

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Herbert Kahn

Claim Number: 212606/ME

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the account of Herbert Kahn (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 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 father, Herbert Kahn, who was born on 25 September 1909 in Bad Cannstadt, Germany, and was married to [REDACTED], née [REDACTED], on 11 November 1947 in South Africa. The Claimant stated that her parents had two children: [REDACTED] and the Claimant. The Claimant stated that her father lived in Bad Cannstadt from 1909 until 1938, and that her father’s family owned a factory for women’s blouses and lace in Stuttgart, Germany. According to the information provided by the Claimant, her grandfather, [REDACTED], who founded the business, died in 1931, after which her grandmother, [REDACTED], managed the business. The Claimant stated that her father, who was Jewish, fled Germany in 1938 with his family and arrived in Johannesburg, South Africa, where he lived until 1964, when he moved to Jerusalem, Israel. Finally, the Claimant stated that her father died in Israel on 15 September 1993. In support of her claim, the Claimant submitted documents including her father’s German passport, with a “J” stamped on the cover, and her father’s South African passports, death certificate and certificate of inheritance, which identifies the Claimant as the daughter of Herbert Kahn. The Claimant indicated that she was born on 4 October 1950 in Johannesburg. The Claimant is representing [REDACTED], her brother, who was born on 4 August 1956 in Johannesburg.

Information Available in the Bank Records

The Bank's record consists of an extract from a suspense account ledger. According to this record, the Account Owner was Herbert Kahn. The Bank's record indicates that the Account Owner held an account of unknown type. Furthermore, the Bank's records do not indicate when the account at issue was opened. The account was transferred to a suspense account on an unknown date. The amount in the account on the date of its transfer is unknown. Finally, the Bank's record indicates that the account was closed by fees and charges on 30 June 1964.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of her claim, the Claimant submitted her father's German passport, with a "J" stamped on the cover, and her father's South African passports, death certificate and certificate of inheritance, which identifies the Claimant as the daughter of the Account Owner. The CRT also notes that the name Herbert Kahn appears only once on the February 2001 list of published accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). The CRT also notes that the one other claim to this account was disconfirmed by the CRT because the other claimant provided a last name that was inconsistent with the name of the Account Owner. 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, and that he fled Nazi Germany in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents including her father's death certificate and certificate of inheritance, demonstrating that he was her father.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was closed by fees and charges.

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 Governing the Claims Resolution Process, as amended (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that 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 account of an unknown type. 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 ICEP (the “ICEP Investigation”) in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According to Article 23(2)(a), if a Claimant has submitted the Account Owner’s will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. The Claimant, who is representing her brother, [REDACTED], submitted a certificate of inheritance, which indicates that the Claimant and [REDACTED] are the sole heirs of the Account Owner.

According to Article 23(c), if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Therefore, the Claimant and [REDACTED] are each entitled to one-half of the total Award amount.

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
June 3, 2003