

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also representing [REDACTED 2] and [REDACTED 3]

in re Account of Isaac Pardo

Claim Number: 210447/EZ/HS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Isaac Pardo (the “Account Owner”) at the Geneva branch of [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 his father, Isaac (or Itzhak) Pardo, who was born on 23 May 1898 in Plovdiv, Bulgaria, and was married to [REDACTED] in 1928 in Sofia, Bulgaria. The Claimant stated that his father, who was Jewish, owned a well-known currency exchange company in Sofia, and had business connections to Switzerland and France. The Claimant explained that his father had a business associate named Salomon Pappo, who also worked as a currency dealer in Paris, France and that his father frequently traveled to Paris to meet Salomon Pappo. The Claimant stated that Salomon Pappo had a daughter named Jacqueline and a son, who was a dentist. The Claimant further stated that in 1940, shortly before his family fled from Bulgaria, his father talked to Salomon Pappo about accounts in Swiss banks, and therefore, the Claimant believes that his father could have provided the Bank with an address in Paris. The Claimant stated that he remembers that his father’s account number was 10598, but could not provide additional details about the account or the relevant bank. The Claimant explained that his father and Salomon Pappo, who was also Jewish, had extensive business connections to the *American Express Company* in Switzerland. In July or August 1940, according to the Claimant, his family fled to Greece. The Claimant stated that his family was forced to live in hiding in Greece, where they escaped to several locations, and that they survived with help from members of the Greek underground movement. The Claimant stated that in July 1945 his family emigrated to

Palestine (now Israel), where the Claimant lives today. The Claimant stated that his father passed away on 27 December 1971 in Haifa, Israel. The Claimant added that between 1957 and 1962 he himself studied in Paris, where he met with Salomon Pappo, and provided the name of the hotel where this meeting took place. The Claimant provided Salomon Pappo's street address in Paris, the name of his daughter (Jacqueline), the profession of his son (dentist), and stated that Salomon Pappo died in the 1970s.

The Claimant submitted copies of his own identity card and his father's will, which was confirmed by the District Court of Haifa. Both documents indicate that the Claimant's father was Isaac Pardo.

The Claimant indicated that he was born on 15 April 1930 in Sofia, Bulgaria. The Claimant is representing his sister and brother: [REDACTED 3] (formerly known as [REDACTED 3]), née [REDACTED], and [REDACTED 2], who are twins, born on 12 January 1934 in Sofia, Bulgaria.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Isaac Pardo, who resided in Paris, France. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 12 April 1940 and closed on 13 September 1940.

The Bank's record does not indicate the value of the account. There is no evidence in the Bank's record that the Account Owner, or his heirs closed the account and received the proceeds themselves.

Research Conducted by the CRT

Since the Claimant stated that his father had close connections to Paris, France, but could not provide documents to confirm that his father may have used a French address, the CRT requested that the Claimant attempt to locate one of the children of his father's business associate, Salomon Pappo. The Claimant stated that since he had not had any contact with the Pappo family for the last 40 years it would be impossible for him locate them. The CRT, therefore, conducted research in electronic databases and French telephone directories. On 25 November 2003, the CRT provided the Claimant with contact information for persons named Jacqueline Pappo and male dentists named Pappo in Paris.

On 26 January 2004, the Claimant informed the CRT that he had located Jacqueline Pappo, the daughter of his father's former associate, based on the information provided to him by the CRT. On the same date, the CRT received a telephone call from Jacqueline Pappo of Paris. In this telephone call, after the caller confirmed her identity, Jacqueline Pappo stated that her father was Salomon Pappo, a stockbroker from Paris. She further

stated that her father and the Claimant's father, Isaac Pardo, were business associates. She stated that her father formerly resided in Paris and gave the same street address as that provided by the Claimant for Salomon Pappo. Jacqueline Pappo also confirmed that she has a brother who is a dentist. She stated that she was born in 1935 in Paris, France, and explained that she could only confirm her father's and the Claimant's father's business relations in the 1950s, and that she could not provide information about these business relations during the 1940s, since she was a young child at that time. Finally, Jacqueline Pappo stated that during the Second World War her father lived in hiding in France. On 29 January 2004 the CRT received a letter from Jacqueline Pappo in which she confirmed her oral statements.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name matches the published name of the Account Owner. The Claimant stated that his father had a business associate in Paris and that his father may have given the Bank an address in Paris, which matches unpublished information about the Account Owner contained in the Bank's record. Additionally, the Claimant's father's business connection to Paris was confirmed by Salomon Pappo's daughter, Jacqueline Pappo. Furthermore, the Claimant stated that he recalled his father talking with Salomon Pappo about a Swiss bank account shortly before the family was expelled from Bulgaria in the summer of 1940, which is consistent with unpublished information that the account was opened in April 1940. In support of his claim, the Claimant submitted documents, including his identity card and his father's will, which indicate that his father was Isaac Pardo.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Isaac Pardo, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to the account of Isaac Pardo was disconfirmed because that claimant provided a different place of residence than that of the Account Owner and did not provide any connection between the Account Owner and France. 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, that he was expelled from Bulgaria in 1940, and that he was later forced to live in hiding in Nazi-occupied Greece.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he 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 the Claimant's identity card and his father's will. As stated earlier, the Claimant is representing his brother and sister in this claim. There is no information to indicate that the Account Owner has other surviving heirs who have filed claims other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner was expelled from Bulgaria a few months after the account was opened; that the account was closed on 13 September 1940, after France was occupied by the Nazis; that the Claimant stated that his family escaped to several locations and lived in hiding in Greece, which was invaded by Italy in 1940 and was occupied by the Nazis in 1941; that there is no record of payment of the Account Owner's account to him; that the Account Owner or his heirs would not have been able to obtain information about his accounts 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 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 his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 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 26,750.00 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 is representing [REDACTED 3] and [REDACTED 2], his sister and brother. Accordingly, each party is entitled to one-third of the total award amount.

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
28 May 2004