

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Jean-Pierre Herzog
also acting on behalf of Jeanne Danon, Bernard Sée, Philippe Sée, Daniel Levinson,
Jérôme Levinson, Didier Levinson and Jean-Marc Levinson

in re Accounts of Henri Sée and Augusta Vandervoorde

Claim Number: 210242/MI

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Jean-Pierre Herzog (the “Claimant”) to the accounts of Henri Edgard Sée. This award is to the published accounts of Henri Sée (“Account Owner Sée”) and Augusta Vandervoorde (“Account Owner Vandervoorde”) (together the “Account Owners”) at the Geneva branch of the [REDACTED] (the “Bank”).¹

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 Account Owner Sée as his maternal grandfather, Henri Edgard Sée, who was born on 27 October 1873 in Colmar, France and was married to Suzanne Dreyfus on 17 December 1901 in Elbeuf, France. The Claimant indicated that his grandfather, who was Jewish, was a lawyer and worked at the Court of Appeals in Paris, France. The Claimant further stated that his grandfather resided and worked at 124 Avenue Victor-Hugo in Paris until 13 October 1943, when he was arrested by German troops and deported to Auschwitz, where he perished on 2 November 1943.

The Claimant indicated that his grandfather had four children: Jean Joseph Sée, Marc Daniel Sée, Jeanne Pauline Danon, née Sée, and Simonne Mathilde Herzog, née Sée. The Claimant indicated that Jean Joseph Sée died as a child, that Marc Daniel Sée died in 1979, leaving two children, Bernard Sée and Philippe Sée, that Simonne Mathilde Herzog died in 1933, leaving two children,

¹ The CRT notes that, on the February 2001 published 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”), Henri Sée and Augusta Vandervoorde are each indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only two accounts, which were jointly owned by Henri Sée and Augusta Vandervoorde.

Suzanne Levinson, née Herzog, and Jean-Pierre Herzog (the Claimant), and that Jeanne Pauline Danon is still alive. The Claimant further indicated that Suzanne Levinson, the daughter of Simonne Mathile Herzog, died in 1974, leaving four children, Daniel Levinson, Jérôme Levinson, Didier Levinson, and Jean-Marc Levinson.

The Claimant submitted copies of documents in support of his claim, including: (1) his grandfather's deportation card, indicating that Henri Sée was born on 27 October 1873 in Colmar, and was held at an internment camp from 13 October 1943 until being deported on 28 October 1943; (2) his grandfather's family book ("*livret de famille*"), indicating that Henri Sée was a lawyer at the Paris Court of Appeals, was married to Suzanne Dreyfus on 17 December 1901 in Elbeuf, and was the father of Jean Joseph Sée, Daniel Marc Sée, Jeanne Pauline Sée, and Simonne Mathilde Sée; (3) a decision from the Justice of the Peace of Elbeuf, dated 15 February 1933, appointing guardianship of minors Suzanne Herzog and Jean-Pierre Herzog to their maternal grandfather, Henri Sée; (4) a letter from the Justice of the Peace of Elbeuf, dated 24 May 1947, indicating that Edgard See was a lawyer at the Paris Court of Appeals, resided at 124 Avenue Victor Hugo, and that he had been responsible for the maintenance and educational costs for the grandchildren over whom he had guardianship, and that he was last seen a few days before his arrest; and (5) his grandfather's inheritance document, indicating that his grandfather's two surviving children, Marc Sée and Jeanne Danon, were each entitled to one-third of his grandfather's assets, that two of his grandfather's grandchildren, Suzanne Herzog and Jean-Pierre Herzog, children of the late Simone Herzog, were each entitled to one-sixth of his grandfather's assets, and that Jacques Danon, the spouse of Jeanne Danon, was a banker.

The Claimant indicated that he was born on 18 June 1930 in Paris. The Claimant is representing his aunt, Jeanne Danon, who was born on 17 June 1906 in Paris; his cousins, Bernard Sée, who was born on 3 June 1965 in New York, New York, United States, and Philippe Sée, who was born on 19 January 1956 in Norwalk, Connecticut, United States; and his nephews, Daniel Levinson, who was born on 26 June 1950 in Boulogne, France, Jérôme Levinson, who was born on 22 April 1953 in Paris, Didier Levinson, who was born on 24 July 1958 in Madrid, Spain, and Jean-Marc Levinson, who was born on 22 May 1964 in Madrid.

Information Available in the Bank's Records

The Bank's records consist of two customer cards, a list of accounts, and a printout from the Bank's database. According to these records, Account Owner Sée was Mr. Henri Sée, a French citizen, and Account Owner Vandervoorde was *Melle*. (Miss) Augusta Vandervoorde, a Belgian citizen. The Bank's records indicate that the Account Owners used an address at *Villa Altana*, Aix-les-Bains, France. The Bank's records further indicate that this address was crossed out at some point, and that the Bank was ordered to hold all correspondence. According to the Bank's records, the Account Owners jointly held two numbered accounts: a demand deposit account and a custody account, both identified by the number D.N. 19.423.

The Bank's records indicate that the accounts were opened on 25 May 1938 through a transfer of 120,000.00 Swiss Francs ("SF") in gold by *Danon & Cie.* of Paris, France. The Bank's records further indicate that the accounts were closed on 25 February 1942, after the total remaining

balance of SF 87.20 was transferred on 18 February 1942 to a suspense account for dormant assets, where it remains.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified Account Owner Sée. The Claimant's grandfather's name matches the published name of Account Owner Sée. Furthermore, the Claimant identified Account Owner Sée's country of residence, which matches unpublished information about Account Owner Sée contained in the Bank's records. The CRT also notes that Account Owner Sée's daughter was married to a banker named Jacques Danon, which is consistent with unpublished information in the Bank's records indicating that the Account Owners' custody account held assets received from *Danon et Cie*.

In support of his claim, the Claimant submitted copies of documents, including his grandfather's deportation card, his grandfather's family book, a decision from the Justice of the Peace of Elbeuf, a letter from the Justice of the Peace of Elbeuf, and his grandfather's inheritance document, providing independent verification that the person who is claimed to be Account Owner Sée had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of Account Owner Sée.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Henri Edgar Sée, and indicates that his year of birth was 1873 and place of birth was Colmar, which matches information about Account Owner Sée provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that this information was submitted to Yad Vashem by Jeanne Danon, the Claimant's aunt, on 2 February 2001.

The CRT notes that the Claimant has not identified Account Owner Vandervoorde. The CRT further notes that Account Owner Sée and Account Owner Vandervoorde do not share the same family name, and that the Bank's records do not indicate that they were related. Consequently, the CRT concludes that the failure to identify Account Owner Vandervoorde does not undermine the Claimant's identification of Account Owner Sée.

The CRT notes that there are no other claims to these accounts.

Status of Account Owner Sée as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Sée was a Victim of Nazi Persecution. The Claimant stated that Account Owner Sée was Jewish, and that he was deported to Auschwitz, where he perished. As noted above, a person named Henri Edgar Sée was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner Sée

The Claimant has plausibly demonstrated that he is related to Account Owner Sée by submitting specific information and documents, demonstrating that Account Owner Sée was the Claimant's grandfather. These documents include copies of his grandfather's family book, a decision from the Justice of the Peace of Elbeuf, a letter from the Justice of the Peace of Elbeuf, and his grandfather's inheritance document, identifying Account Owner Sée as the father of Jean Joseph Sée, Marc Daniel Sée, Jeanne Pauline Danon, née Sée, and Simonne Mathilde Herzog, née Sée, and the grandfather of Suzanne Herzog and Jean-Pierre Herzog.

There is no information to indicate that Account Owner Sée has surviving heirs other than the parties whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the remaining balance of the accounts was transferred on 18 February 1942 to a suspense account, where it remains.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and represented parties Jeanne Danon, Bernard Sée, Philippe Sée, Daniel Levinson, Jérôme Levinson, Didier Levinson, and Jean-Marc Levinson. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Sée was his grandfather, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held one demand deposit account and one custody account. The Bank's records indicate that the total remaining balance of these accounts as of 18 February 1942 was SF 87.20. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00 and if the amount in a custody account was less than 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the demand deposit account shall be determined to be SF 2,140.00 and the amount in the custody account shall be determined to be SF 13,000.00, for a combined value of SF 15,140.00. The current value of this amount is determined 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 SF 189,250.00.

Division of the Award

The CRT notes that the Claimant has plausibly identified Account Owner Sée as his relative, but has not established that he was related to Account Owner Vandervoorde. According to Article 25(2) of the Rules, in cases where a joint account is claimed by relatives of only one or some of the joint account owners, it shall be presumed that the account was owned as a whole by the

account owner whose share of the account has been claimed. Consequently, it shall be presumed that the accounts jointly held by the Account Owners were owned as a whole by Account Owner Sée.

According to Article 23(2)(c) if a Claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. In this case, Account Owner Sée's inheritance document provided that his two surviving children, Jeanne Danon (whom the Claimant represents) and Marc Sée, were each entitled to one-third of his assets, and that two of his grandchildren, Suzanne Herzog and Jean-Pierre Herzog (the Claimant), children of the late Simone Herzog, were each entitled to one-sixth of his assets. The CRT notes that Marc Sée died in 1979 and is survived by his two children, Bernard Sée and Philippe Sée, whom the Claimant represents, and that Suzanne Levinson, née Herzog, died in 1974 and is survived by her four children, Daniel Levinson, Jérôme Levinson, Didier Levinson, and Jean-Marc Levinson, whom the Claimant also represents.

Accordingly, Jeanne Danon is entitled to one-third of the total award amount; the Claimant, Bernard Sée and Philippe Sée are each entitled to one-sixth of the total award amount; and Daniel Levinson, Jérôme Levinson, Didier Levinson and Jean-Marc Levinson are each entitled one-twenty-fourth 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
12 May 2006