

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimants [REDACTED 1] and [REDACTED 2],<sup>1</sup>  
who is represented by Ben-Zion Feinsilber

### **in re Account of Jak. Hafner**

Claim Numbers: 001810/MG, 002390/MG

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]” and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of [REDACTED].<sup>2</sup> This Award is to the unpublished account of Jak. Hafner (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as the Claimants have in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

### **Information Provided by the Claimants**

The Claimants submitted Claim Forms identifying the Account Owner as their maternal uncle, Jakob Hafner, who was born in Jarosław, Poland, to [REDACTED] and [REDACTED]. The Claimants stated that [REDACTED] and [REDACTED], their grandparents, had eight children: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], née [REDACTED] (the Claimants’ mother). According to the Claimants, their uncle’s father (the Claimants’ grandfather), [REDACTED], owned a department store in Jaroslaw until October 1939, when the Nazis confiscated the family’s property and personal belongings. The Claimants stated that [REDACTED], his parents,

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<sup>1</sup> The Claimants provided their names and some of their relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim Form with the names contained in the banks’ database, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

<sup>2</sup> The CRT did not locate an account belonging to [REDACTED] 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 Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

[REDACTED] and [REDACTED], and his siblings, [REDACTED], [REDACTED] and [REDACTED], perished in the Holocaust. The Claimants indicated that [REDACTED]'s other siblings survived the Holocaust, that [REDACTED] died in New York, the United States, that [REDACTED] died in Tel Aviv, Israel, and that [REDACTED] and their mother, [REDACTED], died in Haifa, Israel. Claimant [REDACTED 1] indicated that he was born on 27 May 1931 in Jarosław. Claimant [REDACTED 2] indicated that she was born on 26 October 1928, also in Jarosław.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account in Zurich owned by [REDACTED].

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

The Bank's records consist of a list of accounts transferred to a suspense account on 30 June 1937 and a printout from the Bank's database. According to these records, the Account Owner was Jak. Hafner. The Bank's records do not show the full first name of the Account Owner or the Account Owner's place of residence. The Bank's records indicate that the Account Owner held one account, but do not indicate its type.

According to the Bank's records, the account was transferred to a suspense account for dormant assets on 30 June 1937. The amount in the account on the date of its transfer was 11.80 Swiss Francs. The account remains open in the Bank's suspense account.

### **The CRT's Analysis**

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

#### Identification of the Account Owner

The Claimants' uncle's name matches the unpublished name of the Account Owner. The CRT notes that Claimant [REDACTED 1] filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED]. The name of Account Owner Jak. Hafner was not published on the February 2001 of the list of accounts determined by ICEP to be probably those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 1] 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 last name as his maternal grandfather, but rather on his personal knowledge of a direct family relationship. It also indicates that Claimant [REDACTED 1] had reason to believe that one of his maternal relatives owned a Swiss bank account. This supports the credibility of the information provided by the Claimants. 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 Claimants have plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish and that he perished in the Holocaust.

#### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting detailed biographical information, demonstrating that the Account Owner was their maternal uncle. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains open in the Bank's suspense account.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 30 June 1937 was 11.80 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type 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 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. Consequently, the total award amount in this case is 49,375.00 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 this case, the Claimants are the children of the Account Owner's sister, and therefore descendants of the

Account Owner's parents. Accordingly, the Claimants are each entitled to one-half of the total award amount.

### **Scope of the Award**

The Claimants should be aware that pursuant to Article 20 of the Rules, the CRT will carry out further research on their claim to determine whether there are additional Swiss bank accounts to which they 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  
28 May 2004