

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Accounts of Jean-Pierre Bernheim

Claim Number: 501589/CN

Award Amount: 470,125.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née Bernheim, (the “Claimant”) to the published accounts of Denise Bernheim, née Paraf. This Award is to the published accounts of Jean-Pierre Bernheim (the “Account Owner”), over three of which Denise Bernheim (the “Power of Attorney Holder”) held power of attorney, at the Basel and Lausanne branches of the [REDACTED] (the “Bank”).¹

All awards are published, but where a claimant has requested confidentiality, as in this case, the name 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 her father, Jean-Pierre Bernheim, who was born on 15 September 1904, and was married to [REDACTED], née [REDACTED], on 23 January 1929 in Paris, France. The Claimant indicated that her parents, who were Jewish, lived at Rütimyerstrasse 22 in Basel, Switzerland, until 1939, when they returned to France, where they resided for the duration of the Second World War. In a telephone conversation with the CRT on 24 January 2006, the Claimant stated that her father had been an industrialist in the textile business, and that he had an office in Paris. The Claimant indicated that her father died in 1976, and that her mother died in 1984. The Claimant indicated that her parents had four children, and that she and her two surviving siblings are her parents’ only surviving heirs. The Claimant submitted a copy of her identification card, indicating that her

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”), Denise Bernheim, née Paraf, is indicated as having three accounts, Denise Bernheim is indicated as having one account, and Jean-Pierre Bernheim is indicated as having five accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of seven accounts, all of which were owned by Jean-Pierre Bernheim, over three of which Denise Bernheim, née Paraf, held power of attorney. The CRT has also determined that the Claimant’s relative Denise Bernheim did not own any accounts.

name is [REDACTED], née [REDACTED], that she is a French citizen, and that she was born on 9 September 1931 in Basel. The Claimant stated that she is not representing her siblings in this claim, but that in the event of an award, she would be willing to share the award amount with them.

Information Available in the Bank's Records

The Bank's records submitted by 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") consist of three customer cards and printouts from the Bank's database. According to these records, the Account Owner was Mr. Jean-Pierre Bernheim. The Bank's records indicate that the Account Owner was a French national and was married to [REDACTED], née [REDACTED].

Accounts at the Basel Branch

The Bank's records indicate that the Account Owner held a custody account and a demand deposit account, both numbered 52080, which were opened on 11 February 1931. The Bank's records further indicate that the Account Owner granted power of attorney over these accounts to his wife, Denise Bernheim. According to the Bank's records, the accounts were closed some time after 26 January 1939, but subsequently re-opened on 4 April 1940. The Bank's records indicate that the Account Owner initially resided at Rütimeyerstrasse 22 in Basel, Switzerland, that he provided the Bank with another (illegible) address in 1943, and that he later resided in Paris, France. The Bank's records also indicate that the Account Owner ordered the Bank on 5 November 1947 to send all correspondence to [REDACTED], Elisabethenstrasse 85, Basel. According to the Bank's records, the accounts were closed some time after November 1947, but the date of closure is not recorded. The Bank's records do not indicate the value of these accounts.

The Bank's records indicate that the Account Owner also held a safe deposit box, numbered 207. According to the Bank's records, the safe deposit box still existed in 1947, but the Bank's records do not indicate when it was closed. The value of the contents of the safe deposit box is not known. The auditors who carried out the ICEP Investigation did not find the safe deposit box in the Bank's system of open accounts, and they therefore presumed that it was closed.

Accounts at the Lausanne Branch

The Bank's records indicate that the Account Owner resided in Basel and that he held one custody account, numbered 11883, and two demand deposit accounts. According to the Bank's records, the custody account was opened on 11 September 1939 and was closed on 17 July 1941, one demand deposit account was opened on 27 December 1939 and closed on 21 August 1940, and the other demand deposit account was opened on 6 May 1941 and closed on 14 August 1941. The Bank's records do not indicate the value of these accounts.

Voluntary Assistance

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with an additional document. This document consists of an extract from a bank ledger, and indicates that Jean-Pierre Bernheim, who resided in Paris, held an account of unknown type. The value of the account is not indicated. There is no information on the disposition of the account.

There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified his father's prior city and country of residence, including the street address, which matches unpublished information about the Account Owner contained in the Bank's records. The Claimant also identified the unpublished relationship between the Account Owner and the Power of Attorney Holder.

The CRT notes that the name Jean-Pierre Bernheim 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.

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 and that he resided in France during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's father. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that that the Account Owner resided in Nazi-occupied France during the Second World War; that there is no record of the payment of the Account Owner's accounts to him; 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 Owner, the Power of Attorney Holder, or their heirs. Based on its precedent and the Rules Governing the Claims Resolution Process, 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 her father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed accounts. The CRT notes that the Claimant's siblings would be entitled to a share of the award, but that their potential entitlement will not be considered in this decision, as they are not represented and did not submit claims to the CRT.

Amount of the Award

In this case, the Account Owner held two custody accounts, three demand deposit accounts, one safe deposit box, and 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 a custody account was 13,000.00 Swiss Francs ("SF"), the average value of a demand deposit account was SF 2,140.00, the average value of a safe deposit box account was SF 1,240.00, and the average value of an account of unknown type was SF 3,950.00. Thus, the total 1945 average value of the accounts at issue is SF 37,610.00. 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 470,125.00.

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
6 May 2006