

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]
also acting on behalf of [REDACTED 5]

in re Accounts of Charles Bloch and Roger Bloch

Claim Numbers: 217544/HS; 217545/HS; 217758/HS; 219911/HS¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”), to the published accounts of Charles Bloch (“Account Owner Charles Bloch”), and the claims of [REDACTED 4] (“Claimant [REDACTED 4]”) (together “the Claimants”) to the published accounts of Roger Bloch (“Account Owner Roger Bloch”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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

Claimant [REDACTED 1] submitted a Claim Form identifying Account Owner Charles Bloch as her father, Charles Albert Bloch (later Charles Barois), who was born on 25 October 1906 in Mulhouse, France; and Claimant [REDACTED 4], who is Claimant [REDACTED 1]’s cousin, submitted a Claim Form identifying Account Owner Roger Bloch as his father, Roger Paul

¹ In a separate decision, the accounts of Armand Bloch were awarded to [REDACTED 4] (“Claimant [REDACTED 4]”). See *In re Accounts of Armand Bloch* (approved on 30 September 2003). The CRT notes that [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 3] were included in that award as represented parties.

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”), Charles Bloch of Mulhouse, France, is indicated as having two accounts; Roger Bloch, also of Mulhouse, is indicated as having four accounts, over which Charles Bloch held power of attorney; and Roger Bloch of Paris, France, is indicated as having two accounts. Upon careful review, the CRT has determined that Charles Bloch of both Mulhouse and Paris held four accounts, and that Roger Bloch of both Mulhouse and Paris held two accounts.

Bloch, who was born on 25 October 1906 in Mulhouse. Claimant [REDACTED 4] stated that Charles Bloch and Roger Bloch were twins. The Claimants explained that the parents of Charles and Roger Bloch were [REDACTED] and [REDACTED], and that [REDACTED] was originally from Basel, Switzerland. Claimant [REDACTED 1] indicated that Charles Bloch and Roger Bloch had numerous relatives who lived in Switzerland.

Claimant [REDACTED 1] stated that her father Charles Bloch married [REDACTED 2], on 30 April 1946 in Paris, France, and that her parents had two children, Claimant [REDACTED 1], and her brother, [REDACTED 3]. Claimant [REDACTED 1] stated that Charles Bloch, who was Jewish, lived at 2 rue Thiers in Mulhouse until 1938, after which he moved to Paris.

According to Claimant [REDACTED 1], her father Charles Bloch was imprisoned in German-operated prisoner of war camps during the Second World War. Specifically, Claimant [REDACTED 1] stated that her father was interned in *Oflag*³ X-C near Lübeck, Germany, and in *Oflag XVII-A*, near Edelbach, Austria.

Claimant [REDACTED 1] explained that Charles Bloch survived the Second World War, and that he and his children changed their surname from Bloch to Barois in 1950 or 1951. Claimant [REDACTED 1] stated that Charles Bloch (Barois) died in Levallois, France on 19 February 2000.

Claimant [REDACTED 4] stated that his father, Roger Paul Bloch, was married to [REDACTED], on 28 May 1935 in Paris. Claimant [REDACTED 4] stated that his father, who was Jewish, was an engineer. According to Claimant [REDACTED 4], his father had two children, Claimant [REDACTED 4] and [REDACTED 5]. Claimant [REDACTED 4] further stated that Roger Bloch lived at 2 rue Thiers in Mulhouse until 1938, after which he moved to Paris. According to Claimant [REDACTED 4], Roger Bloch was deported to Auschwitz, where he perished on 15 December 1942. Claimant [REDACTED 4] indicated that his mother died in 1998.

In support of her claim, Claimant [REDACTED 1] submitted documents, including:

- 1) an extract from the birth records of Mulhouse, indicating that Karl (Charles) Albert Bloch was born on 25 October 1906 in Mulhouse to [REDACTED] and [REDACTED], who were Jewish, that he was married to [REDACTED 2] on 30 April 1946, that he legally changed his surname to Barois in 1951, and that he died in Levallois-Perret on 19 February 2000;
- 2) an extract from the marriage records of Paris, indicating that Charles Albert Bloch (who was born in Mulhouse on 25 October 1906 and who lived in Paris) was married to [REDACTED 2] on 30 April 1946 in Paris, and that Charles Bloch later legally changed his surname to Barois, and including the signature of “C. Bloch”;
- 3) an extract from the birth records of Paris, indicating that [REDACTED 3] was born on 27 January 1947 in Paris to Charles Albert Bloch and [REDACTED 2], and that

³ *Oflag* is an abbreviation of the German “*Offizier Lager*” (officer camp).

- his surname was changed to Barois in 1951, and including the signature of “C. Bloch”;
- 4) a court order, dated 13 January 1950, confirming that Charles Albert Bloch (who was born on 25 October 1906 in Mulhouse and who lived in Paris) legally changed his surname and that of his son, [REDACTED 3] (who was born on 27 January 1947 in Paris), to Barois;
 - 5) an extract from the birth records of Paris, indicating that [REDACTED 1] was born on 28 June 1950 in Paris to Charles Albert Bloch and [REDACTED 2], that her surname was legally changed to Barois in 1951, and including the signature of “C. Bloch”; and
 - 6) an inheritance document related to Claimant [REDACTED 1]’s father’s estate, indicating that Charles Albert Barois was born on 25 October 1906 in Mulhouse, that he married [REDACTED 2] on 30 April 1946, that he died on 19 February 2000 in Levallois-Perret, and that his heirs were his wife [REDACTED 2], and his children [REDACTED 3] and [REDACTED 1], née [REDACTED].

Claimant [REDACTED 1] indicated that she was born on 28 June 1950 in Paris. Claimant [REDACTED 1] is representing her mother, [REDACTED 2], née [REDACTED], who was born on 28 March 1920 in Paris; and her brother, [REDACTED 3], who was born on 27 January 1947 in Paris.

In support of his claim, Claimant [REDACTED 4] submitted documents, including:

- 1) an extract from the birth records of Mulhouse, indicating that Roger Paul Bloch was born on 25 October 1906 in Mulhouse to [REDACTED] and [REDACTED], who were Jewish, that he was married to [REDACTED] on 28 May 1935 in Paris, and that he perished in Auschwitz on 15 December 1942;
- 2) an inheritance document, dated 29 March 1935, indicating that [REDACTED], who was a manufacturer in Mulhouse, died on 29 July 1934, that his wife [REDACTED], predeceased him, and that Charles Albert and Roger Paul Bloch, who were both industrialists from Mulhouse, requested the distribution of his estate;
- 3) an extract from the marriage records of Paris, which is partially illegible, indicating that Roger Paul Bloch (an engineer who was born in October 1906 to [REDACTED]) was married to a woman with the maiden name [REDACTED];
- 4) an extract from the birth records of Mulhouse, indicating that [REDACTED 4] was born in Mulhouse on 26 March 1936, and that his parents were Roger Paul Bloch (who was born on 25 October 1906 in Mulhouse) and [REDACTED];
- 5) an extract from the birth records of Boulogne-Billancourt, France, indicating that [REDACTED 5] was born on 26 December 1938 in Boulogne-Billancourt, that her parents were Roger Paul Bloch (an engineer who was born on 25 October 1906 in Mulhouse) and [REDACTED];
- 6) an extract from the Bloch “family book” (*livret de famille*), indicating that Roger Paul Bloch perished on 15 December 1942 in Auschwitz, and that his children were [REDACTED 4] and [REDACTED 5];
- 7) an inheritance document pertaining to Claimant [REDACTED 4]’s father’s estate, indicating that Roger Paul Bloch perished in Auschwitz on 15 December 1942, that

- he previously resided in Paris, and that his heirs were his wife [REDACTED], and their children [REDACTED 4] and *Mlle.* (Miss) [REDACTED 5]; and
- 8) a declaration of succession pertaining to Claimant [REDACTED 4]'s mother's estate, issued by the French tax authorities (*Direction Générale des Impôts*), indicating that [REDACTED], who was the widow of Roger Paul Bloch, died on 6 July 1998 and that her heirs were their children [REDACTED 4] and [REDACTED 5].

Claimant [REDACTED 4] indicated that he was born on 26 March 1936 in Mulhouse. Claimant [REDACTED 4] is representing his sister [REDACTED 5], née [REDACTED], who was born on 26 December 1938 in Boulogne-Billancourt.

Information Available in the Bank's Records

The Bank's records consist of customer cards, account ledgers, internal Bank memoranda, correspondence among the Zurich, Lausanne, and London branches of the Bank, and correspondence from the Bank to the Account Owners.

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 additional documents. These documents consist of additional correspondence, customer cards, and account ledgers.

The Accounts Numbered 60451 and 60452

The Bank's records indicate that Account Owners Roger and Charles Bloch resided at 31 rue Gambetta in Mulhouse, France. These records indicate that Account Owner Roger Bloch held a custody account and a demand deposit account, both numbered 60451, and that Account Owner Charles Bloch held a custody account and a demand deposit account, both numbered 60452. These accounts were opened in 1934 at the Bank's Zurich branch, according to the Bank's records.

The Bank's records indicate that in the years leading up to the Second World War, various securities in custody accounts 60451 and 60452 were sent for safekeeping to branches of the Bank in London, the United Kingdom; in New York, the United States; in Geneva, Switzerland; and in Lausanne, Switzerland.

These securities were held in special custody account dossiers bearing the numbers 60451 and 60452, for which the Bank's Zurich branch was the owner of record. According to the Bank's records, on or near 21 September 1938, the Bank in Zurich transferred the Account Owners' securities located in its Zurich branch ("*in Kassa liegenden Effekten*") to the Bank's Geneva branch. At the same time, the management of other securities, some of which were physically located in London and New York, was centralized in Lausanne. These records also indicate that the Account Owners and Armand Dreyfus, who was the vice-president of the Zurich branch of

the Bank,⁴ each held power of attorney over the special dossiers in Geneva and Lausanne and a one-time right to dispose of all of the securities in the dossiers, although the Bank's Zurich branch remained the owner of record for these dossiers.

According to the Bank's records, on 24 March 1939, the Bank's Zurich branch sent two sealed envelopes to the Bank's London branch to keep in special dossiers 60451 and 60452 in London. These sealed envelopes, which contained special instructions regarding the security dossiers, were to be opened by the London branch upon either the receipt of posts or cables from the Zurich branch referencing the numbers 60451 and 60452, or

[u]pon the knowledge reaching you [*i.e.*, the Bank's London branch] of the crossing of any part of the Swiss frontier by the troops or military forces of any other nation friendly or otherwise, with or without a declaration of war or with or without the consent of the Government of Switzerland or any division or part of such Government, or upon knowledge reaching you of any serious rioting of an inspired nature likely to develop to revolutionary proportions or the taking over of the Government of Switzerland or any of its component parts by force. Knowledge of such happening shall be considered to have reached you upon the reporting of same in any two of the newspapers regularly published in London, and it is understood that the instructions in such sealed envelope will be complied with by you as soon as possible thereafter. It is expressly understood that no responsibility will attach to you for failure to take such action due to lack of time, or to your not being in a position to determine whether or not any such happenings as stated herein have actually occurred.

The sealed envelopes contained instructions to the London branch to withdraw all securities from special dossiers 60451 and 60452, to open joint custody accounts at the London branch under the rubrics 60451 and 60452 in the names of Account Owners Roger Bloch and Charles Bloch, whose address was given as Feldeggstrasse 4 in Zurich, and to deposit all the securities from special dossiers 60451 and 60452 into those new accounts. According to these instructions, Armand Dreyfus, then deputy chairman of the Zurich branch's board of directors, would have power of attorney over the new accounts.

The Bank's records indicate that as of 25 January 1940, the following securities were booked to custody account 60451 at the Bank's Zurich branch, and were physically held at the Bank's New York branch:

- 125 6% series cumulative preferred shares of *North American Company*;
- 100 common shares of *Anaconda Copper Mining Company*;

⁴ The CRT notes that, according to an extract from the *Frankfurter Israelitische Familienblatt* from 14 September 1906, Armand Dreyfus, whose full name was Armand Dreyfus-Marx, became director of the Bank's Zurich branch in 1906 after serving as the vice-director of the Bank's Basel branch. See http://www.alemannia-judaica.de/biel_synagoge.htm.

- 35 common shares of *Dow Chemical Company*;
- 20 common shares of *Crown Zellerbach Corporation*;
- 30 common shares of *United States Pipe & Foundry Co.*; and
- 115 common shares of *Montgomery Ward & Co.*

According to the Bank's records, the following securities were booked to custody account 60451 at the Bank's Zurich branch, and were physically held at the Bank's Lausanne branch:

- 3½% *Kanton Genf 1880* premium bonds with a face value of 200.00 Swiss Francs ("SF");
- 3% *Königreich Norwegen 1938* bonds with a face value of SF 10,000.00;
- 14 common shares of *A.G. Leu & Cie.*;
- 50 shares of [the Bank]; and
- 30 shares of *Société Suisse de Ciment Portland S.A.*, Fribourg.

The Bank's records indicate that the following securities were booked to custody account 60451 at the Bank's Zurich branch, and were physically held at the Bank's London branch (and to remain there, according to express instructions of the Account Owners):

- Ordinary stock in *Courtaulds Limited*, with a face value of 125.00 Pounds Sterling ("£");
- 50 shares in *Nestlé & Anglo-Swiss Holding*; and
- 250 shares in *Ultramar Exploration Co.*

The Bank's records indicate that as of 25 January 1940, the following securities were booked to custody account 60452 at the Bank's Zurich branch, and were physically held at the Bank's New York branch:

- 120 6% series cumulative preferred shares of *North American Company*;
- 100 common shares of *Anaconda Copper Mining Company*;
- 35 common shares of *Dow Chemical Company*;
- 35 common shares of *Crown Zellerbach Corporation*; and
- 90 common shares of *Montgomery Ward & Co.*

According to the Bank's records, the following securities were booked to custody account 60452 at the Bank's Zurich branch, and were physically held at the Bank's Lausanne branch:

- 3½% *Kanton Genf 1880* premium bonds with a face value of SF 200.00;
- 3% *Königreich Norwegen 1938* bonds with a face value of SF 7,500.00;
- 16 common shares of *A.G. Leu & Cie.*;
- 50 shares of [the Bank]; and
- 30 shares of *Société Suisse de Ciment Portland S.A.*, Fribourg.

The Bank's records indicate that the following securities were booked to custody account 60452 at the Bank's Zurich branch, and were physically held at the Bank's London branch (and to remain there, according to express instructions of the Account Owners):

- Ordinary stock in *Courtaulds Limited*, with a face value of £125.00;
- 50 shares in *Nestlé & Anglo-Swiss Holding*; and
- 250 shares in *Ultramar Exploration Co.*

The Bank's records show that by 1 May 1940, the sole holding of each special dossier in London was 250 shares in *Ultramar Exploration Co.* The Bank's records indicate that the Account Owners had placed sales orders on the *Ultramar Exploration Co.* shares, valid from 1 May 1940 to 31 May 1940, such that the shares would be sold on the London stock exchange. The records also indicate that, given the minimal holdings of the special dossiers in London as of 1 May 1940, at the Zurich branch's request the London branch destroyed the sealed envelopes containing the special war-time instructions pertaining to special dossiers 60451 and 60452. In a letter to the Zurich branch dated 15 May 1940, the London branch confirmed that the sealed envelopes had been destroyed.

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") reported that the securities held in New York for custody account 60452 were frozen by the United States government under the Trading with the Enemy Act (the "1941 Freeze").⁵ Neither the Bank's records nor the auditors who carried out the ICEP Investigation indicate whether the securities held in New York for custody account 60451 were frozen in the 1941 Freeze.

Following a five-year gap in documentation after the London branch's letter of 15 May 1940 mentioned above, the Bank's records indicate that in June 1945, all of the securities that had been previously held in the special dossiers 601451 and 60452 in Lausanne were sent back to the Zurich branch, because the international situation no longer warranted the retention of those assets at the Lausanne branch.

As of 22 June 1945, according to the Bank's records, special dossier 60451 in Lausanne held the following securities:

- 3% *Königreich Norwegen 1938* bonds, with a face value of SF 10,000.00;
- 14 common shares of *A.G. Leu & Cie.*, Zurich;
- 50 shares of [the Bank]; and
- 6 shares of *Société Suisse de Ciment Portland S.A.*, Neuchâtel.

According to these records, as of the same date special dossier 60452 in Lausanne held the following securities:

⁵ During the Second World War, the United States government froze certain foreign assets located in the United States, under the powers of the Trading with the Enemy Act of 1917 (50 U.S.C. App.). On 14 June 1941, President Roosevelt extended freezing controls to cover all of continental Europe (the "1941 Freeze"). Executive Order 8785 Regulating Transactions in Foreign Exchange and Foreign-Owned Property, Providing for the Reporting of all Foreign-Owned Property, and Related Matters (6 Fed. Reg. 2897). See *Plunder & Restitution: Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and Staff Report*, SR-44 (US Government Printing Office, 2000), available at http://www.pcha.gov/PlunderRestitution.html/html/Home_Content.html.

- 3% *Königreich Norwegen 1938* bonds, with a face value of SF 7,500.00;
- 16 common shares of *A.G. Leu & Cie.*, Zurich;
- 50 shares of [the Bank]; and
- 6 shares of *Société Suisse de Ciment Portland S.A.*, Neuchâtel.

The Bank's records also indicate that the special powers of attorney over dossiers 60451 and 60452 in Lausanne were nullified on 29 June 1945, following the transfer of the above-mentioned securities back to Zurich.

The Bank's records also contain a declaration, dated 8 June 1946 in Basel, Switzerland, signed by a person named Marguerite Dreyfus-Marx, acting as an authorized representative⁶ for custody account 60451 at the Bank's Zurich branch. According to this declaration, the SF 10,000.00 in 3% *Königreich Norwegen 1938* bonds in custody account 60451 belonged to a French citizen as of 8 April 1940, and not to an enemy of Norway (defined as either a German or Japanese citizen, or someone who had a temporary or permanent residence or who conducted business in Germany or Japan).

The Bank's records further indicate an unspecified transfer from Account Owner Charles Bloch's custody account 60452 to a demand deposit account, numbered 70780, also owned by Account Owner Charles Bloch, on 15 March 1948.

The Bank's records indicate that on 26 May 1948, the balance of the portfolios for custody accounts 60451 and 60452 were transferred to the bank *Worms & Co.* in Paris for the attention of Jerome Dohne (or Dohnet) of Geneva.⁷

The Bank's records also indicate that the custody and demand deposit accounts numbered 60452 were officially closed on 30 April 1949.

As indicated above, the balance of custody account 60451 was transferred to the bank *Worms & Co.* on 26 May 1948. However, with respect to demand deposit account 60451, the Bank's records do not contain any further information. There is no evidence in the Bank's records that Account Owner Roger Bloch or his heirs closed demand deposit account 60451 and received the proceeds themselves.

The Accounts Numbered 70780

The Bank's records indicate that Account Owner Charles Bloch held a custody account and a demand deposit account, both numbered 70780, over which *Mme.* (Mrs.) [REDACTED 2] held power of attorney. The Bank's records do not indicate the opening date for these accounts. The Bank's records contain an undated notation indicating that the name *Mme.* Jacqueline Bloch-Steinhard was changed to *Mme.* [REDACTED 2].

⁶ The declaration indicates that Marguerite Dreyfus-Marx signed "*als Bevollmächtigte*" for custody account 60451.

⁷ A partially illegible ledger of outgoing numbered accounts from the Bank's Zurich branch, contains the following entry for "*Spezialmappe*" 60451 and 60452: "*Saldo-Verg. a/ Worms & Co. Paris f. Jérôme Dohne [or Dohnet] Genf.*"

The Bank's records do not indicate the balance of either the custody account or demand deposit account numbered 70780; however, as noted above, the Bank's records indicate a transfer from custody account 60452 to custody account 70780 on 15 March 1948. According to the Bank's records, the custody account and demand deposit account numbered 70780 were closed on 2 June 1954.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of 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. The Claimants' relatives' names, and cities and country of residence match the published names and cities and country of residence of the Account Owners. The Claimants identified the Account Owners' nationality, and the name of the power of attorney holder for the accounts numbered 70780 (including her maiden name and legally changed married surname), which matches unpublished information about the Account Owners and the power of attorney holder for the accounts numbered 70780 contained in the Bank's records. In addition, the Claimants' identification of the Account Owners as brothers is consistent with unpublished information contained in the Bank's records, indicating that the Account Owners lived at the same address in Mulhouse.

In support of their claims, the Claimants submitted numerous documents pertaining to Charles and Roger Bloch and their parents and children, including extracts from the birth and marriage records of Mulhouse and Paris, an extract from the Bloch family book, and inheritance documents, providing independent verification that the persons who are claimed to be the Account Owners had the same names, nationality, and cities of residence recorded in the Bank's records as the names, nationality, and cities of residence of the Account Owners. In addition, these documents provide independent verification that the wife of the person who is claimed to be Account Owner Charles Bloch had the same name, including the maiden name, as the power of attorney holder over account 70780, and that Charles Bloch legally changed his surname to the name recorded in the Bank's records as the power of attorney holder's new surname.

The Claimants also submitted samples of Charles Bloch's signature, which match a sample of Account Owner Charles Bloch's signature contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of Victims of Nazi Persecution includes a page of testimony submitted by represented party [REDACTED 5], which indicates that Roger Bloch was born on 25 October 1906 in Mulhouse to [REDACTED] and [REDACTED], that he was married to [REDACTED], that he was an engineer, that he lived in Paris, and that he perished in Auschwitz, which matches the information about Account Owner

Roger Bloch provided by the Claimants. The database also includes an entry indicating that Roger Bloch, who was born on 25 October 1906, was deported from Angers, France, to Auschwitz on 20 July 1942. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants failed to identify both Account Owners, failed to identify both of the Account Owners' cities of residence, provided a different country of residence than the Account Owners' country of residence, and/or indicated a date of death for the claimed account owner which is inconsistent with the opening dates of the 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. Claimant [REDACTED 1] stated that Account Owner Charles Bloch was imprisoned in German-operated prisoner of war camps during the Second World War. Claimant [REDACTED 4] stated that Account Owner Roger Bloch perished in Auschwitz in 1942. Claimant [REDACTED 1] also submitted extracts from the birth records of Mulhouse and the Bloch family book, which indicate that Account Owner Roger Bloch perished in Auschwitz in 1942.

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

The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were twin brothers; that Account Owner Charles Bloch was Claimant [REDACTED 1]'s father and Claimant [REDACTED 4]'s uncle; and that Account Owner Roger Bloch was Claimant [REDACTED 4]'s father and Claimant [REDACTED 1]'s uncle. These documents include extracts from the birth records of Mulhouse pertaining to the Account Owners, indicating that they were born on the same date and in the same city, and that they had the same parents; an inheritance document indicating that the Account Owners requested the distribution of their father's estate; an extract from the birth records of Paris pertaining to Claimant [REDACTED 1], indicating that Account Owner Charles Bloch was her father; and an extract from the birth records of Paris pertaining to Claimant [REDACTED 4], indicating that Account Owner Roger Bloch was his father.

The CRT notes that the Claimants indicated that they may have surviving relatives other than the parties who are being represented, but that because they are not represented in the Claimants' claims, the CRT will not treat their potential entitlement to the Account Owners' accounts in this decision.

The Issue of Who Received the Proceeds

Generally, with regard to Account Owner Charles Bloch, the Bank's records show that he remained in contact with the Bank after the War and managed not only his accounts, but also the custody account numbered 60451 belonging to Roger Bloch. Thus, as detailed above, *Mme.* [REDACTED 2] (later [REDACTED]) held power of attorney over Account Owner Charles Bloch's accounts numbered 70780. As noted above, Account Owner Charles Bloch married [REDACTED 2], née [REDACTED], on 30 April 1946, and Account Owner Charles Bloch's surname was changed to Barois in 1950. Accordingly, the appearance of the name *Mme.* [REDACTED 2] in the Bank's records indicates that Account Owner Charles Bloch was in contact with the Bank on at least two occasions after the Second World War, *i.e.*, after he married in 1946 and after he changed his name in 1950 or 1951.

With regard to the custody accounts numbered 60451 and 60452, as noted above, various securities booked to these accounts at the Bank's Zurich branch were physically held at branches of the Bank in London, Lausanne, Geneva, and New York, in special dossiers for which the Zurich branch appeared as the owner of record. The Bank's records indicate that the securities in London were either withdrawn sometime before the 10 May 1940 Nazi occupation of France, where the Account Owners resided, or sold pursuant to the Account Owners' instructions. The Bank's records additionally indicate that the securities in Lausanne were returned to the Bank's Zurich branch in June 1945, pursuant to internal Bank instructions. The Bank's records do not specifically address whether the securities held in Geneva and New York were physically returned to the Bank's Zurich branch. However, given that the Bank's Zurich branch was the owner of record for the securities held at the Bank's New York and Geneva branches, and that the securities held under similar arrangements in London and Lausanne were either withdrawn before the Nazi occupation of France, sold upon the Account Owners' instructions, or returned to Zurich, the CRT concludes that the securities in New York and Geneva were likewise either withdrawn before the Nazi occupation of France, sold upon the Account Owners' instructions, or returned to the Bank's Zurich branch.

As also noted above, an unspecified transfer from Account Owner Charles Bloch's custody account 60452 was made to his demand deposit account 70780 on 15 March 1948. Additionally, on 26 May 1948, the balances of custody accounts 60451 and 60452 were transferred to a bank in Paris, where Charles Bloch resided at the time.

The facts set out above show that Account Owner Charles Bloch maintained contact with the Bank and continued to transact business on his accounts, and that he accessed his brother's custody account numbered 60451, after the Second World War. Therefore, the CRT determines that Account Owner Charles Bloch had access to the custody account and the demand deposit account numbered 60452 when the proceeds of custody account 60452 were transferred to a bank in Paris on 15 March 1948 and when both accounts were officially closed on 30 April 1949, and that he closed these accounts himself and received the proceeds. With respect to Account Owner Roger Bloch's custody account numbered 60451, given that the balance of this account was transferred on the same date as the balance of custody account 60452 to the same Paris bank,

the CRT determines that Account Owner Charles Bloch or Account Owner Roger Bloch's heirs closed this account themselves and received the proceeds.⁸

With regard to Account Owner Roger Bloch's demand deposit account 60451, as noted above, there is no indication in the Bank's records that the Account Owners or Account Owner Roger Bloch's heirs received the proceeds of this account. Accordingly, given that Account Owner Roger Bloch perished in Auschwitz in 1942; that there is no indication that the account was still open after the Second World War, nor any record of a date of closure of this account; that Account Owner Roger Bloch's heirs would not have been able to obtain information about this account 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 proceeds of demand deposit account 60451 were not paid to either of the Account Owners or to Account Owner Roger Bloch's 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.

With regard to the accounts numbered 70780 owned by Account Owner Charles Bloch, the Bank's records do not indicate whether the account was open or opened during the Relevant Period, which is defined by the Rules as the period from 1933 to 1945. Pursuant to Article 14 of the Rules, the CRT has jurisdiction to resolve claims to accounts of Victims of Nazi persecution that were open or opened in Swiss banks during the Relevant Period. Thus, it is not clear whether these accounts fall within the CRT's jurisdiction. Assuming for the purposes of this decision that the accounts numbered 70780 were open or opened during the Relevant Period, the Bank's records show that assets were transferred from custody account numbered 60452 belonging to Charles Bloch to his custody account numbered 70780 on 15 March 1948, and that the custody account and demand deposit account numbered 70780 were closed on 2 June 1954. The CRT therefore concludes that Account Owner Charles Bloch maintained access and control over the accounts numbered 70780 and closed them and received the proceeds himself.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 4] and represented party [REDACTED 5]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 4] has plausibly

⁸ With respect to custody account 60451, the CRT additionally notes that a person named Marguerite Dreyfus-Marx signed a declaration in Basel on 8 June 1946 as an authorized representative of the late Account Owner Roger Bloch. As noted above (*see supra*, note 4), Armand Dreyfus-Marx, who served as director of the Bank's Basel branch until 1906, was the vice-president of the Bank's Zurich branch and held special power of attorney over the special dossiers for custody accounts 60451 and 60452 at branches of the Bank in Lausanne and Geneva. The CRT additionally notes that the Account Owners' mother, Fanny Bloch, née Marx, who was from Basel, had numerous relatives in Switzerland. Given the common surname (Marx), the connection to Basel, and the special powers of attorney over the Account Owners' accounts held by Marguerite Dreyfus-Marx and Armand Dreyfus-Marx at various times, the CRT concludes that the Account Owners were related through their mother to Marguerite Dreyfus-Marx and Armand Dreyfus-Marx.

demonstrated that he and represented party [REDACTED 5] are the children of Account Owner Roger Bloch, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither of the Account Owners, nor Account Owner Roger Bloch's heirs received the proceeds of demand deposit account numbered 60451.

Further, the CRT notes that Claimant [REDACTED 4] and represented party [REDACTED 5], as Account Owner Roger Bloch's children, have a better entitlement to the account than Claimant [REDACTED 1] and represented parties [REDACTED 2] and [REDACTED 3], who are the niece, sister-in-law, and nephew, respectively, of Account Owner Roger Bloch.

Amount of the Award

For the purpose of this Award, Account Owner Roger Bloch held 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was SF 2,140.00.⁹ 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 26,750.00.

Division of the Award

According to Article 23(1)(c) of the Rules, 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 4] is representing his sister, [REDACTED 5]. Accordingly, Claimant [REDACTED 4] and [REDACTED 5] are each entitled to one-half of the total award amount. As noted above, Claimant [REDACTED 1] and represented parties [REDACTED 2] and [REDACTED 3] are not entitled to share in the award.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
24 March 2011

⁹ The CRT notes that, in an Order dated 16 June 2010, the Court amended Article 29 of the Rules, which establishes value presumptions for accounts with unknown or low values. Full information regarding the methodology and procedure used to determine the revised Article 29 presumptive values is available at www.swissbankclaims.com. The CRT notes that any adjustment for accounts awarded at historic values which are higher than the previous Article 29 values, but lower than the revised Article 29 values, such as the demand deposit account described herein, will be addressed to the Claimants separately.