

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 [REDACTED 3]

and to Claimant [REDACTED 4]

in re Accounts of André Blin and Yvonne Blin

Claim Numbers: 215347/AE; 215433/AE;¹ 217438/AE; 217439/AE

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”) and [REDACTED 4], née [REDACTED] (“Claimant [REDACTED 4]”) (together “the Claimants”) to the published accounts of André Blin and Yvonne Blin, (the “Account Owners”), over which Jean Pierre Bernheim (the “Power of Attorney Holder”) held power of attorney, at the Basel branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

The Claimants each submitted two Claim Forms identifying the Account Owners as Claimant [REDACTED 1]’s maternal grandparents and Claimant [REDACTED 4]’s parents, André Jacques Blin and Yvonne Blin, née Javal. The Claimants indicated that André Jacques Blin was born on 28 January 1887 in Elbeuf, France, and was married to Yvonne Blin on 5 June 1919 in Paris, France. The Claimants further indicated that Yvonne Blin was born on 16 December 1900 in Paris. The Claimants stated that André Blin and Yvonne Blin were Jewish, and that they had two children in addition to Claimant [REDACTED 4]: [REDACTED], who was born in 1921 and died in December 1940, and [REDACTED], née [REDACTED], Claimant [REDACTED 1]’s mother, who was born on 24 April 1923 and died in Paris on 21 May 1974. The Claimants indicated that André Blin and Yvonne Blin lived at 2 Rue de Lorraine in Elbeuf from 1933 until 1940. The Claimants further indicated that André Blin was an industrialist and co-director of the

¹ The CRT notes that Claimant [REDACTED 1] also made a claim to the account of [REDACTED], which is also registered under the Claim Number 215433. The CRT will treat the claim to this account in a separate decision.

textile firm *Blin et Blin*, located in Elbeuf. The Claimants stated that because they were Jewish, the Blin family fled Elbeuf in 1940 for Objat, France, where they sought refuge and lived in hiding until 1945. The Claimants indicated that André Blin and Yvonne Blin often visited their daughter, [REDACTED], in Switzerland prior to the Second World War, where she was recuperating from an illness. The Claimants further indicated that André Blin and Yvonne Blin opened Swiss bank accounts in order to care for their daughter, [REDACTED]. The Claimants indicated that André Blin passed away on 8 January 1958 in Paris and Yvonne Blin passed away on 4 August 1973, also in Paris.

In e-mail correspondence to the CRT dated 23 September 2002, Claimant [REDACTED 1] identified the Power of Attorney Holder as Jean Pierre Bernheim, her grandparents' friend, who was not related to her grandparents. Claimant [REDACTED 1] could not provide further information about Jean Pierre Bernheim.

In support of their claims, the Claimants submitted documents, including Jacque André Blin's birth certificate, indicating that he was born in Elbeuf, and bearing a notation that he was married to Yvonne Blin, née Javal; Claimant [REDACTED 4]'s birth certificate, issued in Elbeuf, identifying her parents as André Blin and Yvonne Blin; a notarized living will, dated 8 June 1945, indicating that André Blin and Yvonne Blin left their estate to their two surviving daughters, [REDACTED] and [REDACTED 4]; [REDACTED]'s birth certificate, also issued in Elbeuf, identifying her parents as André Blin and Yvonne Blin; and Claimant [REDACTED 1]'s birth certificate identifying her mother as [REDACTED], who was born in Elbeuf.

Claimant [REDACTED 1] indicated that she was born on 25 December 1946 in Neuilly sur Seine, France. Claimant [REDACTED 4] indicated that she was born on 16 December 1920 in Elbeuf. Claimant [REDACTED 1] is representing her brothers, [REDACTED 2] and [REDACTED 3], who were born on 21 August 1951 and 9 December 1958, respectively, in France.

Information Available in the Bank's Records

The Bank's records consist of a customer card and an internal memorandum. According to these records, the Account Owners were André Blin and Yvonne Blin, née Javal, who resided at 2 Rue de Lorraine in Elbeuf (Seine Inférieure), France. The Power of Attorney Holder was Jean Pierre Bernheim, who resided at 85 Rue Ste. Elisabeth (Elisabethenstrasse) in Basel, Switzerland. The Bank's records indicate that the Account Owners held a custody account and three demand deposit accounts, two denominated in Swiss Francs and the other in Pound Sterling, all opened on 15 January 1936 and numbered 41029.²

The Bank's records indicate that the accounts were closed on 23 May 1939. The value of the accounts on the date of their closure is not known.

² 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"), André Blin and Yvonne Blin are indicated as having three accounts. Upon careful review, the CRT has concluded that the Bank's records evidence the existence of five accounts held jointly by André and Yvonne Blin.

The Bank's records further indicate some coupons of securities held in the custody account were cashed after the closure of the Account Owners' accounts, and that a demand deposit account in Pound Sterling was opened to hold these proceeds. According to the Bank's records, that account was closed on 20 March 1950. The amount in the account is not known. There is no evidence in the Bank's records that the Account Owners, their heirs, or the Power of Attorney Holder closed that 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 four claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Claimant [REDACTED 1]'s grandparents' and Claimant [REDACTED 4]'s parents' names, city and country of residence match the published names, city and country of residence of the Account Owners. The name of the Claimants' grandparents' friend matches the published name of the Power of Attorney Holder. In addition, the Claimants identified their relatives' street address in Elbeuf, France, which matches unpublished information about the Account Owners.

In support of their claims, the Claimants submitted Jacque André Blin's birth certificate, indicating that he was born in Elbeuf and bearing a notation that he was married to Yvonne Blin, née Javal; Claimant [REDACTED 4]'s and [REDACTED]'s birth certificates, both issued in Elbeuf, and both identifying their parents as André and Yvonne Blin, thereby providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of the Account Owners.

The CRT notes that the names André Blin and Yvonne Blin appear only once each on the February 2001 published 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").

Finally, the CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, and they fled Elbeuf in 1940 for Objat, where they sought refuge and lived in hiding until 1945.

The Claimant's Relationship to the Account Owners

Claimant [REDACTED 1] and Claimant [REDACTED 4] have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents demonstrating that they are the Account Owners' granddaughter and daughter, respectively. These documents include Claimant [REDACTED 4]'s birth certificate, issued in Elbeuf, identifying her parents as André Blin and Yvonne Blin; a notarized living will, dated 8 June 1945, indicating that André Blin and Yvonne Blin left their estate to their two surviving daughters, [REDACTED] and [REDACTED 4]; [REDACTED]'s birth certificate, also issued in Elbeuf, identifying her parents as André Blin and Yvonne Blin; and Claimant [REDACTED 1]'s birth certificate identifying her mother as [REDACTED], who was born in Elbeuf. There is no information to indicate that the Account Owners have other surviving heirs other than the parties that Claimant [REDACTED 1] is representing.

The Issue of Who Received the Proceeds

With regard to the custody account and the three demand deposit accounts which were all closed in May 1939, the CRT notes that these accounts were closed one year before the German invasion of France, at which time the Account Owners were able to access and close their accounts. Therefore, the CRT concludes that the Account Owners closed these accounts and received the proceeds themselves.

With regard to the demand deposit account in Pound Sterling closed in March 1950, given 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 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, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners, their heirs or the Power of Attorney Holder. Based on its precedent and the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their grandparents and parents, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners, their heirs, nor the Power of Attorney Holder received the proceeds of the demand deposit account closed in March 1950.

Amount of the Award

In this case, the award is for one demand deposit account. 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs (“SF”). The present 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 26,750.00.

Division of the Award

According to Article 23(1)(c), if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is representing her two brothers, [REDACTED 2] and [REDACTED 3]. Accordingly, Claimant [REDACTED 4], as one of the daughters of the Account Owners, is entitled to one-half of the total award amount, and Claimant [REDACTED 1] and her brothers, [REDACTED 2] and [REDACTED 3], as the children of the Account Owners’ other daughter, are each entitled to one-sixth of the total 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 claims 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
31 August 2005