

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Jacques and Renée Dalsace**

Claim Numbers: 501500/AE; 501501/AE

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], né [REDACTED], (the “Claimant”) to the published account of Jacques Dalsace (“Account Owner Jacques Dalsace”) and Renée Dalsace (“Account Owner Renée Dalsace”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).<sup>1</sup>

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 owners, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted two Claim Forms identifying the Account Owners as her paternal great-uncle, Jacques Dalsace, and his wife, Renée Dalsace, née Hirsch, who both resided in Paris, France, during the Nazi occupation. The Claimant indicated that her great-uncle was a doctor who was a gastro-intestinal specialist. The Claimant indicated that her great-uncle and great-aunt, who were Jewish, did not have any children. In support of her claim, the Claimant submitted a copy of her French identity card, stating that her name is [REDACTED], né [REDACTED], and that she was born in Neuilly sur Seine, France on 7 December 1963.

### **Information Available in the Bank’s Records**

The Bank’s records consist of a customer card and printouts from the Bank’s database. According to these records, the Account Owners were Jacques Dalsace and Renée Dalsace, né

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<sup>1</sup> 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”), Jacques Dalsace and Renée Dalsace, are each indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of one account owned jointly by Jacques Dalsace and Renée Dalsace.

Hirsch, who resided in Paris, France. The Bank's records indicate that the Account Owners jointly held one safe deposit box. The Bank's records show that the safe deposit box was opened in July 1934 and closed in November 1940. The amount in the account on the date of its closure is unknown. There is no evidence that the Account Owners or their heirs closed the 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 two claims of the Claimant in one proceeding.

### Identification of the Account Owners

The Claimant's great-uncle's and great-aunt's names, city and country of residence match the published names, city and country of residence of the Account Owners. The CRT notes that the names Jacques Dalsace and Renée Dalsace appear only once each 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"). The CRT further notes that the other claims to these accounts were disconfirmed because those claimants provided a different city or country of residence than the city or country of residence of the Account Owners. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they resided in Nazi-occupied France during the Second World War.

### The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information, demonstrating that Account Owner Jacques Dalsace was her great-uncle, and that Account Owner Renée Dalsace was her great-aunt. The CRT notes that the Claimant submitted a copy of her French identity card, stating that her name is [REDACTED], neé [REDACTED], and that she was born in France, which provides independent verification that the Claimant bears the same family name and resides in the same country as the Account Owners. This information supports the plausibility that the Claimant is related to the Account Owners, as she asserted in her Claim Form. There is no information to indicate that the Account Owners have other surviving heirs.

## The Issue of Who Received the Proceeds

Given that that the Account Owners resided in Nazi-occupied France; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about the 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 (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 accounts were not paid to the Account Owners 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 claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were her great-uncle and great-aunt, and those relationships justify an Award. Third, the CRT has determined that it is plausible 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 safe deposit box. 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 1,240.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying them by a factor of 12.5 in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 15,500.00.

## **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  
31 March 2005