

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Susan Sara Haberfeld

in re Account of Paul Haberfeld

Claim Number: 200348/LV

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of Susan Haberfeld, née Landauer, (the “Claimant”) to the published account of Paul Haberfeld (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her late husband, Paul Jacob Haberfeld, who was born on 2 October 1912 in Vienna, Austria, to Jacob and Helen Haberfeld, née Reich. The Claimant stated that Paul Haberfeld, who was Jewish, lived in Vienna, where he owned a garment business named *Haberfeld and Company*, which he inherited from his father. The Claimant indicated that the Nazis confiscated the business after the annexation of Austria in March 1938 (the *Anschluss*), and that Paul Haberfeld fled to Paris, France, and later to the United States, where he settled in New York, New York. The Claimant stated that she was born on 2 October 1916 in St. Gallen, Switzerland, and that she and Paul Haberfeld were married on 6 March 1940 in New York. The Claimant provided a detailed family tree, which indicates that she and her husband had three children: Steven, Peter and Miriam. The Claimant stated that her husband died on 18 November 1965 in Palo Alto, California, the United States. In support of her claim, the Claimant submitted her marriage certificate, which indicates that the Claimant was married to Paul Haberfeld on 24 February 1940 in New York and that he was born in Vienna; and her husband’s death certificate, which indicates that he died on 19 November 1965 and that he was married to Susan Haberfeld.

Information Available in the Bank’s Records

The Bank's records consist of a customer card, an entry in a list of assets that were frozen pursuant to the 1945 Swiss freeze of assets held by nationals of Germany and territories

incorporated into the Third Reich (the “1945 Freeze”), and a list of safe deposit boxes reported in the 1945 Freeze. According to these records, the Account Owner was Paul Haberfeld who resided in Vienna, Austria. The Bank’s records indicate that the Account Owner held a safe deposit box, numbered 728, which was rented on 31 October 1936, and was forcibly opened on 4 February 1946. The Bank’s records further indicate that the official closing date was recorded on the customer card as 5 April 1946. These records further indicate that the safe deposit box was found to be empty on the day the Bank forcibly opened it. There is no evidence in the Bank's records that the Account Owner or his heirs received the proceeds of the account themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her husband’s name matches the published name of the Account Owner. The Claimant stated that her husband lived in Vienna and this information matches unpublished information about the Account Owner’s city of residence contained in the Bank’s records. In support of her claim, the Claimant submitted her marriage certificate, which indicates that the Claimant was married to Paul Haberfeld and that he was born in Vienna; and her husband’s death certificate, which indicates that he died on 19 November 1965 and that he was married to Susan Haberfeld, providing 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 records as the name and city of residence of the Account Owner. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of 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, that his business was confiscated by the Nazis, and that he fled from Austria to escape Nazi persecution.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her marriage certificate and Paul Haberfeld’s death certificate, demonstrating that the Account Owner was her husband. The CRT notes that the family tree provided by the Claimant indicates that the Account Owner had three children. However, the CRT has not received any claims from these children or any other family members.

The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner’s account to him, and 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 the applications of presumptions (h) 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. 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 husband, and that relationship justifies an Award. Finally, 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 safe deposit box. The Bank's records indicate that on 4 February 1946, the Bank opened the safe and indicated that it was found to be empty. Given that the Account Owner was a Victim of Nazi Persecution and as such did not have an opportunity to adjust his assets in light of the wartime conditions, given that the safe was not opened until 1946, and given the unlikelihood that the Account Owner would have opened and maintained a safe deposit box without placing anything of value in it, the CRT concludes that the value of the safe deposit account before and during the Second World War cannot be determined. Taking these factors into account, the CRT concludes that in this case, the average value of a safe deposit account is the appropriate amount to award for the Account Owner's account. Based on the ICEP Investigation, in 1945, the average value of a safe deposit account was SF 1,240.00. 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 15,500.00.

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
13 July 2004