

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Emil Jacob-Cahn

Claim Number: 223674/EZ¹

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Emil Jacob-Cahn (the “Account Owner”) at the Basel 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 a Claim Form identifying the Account Owner as the husband of her mother’s cousin, Emil Jacob, who was born on 13 April 1881 in Dinslaken, Germany, and was married to [REDACTED], née [REDACTED], on 3 August 1914 in Oberhausen, Germany. [REDACTED], who took Emil’s surname after marriage, was born [REDACTED]. The Claimant stated that her maternal grandmother, [REDACTED], née [REDACTED], and the Account Owner’s mother-in-law, [REDACTED], née [REDACTED], were sisters. The Claimant stated that Emil Jacob owned a fashion store in Oberhausen and provided Emil Jacob’s home and exact business addresses. According to the Claimant, [REDACTED] and Emil Jacob had one daughter, [REDACTED], who was born on 6 June 1915 in Oberhausen. In May 1942, the entire family was deported to Theresienstadt, from where they were deported in October 1944 to Auschwitz, where they were all killed. In support of her claim, the Claimant submitted a copy of [REDACTED]’s birth certificate, indicating that her parents were [REDACTED] and

¹ The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], which are registered under the Claim Numbers 216557, 223675, 223734, 223735, 216558, 216559, respectively. The CRT will treat the claims to these accounts in separate decisions.

[REDACTED], née [REDACTED], and a registration certificate from the municipality of Oberhausen, indicating that [REDACTED], née [REDACTED], and Emil Jacob were married.

The Claimant stated that she was born on 11 October 1926 in Münstereifel, Germany, that she was interned in the Theresienstadt concentration camp with the Jacob family, and that she survived three years of internment there.

Information Available in the Bank Records

The bank records consist of a ledger card and bank correspondence. According to these records, the Account Owner was Emil Jacob-Cahn from Germany, who held an account of unknown type. The bank records suggest that Jacob-Cahn was not the name the Account Owner first gave to the Bank, and that the account may have been a joint account or had Power of Attorney holders. The bank records further indicate that the account was considered for the 1962 Swiss Federal Survey, which required Swiss banks to report accounts that had been dormant since 8 May 1945 and were held by foreigners or stateless individuals known or presumed to have fallen victim to racial, religious or political persecution. The account was not registered in the Survey.

The account balance as of 1962 was 114.50 Swiss Francs. The bank records do not show if or when the account at issue was closed, or to whom it was paid. 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. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her relative’s name matches the published name of the Account Owner. The Claimant stated and provided documents indicating that her relative resided in Germany, which matches published information about the Account Owner contained in the bank records. The CRT notes that it previously awarded the Claimant the accounts of [REDACTED], the Account Owner’s wife’s cousin and the Claimant’s mother’s cousin, based on the Claimant’s identification of unpublished information about [REDACTED]. In addition, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Emil Jacob, and indicates that his date of birth was 13 April 1881 and place of birth was Dinslaken, Germany, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the Claimant’s relative used the name Emil Jacob, while the account was titled with two family names, Jacob-Cahn. The Claimant stated and provided documents,

indicating that Emil Jacob's family was related to the Cahn family. Emil Jacob's wife's aunt and the Claimant's grandmother was [REDACTED], née [REDACTED]. The Claimant stated that members of the Cahn family were probably related to this account, and that there could have been Power of Attorney Holders or Joint Account Owners at some point. This information provided by the Claimant is consistent with unpublished information in the bank records, suggesting that Jacob-Cahn was not the name the Account Owner first gave to the Bank, and that the account may have been a joint account or had Power of Attorney holders. The CRT therefore finds it plausible that the Claimant's relative's account could have been titled with the two names, Jacob and Cahn, and concludes that the Claimant's relative and the Account Owner are the same person. Finally, the CRT notes that there were no other claims matching to this account.

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 was murdered in Auschwitz. Moreover, the CRT notes that the database discussed above containing the names of victims of Nazi persecution includes a person named Emil Jacob, and indicates that his date of birth was 13 April 1881 and place of birth was Dinslaken, Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by providing detailed biographical information, indicating that the Account Owner was her mother's cousin's husband. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the death of the Account Owner in Auschwitz, the consideration of the account for the 1962 Survey and the application 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 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 mother's cousin's 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 account of unknown type. The bank records indicate that the value of the account as of 1962 was 114.50 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 present value of this amount is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

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
April 24, 2003