

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Alice Bernheim, Lucien Hirsch, Louis Godchot and Andrée Hirsch

Claim Number: 501151/AH

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”), to the published account of Alice Bernheim (“Account Owner Alice Bernheim”), Lucien Hirsch (“Account Owner Hirsch”), Louis Godchot (“Account Owner Godchot”) and Andrée Hirsch (“Account Owner Andrée Hirsch ”) (together the “Account Owners”) at the Geneva branch of the [REDACTED] (the “Bank”).¹

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 Account Owner Godchot as her maternal grandfather, Louis Godchot, Account Owner Alice Bernheim as her maternal great-grandmother, Fanny Elise (Alice) Bernheim, née Meyer, Account Owner Andréé Hirsch as her maternal great-aunt, Andrée Hirsch, née Bernheim, and Account Owner Hirsch as her maternal great-uncle by marriage, Lucien Hirsch. The Claimant stated that her grandfather, Louis Godchot, who was born on 22 May 1886 in Baccarat, France, was married to [REDACTED], née [REDACTED], on 4 December 1911 in Lille, France. The Claimant explained that [REDACTED] was the daughter of [REDACTED] and Fanny Elise Bernheim, who was referred to by the name Alice. The Claimant added that Andrée Hirsch, who was married to Lucien Hirsch, was [REDACTED]’s sister. The Claimant indicated that her grandparents, Louis and [REDACTED] Godchot, had two children, [REDACTED], and the Claimant’s mother, [REDACTED], née [REDACTED].

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 possible those of Victims of Nazi Persecution, Louis Godchot, Alice Bernheim, Andrée Hirsch and Lucien Hirsch are each indicated as having one account. Upon careful review of the Bank’s records, the CRT concludes that Louis Godchot, Alice Bernheim, Andrée Hirsch and Lucien Hirsch jointly owned one account. The CRT further notes that Alice Bernheim’s name is also published as Alice Meyer and Andrée Hirsch’s name is also published as Andrée Bernheim on the ICEP List.

The Claimant indicated that her grandfather, who was Jewish, resided in Paris, France, at rue de Tocqueville 67, from 1911 onwards. The Claimant further indicated that her grandfather was a property administrator (“*administrateur de biens*”) and later a textile merchant at the *Draperies Bernheim, Godchot et Petyt*, at rue du Sentier 8, Paris. In telephone conversations with the CRT on 19 January 2005, the Claimant indicated that during the Second World War her grandparents remained in occupied Paris and were forced to wear the yellow Star of David. According to the Claimant, Louis Godchot's brother, [REDACTED] and his entire family were deported to a concentration camp where they perished. The Claimant further indicated that Louis Godchot died on 21 March 1953 in Lille, that [REDACTED] died on 15 May 1972 in Paris, that [REDACTED] died in Paris without issue, and that her mother died on 9 June 1996 in Semur en Auxois, France. The Claimant further stated that Lucien and Andrée both died without issue. The Claimant submitted the following documents in support of her claim:

1. an extract of her maternal grandfather’s birth certificate, showing his name as Louis Godchot, with a notation that he was married in Lille to [REDACTED];
2. a copy of Louis Godchot’s original birth certificate, with notations that he was married in Lille to [REDACTED] and that he died on 21 March 1953 in Paris;
3. a copy of a declaration, signed by Louis Godchot as a French soldier on 18 October 1915, confirming his Jewish faith and showing that his family resided in Paris;
4. a detailed family tree;
5. the marriage certificate of the Claimant’s mother, [REDACTED], stating that she was born in Paris and that her parents were Louis and [REDACTED] Godchot; and
6. the Claimant’s birth certificate stating that her mother was [REDACTED], née [REDACTED], and that she was born in Paris.

The Claimant indicated that she was born on 19 June 1937 in Paris.

Information Available in the Bank’s Records

The Bank’s records consist of an excerpt from the Bank's register and a printout from the Bank’s database. According to these records, the Account Owners were *Mme.* (Mrs.) Alice Bernheim, née Meyer, the widow of [REDACTED], and Louis Godchot, who both resided at rue Tocqueville 67 in Paris, and Lucien Hirsch and *Mme.* (Mrs.) Andrée Hirsch, née Bernheim, who both resided at rue Malus 13 in Lille (North). The Bank’s records indicate that the Account Owners jointly held a numbered account, the type of which is not indicated, held under the designation 54592, which was opened on 28 December 1936. The Bank’s records indicate that at some point, Alice Bernheim ceased to be an account owner.

The Bank’s records do not show when the account at issue was closed, 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

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's relatives' names and country of residence match the published names and country of residence of the Account Owners. The Claimant identified her grandfather's street address and city of residence, and his connection to Lille, all of which matches unpublished information about Account Owner Godchot contained in the Bank's records. Furthermore, the Claimant identified her great-grandmother's husband's name as [REDACTED], which matches unpublished information about Account Owner Alice Bernheim contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including her maternal grandfather's birth certificate, documenting his marriage to [REDACTED] in Lille, as well as his date of death in Paris; a copy of a declaration signed by Louis Godchot on 18 October 1915, showing that his family resided in Paris; and the Claimant's mother's marriage certificate, stating that she was born in Paris and that her parents were Louis and [REDACTED] Godchot, thus providing independent verification that the person who is claimed to be Account Owner Godchot had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of Account Owner Godchot.

The CRT notes that the names Alice Bernheim, Lucien Hirsch, Louis Godchot and Andrée Hirsch each appear 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 the other claims to this account were disconfirmed because those claimants provided a different city or country of residence than the city or country of residence of the Account Owners, and failed to identify some of the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The CRT notes that while the Claimant has not provided information relating to Account Owner Alice Bernheim, Account Owner Andrée Hirsch or Account Owner Hirsch's fate and circumstances during the Second World War, the Claimant has made a plausible showing that Account Owner Godchot was a Victim of Nazi Persecution. The Claimant stated that Account Owner Godchot was Jewish, and that during the Second World War Account Owner Godchot resided in occupied Paris and was forced to wear the yellow Star of David. According to the Claimant, Account Owner Godchot's brother, [REDACTED], and his entire family were deported to a concentration camp, where they perished.

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 and documents, demonstrating that Account Owner Alice Bernheim was the Claimant's maternal great-grandmother, that Account Owner Hirsch was the Claimant's maternal great-uncle, that Account Owner Andrée Hirsch was the Claimant's maternal great-aunt, and that Account Owner Godchot was the Claimant's maternal grandfather. These documents include the marriage certificate of the Claimant's mother, [REDACTED], indicating that she was born in Paris and that her parents were Louis and [REDACTED] Godchot, and the Claimant's marriage certificate indicating that her mother was [REDACTED], née [REDACTED].

The CRT notes that the Claimant identified unpublished information about the Account Owners as contained in the Bank's records. The CRT further notes that the Claimant submitted copies of Account Owner Godchot's birth certificate and the Claimant's mother's marriage certificate. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess and which provide independent verification that the Claimant's relatives bore the same family names as the Account Owners and that they resided in Paris and Lille. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all this information supports the plausibility that the Claimant is related to the Account Owners, as she has 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 the Account Owners resided in Nazi-occupied France; that there is no record of the payment of the Account Owners' account to them nor any record of a date of closure of the account; that the Account Owners and their heirs would not have been able to obtain information about their 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 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 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 Account Owner Alice Bernheim was the Claimant's maternal great-grandmother, that Account Owner Hirsch was the Claimant's maternal great-uncle, that Account Owner Andrée Hirsch was the Claimant's maternal great-aunt, and that

Account Owner Godchot was the Claimant's maternal grandfather, 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 account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 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 49,375.00.

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 claim 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