

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]¹
also acting on behalf of [REDACTED] and [REDACTED]

to Claimant [REDACTED 2]
also acting on behalf of [REDACTED]

and to Claimant [REDACTED 3]

in re Accounts of Georges Klein

Claim Numbers: 216115/AY; 216868/AY; 216869/AY; 216949/AY; 217650/AY

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the accounts of Georges Klein, [REDACTED] and [REDACTED], upon the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) to the accounts of Paul Bloch and [REDACTED], and upon the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) to the account of [REDACTED].² This Award is to the accounts of Georges Klein (the “Account Owner”) at the Basel branch and the Lausanne branch of the [REDACTED] (the “Bank”). In this Award, Claimant [REDACTED 1], Claimant [REDACTED 2] and Claimant [REDACTED 3] are referred to collectively as “the Claimants.”

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 Claimants

Information Provided by Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted Claim Forms identifying the Account Owner as her father, Georges Mayer Klein, who was born in Paris, France on 2 June 1876, and was married to [REDACTED], née [REDACTED], in Paris on 5 March 1908. Claimant [REDACTED 1]

¹ In her claims, Claimant [REDACTED 1] is also acting on behalf of [REDACTED 2], who submitted a separate claim to the account of [REDACTED].

² The CRT will treat the claims to these accounts in separate decisions.

indicated that the couple had three children: [REDACTED], née [REDACTED], who was born on 29 November 1908, [REDACTED], who was born on 23 July 1910, and Claimant [REDACTED 1], who was born on 15 March 1914. Claimant [REDACTED 1] indicated that her father, who was Jewish, was an engineer, and that he and his family lived in Paris at 240, rue de Tolbiac until 1940. Claimant [REDACTED 1] stated that when the Nazis invaded France, her family was forced to flee Paris to Limoges, France, where they lived at 87, avenue Ernest-Rubin. Claimant [REDACTED 1] further explained that they subsequently had to flee, one by one, to the small village of Lameize, France, where they lived in hiding. According to Claimant [REDACTED 1], the family returned to Paris after the Second World War. Claimant [REDACTED 1] indicated that her father died in Geneva, Switzerland on 5 May 1959. Claimant [REDACTED 1] further stated that her sister, [REDACTED], died on 23 August 1985, and that her brother, [REDACTED], died on 23 March 2001. Claimant [REDACTED 1] indicated that her maternal uncle was Paul Bloch and that her brother-in-law was Charles Ulmann. In support of her claim, Claimant [REDACTED 1] submitted documents, including her parents' marriage certificate, indicating that Georges Mayer Klein was married to [REDACTED], née [REDACTED]; her official family booklet, identifying Georges Klein and [REDACTED], née [REDACTED], as her parents and [REDACTED] and [REDACTED] as her siblings; the official family booklet of [REDACTED], née [REDACTED], identifying her children as the Claimant's nephew, [REDACTED 2], and niece, [REDACTED]; and a document issued by a notary public, indicating the names of Claimant [REDACTED 1]'s family members.

Claimant [REDACTED 1] is representing her nephew, [REDACTED 2], who was born on 12 January 1930, and her nieces, [REDACTED], née [REDACTED], who was born on 28 April 1933, and [REDACTED], née [REDACTED], who was born on 12 April 1953.

Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form indicating that he is the grandchild of Georges Mayer Klein and [REDACTED], née [REDACTED]. Claimant [REDACTED 2] submitted substantially identical information in his Claim Form as the information submitted by Claimant [REDACTED 1]. In support of his claim, Claimant [REDACTED 2] submitted the marriage certificate of his parents, [REDACTED], née [REDACTED], and Charles René Ulmann, and family booklet, identifying [REDACTED], née [REDACTED], and Charles René Ulmann as his parents.

Claimant [REDACTED 2] indicated that he was born on 12 January 1930 in Paris. Claimant [REDACTED 2] is representing his sister, [REDACTED], née [REDACTED], who was born on 28 April 1933 in Paris.

Information Provided by Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owners as her uncle by marriage, Georges Klein, indicating that he was married to her father's sister, [REDACTED], née [REDACTED]. Claimant [REDACTED 3] indicated that her father, Paul Bloch, resided in Paris at 16, rue Marignan. In support of her claim, Claimant [REDACTED 3] submitted documents, including her parents' family booklet and her own marriage certificate, identifying

Paul Bloch as her father. Claimant [REDACTED 3] stated that she was born in Paris on 2 December 1927.

Information Available in the Bank's Records

The Bank's records consist of account-opening cards, a list of accounts that have been dormant since 1940, and printouts from the Bank's database. According to these records, the Account Owner was Georges Klein, who resided at several places, including: 240, rue de Tolbiac, Paris 13, France; 29, rue Wurtz, Paris; and at a residence identified as with a [REDACTED], 342-344, chaussée d'Alseberg, Brussels, Belgium. The Bank's records indicate that while the accounts at issue were originally opened by the Account Owner, the names of [REDACTED], née [REDACTED] (the Account Owner's wife), [REDACTED], née [REDACTED], [REDACTED], and [REDACTED] were recorded as joint-account owners at some point. The Bank's records further show that that these names were crossed out on an unknown date, leaving Georges Klein as the sole Account Owner. The Bank's records indicate that the Power of Attorney Holders were Paul Bloch and Charles Ulmann, who resided in Paris at 16, rue Marignan, and 23, rue Gazau, respectively.

The Bank's records indicate that the Account Owner held three accounts: a custody account and a demand deposit account in Swiss Francs, which were opened on 17 June 1926, and were held at the Basel branch of the Bank; and a second custody account, which was opened on 2 April 1935, and was held at the Lausanne branch of the Bank. All three accounts shared the account number 30961.

As for the accounts held at the Basel branch of the Bank, the Bank's records contain an entry indicating that the proceeds of the custody account had been repatriated to France on 12 January 1940, and that unpaid coupons remained in the demand deposit account as of 1 November 1940. The Bank's records neither show who ordered the Bank to repatriate the assets in the custody account, nor the value of these assets or the value of the coupons. 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") indicated that in 1952 these accounts were included on a list of missing account holders prepared by the Bank pursuant to an internal survey and for which there was no client contact since 1940. These auditors further indicated that these accounts were formally closed out in 1952 by the Bank.

As for the custody account held at the Lausanne branch of the Bank, the Bank's records do not show when it was closed, or to whom it was paid, nor do these records indicate the value of this account. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holders, or their heirs closed this account 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 Claimant [REDACTED 1], the claim of Claimant [REDACTED 2] and the claim of Claimant [REDACTED 3] in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Claimant [REDACTED 1]'s father's name, Claimant [REDACTED 2]'s grandfather's name and the name of Claimant [REDACTED 3]'s uncle by marriage match the published name of the Account Owner. Claimant [REDACTED 1] identified her father's street address as 240, rue de Tolbiac, Paris, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimants indicated that the Account Owner was married to [REDACTED], née [REDACTED], which matches unpublished information about the Account Owner contained in the Bank's records. The Claimants further indicated that the Account Owner's brother-in-law was Paul Bloch, who resided in Paris at 16 rue Marignan, and that his son-in-law was Charles Ulmann, which matches the names of the Power of Attorney Holders and the unpublished address of Power of Attorney Holder Paul Bloch. Moreover, the CRT notes that although crossed out in the Bank's records, the names of Claimant [REDACTED 1] herself and her siblings were indicated in the Bank's records. The CRT further notes that Claimant [REDACTED 1] submitted her official family booklet, identifying Georges Klein and [REDACTED], née [REDACTED], as her parents and [REDACTED] as her sister; and the official family booklet of [REDACTED], née [REDACTED], identifying Claimant [REDACTED 2] and his sister, [REDACTED], whom he represents, as her children. In addition, Claimant [REDACTED 2] submitted his own family booklet identifying [REDACTED], née [REDACTED], as his mother. Finally, the CRT notes that the other claim to these accounts was disconfirmed because the claimant provided a different country of residence than the country of residence of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that he had to flee Paris and live in hiding during the Nazi occupation of France.

The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting documents demonstrating that the Account Owner was their relative. These documents include Claimant [REDACTED 1]'s official family booklet, identifying Georges Klein as her father and [REDACTED] as her sister, and the official family booklet of

[REDACTED], née [REDACTED], identifying Claimant [REDACTED 2] and his sister, [REDACTED], whom he represents, as her children.

The Issue of Who Received the Proceeds

With regard to the custody account that was held at the Basel branch of the Bank, the Bank's records indicated that the assets that were held in the account were repatriated to France on 12 January 1940. The Bank's records do not indicate who ordered the Bank to transfer the assets. However, given that the assets were repatriated five months before the invasion of France, that the Claimant's father resided in Paris at that time, and that there are no facts suggesting the Account Owner would have been unable to contact the Bank and receive the proceeds of his account, the CRT concludes that it is plausible that the assets in the account were transferred to France pursuant to the instructions of the Account Owner.

With regard to the demand deposit account that was held at the Basel branch of the Bank, given that the Account Owner's account remained in existence after the Second World War; that in 1952 the account was included on a list of missing account holders with whom there had been no contact since 1940, which was prepared by the Bank as part of an internal survey; that the Bank subsequently closed out the account in 1952; that there is no record of the payment of the Account Owner's account to him or his 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 (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 Holders or their heirs.

With regard to the custody account that was held at the Lausanne branch of the Bank, given that the Account Owner held other accounts at the Bank, which were included in 1952 on a list of missing account holders with whom there had been no client contact since 1940, which was prepared by the Bank as part of an internal survey; that there is no record of the payment of the Account Owner's account to him or his 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 (f), (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 Holders 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s father, Claimant [REDACTED 2]'s grandfather and Claimant [REDACTED 3]'s uncle by marriage, and these relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders nor their heirs received the proceeds of the demand deposit account that was held at the Basel branch of the Bank and the custody account that was held at the Lausanne branch of the Bank.

Amount of the Award

In this case, one demand deposit account and one custody account are being awarded. 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 a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. Thus, the total 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.

Division of the Award

Claimant [REDACTED 1] is representing her nieces, [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED]. Claimant [REDACTED 2] is representing his sister, [REDACTED], née [REDACTED]. 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. Where a child of the Account Owner is deceased, but that child's descendants are living and have submitted a claim or claims, those descendants are entitled to equal portions of the deceased child's share of the Award. Accordingly, Claimant [REDACTED 1] is entitled to one-third of the award amount; [REDACTED], née [REDACTED], is entitled to one-third of the award amount; and Claimant [REDACTED 2] and [REDACTED], née [REDACTED] are each entitled to one-sixth of the total award amount. According to the principles of distribution set forth in Article 23 of the Rules, Claimant [REDACTED 3], who is not a direct descendant of the Account Owner, has no entitlement to the accounts at issue.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
20 May 2004