

# 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 Wilhelm Haeffner**

Claim Numbers: 300815/AC, 300816/AC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the published accounts of Wilhelm Haeffner (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 his father, Wilhelm Friedrich Haeffner (Häfner, Haefner), who was born on 20 July 1900 in Langenselbold, Germany, and was married to [REDACTED] on 28 March 1929 in Langenselbold. The Claimant indicated that his family and the family of his maternal uncle, [REDACTED], lived together in Germany. The Claimant explained that his uncle, who resided in the same building as the Claimant’s family and managed the Claimant’s father’s finances, regularly traveled to Switzerland to deposit assets. According to the Claimant, his father was not Jewish, but his mother and her family were Jewish, and fearing Nazi confiscation of his assets, his uncle deposited assets in the Claimant’s father’s name. The Claimant indicated that he and his parents fled to Kenya and that his uncle perished in a concentration camp. The Claimant indicated that his father died in South Africa on 13 December 1986.

The Claimant submitted documents in support of his claim, including: (1) a copy of his parents’ marriage certificate, indicating that their names were Friedrich Wilhelm Häfner and [REDACTED], née [REDACTED], and that they were married in Langenselbold on 28 March 1929; and (2) a copy of his birth certificate, indicating that [REDACTED] was born on 26 May 1933 in Hanau, Germany, and that he was the son of Friedrich Wilhelm Häfner and [REDACTED].

The Claimant indicated that he was born on 26 May 1933 in Hanau.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Wilhelm Haeffner, who resided in Wiesbaden, Germany. The Bank's records indicate that the Account Owner held a custody account, numbered L25926, and a demand deposit account.

The Bank's record indicates that the custody account was closed on 23 October 1933, and that the demand deposit account was closed on 10 July 1935. The amounts in the accounts on the dates of their closure are unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

## **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 Claimant in one proceeding.

### Identification of the Account Owner

The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant indicated that his father resided in Langenselbold; the CRT notes that Langenselbold is located only 50 kilometers from Wiesbaden, the Account Owner's unpublished city of residence.

In support of his claim, the Claimant submitted documents, including a copy of his parents' marriage certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner, and that he resided in Langenselbold.

The CRT notes that the name Wilhelm Haeffner 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 there are no other claims to these accounts. 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 Target of Nazi Persecution

The CRT notes that while the Account Owner was not a Victim of Nazi Persecution, the Account Owner's wife and brother-in-law were Victims of Nazi Persecution. The Claimant stated that the Account Owner's wife and brother-in-law were Jewish, that he and his wife fled to Kenya to

escape Nazi persecution, and that his brother-in-law, after depositing assets in the Account Owner's name in an attempt to hide his assets, was deported to a concentration camp, where he perished.

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

The Claimant has plausibly demonstrated that he 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 a copy of his parents' marriage certificate and a copy of his own birth certificate. 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 two accounts were closed on 23 October 1933 and 10 July 1935, respectively.

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 fleeing to Kenya, and would not have been able to repatriate his 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 him; that the Account Owner and his heirs would not have been able to obtain information about his 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 inquiries 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 (see Appendices A and C),<sup>1</sup> 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 his 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 accounts.

### Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit 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

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<sup>1</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org)

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 custody account was 13,000.00 Swiss Francs (“SF”), and the average value of a demand deposit account was SF 2,140.00, for a combined average value of SF 15,140.00 for the two accounts at issue. 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 his claims 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  
23 February 2006