann Köhn (“Account Owner 2”) at the [REDACTED] (“Bank 2”), and to the published account of Hermann Cohn (“Account Owner 3”) at Bank 1.

All denials 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 asserting that his father, Hermann Koller (also known as Hermann Kohn) who was born on 4 November 1898 in Bad Vöslau, Austria, owned a Swiss bank account. The Claimant stated that his father, who was Jewish, was a watchmaker who resided in Bad Vöslau and Vienna, Austria. The Claimant stated that in 1938 his father fled Austria for Shanghai, China, where he was married to [REDACTED], née [REDACTED], and where he remained until 1949. The Claimant indicated that his father passed away on 28 August 1955 in New York, New York, the United States. The Claimant indicated that he was born on 11 October 1950 in Montreal, Canada.

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 those 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.

The Claimant submitted documents in support of his application, including: (1) his father's birth certificates; (2) his own birth certificate, which indicate his parents' names.

Information Available in the Banks' Records

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Hermann Koller (also known as Hermann Kohn). The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported six accounts whose owners' names match or are substantially similar to those provided by the Claimant. 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 5025911, 5034698 and 5034700

Bank 1's records indicate that Account Owner 1 was Hermann Koller, who resided in Vienna, Austria. Bank 1's records also indicate Account Owner 1's profession, street address, and the name of another person with whom Account Owner 1 jointly held the accounts at issue, and who appears to be closely related to Account Owner 1. Furthermore, Bank 1's records indicate the date of opening of the accounts at issue.

Accounts 1008937 and 1008938

Bank 2's records indicate that Account Owner 2 was Hermann Köhn, who resided in Germany. Bank 2's records also indicate Account Owner 2's city of residence. Furthermore, Bank 2's records indicate the dates of opening and closing of the accounts at issue.

Account 5029422

Bank 1's records indicate that Account Owner 3 was Hermann Cohn, who resided in Berlin, Germany, and that the Power of Attorney Holder was Johanna Cohn. Bank 1's records also indicate Account Owner 3's title.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

Identification of the Account Owner

As for Accounts 5025911, 5034698 and 5034700, the CRT concludes that the Claimant has not identified Account Owner 1 as his relative. Although the name of his father 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 his father was a watchmaker. In contrast, Bank 1's records show that Account Owner 1 had a different profession. Furthermore, the Claimant did not identify the name of the person with whom Account Owner 1 jointly held the accounts at issue, and who appears to be closely related to Account Owner 1. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's father are the same person.

As for Accounts 1008937 and 1008938, the CRT concludes that the Claimant has not identified Account Owner 2 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 2, the information provided by the Claimant differs materially from the published information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that his father resided in Bad Vöslau and Vienna, Austria, whereas Account Owner 2 resided in Germany. The CRT also notes that according to the documents provided by the Claimant, his father was known by the name "Hermann Koller." Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's father are the same person.

As for Account 5029422, the CRT concludes that the Claimant has not identified Account Owner 3 as his relative. Although the name of his father is substantially similar to the published name of Account Owner 3, the information provided by the Claimant differs materially from the published and unpublished information about Account Owner 3 available in Bank 1's records. Specifically, the Claimant stated that his father was a watchmaker, which is inconsistent with Account Owner 3's title as indicated in Bank 1's records. Furthermore, the Claimant stated that his father resided in Bad Vöslau, and Vienna, Austria. In contrast, Bank 1's records show that Account Owner 3 resided in Berlin, Germany. The CRT notes that the Claimant did not identify the Power of Attorney Holder, although she bears the same last name as Account Owner 3. The CRT also notes that according to the documents provided by the Claimant, his father was known by the name "Hermann Koller." Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father 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 his 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