

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Arthur Jacker**

Claim Number: 500974/UM

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Arthur Jacker (the “Account Owner”) at 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 her father, Arthur (Jean-Arthur) Jacker, who was born on 19 July 1875 in Prague, Czechoslovakia (now the Czech Republic), and was married to [REDACTED], née [REDACTED], in 1915 in Vienna, Austria. The Claimant stated that her father, who was Jewish, resided in Berlin, Germany, from 1914 to 1933, and that he managed a meat-packing plant and related businesses there. The Claimant specified that the plant he managed was owned by Bell S.A., a company located in Basel, Switzerland. In addition, the Claimant stated that her mother died in Berlin on 7 April 1931. The Claimant further stated that her father left his management position on 1 April 1933 after his life was threatened by union representatives at the plant. Moreover, the Claimant stated that her father subsequently left Germany and lived in France until 1942, initially in Paris and later in Grenoble. The Claimant additionally stated that her father fled to Switzerland in 1942, and that he remained there until he moved to New York, New York, the United States, in 1946. Finally, the Claimant stated that her father died in New York on 6 July 1963.

The Claimant submitted her own birth certificate, identifying her father as Artur Jacker, and specifying that he lived in Berlin-Charlottenburg; her mother’s death certificate, identifying her husband as *Direktor* (“Director”) Artur Jacker, and specifying that he resided in Berlin-Charlottenburg; a letter from a representative at Bell S.A. Bale, dated 18 June 1945, confirming that Jean-Arthur Jacker was the manager of several meat factories and related businesses in Berlin between March 1924 and March 1933, and indicating that he was forced to leave his position “in consequence of the events and for [his] personal security”; her father’s identity card,

issued in Bern, Switzerland, on 27 December 1945, identifying her father as Jean-Arthur Jacker, and specifying that he formerly managed a company; and her father's handwritten will, dated 27 October 1947, which identifies the Claimant as his daughter and sole heir.<sup>1</sup> The Claimant indicated that she was born on 4 November 1927 in Berlin.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was *Dir.* ("Director") Arthur Jacker, who resided in Berlin-Charlottenburg, Germany, and in Paris, France. The Bank's record indicates that the Account Owner held one custody account and two demand deposit accounts. The Bank's record indicates that one of the demand deposit accounts was closed on 28 October 1933, and that the second demand deposit account was closed on 7 April 1940. In addition, the Bank's record indicates that the custody account was opened on 21 June 1934, and closed on 22 March 1939. The amounts in the accounts on the dates of their closures 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**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner.<sup>2</sup> The Claimant indicated that the Account Owner resided in Berlin, Germany, and Paris, France, which matches unpublished information about the Account Owner contained in the Bank's record. Moreover, the Claimant identified the Account Owner's profession, which is consistent with unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including her own birth certificate, identifying her father as Artur Jacker, and specifying that he lived in Berlin-Charlottenburg; her mother's death certificate, identifying her husband as *Direktor* ("Director") Artur Jacker, and specifying that he resided in Berlin-Charlottenburg; a letter from a representative at Bell S.A. Bale, confirming that Jean-Arthur Jacker was the manager of several meat factories and related businesses in Berlin between March 1924 and March 1933; and her father's Swiss identity card, identifying him as Jean-Arthur Jacker, and specifying that he formerly managed a company. All 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 one of the cities of residence of the Account Owner. In addition, these documents provide independent verification that the person who is claimed to be the Account Owner had a profession that is consistent with the professional title recorded in the Bank's record as the professional title of the Account Owner.

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<sup>1</sup> The Claimant indicated that this will was deemed invalid under New York law.

<sup>2</sup> The CRT notes that the names "Artur" and "Arthur" are sufficiently similar to render it plausible that they refer to the same person.

The CRT further notes that a database containing the names of victims of Nazi persecution includes a person named Arthur-Jean Jacker, which indicates that his date of birth was 19 July 1875, and specifies that he entered Switzerland as a refugee on 20 December 1942, 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. Finally, 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, that he was forced to leave his managerial position in Germany in April 1933 after his life was threatened, and that he left Germany for France, and subsequently fled to Switzerland in 1942, in order to avoid further Nazi persecution. The Claimant also submitted a letter from a representative at Bell S.A. Bale, confirming that the Account Owner was forced to leave his position as the manager of several meat factories and related businesses in Berlin in order to protect his physical safety. As noted above, a person named Jean-Arthur Jacker was included in the CRT's database of victims.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she 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 her own birth certificate, identifying her father as Artur Jacker, and her father's handwritten will, which identifies the Claimant as his daughter and sole heir. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

Regarding the demand deposit account closed on 28 October 1933, given that the Account Owner opened another account with the Bank on 21 June 1934, the CRT determines that the Account Owner was able to access his account and that he closed this account and received its proceeds.

Regarding the second demand deposit account and the custody account, closed on 7 April 1940 and 22 March 1939, respectively, the CRT notes that, according to information provided by the Claimant, the Account Owner was outside Nazi-dominated territory at the time the accounts were closed. However, given that the Bank's record does not indicate to whom the accounts were closed; that the Account Owner fled Germany, where he resided for approximately twenty years, after his life was threatened, and that the Account Owner may have had relatives remaining in Germany 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 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 father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of two of the claimed accounts.

### Amount of the Award

In this case, the Award is for one demand deposit 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 demand deposit account was 2,140.00 Swiss Francs (“SF”), and the average value of a custody account was SF 13,000.00. Therefore, the total 1945 average value of the two accounts is SF 15,140.00. 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 189,250.00.

### **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  
12 January 2005