

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Kurt Jacobsohn
also acting on behalf of Gertrud Klimowski

in re Accounts of Siegfried Jacobsohn

Claim Number: 300293/AY¹

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claim of Kurt Jacobsohn (the “Claimant”) to the published accounts of Siegfried Jacobsohn (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 his father, Siegfried (Fritz) Jacobsohn, who was born to Julius and Malwina Jacobsohn on 12 December 1888 in Schwetz, Germany, and was married to the Claimant’s mother, Eva Chava Jacobsohn, née Spiro, on 15 September 1921 in Hamburg, Germany, with whom he had two children. The Claimant indicated that his father, who was Jewish, resided at Hagedornstrasse 7 in Nuremberg, Germany, where he worked as the *Kaufmännischer Direktor* (business director) of a German department store company named *Schocken*. The Claimant stated that in 1934 his father began receiving personal threats stemming from accusations made against him in *Der Stürmer*, a Nazi weekly publication, forcing him to leave Nuremberg for Hamburg and Freiburg, Germany. The Claimant further stated that his father eventually fled Germany to Amsterdam, the Netherlands, in March 1936 and ultimately to Palestine (now Israel) in 1937. The Claimant stated that his father died in Israel on 7 December 1965, and that his mother died in 1996, also in Israel.

In support of his claim, the Claimant submitted numerous documents including his birth certificate, issued in Nuremberg in 1932, which indicates that he is the son of Siegfried Jacobsohn, a business director, and Eva Jacobsohn, née Spiro, and a notarized translation of a document dated 15 February

¹ The Claimant submitted an additional claim to the account of Jacob Spiro, which is registered under the Claim Number 500437. The CRT has treated the claim to this account in a separate decision. See *In re Account of Jacob Shapiro*, which was approved by the Court on 20 May 2004.

1932 in Nuremberg, stating that Siegfried Jacobsohn was married to Eva Jacobsohn, née Spiro, and resided at Hagedornstrasse 7 in Nuremberg. The Claimant also submitted his father's birth certificate showing that he was Jewish; his father's marriage certificate indicating that he was married to Eva Jacobsohn, née Spiro; his parents' death certificates; and his father's will and probate order naming his wife, Eva Jacobsohn, as his sole heir, and in the event of her death, his two children.

The Claimant indicated that he was born on 9 February 1932 in Nuremberg. The Claimant is representing his sister, Gertrud Ruth Klimowski, née Jacobsohn, who was born on 14 February 1923 in Regensburg, Germany.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a power of attorney form, signed and dated 2 June 1931 in Zurich, Switzerland, and printouts from the Bank's database. According to these records, the Account Owner was *Dir.* (director) Siegfried (also known as Fritz) Jacobsohn, who resided at Hagedornstrasse 7 in Nuremberg, Germany and the Power of Attorney Holder was Eva Jacobsohn, the Account Owner's wife, who resided at the same address.

The records indicate that the Account Owner held a savings account, numbered 12379, that was opened no later than 2 June 1931 and was closed on 28 December 1934, and a custody account, numbered 35795, that was opened on 27 February 1932 and was closed on 24 June 1936. The Bank's records indicate that the custody account contained two sealed envelopes for which the Bank charged 5.00 Swiss Francs each per year as safe-keeping fees. The Bank's records also contain instructions for the Bank to hold all correspondence.

The Bank's records do not show to whom these accounts were paid, nor do these records indicate the value of the savings account or that of the contents of the sealed envelopes. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The Claimant's father's name matches the published name of the Account Owner, and his mother's name matches the published name of the Power of Attorney Holder. The Claimant identified the relationship between the Account Owner and the Power of Attorney Holder, his father's profession and title, and his parents' street address, all of which match unpublished information about the Account Owner and the Power of Attorney Holder contained in the Bank's records.

In support of his claim, the Claimant submitted numerous documents including his birth certificate, issued in Nuremberg in 1932, which indicates that he is the son of Siegfried Jacobsohn, a business

director, and Eva Jacobsohn, née Spiro; and a notarized translation from 1963 of a document dated 15 February 1932 in Nuremberg, stating that Siegfried Jacobsohn was married to Eva Jacobsohn, née Spiro, and resided at Hagedornstrasse 7 in Nuremberg. The Claimant also submitted his father's birth certificate; his father's marriage certificate showing that he was married to Eva Jacobsohn, née Spiro; his father's will and probate order indicating the names of his spouse and children; and his parents' death certificates. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name, resided at the same address, and was married to the same person recorded in the Bank's records as the name, address and spouse of the Account Owner. The CRT notes that there are no other claims to these accounts.

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 was forced leave his job in Nuremberg and to flee Germany due to Nazi persecution.

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 his birth certificate, issued in Nuremberg in 1932, which indicates that he is the son of Siegfried Jacobsohn, and his father's will and probate order, indicating the names of his spouse and children. The Claimant has provided information to indicate that the Account Owner has no other surviving heirs other than the Claimant and his sister, whom he represents in these proceedings.

The Issue of Who Received the Proceeds

With regard to the savings account closed on 28 December 1934, 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 flight taxes and other confiscatory measures, including confiscation of assets held in Swiss Banks; that the Account Owner remained in Germany until 1936 and that he was prevented from working as a business director after 1934, and would not have been able to repatriate his accounts to Germany without losing ultimate control over their proceeds; and given the application of Presumptions (a), (h), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), and Appendix C,² 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.

With regard to the custody account, the CRT notes that the Bank's record indicate that the account was closed on 24 June 1936, at which time, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the account was closed, that the Account Owner fled his country of origin due

² Appendix C appears on the CRT II website -- <<<<www.crt-ii.org>>>>.

to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, 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, even for the stated purpose of obtaining indemnification from the German authorities, 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) and (j), as provided in Article 28 of the Rules, the CRT concludes that there is a sufficient probability that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their heirs.

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. Finally, the CRT has determined that it is plausible that neither the Account Owner nor the Power of Attorney Holder nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one savings account and one custody 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 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 passbook/savings account was 830.00 Swiss Francs ("SF"), and the average value of a custody account was SF 13,000.00. Consequently, the total 1945 average value of the accounts at issue is SF 13,830.00. 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 172,875.00.

Division of the Award

In accordance with Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case the Claimant has submitted the Account Owner's will, which provides that the Account Owner's entire Estate was left to his wife, or in the event of her death, to his two children. Accordingly, the Claimant and his sister, Gertrud Klimowski, are each entitled to one-half of the total Award amount.

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 claim 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