

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Daniel Kahn Hut**

Claim Number: 214784/CC/IS

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Daniel Kahn-Hut. This Award is to the published account of Daniel Kahn Hut (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>1</sup>

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 paternal grandfather, Dr. Daniel Kahn-Hut, who was born on 31 March 1875 in Mainz, Germany and was married to [REDACTED], née [REDACTED]. The Claimant stated that her grandfather, who was Jewish, was a physician, who resided initially in Gotha, Germany, at Bürgerau 4, and later in Wiesbaden, Germany, at Mittelheimerstrasse 11. According to the Claimant, her grandfather was deported on 30 August 1942 to Theresienstadt, where he perished on 26 June 1943. The Claimant added that her paternal grandparents had one child, [REDACTED], the Claimant’s father, who was born in Gotha, later moved to Moscow, the USSR, and died in 1973. The Claimant submitted her father’s birth certificate, which states that Daniel Kahn-Hut was the father of [REDACTED], and her own birth certificate, which states that [REDACTED] was her father. The Claimant also submitted the joint will of her grandparents, which names [REDACTED] as their sole heir. The Claimant stated that she was born on 25 January 1938 in

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<sup>1</sup> The CRT notes that on the February 2001 published list of 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 name “Daniel Kahn-Hut” (with hyphen) is published once, and that this individual is indicated as residing in Wiesbaden. The CRT has determined that this “Daniel Kahn-Hut” is the same person as the Account Owner in the present Award, “Daniel Kahn Hut,” who resided in Gotha and whose name was not published. The CRT has determined that the Claimant was entitled to the two accounts held at another bank by the published Account Owner Daniel Kahn-Hut and has awarded these two accounts to the Claimant in a separate decision. See *In re Accounts of Daniel Kahn-Hut*, which was approved by the Court on 27 December 2002.

Moscow.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her grandfather, Daniel Kahn-Hut.

### **Information Available in the Bank’s Record**

The Bank’s record consists of a customer card. According to this record, the Account Owner was *Dr. med. (medical doctor)* Daniel Kahn Hut, who resided in Gotha, Germany. The Bank’s record indicates that the Account Owner held a custody account numbered L 7167. The Bank’s record further indicates that the account was closed on 30 December 1933. The Bank’s record does not indicate the value of this account. There is no evidence in the Bank’s record that the Account Owner or his heirs closed the account and received the proceeds themselves.

### **The CRT’s Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather’s name matches the published name of the Account Owner. The Claimant further identified her grandfather’s city of residence, profession, and title, which match unpublished information about the Account Owner contained in the Bank’s record.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Daniel Kahn Hut, and indicates that his date of birth was 31 March 1875, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Daniel Kahn Hut, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possible those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided different cities or countries of residence, or professions than the city and country of residence, and profession of 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 was deported to Theresienstadt, where he perished. As noted above, a person named Daniel Kahn Hut was included in the CRT's database of victims.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's paternal grandfather. These documents include [REDACTED]'s birth certificate, which states that his father was Daniel Kahn-Hut, as well as her own birth certificate, which states that her father was [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1942, when he was deported to Theresienstadt, where he perished, and would not have been able to repatriate his account to Germany without losing ultimate control over the proceeds; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; that there is no record of the payment of the Account Owner's account to him; and given the application of Presumptions (a), (h), (i), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,<sup>2</sup> the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

### 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her paternal grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

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<sup>2</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org)

### Amount of the Award

In this case, the Account Owner held one custody 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 ICEP (the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 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 162,500.00.

### **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  
31 March 2005