

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Abraham Kuhn

in re Account of Frieda Kuhn

Claim Number: 203228/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Abraham Kuhn (the “Claimant”) to the account of Frieda Kuhn (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Frieda Kuhn. The Claimant stated that he did not remember much information about his mother as he was too young when his family perished, but indicated that she was Jewish, had the maiden name Blitz, was married to Elliot Kuhn, and had two children, Abraham (the Claimant, born in Dombrova, Poland, in 1926) and Diane. He indicated that his mother had relatives in Switzerland, whom he identified as his uncle Friedrich Kuhn and Friedrich’s wife Barbara, and that his mother had deposited assets there. According to the Claimant, his father, mother, and sister were all killed by the Nazis during the Holocaust.

Information Available in the Bank Records

The bank records consist of printouts from the Bank’s database. According to these records, the Account Owner was Frieda Kuhn, who owned an account at the Biel branch of the Bank. The bank records do not indicate what type of account the Account Owner held.

On 28 February 1977, the Bank transferred the remaining value of the assets in the account to a collective account for administrative and bookkeeping reasons, because it had not had any contact from the Account Owner since 1941. The value of the account at the time of its transfer was 3.70 Swiss Francs. The bank records indicate that the account remains open and dormant.

The Tribunal's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as his mother. Her name matches the name of the Account Owner. The Tribunal notes that the bank records do not contain any specific information about the Account Owner other than her name. Thus, the additional information provided by the Claimant cannot be compared with the bank information. However, the Claimant has explained that his mother had a brother and sister-in-law who lived in Switzerland, which would increase the likelihood of his mother having a Swiss bank account as well, and the Claimant has stated that his mother did deposit assets in Switzerland.

Furthermore, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, which included another form dated 1997, asserting his entitlement to a Swiss bank account owned by Frieda Kuhn, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has plausibly shown that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that she perished in the Holocaust after the German occupation of Poland.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting family information and a photograph of his parents and sister. He has stated that his parents and sister were killed by the Nazis and that he is the only survivor. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of his statement that he is his mother's only surviving heir.

The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant. Therefore, it is clear that neither the Account Owner nor her heirs received the proceeds.

Basis for the Award

The Tribunal 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 23 of the Rules. Second,

the Claimant has plausibly demonstrated that the Account Owner was his mother, a relationship that justifies an Award. Finally, the Tribunal has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the account as of 28 February 1977 was 3.70 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 495.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 28 February 1977. Consequently, the adjusted balance of the account at issue is 498.70 Swiss Francs. According to Article 35 of the Rules, if the amount in a unknown account was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value/s and 35% of the total award amount is 16,590.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal 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