

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Yvonne Rheims
represented by Philippe Rheims

in re Accounts of Georges Dreyfus

Claim Numbers: 218334/MBC, 218335/MBC, and 218336/MBC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of Yvonne Rheims, née Dreyfus, (the “Claimant”) to the accounts of Georges Dreyfus (the “Account Owner”) at the Basel 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 three Claim Forms identifying the Account Owner as her father, Georges Dreyfus, who was born in Mulhouse, France, on 21 June 1885, and was married to Emilienne Kornberger, whom the Claimant identified as the Power of Attorney Holder. The Claimant indicated that, on some of the documents she has regarding her mother, her mother’s maiden name in German was spelled Kronenberg. The Claimant stated that she is her parents’ only child and that she was born in Geneva, Switzerland, on 16 March 1922. The Claimant further indicated that her parents resided in Mulhouse at rue Gambetta 30 until approximately 1930, and then at rue de la Moselle 23. According to the Claimant, her father, who was Jewish, was deported to Drancy on 7 October 1943 and from there to Auschwitz, where he perished on 12 October 1943. The Claimant indicated that she and her mother were imprisoned in the Pithiviers camp in 1943 and were released because they were not Jewish. The Claimant further stated that her mother passed away in Pfastatt, France, on 31 March 1979. In support of her claim, the Claimant submitted documents, including an inheritance certificate and a document issued by a notary public stating that the Claimant is her parents’ sole heir; her parents’ family booklet; and her mother’s identity card, which all indicate that her parents were Georges Dreyfus and Emilienne Dreyfus, née Kornberger, and that they resided in Mulhouse.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Monsieur* (Mr.) Georges Dreyfus, who resided at rue de la Moselle 23 in Mulhouse, France, and the Power of Attorney Holder was Emilienne Dreyfus, née Kronenberger, who resided at the same address. The Bank's record indicates that the Account Owner held a custody account and a demand deposit account, which were opened on 24 July 1937 and were closed on 24 March 1941. The amount in the accounts on the date of their closure are unknown. The Bank's record does not show to whom the accounts were paid. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and Power of Attorney Holder. Her father's name and city and country of residence match the published name and city and country of residence of the Account Owner, and her mother's name matches the published name of the Power of Attorney Holder. The Claimant indicated that her parents resided in Mulhouse at rue de la Moselle 23, which matches unpublished information about the Account Owner and the Power of Attorney Holder contained in the Bank's record. In support of her claim, the Claimant submitted documents, including an inheritance certificate and a document issued by a notary public, demonstrating that the Claimant is her parents' sole heir, and her parents' family booklet, which all indicate that her parents were Georges Dreyfus and Emilienne Dreyfus, née Kornberger,¹ and that they resided in Mulhouse. These documents provide independent verification that the persons claimed to be the Account Owner and Power of Attorney Holder resided in the same town recorded in the Bank's records as the residence of the Account Owner and Power of Attorney Holder. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Georges Dreyfus, and indicates that his date of birth was 21 June 1885 and his place of birth was Mulhouse, 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. Taking all of these factors into account,

¹ The CRT notes that the Claimant's mother's maiden name can be spelled as either "Kornberger" or "Kronenberg," whereas the Power of Attorney Holder's maiden name was spelled "Kronenberger" in the Bank's records. The CRT concludes that it is plausible that a typographical error was made in the Bank's records.

the CRT concludes that the Claimant has plausibly identified the Account Owner and Power of Attorney Holder.

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, who was Jewish, was deported to Drancy on 7 October 1943 and from there to Auschwitz, where he perished on 12 October 1943. As noted above, a person named Georges Dreyfus 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 documents, including an inheritance certificate and a document issued by a notary public stating that the Claimant is the sole heir of her parents, Georges and Emilienne Dreyfus.

The Issue of Who Received the Proceeds

Given that the Account Owner was Jewish and that his accounts were closed in March 1941, nearly one year after the Alsace region of France was annexed by Germany; that there is no record of the payment of the Account Owner's accounts to him, the Power of Attorney Holder or their heirs; that the Account Owner or his heirs would not have been able to obtain information about his account after the Second World War from the Bank 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 (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, the Power of Attorney Holder, or their 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 claims are 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. Finally, the CRT has determined that it is plausible that neither the Account Owner, 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 custody account and one demand deposit 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 custody account was 13,000.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs. Therefore, the total 1945 average value of the accounts at issue was 15,140.00 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 189,250.00 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 claims 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
22 December 2003