

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED 1]¹
also acting on behalf of [REDACTED 2]
and the Estate of [REDACTED 3]²
represented by [REDACTED]
and to Claimant [REDACTED 4]
represented by Helen Dover

in re Accounts of Julius Halberstadt

Claim Numbers: 210844/LV; 217648/LV

Award Amount: 367,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and Claimant [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”) (together the “Claimants”) to the published accounts of Julius Halberstadt (the “Account Owner”) at the [REDACTED] (the “Bank”).

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

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father, Julius Halberstadt, who was Jewish, was born on 9 September 1883 in Dauernheim, Germany, and was married to [REDACTED], née [REDACTED] in 1912 in Frankfurt am Main, Germany. Claimant [REDACTED 1] stated that his parents had three sons: [REDACTED 1] (Claimant [REDACTED 1]), [REDACTED 2] and [REDACTED 3], all of whom were born in Frankfurt am Main. Claimant [REDACTED 1] further stated that his father resided at Beethovenstrasse 8 until 1934, when his father moved to Gustav Freytagstrasse 3, where he lived until 1936.

¹ Claimant [REDACTED 1] passed away on 2 July 2003 in Scottsdale, Arizona, the United States. Claimant [REDACTED]’s family has provided the CRT with a copy of his death certificate.

² [REDACTED 3] passed away on 18 August 1997 in Hastings-on-Hudson, New York, the United States. His family has provided the CRT with a copy of his death certificate.

Claimant [REDACTED 1] indicated that his father co-owned a grocery store chain called *Schade & Fuellgrabe AG* in Frankfurt am Main, and that his father frequently traveled to Switzerland for vacations. Claimant [REDACTED] further indicated that his brother, [REDACTED 2], studied at the Swiss Federal Technical University in Zurich, Switzerland from 1935 to 1936. Claimant [REDACTED 1] stated that his father was forced to sell his business to an Aryan buyer on 19 May 1936, and that later that summer he fled Nazi Germany to Switzerland, where he stayed for several months until he could emigrate to the United States in the late fall of 1936. Claimant [REDACTED 1] indicated that his father died on 21 December 1939, in Forest Hills, New York, the United States, and that his mother died on 17 June 1967 in Hallandale, Florida, the United States.

In support of his claim, Claimant [REDACTED 1] submitted numerous documents, including his and his brothers' birth certificates, identifying their parents as Julius and [REDACTED] Halberstadt, née [REDACTED];³ a family book, recording the date of his parents' marriage and the birthdates of family members and indicating that his family was from Frankfurt; and a court order dated 18 December 1937, certifying Claimant [REDACTED 1]'s family's change of name from [REDACTED] to [REDACTED]. Claimant [REDACTED 1] indicated that he was born on 29 September 1917 in Frankfurt am Main. Claimant [REDACTED 1] is representing his brother, [REDACTED 2], who was born on 25 January 1916 in Frankfurt am Main, and the Estate of his other brother, [REDACTED 3] who was born on 19 November 1912 in Frankfurt and died on 18 August 1997 in Hastings-on-Hudson, New York.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted a Claim Form identifying the Account Owner as her late husband's brother, Julius Halberstadt, who was Jewish, and was born on 7 May 1910 in Frankfurt am Main, Germany. Claimant [REDACTED 4] stated that her brother-in-law resided at his parents' home at Schutzenstrasse 8 in Frankfurt. Claimant [REDACTED 4] also stated that her brother-in-law had relatives and friends in Switzerland. According to Claimant [REDACTED 4], her brother-in-law fled Nazi Germany in the 1930s to the Netherlands, where he resided at Sophialaan 43 in Amsterdam. Claimant [REDACTED 4] stated that her brother-in-law was the business director of *Adolf Wallach & Co.*, an import and export firm specializing in handkerchiefs and gift packages. Claimant [REDACTED 4] further stated that her brother-in-law was married in 1938 to Bendina Vos, with whom he had two children: [REDACTED] and [REDACTED], who were both born in Amsterdam in 1940 and 1941, respectively. Claimant [REDACTED 4] explained that after failing to secure paperwork to flee from the Nazi-occupied Netherlands, the entire family was deported to Sobibor, where all were killed on 23 July 1943. In a telephone conversation with the CRT on 22 January 2003, the Claimant's daughter stated that she did not have any specific information about when Julius Halberstadt fled to the Netherlands in the 1930s, but stated that she recalled that he was doing business in England during a certain period of time, but had returned to the Netherlands, convinced that the Nazis would never occupy the country. Claimant [REDACTED 4] stated that she is the closest surviving relative of Julius Halberstadt.

In support of her claim, Claimant [REDACTED 4] submitted various documents including her

³ The CRT notes that in German "ae" is the equivalent of "ä."

marriage certificate, indicating that she was married to [REDACTED], Julius Halberstadt's brother, in London, the United Kingdom, on 6 September 1968; a letter written by [REDACTED] to the Jewish Agency for Palestine on behalf of his nephews, [REDACTED] and [REDACTED] and his sister-in-law, [REDACTED], requesting that their names be placed on the list for immigration to Palestine, dated 13 April 1943; a message from Julius Halberstadt sent from Amsterdam through the Red Cross to his brother, [REDACTED] in London, dated 6 July 1940; personal correspondence between Julius and [REDACTED] Halberstadt; a transport list from the Sobibor concentration camp dated 20 July 1943, containing the names Jonas,⁴ [REDACTED], and [REDACTED]; a list of Dutch Jews killed in the Holocaust, containing the name Jonas Julius Halberstadt, and indicating that he was born in Frankfurt; and a list that [REDACTED] made of his family members and their birthdates, which was hidden in a cellar with books in Amsterdam until 1946. The list indicated that the Halberstadt family was from Frankfurt, and that [REDACTED] and [REDACTED], née [REDACTED], were the parents of [REDACTED], [REDACTED], and Julius Halberstadt, who were all born in Frankfurt.

Claimant [REDACTED 4] stated that her late husband, [REDACTED], was born on 14 November 1907 in Frankfurt, and that he died in Manchester, the United Kingdom on 14 November 1977. Claimant [REDACTED 4] also stated that her husband's sister, [REDACTED], was born in Frankfurt in 1906 and died childless in 1998. Claimant [REDACTED] indicated that she was born on 10 April 1922 in Hanover, Germany.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Julius Halberstadt, who resided in Frankfurt am Main, Germany. The Bank's record indicates that the Account Owner held four accounts: two custody accounts, one demand deposit account, and one safe deposit box. According to the Bank's record, one of the custody accounts was opened on 15 August 1930 and closed on 4 July 1933 and the other custody account was opened on an unknown date and was closed on 6 December 1935. The Bank's record also indicates that the demand deposit account was opened on 31 July 1931 and closed on 20 September 1933. Finally, the Bank's record indicates that the safe deposit box was rented on 12 December 1931 and closed on 11 November 1933. 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

⁴ Claimant [REDACTED 4] indicated in the Claim Form that "Jonas" was Julius Halberstadt's Jewish name.

Claimants in one proceeding.

Identification of the Account Owner

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 4]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner contained in the Bank's record; that the information provided by each claimant supports and in no way contradicts information available in the Bank's record; and that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 4] have each plausibly identified the Account Owner.

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly identified the Account Owner. Claimant [REDACTED 1]'s father's name and country of residence match the published name and country of residence of the Account Owner. Claimant [REDACTED 1] identified the Account Owner's city of residence as Frankfurt, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, Claimant [REDACTED 1] submitted documents, including a family book, indicating that his family was from Frankfurt. Claimant [REDACTED 1] also submitted his and his brothers' birth certificates, which identify their parents as Julius and [REDACTED] Halberstadt, née [REDACTED], and states that the family resided in Frankfurt. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner.

Claimant [REDACTED 4]

Claimant [REDACTED 4] has plausibly identified the Account Owner. Claimant [REDACTED 4]'s brother-in-law's name and country of residence match the published name and country of residence of the Account Owner. Claimant [REDACTED 4] identified the Account Owner's city of residence as Frankfurt, which matches unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted documents, including a list of Dutch Jews killed in the Holocaust, containing the name Jonas Julius Halberstadt, and indicating that he was born in Frankfurt; and a list that her late husband had made of his family members and their birthdates, which was hidden with books in a cellar in Amsterdam until 1946. The list indicated that the Halberstadt family was from Frankfurt and that Julius Halberstadt was born in Frankfurt. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's record as the name and city of residence of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Julius Halberstadt, and indicates that his date of birth was 7 May 1910 and place of birth was Frankfurt, which matches the information about the Account Owner

provided by Claimant [REDACTED 4]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that his father was forced to sell his business to an Aryan buyer on 19 May 1936, and later that summer fled Nazi Germany to Switzerland, and eventually to the United States in the late fall of 1936.

Claimant [REDACTED 4]

Claimant [REDACTED 4] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that the Account Owner was Jewish, and that her brother-in-law fled Nazi Germany in the 1930s to the Netherlands, but was deported to Sobibor, where he was killed on 23 July 1943. Claimant [REDACTED 4] also submitted a transport list from the Sobibor concentration camp dated 20 July 1943, containing the name Jonas Halberstadt, and a list of Dutch Jews killed in the Holocaust, containing the name Jonas Julius Halberstadt, whose birthplace was Frankfurt. As noted above, a person named Julius Halberstadt was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]'s father. These documents include Claimant [REDACTED 1]'s birth certificate, which identifies his parents as Julius and [REDACTED] Halberstadt, née [REDACTED], and a court order dated 18 December 1937, certifying Claimant [REDACTED 1]'s family's change of name from [REDACTED] to [REDACTED]. There is no information to indicate that the Account Owner has other heirs other than the parties, which Claimant [REDACTED 1] is representing.

Claimant [REDACTED 4]

Claimant [REDACTED 4] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her brother-in-law. These documents include Claimant [REDACTED 4]'s marriage certificate, indicating that she was married to [REDACTED], Julius Halberstadt's brother; a letter written by [REDACTED] to the Jewish Agency for Palestine on behalf of his nephews, [REDACTED] and

[REDACTED] and his sister-in-law, [REDACTED], requesting that their names be placed on the list for immigration to Palestine, dated 13 April 1943; a message from Julius Halberstadt sent from Amsterdam through the Red Cross to his brother, [REDACTED], in London, dated 6 July 1940; personal correspondence between Julius and [REDACTED] Halberstadt; and a list that [REDACTED] made of his family members and their birthdates, which was hidden in a cellar with books in Amsterdam until 1946. The list indicates that the Halberstadt family was from Frankfurt and that [REDACTED] and [REDACTED], née [REDACTED], were the parents of [REDACTED], [REDACTED], and Julius Halberstadt, who were all born in Frankfurt. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that upon 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 either remained in Germany until 1936 as Claimant [REDACTED 1] indicated or fled Nazi Germany in the 1930s to the Netherlands as Claimant [REDACTED 4] indicated, and would not have been able to repatriate his accounts to Germany without losing ultimate control of their 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 and Appendix C,⁵ 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 the 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 Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED] has plausibly demonstrated that the Account Owner whom he identified was his father, and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner whom she identified was her brother-in-law, and those respective relationships justify 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 two custody accounts, one demand deposit account, and one safe deposit box. Pursuant to Article 29 of the Rules, when the value of an account is

⁵ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 investigation carried out pursuant to the instructions of the Independent Committee on Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs (SF), the average value of a demand deposit account was SF 2,140.00, and the average value of the contents of a safe deposit box was SF 1,240.00. Thus, the total 1945 average value of the accounts at issue is 29,380.00 Swiss Francs. 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 367,250.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 4] is entitled to one-half of the total award amount. Claimant [REDACTED 1] is representing [REDACTED 2] and the Estate of [REDACTED 3], accordingly, each are entitled to one-sixth 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 claims to determine whether there are additional Swiss Bank accounts to which they may 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