

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of M. Kun

Claim Numbers: 004159/GO; 731787/GO¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Martin Kun; and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Miklósné Kun. This Award is to the unpublished account of M. Kun (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, Martin Kun, who was born on 9 January 1894 in Velka Bytca, Czechoslovakia (today Slovakia), and was married to [REDACTED], née [REDACTED], on 22 December 1922. Claimant [REDACTED 1] stated that her father lived in Velka Bytca, where he was the owner of a factory named *Kovas*. According to Claimant [REDACTED 1], her parents had two children: Claimant [REDACTED 1] and Claimant [REDACTED 1]’s brother, [REDACTED]. Claimant [REDACTED 1] explained that her father, who was Jewish, was arrested together with the entire family on 28 October 1944, that he was deported to several concentration camps, and that he

¹ Claimant [REDACTED 2] (“Claimant [REDACTED 2]”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HUN-0108153, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 731787.

perished in Dachau on 8 March 1945. Claimant [REDACTED 1] stated that she and her mother were also deported to a concentration camp, and that her brother was murdered by the Nazis during the Holocaust. Claimant [REDACTED 1] stated that she and her mother survived the Holocaust, and arrived in Israel in 1947 and 1949, respectively. Finally, Claimant [REDACTED 1] indicated that her mother died on 9 November 1983 in Kiriath Bialik, Israel.

In support of her claim, Claimant [REDACTED 1] submitted a copy of her birth certificate, indicating that her father was Martin Kun, and that he was Jewish.

Claimant [REDACTED 1] indicated that she was born on 2 March 1924 in Velka Bytca.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as her mother, Miklósné Kun, née Katalin Gránát, who was born on 13 August 1920 in Budapest, Hungary. Claimant [REDACTED 2] indicated that her mother, who was Jewish, resided at Rumbach Sebestyen utca 6 in Budapest. Claimant [REDACTED 2] further stated that her mother was deported to Dachau in 1944, where she contracted typhus. Finally, Claimant [REDACTED 2] indicated that her mother survived the Holocaust, and resided in Budapest until she died in 1965.

Claimant [REDACTED 2] indicated that she was born in 1950.

Information Available in the Bank’s Record

The Bank’s record consists of an excerpt from a list of dormant demand deposit accounts. According to this record, the Account Owner was M. Kun; the Bank’s record does not indicate the Account Owner’s domicile. The Bank’s record indicates that the Account Owner held a demand deposit account. The Bank’s record further indicates that the account was closed to the Bank’s profit and lost account on 11 December 1969, although the exact balance of the account on the date of its closure is unknown.

The CRT’s Analysis

Joinder of Claims

According to Article 37(1) 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.

Identification of the Account Owner

Claimant [REDACTED 1]’s father’s name and Claimant [REDACTED 2]’s mother’s name match the unpublished first initial and surname of the Account Owner. The CRT notes that the

Bank's record does not contain any specific information about the Account Owner other than his or her first initial and surname.

In support of her claim, Claimant [REDACTED 1] submitted a copy of her birth certificate, indicating that her father was Martin Kun, providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's record as the first initial and surname of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Martin Kun, and indicates that his date of birth was 9 January 1894 and place of birth was Velka Bytca, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all unpublished information about the Account Owner that is available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other equally plausible claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.²

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he was arrested together with his entire family on 28 October 1944, that he was deported to several concentration camps, and that he perished in Dachau on 8 March 1945. As noted above, a person named Martin Kun was included in the CRT's database of victims.

Claimant [REDACTED 2] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, and that she was deported to Dachau in 1944, where she contracted typhus.

² As detailed in the section entitled "Information Available in the Bank's Record," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father. These documents include her birth certificate, indicating that her father was Martin Kun. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s mother. The CRT notes that Claimant [REDACTED 2] identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her IQ. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed to the Bank's profit and loss account on 11 December 1969.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her father, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her mother, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his or 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 ("SF"). 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 SF 26,750.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be

precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the Award amount, or SF 13,375.00, and Claimant [REDACTED 2] is entitled to one-half of the Award amount, or SF 13,375.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
3 June 2009