

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

and to Claimant [REDACTED 3]

in re Account of Henriette Jones and Léon Jones

Claim Numbers: 200920/ES;¹ 721356/ES²

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published account of Léon Jones and upon the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the unpublished account of [REDACTED].³ This Award is to the published account of Henriette Jones (“Account Owner Henriette Jones”) and Léon Jones (“Account Owner Léon Jones”) (together the “Account Owners”) at the Neuchâtel branch of the [REDACTED] (the “Bank”).⁴

All awards are published, but where a claimant has requested confidentiality, the names of the

¹ Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 200920 and 217635. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 200920.

² [REDACTED 3] did not submit a Claim Form to the Claims Resolution Tribunal. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered 0271 123 to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those IQs that can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 721356.

³ The CRT did not locate an account belonging to [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Claimant [REDACTED 3] should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by Claimant [REDACTED 3] or upon information from other sources.

⁴ The CRT notes that, on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Léon Jones and Henriette Jones were published separately and were indicated as each having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account, which was jointly held by Léon and Henriette Jones.

claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.⁵

Information Provided by the Claimant

Claimant [REDACTED 1] submitted a Claim Form identifying Account Owner Léon Jones as his father, Léon Jones, who was born on 29 August 1910 in Kiev, the Ukraine, to [REDACTED] and [REDACTED], née Frankel, and was married to [REDACTED 2], née [REDACTED], on 25 June 1942 in Nice, France. Claimant [REDACTED 1] stated that his father, who was Jewish, was a filmmaker, and that he was his parents' only son. Claimant [REDACTED 1] further stated that his father resided at 7, rue de Général-Cordonnier, Neuilly-sur-Seine, France from 1938 until 1942, and that he then fled to Nice, where he resided at 16, avenue Paderi until 1943, when he fled to Moulinet, France. In an e-mail to the CRT, dated 8 October 2002, Claimant [REDACTED 1] indicated that when he was in Paris, France, in 1945, an old family friend told him that his father had an apartment in Versailles, France. Claimant [REDACTED 1] stated that his father was arrested by the Nazis, sent to Drancy, and then deported to Auschwitz, where he perished on 15 May 1944.

Claimant [REDACTED 1] indicated that on 16 March 1949 his mother was married to [REDACTED], who adopted the Claimant on 23 May 1962. In correspondence with the CRT, dated 27 September 2002 and 8 October 2002, the Claimant indicated that the only information he possesses about his paternal relatives is the information provided by his cousin, Claimant [REDACTED 3].

In support of his claim, Claimant [REDACTED 1] submitted his parents' marriage certificate, indicating that Léon Jones was married to [REDACTED 2] in Nice; a family book indicating [REDACTED 1] is the son of Léon Jones; his own birth certificate, indicating his father was Léon Jones; a certificate issued on 8 April 1947 by the French Ministry of Victims and Veterans of War, indicating Léon Jones was interned in Nice on 22 January 1944, transferred to Drancy, and deported to Auschwitz on 10 February 1944, where he perished on 5 April 1944; and a certificate, issued by the Nice civil registry, indicating the last address of Léon Jones was Moulinet.

Claimant [REDACTED 1] indicated that he was born on 25 April 1943 in Nice. Claimant [REDACTED 1] is representing his mother, [REDACTED 2], née [REDACTED], who was born on 26 February 1922 in Brzesc, Poland.

Claimant [REDACTED 3] submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his paternal aunt, [REDACTED], who was born in 1884 and was married to [REDACTED]. Claimant [REDACTED 3] indicated that his aunt resided in "Paris-Neuilly," France until 1939. Claimant [REDACTED 3] indicated

⁵ The CRT notes that Claimant [REDACTED 1] did not request confidential treatment of his claim. The CRT further notes that Claimant [REDACTED 3] did not indicate whether or not he desires confidential treatment of his claim. As a matter of policy, the CRT affords confidential treatment in cases where the claimant has not indicated whether or not he/she desires confidential treatment of his/her claim.

that his uncle and aunt owned an international film distribution agency under the name [REDACTED]. Claimant [REDACTED 3] indicated that his aunt and uncle had one son, Leo (Leonid), who was an officer in the French military. Claimant [REDACTED 3] indicated that Leo was captured by the Germans, escaped from captivity, and took his parents to Marseille, France, which was part of Vichy, France. Claimant [REDACTED 3] indicated that after the Vichy region was occupied, his relatives fled to Nice and from there to a village in the mountains, where they were captured by the Germans, transported to Paris, and subsequently deported to Auschwitz, where they all perished in approximately 1943.

Claimant [REDACTED 3] indicated that in 1946 he emigrated to Paris, where Mr. and Mrs. Gomelsky, the late neighbors of [REDACTED], told him his aunt was very wealthy and that she had deposited money and jewelry in Swiss banks.

Claimant [REDACTED 3] indicated that he was born on 14 September 1926.

Information Available in the Bank's Records

The Bank's records consist of a safe deposit box opening contract and a printout from the Bank's database. According to these records, the Account Owners were *Madame* (Mrs.) Henriette Jones, née Techener, the widow of [REDACTED], who resided at 34, boulevard Arago in Paris, France, and Mr. Léon Jones, who resided at 11bis, rue des Réservoirs in Versailles, France. The Bank's records indicate that the Account Owners rented a safe deposit box, numbered 33. The rental contract was signed in Neuchâtel, Switzerland, on 14 January 1938.

The Bank's records do not show when the account at issue 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 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 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 Claimants in one proceeding.

Identification of the Account Owners

The Claimants' relative's name and country of residence match the published name and country of residence of Account Owner Léon Jones. Claimant [REDACTED 1] indicated that his father had an apartment in Versailles, which matches the published city of residence of Account Owner Léon Jones. Claimant [REDACTED 1] also indicated that his father resided in Neuilly-sur-Seine, France from 1938 through 1942. The CRT notes that Neuilly-sur-Seine is approximately 16 kilometers from Versailles, France, the published city of residence of Account Owner Léon Jones, and approximately eight kilometers from Paris, France, the published city of residence of Account Owner Henriette Jones. Claimant [REDACTED 1] further stated that his father resided in Neuilly-sur-Seine in 1938, which corresponds with the unpublished opening date of the account.

In support of his claim, Claimant [REDACTED 1] submitted numerous documents, including his parents' marriage certificate, indicating Léon Jones was married to [REDACTED 2] in Nice, France; his own birth certificate, indicating his father was Léon Jones; a political deportation card, issued on 19 January 1962, addressed to [REDACTED 2], widow of [REDACTED], who resided at 42 Boulevard Victor Hugo in Neuilly-sur-Seine, indicating Léon Jones was interned from 22 January 1944 until 9 February 1944 and deported on 10 February 1944. All these documents provide independent verification that the person who is claimed to be Account Owner Léon Jones 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 Léon Jones.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Léon Jones, and indicates that he was born on 29 August 1910 in Kiev, and that he resided in France, which matches the information about this Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the name Léon Jones appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that Claimant [REDACTED 3] filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Account Owner Léon Jones's mother, prior to the publication in February 2001 of the ICEP List. This indicates that Claimant [REDACTED 3] 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 Claimant [REDACTED 3] 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 Claimant [REDACTED 3].

The CRT notes that the Claimants did not identify Account Owner Henriette Jones, née Techener, the widow of [REDACTED]. However, given that Claimant [REDACTED 1]'s father

died when Claimant [REDACTED 1] was one year old; that [REDACTED] was deceased when the account was opened; and given that Claimant [REDACTED 1] stated that he does not have any further information about his father's family, the CRT concludes that it was even less likely for Claimant [REDACTED 1] to possess any information about his father's relatives. Furthermore, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified Account Owner Léon Jones.

Status of the Account Owner Léon Jones as a Victim of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Léon Jones was a Victim of Nazi Persecution. The Claimants stated that Account Owner Léon Jones was Jewish, and that he perished in Auschwitz.

As noted above, a person named Léon Jones was included in the CRT's database of victims.

The Claimants' Relationship to the Account Owners

Claimant [REDACTED 1] has plausibly demonstrated that he is related to Account Owner Léon Jones by submitting specific information and documents, demonstrating that Account Owner Léon Jones was Claimant [REDACTED 1]'s father. These documents include Claimant [REDACTED 1]'s birth certificate and a family book, indicating that [REDACTED 1] is the son of Léon Jones.

Claimant [REDACTED 3] filed an IQ with the Court in 1999, identifying the relationship between Account Owner Léon Jones and himself, prior to the publication in February 2001 of the ICEP List; and that Claimant [REDACTED 3]'s Initial Questionnaire corroborates the information submitted by Claimant [REDACTED 1]. The CRT notes that the information provided by Claimant [REDACTED 3] is of the type that family members would possess and indicates that Account Owner Léon Jones was well-known to Claimant [REDACTED 3] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 3] is related to Account Owner Léon Jones, as he has asserted in his IQ.

The Issue of Who Received the Proceeds

Given that following the occupation of France, Account Owner Léon Jones fled to Nice and was soon after deported to Drancy and from there to Auschwitz, where he perished; and given that there is no record of the payment of the Account Owners' accounts to them nor a date of closure; that the Account Owners and their heirs would not have been able to obtain information about the account after the Second World War from the Bank, due to the Swiss banks' practice of withholding or mistreating 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 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 Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that Account Owner Léon Jones was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Further, the CRT notes that Claimant [REDACTED 1], as Account Owner Jones' son, has a better entitlement to the account than Claimant [REDACTED 3], as Account Owner Jones' cousin.

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 ICEP Investigation, in 1945 the average value of the contents of a safe deposit box was 1,240.00 Swiss Francs (SF). 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 SF 15,500.00.

Division of the Award

Neither of the Claimants identified Account Owner Henriette Jones, née Techener. Pursuant to Article 25(2) of the Rules, in cases where the 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 in equal shares by the Account Owners whose shares of the Account have been claimed. Accordingly, it shall be presumed that the account was owned as a whole by Account Owner Léon Jones.

According to Article 23 (1)(b) of the Rules, if the Account Owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and the descendants shall divide between them the other half, in equal shares. In this case, Claimant [REDACTED 1], who is an only child, is representing his mother, [REDACTED 2]. Accordingly, Claimant [REDACTED 1] and his mother are each entitled to one-half of the Award. As noted above, Claimant [REDACTED 3] is not entitled to share in the Award amount.

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 claim 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
8 August 2004