CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Julius Hahn and Margarethe Hahn

Claim Number: 205678/SY

Award Amount: 323,610.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the "Claimant") to the published account of Julius Hahn. The Award is to the accounts of Julius Hahn and Margarethe Hahn (the "Account Owners") 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 published account owner as Dr. Julius Hahn, the spouse of her father's cousin. Dr. Julius Hahn was born on 6 November 1869 in Svina, Czechoslovakia, and perished in the Theresienstadt concentration camp on 8 November 1943. He was a lawyer who lived at Skolska 34, Prague II, in 1924, at Na Florenci 17, Prague II, in 1937, and at Reihharda Heidricua 10, Prague II, before his deportation to Theresienstadt. The Claimant stated that, on 26 August 1902, Julius Hahn married Marketa Freudenburg in Braunschweig, Germany. Based on the information submitted by the Claimant, Marketa Freudenburg was born on 26 May 1880 and perished in the Holocaust on 15 December 1943, probably in Auschwitz. Julius Hahn and his wife had two children: [REDACTED], who was born in 1909 in Prague and perished in the Holocaust in 1943, and [REDACTED], who was born in 1908 in Prague and died in Paris on an unknown date. The Claimant also stated that Julius Hahn and his wife were Jewish. In support of her claim, the Claimant submitted a handwritten family tree and copies of her baptism certificate, her passport, and Julius Hahn's family booklet. Among other things, this document shows that Julius Hahn and his wife were Jewish and converted to Catholicism at some point.

Information Available in the Bank Records

The bank records consist of correspondence between the Bank and Julius Hahn, an account-opening contract, and signature cards. According to these records, the joint account owners were

J.U. Dr. Julius Hahn, *Landesadvokat*,[1] and Frau Margarethe Hahn, née Freudenburg, who lived at Skolska 34, Prague II, in 1937. The Bank records indicate that the Account Owners jointly held a custody account identified by the number 30686, which was opened in or before 1930, and a second custody account and a demand deposit account, both identified by the number 42190, which were opened on 28 April 1937.

The bank records do not show if or when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. The bank documents however show that the custody account number 30686 was still open as of 5 May 1937. The auditors who carried out the investigation of the Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP") did not find these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that they found no evidence of activity on these accounts after 1945.

The Tribunal's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The names of the Claimant's relatives, Julius Hahn's profession and academic title, Marketa's maiden name, and their precise street address in Prague before the Second World War exactly match the unpublished information about the Account Owners contained in the bank documents. The Tribunal notes that Margarethe is the German equivalent for the Czech name Marketa.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that they perished in concentration camps during the Holocaust. Moreover, the Tribunal notes that a database containing the names of victims of Nazi persecution contains the name of Dr. Julius Hahn, and the information about this person in this database matches the information provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting numerous biographical information about her relatives, as well as their family booklet. There is no information to indicate that the Account Owners have other surviving heirs, and the family tree submitted by the Claimant suggests that she is the Account Owners' sole living heir. The credibility of other information provided by the Claimant gives the Tribunal no basis to question this information.

[1] This indicates that Julius Hahn had the title of doctor of jurisprudence, and was a practicing lawyer.

The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the accounts at issue were paid to the Account Owners or their heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the ICEP during its investigation of Swiss banks (the "ICEP Investigation") demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts, no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, since the funds in this case apparently were not paid to the Account Owners or their family, there is a substantial likelihood that these funds went to the Nazis.

Although the Tribunal cannot determine with certainty who received the proceeds of the accounts, the Tribunal concludes that it is plausible that neither the Account Owners nor their heirs received the proceeds.[2] As noted above, the bank documents indicate that the custody account number 30686 was still open in 1937, and that the custody account number 42190 and the demand deposit account number 42190 were opened in 1937. Although the bank documents do not indicate whether the accounts remained open between 1937 and the beginning of the Second World War, there is no evidence that these accounts were closed during that period. Accordingly, the Tribunal finds it plausible that the accounts at issue remained open during that period. In addition, the Tribunal notes that the application of confiscatory laws by the Nazi Regime in Prague from June 1939 onwards, as described in more detail in footnote 2 below, makes it unlikely that the Account Owners closed the accounts between the beginning of the War and their death in concentration camps in 1943. Based on historical evidence and the facts of the case, the Tribunal concludes that it is plausible that the accounts at issue were confiscated by the Nazi authorities in Prague subsequent to the annexation of Czechoslovakia in 1939, and that neither the Account Owners nor their heirs received their proceeds. Moreover, there is no evidence in the bank records suggesting that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

[2] This conclusion is based in part on research cataloguing more than forty different laws, acts, and decrees used by the Nazi Regime to confiscate Jewish assets abroad. Nazi Germany incorporated the remnants of the Czech lands into the Reich as the Protectorate of Bohemia and Moravia on 15 March 1939. Many German laws were extended to apply there as well, including with respect to the foreign assets of Czech citizens. Although many of the laws were facially non-discriminatory, the Nazi Regime enforced these laws on a discriminatory basis against Jewish asset holders. These laws included, for example, increasingly stringent registration and repatriation requirements for assets held outside the Reich and special confiscatory taxes for emigrants who wished to flee. After the creation of the Protectorate, wholesale and systematic Nazi expropriations of Jewish assets held in Swiss banks and elsewhere were widespread. A decree dated 21 June 1939 required Bohemian and Moravian Jews to register their assets, and subsequent to that date the Nazi Regime began to enact legislation and orders to repatriate and confiscate foreign assets both for Jews who sought permission to flee the Reich and for those unable to flee. A listing of the principal laws invoked by the Nazi Regime in specific confiscatory situations appears at the CRT-II website, www.crt-ii.org.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owners were her father's cousin and the latter's husband, and that relationship justifies an Award. Finally, the Tribunal has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

Pursuant to Article 35 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs, giving a total 1945 value of 28,140.00 Swiss Francs for two custody accounts and one demand deposit account. The present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 323,610.00 Swiss Francs.

In cases where the value of an account is based on the presumptions of Article 35 of the Rules, or where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, the value of the accounts at issue is based on the Article 35 presumptions. In this instance, 35% of the total award amount is 113,263.50 Swiss Francs.

Division of the Award

As noted above, the accounts at issue were joint accounts. Pursuant to Article 31(2) of the Rules, the Tribunal has determined that these accounts were held in whole by Margarethe/Marketa Hahn, née Freudenburg, the cousin of the Claimant's father. As her father's cousin's sole heir, the Claimant is solely entitled to the Award amount according to Article 29 of the Rules.

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 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

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a plausible case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. Articles 37(3)(a) and (b) of the Rules provide that where the

value of an award is calculated using the value presumptions provided in Article 35 of the Rules, and/or the Tribunal determines that an account may be subject to later competing claims, 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. Thus, the Rules instruct and require the Tribunal to certify and recommend an initial 35% payment in awards submitted for Court approval in particular cases where either the Tribunal has used the value presumptions of Article 35 and has determined that the account may be subject to later competing claims.

In this case, the Tribunal has used the value presumptions of Article 35 of the Rules to calculate the values of the accounts, and it has determined that the accounts may be subject to later competing claims. On this basis, the Tribunal certifies this Award for approval by the Court and for payment by the Special Masters in accordance with Article 37(3) of the Rules.

8 May 2022
Date

Veijo Heiskanen
Senior Claims Judge