

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant Miriam Charif Haker

**in re Account of Gustav Hacker  
and  
Account of Gertrud (Trudel) Häcker-Petersen  
(Power of Attorney Holder Fritz Häcker)<sup>1</sup>**

Claim Number: 001495/AY/AH

This Certified Denial is based on the claim of Miriam Charif Haker, née Herchkovits, (the “Claimant”) to the accounts of Gustav Haker and Fritz Haker. The CRT did not locate an account belonging to Gustav Haker or Fritz Haker in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”) which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). This Denial is to the published account of Gustav Hacker (“Account Owner 1”) and to the published account of Gertrud Häcker-Petersen (“Account Owner 2”) at the [REDACTED] (the “Bank”).

All denials 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 asserting that her brothers-in-law, Gustav Haker and Fritz Haker, who were born in Germany, owned Swiss bank accounts. The Claimant indicated that her brothers-in-law moved from Germany to Vienna, Austria. The Claimant further indicated that her relatives, who were Jewish, perished in concentration camps. The Claimant stated that she was born on 7 July 1922 in Czechoslovakia.

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<sup>1</sup> In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ or power of attorney holders’ names are substantially similar to those of the Claimant’s relative, even if the Claimant did not specifically claim that particular account and even if the Claimant could not identify the owner of the account as her relative. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

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

The CRT notes that the Claimant submitted a claim to accounts belonging to her relatives, Gustav Haker and Fritz Haker. The ICEP Investigation reported two accounts whose owners' or power of attorney holders' names are substantially similar to those provided by the Claimant. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

### Account 5023725

The Bank's records indicate that Account Owner 1 was Gustav Hacker, who resided in Vienna, Austria, and that the Power of Attorney Holder was Ella Hacker. The Bank's records indicate Account Owner 1's street address and profession and the Power of Attorney Holder Ella Hacker's address. Furthermore, the Bank's records indicate the date of opening of the account and the date on which the power of attorney form was signed. Finally, the Bank's records contain Account Owner 1's and the Power of Attorney Holder's signatures.

### Accounts 5026424 and 5026424.1

The Bank's records indicate that Account Owner 2 was Gertrud (Trudel) Häcker-Petersen, who resided in Riga, Latvia, and that the Power of Attorney Holders were Fritz Häcker and Kurt Petersen. The Bank's records also indicate Account Owner 2's and the Power of Attorney Holders' addresses and indicate the relationship between Account Owner 2 and Power of Attorney Holder Kurt Petersen. Finally, the Bank's records indicate the dates on which the power of attorney forms were signed and Account Owner 2's and the Power of Attorney Holders' signatures.

## **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets (the "1938 Census"). In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Account Owner 1. The records indicate Account Owner 1's address, spouse's name and date and place of birth.

## **The CRT's Analysis**

### Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

### Identification of the Account Owners

As for Account 5023725, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her brother-in-law is substantially similar to the published name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in the Bank's records and in records from the Austrian State Archive. Specifically, the Claimant stated that her relative was born in Germany. In contrast, records from the Austrian State Archive show that Account Owner 1 was born in a different country. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holder Ella Hacker as her relative despite the fact that she shared the same last name as Account Owner 1. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant's brother-in-law are the same person.

As for Accounts 5026424 and 5026424.1, the CRT concludes that the Claimant has not identified Power of Attorney Holder Fritz Häcker as her relative. Although the name of her brother-in-law is substantially similar to the published name of Power of Attorney Holder Fritz Häcker, the information provided by the Claimant differs materially from the unpublished information about the Power of Attorney Holder available in the Bank's records. Specifically, the Claimant stated that her relative was born in Germany and resided in Austria. In contrast, the Bank's records show that Power of Attorney Holder Fritz Häcker resided in a different country. In addition, the CRT notes that the Claimant did not identify Account Owner 2 as her relative despite the fact that she shared the same last name as Power of Attorney Holder Fritz Häcker. The CRT further notes that the Claimant did not identify Power of Attorney Holder Kurt Petersen. Consequently, the CRT is unable to conclude that Power of Attorney Holder Fritz Häcker and the Claimant's brother-in-law are the same person. Moreover, it should be noted that the CRT has determined that another claimant has plausibly identified the Account Owner as his relative. All decisions are published upon release on the CRT's website at [www.crt-ii-org](http://www.crt-ii-org).

The CRT also notes that under Swiss law, the power of attorney holder is not considered to be the owner of an account. After the power of attorney holder dies, his or her powers in an account no longer exist, and they do not pass to his or her heirs. Therefore, even if the Claimant had identified the Power of Attorney Holder, but not the Account Owner, as her relative, the Claimant would not have been entitled to the account unless there was evidence in the Bank's records that the Power of Attorney Holder and the Account Owner were related.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal. Appeals

submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
30 September 2004