

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to the estate of Claimant Prof. Werner Fritz Benjamin Jacoby<sup>1</sup>  
also acting on behalf of Ulrich Hermann Zvi Jacoby<sup>2</sup>

**in re Account of Dr. Julius Jacoby**

Claim Number: 216534/LK

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Prof. Werner Fritz Benjamin Jacoby (the “Claimant”) to the account of Dr. Julius Jacoby (the “Account Owner”) at 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, Dr. Julius Jacoby, who was born on 24 September 1891 in Insterburg, Germany (now Chernyakhovsk, Russia), and was married to Kaete Else Jacoby, née Sachs. The Claimant stated that his father was the son of Hermann Jacoby and Clara Jacoby, née Klopstock; and that he had two sons: Ulrich Hermann Zvi Jacoby and the Claimant. The Claimant indicated that his father was an eye surgeon, who studied in Insterburg and Königsburg, Germany (now Kaliningrad, Russia). The Claimant further indicated that his father resided from 1933 until 1935 at Königstrasse 59a in Königsburg. The Claimant stated that his father, who was Jewish, fled Germany for Palestine in 1935, and resided in Tel Aviv until his death on 4 February 1950. In support of his claim, the Claimant submitted an inheritance document pertaining to his parents and his birth certificate, identifying his father as Dr. Med. Julius Jacoby. The Claimant indicated that he was born on 2 June 1927 in Insterburg. The Claimant is representing Ulrich Hermann Zvi Jacoby, his brother, who was born on 13 July 1925, also in Insterburg.

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<sup>1</sup> The CRT notes that Claimant Prof. Werner Fritz Benjamin Jacoby passed away on 17 November 2002.

<sup>2</sup> The CRT notes that the claim form does not contain a Power of Attorney form from Ulrich Hermann Zvi Jacoby but recognizes that the claim form was signed by the Claimant and states that he wished to represent his brother, Ulrich Hermann Zvi Jacoby, in this proceeding. The CRT further notes that it is in receipt of a letter signed by Ulrich Hermann Zvi Jacoby on 13 March 2003, confirming that his late brother’s claim was filed for him as well and that he is willing to assume the claim.

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

The Bank's record consists of an excerpt from the Bank's numbered accounts ledger. According to this record, the Account Owner was Dr. Julius Jacoby, who resided in Insterburg, Germany. The Bank's record indicates that the Account Owner held an account of unknown type, numbered 2746. The Bank's record further indicates that the account was closed on 21 November 1940. 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") determined that the account was transferred to the Bank's profit and loss account. The amount in the account on the date of its closure is unknown.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name and city of residence match the published name and city of residence of the Account Owner. The Claimant identified his father's doctor title, which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that the Claimant submitted his birth certificate, indicating that his father was Dr. Med. Julius Jacoby and that he was born in Insterburg, providing independent verification that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's records as the residence of the Account Owner. The CRT notes that the other claim to this account was disconfirmed because the other claimant provided different cities of residence than the city 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, and that he fled Germany in 1935 for Palestine.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his birth certificate, demonstrating that he was the Account Owner's son. There is no information to indicate that the Account Owner has any surviving heirs other than the Claimant's brother, whom he represents.

### The Issue of Who Received the Proceeds

The Bank's record shows that the account was closed on 21 November 1940. The auditors who carried out the ICEP Investigation determined that the account was transferred to the Bank's profit and loss account.

### 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 Governing the Claims Resolution Process, as amended (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 neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case the Account Owners held one account of unknown type. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant and his brother, whom the Claimant represents, are the children of the Account Owner. Accordingly, the Claimant’s estate and the Claimant’s brother are each entitled to one-half of the total award amount.

### **Scope of the Award**

The Claimant’s estate 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  
19 November 2003