

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Richard Andreas Riess  
also acting on behalf of Marianne Rosemarie Ash  
represented by Eva B. Neisser

## **in re Account of Grete Hahn**

Claim Number: 217668/UM

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Richard Andreas Riess (the “Claimant”) to the published account of Grete Hahn (the “Account Owner”) at the Zurich 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 has been redacted.

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his paternal aunt, Grete (Margarete) Hahn, née Riess, who was born in approximately 1885 in Breslau, Germany (now Wroclaw, Poland), and was married to Dr. Gerhard Hahn in approximately 1908 in Breslau. The Claimant stated that his aunt, who was Jewish, had three children: Anselm, born in 1910; Inge, born in 1914 or 1916; and Nicholas, born in 1919. The Claimant further stated that his aunt resided at Neue Schweidnitzerstrasse in Breslau, where she was a homemaker and a private English tutor. In addition, the Claimant stated that his uncle worked as a dermatologist in Breslau. The Claimant indicated that his aunt’s son, Anselm, was expelled from university in 1934 because he was Jewish, and that he subsequently suffered a mental breakdown, resulting in his hospitalization in a sanatorium in Switzerland. The Claimant further indicated that his aunt likely opened a bank account in Switzerland in order to support Anselm, who remained in Switzerland after his release from the sanatorium, until he immigrated to Canada during the 1940s. The Claimant explained that his uncle was prohibited from practicing medicine in Nazi Germany, and that his aunt and uncle fled to Wales, the United Kingdom, in approximately 1939. Furthermore, the Claimant indicated that his uncle died in Wales a few years later, and that his aunt subsequently emigrated to Canada, where she resided until her death on 10 May 1959 in Montreal. In addition, the Claimant stated that his aunt’s three children all died during the 1970s, and all without issue. According to the Claimant, he was raised by foster parents in the Netherlands after his parents committed suicide upon Nazi occupation of the country. The Claimant also indicated that his family’s home in the Netherlands was ransacked by the Nazis. The Claimant submitted an affidavit from Eva B. Neisser, whose late husband was Grete Hahn’s nephew,

confirming the Claimant's relationship to Grete Hahn, and indicating that Grete Hahn attempted to deposit money outside Germany during the mid-1930s. In addition, the Claimant submitted his aunt's burial certificate, identifying her as Margarete Hahn, her husband as Gerhard Hahn, and stating that she died on 10 May 1959. The Claimant indicated that he was born on 24 March 1931 in Breslau. The Claimant is representing his sister, Marianne Rosemarie Ash, née Riess, who was born on 20 November 1922 in Breslau.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting his entitlement to Swiss bank accounts owned by his parents, Heinrich Riess and Lotte Riess, née Cohn.<sup>1</sup>

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

The Bank's record consists of an account statement. According to this record, the Account Owner was *Frau* (Mrs.) Grete Hahn. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates that the Account Owner held a demand deposit account, which was transferred to a suspense account for dormant assets on 30 September 1953. The amount in the account on the date of its transfer was 30.20 Swiss Francs.

The Bank's record does not show when the account at issue was closed, or to whom it was paid. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's record that the Account Owner or her 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. The Claimant's aunt's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her name. In addition, the CRT notes that the Bank's record does include the Account Owner's general title, in that it identifies the Account Owner as *Frau* (Mrs.) Grete Hahn. The CRT further notes that it is customary to refer to married women, mature women and women of social or professional standing as "*Frau*" in the German language, and the Claimant's indication that his aunt was married is consistent with the information in the Bank's record. In support of

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<sup>1</sup> The CRT did not locate any accounts belonging to Heinrich Riess or Lotte Riess, née Cohn, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the "Rules"). 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.

his claim, the Claimant submitted documents, including his aunt's burial certificate, providing independent verification that the person who is claimed to be the Account Owner plausibly had the same name recorded in the Bank's records as the name of the Account Owner. The CRT also notes that, according to the Claimant, his family went into hiding when he was a young child, and his family's home was ransacked by the Nazis, making it unlikely that he would possess extensive documentation regarding his aunt. Moreover, the CRT notes that the name Grete Hahn appears only once on the February 2001 published list of accounts determined by ICEP to be probably those of victims of Nazi persecution. The CRT further notes that there are no other claims to this account. 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 was forced to flee her home in Nazi Germany, where her husband was also prohibited from practicing medicine, and her son was expelled from university.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was the Claimant's paternal aunt. These documents include a sworn affidavit from the widow of Grete Hahn's nephew, identifying the Claimant's relationship to Grete Hahn, and his aunt's burial certificate. The CRT notes that it is plausible that the burial certificate is a document which most likely only a family member would possess. As noted above, the CRT also recognizes that the circumstances of the Claimant's childhood render it plausible that he would be unable to provide further documentation regarding his aunt.

#### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred on 30 September 1953 to a suspense account for dormant assets. Given that the Account Owner's account remained in existence after the Second World War; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 his paternal aunt, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's record indicates that the value of the demand deposit account as of 30 September 1953 was 30.20 Swiss Francs. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 135.00 Swiss Francs, which reflects standardized bank fees charged to the account between January 1945 and 30 September 1953. Consequently, the adjusted balance of the account at issue is 165.20 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 26,750.00 Swiss Francs.

#### Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing Marianne Rosemarie Ash, née Riess, his sister, and he and his sister are the nephew and niece, respectively, of the Account Owner. Accordingly, the Claimant and his sister are both entitled to receive 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 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  
8 June 2004