

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Accounts of Lina Hahn**

Claim Number: 212790/MG<sup>1</sup>

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Lina Hahn (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 maternal great-aunt, Lina Hahn, who was born in Kleinlangheim, Germany, and was never married. The Claimant stated that her great-aunt, who was Jewish, was a senior nurse, also known as *Oberschwester Laura*, who served in the German army in the First World War, and later worked at the Jewish hospital in Munich, Germany, where she also resided. The Claimant stated that the Nazis deported her great-aunt, together with her two sisters, Sophie and Jette, to Theresienstadt and that because she served Germany in the First World War, the Nazis gave her the choice of remaining in Theresienstadt or being deported to Auschwitz together with her sisters. According to the Claimant, her great-aunt chose to join her sisters, and all three were sent to the gas chambers in Auschwitz.

The Claimant submitted documents in support of her application, including a missing person notice placed in a newspaper, dated 11 January 1946, stating that her grandfather, [REDACTED], was searching for his missing siblings from Germany, including Lina Hahn, who was a head nurse in a hospital in Munich, and who was probably deported to Auschwitz from Theresienstadt; and a copy of a photograph of her great-aunt.

The Claimant indicated that she was born on 15 December 1933 in Fulda, Germany.

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

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was *Fräulein* (Miss) Lina Hahn, who resided in Aidlingen, Germany. The Bank's records indicate that the Account Owner held two accounts, a demand deposit account and a custody account.<sup>1</sup> According to the Bank's records, the custody account, numbered L5212, was closed on 5 November 1935, and the demand deposit account, numbered 2165, was opened in July 1925 and was closed on 26 October 1935. The amount in the accounts on the dates of their closures is unknown.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-aunt's name and country of residence match the published name and country of residence of the Account Owner. In addition, the Claimant stated that her great-aunt never married which is consistent with unpublished information about the form of address (*Fraulein*, or Miss) used for the Account Owner in the Bank's records. The CRT notes that the Claimant stated that her great-aunt resided in Munich, while the Bank's records show that the Account Owner resided in Aidlingen, which is located approximately 150 kilometers from Munich. However, the CRT considers it plausible that the Claimant, who was born in 1933, may not be aware of all her great-aunt's addresses. Moreover, as the bank's records indicate that the demand deposit account was opened in 1925, it is plausible that the Claimants' great-aunt would have moved to the nearby larger city of Munich sometime after 1925.

In support of her claim, the Claimant submitted documents, including a copy of a missing persons notice placed in a newspaper, dated 11 January 1946, stating that the Claimant's grandfather, Oscar Hahn, was searching for his missing siblings from Germany, one of whom was Lina Hahn who was probably transferred to Auschwitz from Theresienstadt. The Claimant also submitted a photograph of her great-aunt holding the Claimant or one of the Claimant's siblings in her arms. This information provides independent verification that the person who is claimed to be the Account Owner had the same name and country of residence recorded in the Bank's records as the name and country of residence of the Account Owner. The CRT notes that there are no other claims to these accounts. 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 she resided in Germany until she was deported to Theresienstadt and then to Auschwitz, where she was sent to

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<sup>1</sup> The CRT notes that on the list of accounts published in 2001 as probably or possibly owned by victims of Nazi persecution, the Account Owner is identified as owning three accounts. After careful review of the Bank's records, the CRT has determined that the Account Owner actually held two accounts.

the gas chambers. The Claimant also submitted an extract from a newspaper in which her grandfather placed a missing persons notice in an attempt to locate his siblings, including the Account Owner, who were missing after the Second World War.

#### 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, demonstrating that the Account Owner was the Claimant's great-aunt. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. She indicated that her great-aunt was unmarried which is consistent with the Account Owner's title in the bank's records. The CRT further notes that the Claimant submitted a copy of a 1946 missing persons notice submitted by the Account Owner's brother (also the Claimant's grandfather) which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

#### 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 tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until her death in a concentration camp and would not have been able to repatriate her accounts to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner's heirs would not have been able to obtain information about her accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquires by account owners because of the banks' concern regarding double liability; given the application of Presumptions (a), (h) 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 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 her great-aunt, and that

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

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 accounts.

### Amount of the Award

In this case, the Account Owner held a demand deposit account and a 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 the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”) and the average value of a custody account was SF 13,000.00. Thus, the total 1945 average value is SF 15,140.00. 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 189,250.00.

### **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  
10 December 2004