

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant André Heskia Mordoh

in re Accounts of Henri Mordoh

Claim Number: 222715/MG

Award Amount: 76,125.00 Swiss Francs

This Certified Award is based upon the claim of André Heskia Mordoh (the “Claimant”) to the accounts of Henri Mordoh (the “Account Owner”) at the Geneva 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 a Claim Form identifying the Account Owner as his father’s cousin, Henri Henrique Mordoh, who was born between the years 1890 and 1899 in Thessaloniki, Greece, and was married to Juana (Jenny) Yacoel Mordoh, née Naar. The Claimant stated that his father’s cousin, who was Jewish, moved from Thessaloniki to Berlin, Germany, in 1922, and that he was a businessman and an affluent financier who, until 1936, earned his living from stock exchange market trading and investing. The Claimant stated that his father’s cousin owned several houses in Berlin, including one on Asternplatz 2 in Berlin-Lichterfelde. According to the Claimant, his father’s cousin financed these houses through *Banque Saul Amar & Cie* in Paris, France, for which the Claimant’s uncle, Maurice Yacoel, was the procurator. The Claimant stated that his father’s cousin’s last address was at Asternplatz 2 in Berlin-Lichterfelde before he fled Germany in 1938 or 1939 to Switzerland, where he died on 17 April 1943 in Montreux-Theritet. The Claimant added that Juana Mordoh died in 1982 in Madrid.

The Claimant submitted various documents, including a document dated 21 March 1929 from a German public notary in Berlin, indicating that Henri Mordoh, who was staying at that time in Berlin, had an address at 4 Avenue De La Bourdonnais in Paris, and a document dated 5 December 1938 from the German authorities, certifying that Henri Mordoh was the owner of a house on Asternplatz 2 in Berlin-Lichterfelde and that he was forced to pay the Nazis confiscatory taxes. The Claimant indicated that he was born on 29 October 1924.

Information Available in the Bank's Records

The Bank's records consist of a list of account owners from the Romandie region with accounts that were transferred to a suspense account, and a power of attorney form dated 11 April 1923. According to these records, the Account Owner was Henri Mordoh who maintained addresses at Asternplatz 2 in Berlin-Lichterfelde and at 4 Avenue De La Bourdonnais in Paris, France, and the Power of Attorney Holder was Josef Mordoh, who resided in Milan, Italy.

The Bank's records indicate that the Account Owner held a demand deposit account and an account of unknown type. According to these records the value of the demand deposit account as of 31 December 1936 was 73.50 Swiss Francs and remains open currently. The Bank's records do not show when the account of unknown type was closed, or to whom it was paid, nor do these records indicate the value of this account. 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") did not find the account of unknown type 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 the account of unknown type after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the account of unknown type and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's cousin's name matches the published name of the Account Owner. The Claimant identified his father's cousin's street addresses which matches unpublished information about the Account Owner contained in the Bank's records. The matching of the Account Owner's street address contained in the Bank's records is supported by the document dated 21 March 1929 from a German public notary in Berlin indicating that Henri Mordoh, who was staying at that time in Berlin, had an address at 4 Avenue De La Bourdonnais in Paris, and the document submitted by the Claimant dated 5 December 1938 from the German authorities, certifying that Henri Mordoh was the owner of a house on Asternplatz 2 in Berlin-Lichterfelde. The CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified 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 1938 or 1939 due to Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents and detailed information about his relative demonstrating that he was his father's cousin. As noted above, the Claimant identified unpublished information about his relative as contained in the Bank's records. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

With regard to the demand deposit account, the Bank's records indicate that it remains open currently.

With regard to the account of unknown type, closed on an unknown date, unknown to whom, given that Account Owner's demand deposit account was not paid to him or his heirs; and that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes (as evidenced by the 1938 document submitted by the Claimant which states that the Account Owner was forced to pay taxes to the Nazis) and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1939, and would not have been able to repatriate his accounts to Germany without their confiscation; and given the application of Presumptions (f), (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 Owners 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 his father's cousin, 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 demand deposit account and one account of unknown type. The Bank's records indicate that the value of the demand deposit account as of 31 December 1936 was 73.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of the amount of the award is

determined by multiplying 2,140.00 Swiss Francs by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of 26,750.00 Swiss Francs.

Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case of the account of unknown type, 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 an amount of 49,375.00 Swiss Francs.

Consequently, the total award amount is 76,125.00 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 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