

# 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 D. Halfin**

Claim Number: 736170/AX<sup>1</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of D. Halfin (the “Account Owner”) at the Lausanne branch of 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 an Initial Questionnaire (“IQ”) with the Court in 1999, identifying the Account Owner as her father, David Halfin, who was born on 19 May 1906 in Russia and was married to [REDACTED]. According to the Claimant, from 1934 until 1945, her father lived in Bucharest, Romania, at Str. Spatarului 1. The Claimant indicated that her father was an engineer who had his own business dealing with patents and trademarks. The Claimant further indicated that her father, who was Jewish, had business dealings throughout Europe, including Switzerland. According to the Claimant, after the Second World War, his father tried but was unable to retrieve the funds that he had deposited in Switzerland. The Claimant indicated that in 1971 her father moved from Romania to Israel, where he died in 1984. In support of her claim, the Claimant submitted her birth certificate, showing that her father was David Halfin. The Claimant indicated that she was born on 18 April 1936 in Bucharest.

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<sup>1</sup> [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered 0004086, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 736170.

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

The Bank's records consist of an extract from the Bank's ledger and an account statement. According to these records, the Account Owner was D. Halfin. The Bank's records do not contain information about the Account Owner's domicile. According to the Bank's records, the Account Owner held a demand deposit account. The Bank's records indicate that the account was transferred to a suspense account on or before 24 November 1952. The amount in the account on the date of its transfer was 82.50 Swiss Francs ("SF").

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. There is no evidence in the Bank's records 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's father's first name initial and last name matches the published first name initial and last name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his first name initial and last name. In support of her claim, the Claimant submitted documents, including her birth certificate, indicating that her father was David Halfin, providing independent verification that the person who is claimed to be the Account Owner had the same first name initial and last name recorded in the Bank's records as the first name initial and last name of the Account Owner. The CRT notes that the name D. Halfin appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by David Halfin, prior to the publication in February 2001 of the ICEP List. The CRT notes that there are no other claims to this account. Taking all 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 he lived in Romania.

### 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 father. These documents include her birth certificate, indicating that her father was David Halfin. 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 was transferred to a suspense account on 24 February 1952. The auditors who carried out the ICEP Investigation presumed that the account was closed.

Given that the Account Owner resided in Romania during and after the Second World War; that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; 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; and given the application of Presumptions (h), (i), 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 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 father, 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.

### Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the account as of 24 November 1952 was SF 82.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 120.00, which reflects standardized bank fees charged to the account between 1945 and 1952. Consequently, the adjusted balance of the account at issue is SF 202.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 SF 26,750.00.

### **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  
30 December 2004