

<b>RULES GOVERNING THE CLAIMS RESOLUTION PROCESS</b>
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## RULES GOVERNING THE CLAIMS RESOLUTION PROCESS

### Introduction

These Rules Governing the Claims Resolution Process are established to provide the framework for the Claims Resolution Tribunal to adjudicate the claims of victims of Nazi persecution or their heirs to deposited assets in Swiss banks arising from the settlement of the Holocaust Victim Assets class action litigation. These Rules, proposed by Special Masters Paul Volcker and Michael Bradfield in accordance with the mandate provided for in the Court's Order of Reference of December 8, 2000, and approved by Judge Edward R. Korman, are divided into three separate sections concerning the procedures for the publication of accounts, the manner in which the information sources available for the adjudication of a claim will be used, and the rules of procedure to be applied by the Tribunal. This general introduction is followed by a description of each of the three operational sections of the Rules and the role they are expected to play in the claims resolution process.

Drawing on past experience, and guided by the principle that individual claims to deposited assets must be individually adjudicated, these Rules provide for speedy resolution of claims while maintaining the full benefits of due process of law. With respect to the accounts published in 1997 by the Swiss Bankers Association, the adjudication took the form of arbitral proceedings in which the claimants, and the individual banks where the dormant accounts were located, were the parties to the proceeding, and awards by the Tribunal were mainly paid by the bank parties. A different process will now apply to claims to Swiss bank accounts made by victims of Nazi persecution ("victims") or their heirs. Instead of an arbitration, the Tribunal will make determinations regarding the rights of claimants to accounts in Swiss banks. Awards resulting from this process will then be certified to the Court for payment by the Special Masters subject to Court approval.

In this process, banks will not be parties to the proceedings but are cooperating by assisting, as provided in these Rules, in making certain information available for the claims resolution process. Claimants in whose favor an award is made will receive payment through the Special Masters who will draw on an award payment account funded from the Settlement proceeds with the final approval of the Court.

### **Part I: Publication**

To assist potential claimants in identifying account holders who were victims of Nazi persecution with accounts in Swiss banks from the 1933-1945 period, the names of the accounts of "probable" victims will be published on the Internet. This publication follows the precedent set in 1997 when the names of holders of 5,570 dormant accounts were published. Subsequently, the Independent Committee of Eminent Persons ("ICEP") completed a three-year investigation at 59 Swiss banks and, as a result, identified [46,000] additional accounts that are probably or

possibly related to Nazi victims.<sup>1</sup> ICEP recommended that the [26,000] accounts with the highest likelihood of belonging to Nazi victims be published.

The probable and possible victim accounts have been carefully reviewed by the ICEP audit firms in the light of new information brought forward by Swiss banks after the completion of the ICEP investigation. The production of this new information from current bank records resulted in the elimination of those accounts that were opened after 1945, closed before dates of occupation, accounts with activity after 1945 and duplicate accounts from the list of probable and possible accounts. After this searching review, the total number of probable and possible victim accounts is [46,000], and the total number of probable or possible victim accounts for publication is [26,000]. The Swiss Federal Banking Commission endorsed the publication of the probable or possible victim accounts in March 2000.

The Rules in Part I, taking into account the decisions of the SFBC on publication and in consultation with the SBA, contain the technical publication instructions for the ICEP auditors, noting the accounts that are to be published using the account categories established by ICEP and within the scope of the publication decision of the Swiss Federal Banking Commission. From the various accounts databases established by the ICEP auditors, a single publication database is to be created, with the ICEP auditors working in cooperation with the Swiss Bankers Association and individual Swiss banks. This publication database is to be formatted so that it can be easily searched by potential claimants by name, by city and by country. Since the database will be made available to potential claimants mainly through publication on the Internet, it is of crucial importance that it can be fully downloaded and printed by the potential claimants and by claimant service organizations. This secondary availability through downloading and printing of the full probable accounts list is especially important because many expected users of the list will be older people who are not familiar with computer technology. A fair, reasonable, and adequate claims resolution requires ready access to the fundamental information that will allow the class of potential claimants covered by the Settlement to make plausible claims that can be approved by the Tribunal.

The Rules direct that publication of the Accounts Publication Database take place by January 31, 2001 as directed by Judge Korman in his order of December 8, 2000. Publication is to take place in the context of a viable claims program to make claimants aware of the Claim Resolution Process and to assist them in making claims. These facilities are being put in place to assure the success of this program. The official list of names of the account holders of the [26,000] probable accounts can be found on the Internet on the website of the SBA at [www]. In addition, the list will also be published on the website of the Tribunal at [www.CRT.ch]. The list of accounts appearing on these websites may be downloaded and searched by each person's name or by city or country of residence.

## **Part II: Data Resources**

Part II of the Rules identifies the data resources available for the claims resolution process and contains the arrangement under which the banks will provide reasonable access by

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<sup>1</sup> The full report of the ICEP investigation -- Independent Committee of Eminent Persons, Report on Dormant Accounts of Victims of Nazi Persecution in Swiss Banks (December 1999) -- may be found on ICEP's webpage: [www.icep-iaep.org](http://www.icep-iaep.org).

the Tribunal to these data resources. As part of the Settlement, the defendant Swiss banks pledged their good faith cooperation in the implementation of the Settlement, and these Rules provide for reasonable access to the available data resources.

Information about Nazi victim accounts from claimants and from the records of Swiss banks is the lifeblood of the claims resolution process. This information is essential for a case-by-case adjudication of individual accounts — the approach to resolution of claims to deposited assets adopted by the Settlement parties and the Court. It is also an essential premise of this process that it can be conducted efficiently and at minimum expense so that claims processing costs are in a reasonable relationship to awards.

For these reasons, claims forms have been designed for efficient electronic scanning and easy keyboard input of important data. Similarly, Part II of the Rules provides for efficient and easy access to the data compiled by the ICEP auditors about accounts from the 1933-1945 period. This bank data was compiled at great expense over a three-year period. It would be an historic error, perpetuating the mistakes of the past, if obstacles were placed in the way of the practical and efficient use of the ICEP-auditor compiled information.

Of the approximately 4 million accounts identified by the ICEP Audit Firms, as noted above, some [46,000] accounts are classified by the ICEP Audit Firms as probably or possibly belonging to Nazi victims. Information about these accounts is contained in files created by the ICEP Audit Firms in the form of an electronic database and hard copy account dossiers. In addition, the ICEP auditors created computer databases of key information available on the 4 million accounts that were open or opened during the 1933-1945 period.

The Rules deal with the availability of each of these three types of information. First, much of the information about the probable or possible accounts is in electronic form, and the Rules provide that the ICEP Audit Firms are to establish at each bank a computer database of information concerning each bank's portion of these [46,000] accounts — the "Account History Databases." These databases are to contain account names and related information. In order that the Tribunal may have reasonable access to these databases of the accounts most likely to be subject to claims, the Rules provide that the Account History Databases will be maintained at the offices of the Tribunal in secure facilities and consolidated into a single database to facilitate the use of the information contained in it.

Second, the ICEP auditors also prepared dossiers including most of the hard copy information available to them about probable and possible accounts. These dossiers are critical to a fair, complete and efficient claim resolution process. Consequently, the Rules provide that these ICEP auditor dossiers will be centralized at the offices of the Tribunal for use exclusively in the claim resolution process and subject to Swiss law on bank secrecy and protection of privacy.

Third, during the ICEP investigation, the ICEP Audit Firms created, using the banks' archives, computer databases containing certain information (such as the name of the account holder, the type of account, the balance of the account) about the 4 million accounts from the 1933 to 1945 period for which records still existed, as well as about other accounts for which it was unknown whether they may or may not have been open in the 1933 to 1945 period. The rules provide that one or more of the ICEP audit firms may be retained by the Special Masters to

establish from the databases of the approximately 4 million relevant period accounts a “Total Accounts Database.” The Rules also provide that the Tribunal will have access to these databases, which will remain located at each bank, through a secure encrypted limited access network. The secure network will be established by one or more of the ICEP Audit Firms and will be subject to the same conditions on use to protect this information from authorized disclosure as is applied to the ICEP auditor information described above.

Use by the Tribunal, a Swiss institution with a Swiss Chairman and a Swiss Secretary General, of each of these foregoing three types of information will be subject to arrangements to assure compliance with Swiss law and the confidentiality of this documentation.

Finally, the most extensive sources of information about the 4 million accounts from the 1933 to 1945 period are still in the banks’ archives. The Rules provide that the Tribunal may ask banks to voluntarily offer assistance in resolving claims to accounts when necessary to obtain information about plausible claims that is unavailable from the other available sources of information described above, provided such claim is determined by the Tribunal to meet a test of admissibility.

### **Part III: Claims Resolution Process**

Part III contains the rules regarding how the claims to accounts will be resolved using the available data resources described in Part II. All claims of Nazi victims or their heirs to Accounts are to be considered pursuant these Rules, which are designed to provide claimants the benefits of an expeditious claims process with the protections of due process of law. The claims resolution process consists of proceedings under these Rules: (1) to determine the Admissibility of claims to Accounts; (2) to govern the process of obtaining such information as may be available through Matching and Research or other means available to this Tribunal; and (3) in every case, to produce a final written decision — either denying the claim or making an Award.

As part of the effort to expedite claims processing, decisions on admissibility will be made by Resident Claims Judges drawn from the senior staff of the Tribunal Secretariat under the supervision of the Tribunal’s Chairman and Vice Chairman and utilizing the admissibility criteria established in the Rules. Similarly, Resident Claims Judges will also decide whether claims have been matched to accounts identified by the ICEP auditors, as well as decide whether to make awards in the case of matched claims to accounts with an unadjusted book value of up to 5,000 Swiss francs.

Senior Claims Judges will decide claims to accounts with an unadjusted book value of more than 5,000 Swiss francs, as well as all appeals from decisions of both Resident Claims Judges and Senior Claims Judges. Appeals from the decision of a Senior Claims Judge will be heard by a different Senior Claims Judge from the one who decided the case from which the appeal was taken. As an economy and efficiency measure, it is planned that the work of the Senior Claims Judges in deciding cases will, to the extent practicable and effective, be done at their homes or offices, thus avoiding the cost of travel and lodging and also speeding up the consideration of cases.

The rules governing matching and research are also designed with considerations of economy given an important place. Accordingly, they are based on the premise that the ICEP

auditors can train the Tribunal Secretariat staff to do the matching and research required as the basis for decisions by Claims Judges, and that any research by the banks will be done within the cost structure budgeted for the Tribunal staff.

The matching and research of claims to probable and possible accounts will generally follow the procedures for these activities that were developed during the ICEP investigation. Special procedures for researching admissible claims that do not match to probable or possible accounts follow the framework of the Settlement Agreement. In addition, to assure fairness to claimants, research of such claims will take place only if necessary, in the judgment of a Claims Judge, to verify bank research results, or to decide on whether to make an award to a claimant to an account that appears from the facts and circumstances to be the account of a victim of Nazi persecution.

In addition, the Rules provide criteria for Claims Judges to use in deciding that the relaxed standard of proof — the plausible case requirement — has been met any for any individual claim. For many of the Nazi victim accounts identified in the ICEP investigation, there are some important obstacles to an adjudication of ownership and the determination of awards. For some such accounts, no records exist as to whether the account holder (or heirs) actually received the benefits of the account at the time it was closed, and for others, the amount in the account is unknown. Special Master Gribetz's Plan of Allocation and Distribution proposed that in certain cases presumptions be used to overcome these factual gaps.

For accounts of Nazi victims that have been closed to "unknown" parties, the Plan suggests it would be reasonable to presume, in the absence of facts to the contrary, that if the account holder died in a Nazi death camp or in similar circumstance, the account holders or their heirs did not receive the benefits of the account, and thus an award to a valid claimant would be appropriate. Similarly, for Nazi victim accounts with unknown values, the Plan suggests that average values based on account type should be used, recognizing that it would be a denial of justice not to make an award to a victim, or to a claimant on behalf of a victim, because value information is unavailable from bank records.

These recommendations have been adopted in these Rules and the presumptions, and the circumstances in which they may be used by the Tribunal, are set forth in the Rules. Consistent with the extra uncertainty of result inherent in the use of presumptions, the Plan and the Rules provide that awards based on these presumptions will initially be paid 35 percent of the award and, the Court will have the discretion to adjust the remaining payment of 65 percent of the award to assure fairness among all claimants within the total amount of funds available with payment of this amount made after all claims have been adjudicated.

Finally, the Tribunal is responsible for certifying awards to the Court. The Special Masters will pay all such Certified Awards with the approval of the Court. Awards based on the presumptions described above will be paid as described above. Awards will be paid by drawing on an awards payment account funded from the Settlement amount in accordance with directions from the Court.

## **Miscellaneous**

Part IV contains definitions applicable to all three parts of these Rules. In addition, specific rules concerning interpretation and amendment of the rules, exclusion of liability, and archives are set forth.



## PART I. PUBLICATION

### **Article 1      Establishment of the Accounts Publication Database**

#### 1.      Categories of Accounts to Be Included

Each of the ICEP Audit Firms, using a uniform database format, shall be retained to prepare a list of account holder names and other identifying information (“the Accounts Publication Databases”) in computer readable media of Accounts:

- a)      in ICEP Categories 1 and 2 that were open and dormant, suspended, closed to bank profits or because fees or charges exhausted the Accounts, or were paid to Nazi authorities, as defined by ICEP; and
- b)      in ICEP Categories 1 and 2 that were “Closed Unknown by Whom,” or in Category 3 that had unique, almost unique or confirming factors matches between Victims and Account Holders, as defined by ICEP, at the Participating Banks.

#### 2.      The Single Consolidated Database and Its Formatting

One of the ICEP Audit Firms shall be retained by the Special Masters to compile from the Accounts Publication Databases a single consolidated Accounts Publication Database working in cooperation with the Swiss Bankers Association and the Participating Banks. The Accounts Publication Database shall be formatted so that it can be published on the Internet and fully searchable by Internet users.

### **Article 2      Publication of Accounts Publication Database**

The Accounts Publication Database shall be published by January 31, 2001, taking into account the prerequisites for publication established by the Swiss Federal Banking Commission in its decisions of March 30, 2000.

## PART II. DATA RESOURCES

### Article 3      **Centralized and Consolidated Databases of Account Information For Probable or Possible Accounts**

#### 1.      Accounts to be Centralized

Subject to the provisions of Article 46 on the confidentiality and disclosure of information, each of the ICEP Audit Firms, using a uniform database format, shall establish computer readable Account History Databases of account names and other identifying information for all Accounts identified at each bank investigated by such audit firms and reported to ICEP for its Report of December 6, 1999 (the "Final Report") by such audit firms in Categories 1-4 designated by ICEP as probably or possibly related to Victims ("Probable or Possible Accounts"). Such databases shall indicate the bank from which the data was obtained.

#### 2.      Adjustments From the Review of Accounts

The Account History Databases established under Article 3(1) shall be adjusted by each of the ICEP Audit Firms to decrease or increase the number of Accounts reported to ICEP to the extent such adjustments are the result of any review of such Accounts by such Audit Firms that was carried out since the date of the Final Report for the purpose of identifying duplicate Accounts, missing Accounts, and other similar factors.

#### 3.      Consolidated Account History Database

To facilitate Matching and Research, the Special Masters will retain an ICEP accounting firm to establish a single consolidated Account History Database from the several

Account History Databases for each ICEP investigated bank (including the information on the source of the data).

4. Centralization at the Tribunal

To provide reasonable access to the Account History Databases for Matching and Research by the Tribunal, copies of the separate Account History Databases and the consolidated Account History Database shall be maintained at the offices of the Tribunal in secure facilities.

**Article 4 Account Dossiers**

Subject to the provisions of Article 46 on the confidentiality and disclosure of information, the hard-copy account dossiers prepared by each of the ICEP Audit Firms for the Probable or Possible Accounts, as defined in Article 3(1) and (2), shall be transported by each such ICEP Audit Firm to the Tribunal and stored in secure facilities at the Tribunal.

**Article 5 Total Accounts Databases**

1. Location and Use of Total Accounts Databases

Subject to the provisions of Article 46 on the confidentiality and disclosure of information, one or more of the ICEP Audit Firms shall be retained to establish Total Accounts Databases from the databases of all Relevant Period Accounts established by the ICEP Audit Firms at each ICEP investigated bank. The Total Accounts Databases shall be located in secure facilities at each bank where such databases are established. Each bank and the Tribunal may use the Total Accounts Databases for Matching and Research authorized for banks under these Rules.

2. Incorporation of Total Accounts Databases Into a Secure Encrypted Limited Access Network

The Total Accounts Databases shall be incorporated into a secure encrypted limited access network by one of the ICEP Audit Firms retained by the Special Masters for this purpose. This secure network shall be accessible to the Tribunal through a secure computer link to a computer at each investigated bank where a Total Accounts Database is established. The Total Accounts Databases may be used by the Tribunal for Matching and Research to the extent authorized under these Rules.

3. On-Site Visits To Obtain ICEP Auditor Compiled Information

For information compiled by each of the ICEP Audit Firms at each bank investigated by such Audit Firms that is not included in the Account History Database, the Account Dossiers, or the Total Accounts Databases (including the secure network of such Databases), the Special Masters shall make arrangements for access to these ICEP Audit Firm files by personnel of the Tribunal and/or ICEP Audit Firms through on-site visits to the places where such information is located.

**Article 6 Voluntary Assistance From Banks**

1. Criterion for Seeking Voluntary Assistance

When necessary to obtain information to resolve claims to Accounts that is unavailable to the Tribunal under Articles 1-5, the Tribunal may seek the assistance of banks that may have information in their files on such an Account.

2. Records and Reports

The Tribunal shall maintain a record of (i) requests to banks for such information, and (ii) the response of banks to such requests, and report this information on a monthly basis to the Special Masters.

### **PART III. CLAIMS RESOLUTION PROCESS**

#### **Article 7 Scope of Application**

These Rules shall govern the resolution by the Tribunal of claims to Accounts of Victims open or opened in Swiss banks during the Relevant Period submitted to the Tribunal on or after January 31, 2001.

### **STRUCTURE OF THE CLAIMS RESOLUTION TRIBUNAL**

#### **Article 8 Seat of the Claims Resolution Tribunal**

The seat of the Claims Resolution Tribunal is in Zurich, Switzerland.

#### **Article 9 Composition of the Claims Resolution Tribunal**

The Claims Resolution Tribunal shall consist of:

- (i) a Chairperson;
- (ii) a Vice Chairperson;
- (iii) Senior Judges, who will serve as Senior Claims Judges and Senior Appeals Judges;
- (iv) Resident Claims Judges; and
- (v) a Secretariat, including attorneys, auditors, paralegals, researchers, clerical assistants, and other staff, as may be necessary to carry out its functions.

#### **Article 10 Organization**

##### **1. Chairperson to Direct Organization**

The Claims Resolution Tribunal shall be organized under the direction of the Chairperson.

2. Guidelines and Procedures

The Chairperson may promulgate guidelines and procedures, which are deemed necessary for the fair and expeditious functioning of the Tribunal and which are consistent with these Rules, subject to prior consultations with the Special Masters.

**Article 11 Appointment and Removal**

The Chairperson, Vice Chairperson and Judges shall be appointed by, and may be removed by, the Special Masters. The Chairperson and the Arbitrators, both appointed by prior decisions of the Independent Claims Resolution Foundation for the adjudication of claims under the Rules of Procedure of the Claims Resolution Process applied to claims submitted prior to January 31, 2001, may also act, respectively, as Tribunal Chairperson and as Senior Judges under these Rules.

**Article 12 Functions of the Chairperson**

1. The Chairperson of the Claims Resolution Tribunal shall:
  - a) supervise the administration of the Tribunal;
  - b) submit to the Special Masters a monthly written report on the activities and the conduct of the Tribunal;
  - c) supervise the financial planning and financial controls of the Tribunal and submit to the Special Masters a quarterly financial report and periodic budgets of the Tribunal;
  - d) decide on any challenge of a Claims Judge;
  - e) designate the Resident Claims Judge, Senior Claims Judge, or Senior Appeals Judge to be assigned to claims in accordance with these Rules. The Chairperson may serve as a Senior Claims Judge and/or a Senior Appeals Judge;

- f) designate Senior Claims Judges to serve as Senior Appeals Judges in appeals of claims defined under Article 36 of these Rules, but no Judges shall serve as Senior Appeals Judges in a case in which they served as a Senior Claims Judge; and
  - g) exercise all other functions provided for under these Rules or assigned by the Special Masters.
2. The Chairperson may delegate any of the above-mentioned functions to the Vice Chairperson.

**Article 13 Functions of the Vice Chairperson**

The Vice Chairperson shall assist the Chairperson in carrying out the functions provided for in these Rules, and shall direct and supervise the administration of the Tribunal and discharge any other functions that may be assigned by the Special Masters or the Chairperson. In the absence of the Chairperson, the Vice Chairperson shall act in his or her place. The Vice Chairperson may serve as a Senior Claims Judge and/or Senior Appeals Judge.

**Article 14 Secretariat of the Claims Resolution Tribunal**

The Secretariat of the Claims Resolution Tribunal shall:

- (i) carry out the functions set forth in these Rules and in any guidelines or procedures issued by the Chairperson pursuant to Article 10(2) of these Rules;
- (ii) assist the Chairperson in the performance of his or her functions; and
- (iii) perform all other functions assigned to it by the Special Masters, the Chairperson, or the Vice Chairperson.

## JURISDICTION OF THE CLAIMS RESOLUTION TRIBUNAL

### Article 15 Jurisdiction

The Claims Resolution Tribunal shall have jurisdiction to resolve claims to Accounts of Victims open or opened in Swiss Banks during the Relevant Period and to certify to the Court for payment the value of Accounts.

## CLAIMS PROCEDURES

### Article 16 Filing and Acceptance of Claims

1. Address for Submission of Claims

Claims shall be submitted to the Tribunal by filing a completed and signed Claim Form within six months of the date of publication of Accounts as provided by Article 2 at the following address:

Claims Registration Office  
Claims Resolution Tribunal  
P.O. Box \_\_\_\_\_

2. Availability of Claim Forms

Claim forms may be downloaded from the Internet at the Tribunal's website — [www.crt.ch](http://www.crt.ch) — or requested from the Tribunal's Call Center or by writing to the address above.



## **Article 17 Authority of Resident Claims Judge**

### 1. Resident Claims Judges' Jurisdiction

Resident Claims Judges shall have authority to decide:

- a) The Admissibility of claims submitted to the Tribunal in accordance with Article 23,
- b) whether the name of a claimed Account Holder matches with the name of an Account Holder as provided for in Article 24, and
- c) Awards to Admissible Claims to Accounts for which the Unadjusted Book Value of the Account is less than or equal to 5,000 Swiss Francs in accordance with Article 27.

### 2. Assignment of a Case to a Senior Claims Judge

Notwithstanding Article 17(1)(c), in any unusually difficult case, a Resident Claims Judge may recommend to the Chairperson that the case be assigned to a Senior Claims Judge.

### 3. Supervision of Resident Claims Judges

The Resident Claims Judges shall make all decisions authorized under Article 17(1) under the direction and supervision of the Chairperson, Vice Chairperson, or a designated Senior Claims Judge.

## **Article 18 Authority of Senior Claims Judge**

### 1. Senior Claims Judges' Jurisdiction

In accordance with Articles 23 and 27, Senior Claims Judges shall have authority to decide:

- a) appeals from decisions rendered by Resident Claims Judges that a claim is inadmissible;

- b) Awards to claims to Accounts with an Unadjusted Book Value of over 5,000 Swiss Francs; and
- c) Admissibility and Awards to Accounts with an Unadjusted Book Value below 5,000 Swiss Francs, where such Accounts are joined with related Accounts pursuant to Article 43 of these Rules, or under special circumstances as determined by the Chairperson.

2. Application of Value Presumptions

For the purposes of this Article, the value presumptions of Article 35 will apply.

**Article 19 Authority of Senior Appeals Judge**

Senior Appeals Judges shall have authority to decide appeals from decisions rendered by Senior Claims Judges regarding the Award of Accounts with an Unadjusted Book Value of over 5,000 Swiss Francs.

**Article 20 Assignment of Judges**

Depending upon the scope of authority exercised by them under these Rules, the Chairperson shall designate a specific Claims Judge or Senior Appeals Judge to decide each claim.

**Article 21 Incapacity or Resignation of a Claims Judge**

1. Responsibility of Chairperson

The Chairperson shall designate another Judge to assume the responsibilities of any Judge who becomes incapacitated, is unable to perform his or her duties, resigns or is removed.

2. Effect of Substitution

The substitution of a Judge shall not interrupt the proceedings.

## EVIDENCE

### **Article 22 Relaxed Standard of Proof**

1. Standard of Plausibility

Each Claimant shall demonstrate that it is plausible in light of all the circumstances that he or she is entitled, in whole or in part, to the claimed Account.

2. Sources of Information for Determinations

In making determinations on Admissibility and Awards, the Tribunal shall use, to the maximum extent possible, the records and files available under Articles 3-6, the information submitted by the Claimant, and, to the extent that the Tribunal deems relevant, other sources of information. If relevant information is unavailable, the Claims Judges shall state in their decisions why such information is not available for the claims resolution process. Claims Judges shall at all times bear in mind the difficulties of proving a claim after the destruction of the Second World War and the Holocaust and the long period of time that has elapsed since the opening of these Accounts.

### **CRITERIA FOR DECIDING ON ADMISSIBILITY OF CLAIMS THE REASONED AND SATISFACTORY TEST**

### **Article 23 Admissible Claims**

1. Determinations of Admissibility - Reasoned and Satisfactory Test

A claim shall be admissible only after a Tribunal determination, using the information on the claim submitted by the Claimant, that the claim is admissible in accordance with the

five criteria listed below, thereby establishing a reasoned and satisfactory basis for further examination of the claim.

2. Determinations of Inadmissibility

A claim submitted to the Tribunal is inadmissible if:

- a) the Claimant has provided no plausible information indicating that the person he or she believes to be the Account Holder was a Victim, or
- b) the claim is based essentially on a statement that the Claimant or his or her relative and the Account Holder have the same or similar last name, or
- c) the Claimant has provided no relevant information and/or documentation regarding his or her relationship to the Account Holder, or
- d) the Claimant has not asserted a relationship to the Account Holder that would justify an Award to the Account, or
- e) it is apparent that the person the Claimant believes to be the Account Holder and the actual Account Holder are not the same person.

<b>MATCHING AND RESEARCH OF ADMISSIBLE CLAIMS</b>
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**Article 24    Matching of Claims and Accounts**

1. Claims to be Matched

All claims submitted to the Tribunal that are determined to be Admissible under Article 23, and all claims submitted to the Tribunal by the New York State Holocaust Claims Processing Office, shall be matched with the Account History Databases and accounts published in 1997.

2. Training for Matching

One or more of the ICEP Audit Firms may be retained for the purpose of training Tribunal personnel in Matching procedures, or for the purpose of carrying out the Matching process using audit firm staff.

3. Matching Procedures

The Matching procedures shall be established by the Special Masters and shall generally be the same as those used in the ICEP investigation, and decisions on whether the name of a claimed Account Holder matches with the name of an Account Holder in the Account History Databases shall be made by Resident Claims Judges, taking into account any recommendations made by any ICEP Audit Firm retained for assistance in the Matching process.

4. Record of Decisions

Resident Claims Judges shall make a record of the reasons for their conclusions on Matching for inclusion in the decisions on Claims.

**Article 25    Research of Matched Claims**

1. Sources of Information for Research

If a Resident Claims Judge determines that there is a match of a claimed Account Holder with the name of an Account Holder in the Account History Database, the Tribunal shall proceed to:

- a)     Research the matched account for the purpose of determining all the facts relevant to the Account that are available, among other sources of information, in the Database of Accounts Published in 1997, Account History Databases, the Account Dossiers, the Total Accounts Databases, or from on-site visits under Article 5(4) and

- b) make a record of this Research for review by the appropriate Claims Judge under the provisions of Article 27.

2. Use of ICEP Audit Firms

One or more of the ICEP Audit Firms may be retained to train Tribunal personnel or to assist in conducting Research.

**Article 26 Matching of Claims Unmatched Under Article 24**

1. Conditions for Matching

For Claims that are determined to be Admissible and eligible for Matching under Article 23 and Article 24 based on, among other things, a claim that the Account Holders gave Swiss addresses to the banks holding their Accounts, but for which no match to a Probable or Possible Account is determined under Article 24, then such claim shall be matched by the Tribunal with all the Accounts in the Total Accounts Databases of the Participating Banks.

2. Appeal by Bank of Tribunal Admissibility Decision

If a bank believes that the Tribunal has inappropriately proceeded to the Matching and Research of a claim under this Article 26(1):

- a) the bank may request a review of this decision of the Tribunal by the Court,
- b) the bank's request for review shall be submitted to the Special Masters who shall ascertain the facts concerning the review request, and
- c) the Special Masters shall report the facts and their recommendations to the Court for a decision by the Court.

3. Option to Research

If a Resident Claims Judge determines that there is a match, the bank shall have the option to Research the matched account under the supervision of the relevant Audit Firm

for the purpose of determining all the facts relevant to the Account that are available in the Total Accounts Databases and in the files of the ICEP Audit Firms, and make a report on the Research to the Tribunal.

4. Supervision by ICEP Audit Firms

The ICEP Audit Firms that supervise Matching and/or Research shall be retained and compensated by the Special Masters for this purpose and shall be instructed by the Tribunal on their supervisory responsibilities.

5. Matching and Research by Tribunal

If Matching and/or Research is:

- a) not done under Article 26(1) and (2), or
- b) necessary in the judgment of a Claims Judge
  - (i) to verify Research results reported under Article 26(2) or
  - (ii) to decide on whether to make an Award to a Claimant to an Account that appears from the facts and circumstances to be the Account of a Victim, the Tribunal shall Match and/or Research the claim in question utilizing the Total Accounts Database through the secure encrypted limited access network, the relevant Audit Firm's files at the bank or banks referred to in Article 26(1), and through voluntary bank assistance provided under Article 6.

6. Retention of ICEP Audit Firms by the Special Masters

ICEP Audit Firms may be retained by the Special Masters to carry out, or to assist Tribunal personnel in carrying out, the Matching and/or Research provided for in Article 26.

<b>AWARD CRITERIA</b>
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**Article 27    Awards**

1.    Review of Matched and Researched Claims

All claims that are Matched and Researched shall be reviewed to determine whether an Award shall be made.

2.    Criteria for Making Awards

An Award may be made of the value of an Account in favor of a Claimant if:

- a)    the Claimant has identified a person with precisely the same name as the Account Holder, or the Claimant has accurately identified a person with a substantially similar name as the Account Holder, or a credible pseudonym, and, where applicable, has provided a plausible explanation for the difference in names; and
- b)    the presiding Judge is satisfied that the information provided by the Claimant is consistent with unpublished information in bank records relating to such matters as:
  - (i)    the date/year of the Account Holders' birth and/or death;
  - (ii)   the Account Holder's or his spouse's maiden name, if applicable;
  - (iii)   the name of the Account Holder's spouse, or children if applicable;
  - (iv)   the Account Holder's street address;
  - (v)    the Account Holder's profession;
  - (vi)   the Account Holder's signature or, where relevant, the signature of the holder of power of attorney;
  - (vii)  the relationship between the Account Holder and the holder of power of attorney; and



- c) the Claimant has provided plausible evidence that the person he or she believes to be the Account Holder was a Victim; and
- d) the relationship between the Claimant and the person identified by him or her as the Account Holder is of a nature that justifies making an Award according to this Article 27(2) of these Rules; and/or
- e) the Claimant has provided other compelling reasons for making an Award, as determined by the Claims Judge.

3. Decision on Amounts of Awards

For each claim for which a Claims Judge makes an Award of the value of an Account, such Claims Judge shall also decide the amount of such Award to the Claimant pursuant to these Rules.

4. Awards with Respect to Accounts Not Identified During the ICEP Investigation

Notwithstanding prior provisions, the Tribunal may make an Award in a case in which the Claimant plausibly establishes a right to an Account that falls within the Tribunal's jurisdiction but which, for whatever reasons, was not identified during the ICEP investigation and therefore can not be subject to Matching and/or Research.

<b>RULES ON MONETARY AWARDS</b>
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**Article 28 Accounts with an Unadjusted Book Value of 100 Swiss Francs or Less**

1. Rules for Multiple Related Claimants

When a number of related Claimants have established a plausible relationship to the Account Holder, the Tribunal will make an Award in favor of the Claimant who has established the closest relationship to the Account Holder.

2. Multiple Claimants With Same Degree of Relationship

If there is more than one related Claimant with the same degree of relationship to the Account Holder (e.g., a spouse and a child), the Tribunal will make an Award to them in equal shares.

**Article 29      Accounts with an Unadjusted Book Value of more than 100 Swiss Francs**

1. Criteria for Awards in Absence of a Will

In the absence of a written will, or where the will is determined not to be dispositive, the Tribunal will make an Award to Claimants according to the applicable principles set forth below:

- a) If the Account Holder's spouse has submitted a claim to the Account, but the Account Holder's children have not, the Award shall be in favor of the spouse.
- b) If the Account Holder's spouse and the Account Holder's children have submitted claims to the Account, the spouse will be awarded half of the value of the Account, and the remainder will be divided in equal shares between the children of the Account Holder. If a child of the Account Holder has not filed a claim to the Account, his or her share of the Account will be divided equally between any of his or her children or their descendants who have submitted claims to the Account.
- c) If the Account Holder's spouse has not submitted a claim to the Account, the Award will provide for equal shares between the children of the Account Holder who have submitted claims to the Account. If a child of the Account Holder has not filed a claim to the Account, his or her share will be divided equally between any of his or her children or their descendants who have submitted claims to the Account.

- d) If the Account Holder's spouse and the children of the Account Holder's parents or their descendants have submitted claims to the Account, the spouse will be awarded two-thirds (2/3) of the value of the Account, and the remainder will be divided equally between any of the children of the Account Holder's parents or their descendants who have submitted claims to the Account.
- e) If neither the Account Holder's spouse nor children have submitted claims to the Account, the Award will be provide for an equal division among the children of the Account Holder's parents or their descendants who have submitted claims to the Account. If none of the children of the Account Holder's parents or their descendants have submitted claims to the Account, the Award will provide for an equal division among any of the children of the Account Holder's grandparents or their descendants who have submitted claims to the Account.

2. Criteria for Awards Where There is a Will

If an Account Holder left an apparently valid written will that has been provided to the Tribunal:

- a) The Award will provide for distribution among any beneficiaries named in the will who have submitted claims to the Account.
- b) If none of the named beneficiaries has filed a claim to the Account, the account will be awarded to the heirs of the Account Holder according to the general principles of distribution set out in Article 29(1).

3. Awards with Respect to Accounts of Legal and Other Entities

If the Account Holder is a legal or other entity (such as a corporation, association, organization, etc.), the Award will be made in favor of those Claimants who establish a right of ownership to the assets of the entity.

### **Article 30 Potential Claims of Third Persons**

The rights of individuals to an Account who have not submitted claims to the Claims Resolution Tribunal will, as a general rule, not be considered under the Claims Resolution Process authorized by these Rules.

### **Article 31 Joint Accounts**

#### 1. Presumption of Equal Shares

If an Account is a Joint Account and Claimants related to each of the Account Holders have submitted claims to the Account, it shall be presumed that each Account Holder was the owner of an equal share of the Account. This rule shall apply even if one of the Account Holders is still alive.

#### 2. Presumption for Partial Claims

In cases where the Joint Account is claimed by relatives of only one or some of the Joint Account Holders, it shall be presumed that the Account was owned as a whole in equal shares by the Account Holders whose shares of the Account have been claimed.

### **Article 32 Unrelated Claimants**

In cases where the identity of the Account Holder cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated Claimants have established a plausible relationship to a person with the same name as the Account Holder, the Award will provide for a pro rata share of the full amount in the Account to each Claimant or group of Claimants who would be otherwise entitled under these Rules. However, if the adjusted book value of an Account is less than 100 Swiss Francs, then the Tribunal may award the full amount to each such Claimant or group of Claimants.

### **Article 33     Application of Rules of Distribution**

1.     Fair and Equitable Results

In applying the Rules of Distribution, Claims Judges shall seek to achieve the result that is most fair and equitable under the circumstances.

2.     Applicable Law

The Tribunal shall determine the law to be applied to the relationship between an Account Holder and a Bank.

### **Article 34     Presumptions Relating to Claims to Certain Closed Accounts**

In order to make an Award under Article 27 for claims to Accounts that were categorized by ICEP as “closed unknown by whom”, a determination shall be made as to whether the Account Holders or their heirs received the proceeds of the Account prior to the time when the claim was submitted to the Tribunal. The Tribunal shall presume that neither the Account Holders nor their heirs received the proceeds of a claimed Account if:

- a)     the Account was closed and the account records show evidence of persecution, or the account was closed (i) after the imposition of Swiss visa requirements on January 20, 1939, or (ii) after the date of occupation of the country of residence of the Account Holder, and before 1945 or the year in which the freeze of Accounts from the country of residence of the Account Holder was lifted (whichever is later), or
- b)     the Account was closed after 1955 or ten years after the freeze of Accounts from the country of residence of the Account Holder was lifted (whichever is later), or
- c)     the balance of the Account was reduced by fees and charges over the period leading up to the closure of the Account and the last known balance of the Account was small, or

- d) the Account had been declared in a Nazi census of Jewish assets or other Nazi documentation, or
- e) a claim was made to the Account after the Second World War and was not recognized by the bank, or
- f) the Account Holder had other Accounts that are open and dormant, suspended, or closed to profits, closed by fees, or closed to Nazi authorities, or
- g) the only surviving Account Holder was a child at the time of the Second World War.

If none of these presumptions applies, in absence of other plausible evidence to the contrary, the Tribunal shall presume that the Account Holder received the proceeds of the Account prior to the time when the claim was submitted to the Tribunal, and the claim shall be denied.

**Article 35 Value Presumptions for Accounts with Unknown Values**

For an Account for which an Award is made under Article 27, but the amount in the Account is unavailable from bank records, the amount in the Account (1945 value) is to be determined from the following schedule:

Custody Account	SFr. 13,000
Demand Deposit Account	SFr. 2,140
Savings/Passbook Account	SFr. 830
Safe Deposit Box	SFr. 1,240
Other Types of Accounts	SFr. 2,200
Unknown Account Type	SFr. 3,950

## APPEALS TO SENIOR CLAIMS OR SENIOR APPEALS JUDGES

### **Article 36 Tribunal Appeals Procedures**

1. Appeals of Inadmissibility Decisions

Claimants whose claims are ruled inadmissible under Article 23 of these Rules may appeal that decision to a Senior Claims Judge within sixty days of the receipt thereof.

2. Appeals of Award Denials

Claimants whose claims are denied, in whole or in part, pursuant to any provision of these Rules, may appeal that decision to a Senior Appeals Judge within sixty days of the receipt of the decision.

3. Authorization for Summary Denials

Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

## AWARDS

### **Article 37 Certification and Adjustment of Awards**

1. Determination of Amount

For Awards made under Article 27, the amount of the Award shall be the amount in the Account as established by bank records or, if unknown, the amount established under Article 35. Such awards shall be adjusted by (a) reducing the award by the amount of any interest paid to the account for which the award is being made, (b) increasing the award by the amount of any fees and charges deducted from such account, and (c)

multiplying the resulting amount by a factor to bring the award up to current value. The adjustment provided in the preceding sentence shall be made in accordance with a formula to be established by the Special Masters with Court approval.

2. Certification of Awards

Awards shall be certified by the Tribunal to the United States District Court for the Eastern District of New York for payment from the Special Masters' Awards Payment Account from funds made available by the Court from the Settlement Fund established by the Settlement Agreement of January 26, 1999, as amended, settling the Holocaust Victim Assets Litigation under the jurisdiction of the aforementioned United States District Court.

3. Payment of Awards by Special Masters

Certified awards shall be paid by the Special Masters after approval of such awards by the Court. Upon Court approval of awards certified by the Tribunal, the full amount of the awards shall be paid, except in the case of accounts of unknown value where the award is made using the value presumptions provided for in Article 35. For such unknown value accounts, the initial payment shall be 35 percent of the certified award, and after all claims are processed, subject to Court approval, claimants to such unknown value accounts may receive a second payment of up to 65 percent of the certified awards.

**Article 38 Awards to Accounts Held by Intermediaries**

Notwithstanding any other provision of these Rules, in the case of an Account opened by an intermediary, neither the Tribunal, nor any person employed or retained by the Tribunal, shall:



- a) report any information about the results of Matching or Research under Article 24-26 other than that an Award to the claimant would be reasonable based on the Research conducted, or
- b) confirm the existence of, or information about, the Account that has been Matched and/or Researched.

<b>THE CONDUCT OF THE PROCEEDINGS</b>
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**Article 39 Factual and Legal Inquiries**

The Claims Judges shall conduct whatever factual and legal inquiries they deem necessary for a comprehensive assessment of the claims submitted to them and shall structure the proceeding in a manner determined to be appropriate by the Tribunal. In discharging this responsibility, the Claims Judges may also use whatever information and documentation relating to an Account that has been provided by any of the Claimants thereto.

**Article 40 Language of the Proceedings**

The working languages of the Claims Resolution Tribunal are English, French, German, Hebrew and Spanish. All communications addressed to the Tribunal shall be in one of these languages.

**Article 41 Representation**

Claimants who wish to be represented before the Tribunal by a person of their choice must submit a power of attorney in the form provided by the Tribunal.

#### **Article 42     Costs of Proceeding**

The proceedings before the Claims Resolution Tribunal are free of charge to the Claimants. However, costs incurred by Claimants or their representatives in presenting and otherwise pursuing their claims shall be borne by the Claimants.

#### **Article 43     Joinder of Claims**

1. Claims to the same Account or related Accounts may be joined in one proceeding at the discretion of the Claims Judges.
2. In cases where there are several claims to one Account, but the claims have not been joined, the Claims Judges may nevertheless order the claim forms and supporting materials to be distributed to other Claimants to the Account.

#### **Article 44     Form and Content of Decisions**

The decisions of each Claims Judge shall be in writing and shall contain the relevant facts, the reasons for the decision, the date on which the decision was rendered, and shall be signed by the deciding Claims Judge.

#### **Article 45     Communications**

Decisions and Orders under these Rules shall be communicated to the Claimants by registered mail against receipt, or, if necessary, by private courier. For other communications, the Claims Resolution Tribunal shall determine the appropriate means of communication between itself and the Claimants.

#### **Article 46     Confidentiality and Disclosure of Information**

##### **1.     Maintenance of Confidentiality of Account Information**

In order to maintain the confidentiality of Account information, access to the Accounts History Databases, the Accounts Dossiers, the Total Accounts Databases, and to the bank locations where the ICEP Auditors' files are located, shall be limited to designated

personnel of the Tribunal and the ICEP Audit Firms who have been authorized by the Tribunal to have such access for the purpose of Matching, Research, and adjudicating Claims and subject to Swiss law on account privacy. Arrangements shall be established to assure that each of the types of information referred to in the preceding sentence shall be used by the Tribunal in compliance with Swiss law and to protect the confidentiality of this information.

2. Permissible Disclosure of Account Information to Claimants

In the discretion of the Tribunal, the Tribunal may disclose to Claimants with Admissible Claims, information in the possession of the Tribunal on specific or claimed Accounts.

3. Requirement of Approval of Account Holders, Heirs, or Government

Except as provided in Article 46(2) and Article 47, no information that reveals the names of Account Holders or would necessarily identify Account Holders of specific Accounts may be disclosed by the Tribunal or any person employed or retained by the Tribunal without the approval of the Account Holders or their heirs or the appropriate Swiss governmental authorities.

**Article 47 Publication of Decisions**

The decisions of the Claims Resolution Tribunal shall be made public in an appropriate manner as determined by the Special Masters.

<b>PART IV. MISCELLANEOUS</b>
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**Article 48 Authoritative Text**

The English text of the Rules shall be authoritative.

## **Article 49    Amendment of Rules**

These Rules may be amended by the Special Masters with the approval of the Court.

## **Article 50    Exclusion of Liability**

### 1.    Waiver by Claimants

By filing a claim, a Claimant agrees:

- a)    that the Special Masters, the members of the Claims Resolution Tribunal, including Claims Judges, members of the Tribunal Secretariat and persons acting under the direction of the Special Masters, the Tribunal, and the ICEP Audit Firms shall not be liable to any person for acts or omissions in connection with any matter conducted under these Rules; and
- b)    that any issue as to any liability of such entities and persons shall be governed by U.S. federal law.

### 2.    Immunities Granted by Settlement Agreement

This Article shall not prejudice the immunities granted to the ICEP Entities under the terms of the Settlement Agreement of the Holocaust Victim Assets Litigation.

## **Article 51    Archives**

After the resolution of all Claims, all files of the Tribunal shall be archived in Switzerland under arrangements made in consultation with the Swiss Federal Banking Commission.

## **Article 52    Definition of Terms**

1.    **Account:** means any type of bank account including, without limitation, current, savings and passbooks, any other form of bank liability such as bank checks, bonds and bank-issued medium-term notes (*Kassenobligationen*), as well as Securities Accounts, safety deposit boxes, and precious metals .

2. **Account Holder:** means the person named in the bank records as the owner or beneficiary of the Account.
3. **Admissible Claim:** means a claim that has satisfied the threshold requirements, as defined by Article 23, necessary for having a claim considered by the Claims Resolution Tribunal.
4. **Award:** means a final decision of the Tribunal that the Claimant is the rightful owner of a specified amount of money to be paid with the approval of the Court.
5. **Child:** means a biological child born in or out of wedlock, or an adopted child.
6. **Claimant:** means any person or entity submitting a claim within the scope of Article 7 to the Tribunal either directly or through another organization such as ICEP or the New York State Holocaust Claims Processing Office.
7. **Claims Judge:** means a Resident Claims Judge, a Senior Claims Judge or an Appeals Judge.
8. **Claims Resolution Tribunal or Tribunal:** means the Tribunal established to resolve certain claims to accounts in Swiss banks as it shall be constituted and operated pursuant to these Rules.
9. **Court:** means the U.S. District Court for the Eastern District of New York, U.S.A., Judge Edward R. Korman presiding in the Holocaust Victim Assets Litigation.
10. **Holocaust Victim Assets Litigation:** means the litigation (96 Civ. 4849 (ERK) (MDG)) filed in the U.S. District Court for the Eastern District of New York, U.S.A.
11. **IAEP:** means the Independent Association of Eminent Persons, which was established by ICEP for the purpose of administering and monitoring the investigation of Swiss banks to identify Accounts of Victims or Target of Nazi Persecution. The IAEP is a legal entity registered in Switzerland as an association and has the same members as ICEP.

12. **ICEP:** means the Independent Committee of Eminent Persons.
13. **ICEP Audit Firms:** means the audit firms that carried out the forensic accounting investigations of Swiss banks under the mandate of ICEP, namely, Arthur Andersen, Coopers & Lybrand, Deloitte & Touche, KPMG, and Price Waterhouse.
14. **Independent Claims Resolution Foundation:** means the Swiss foundation established in 1997 to supervise and administer the resolution of claims to certain Accounts in Swiss banks.
15. **Joint Account:** means an Account owned together by two or more Account Holders.
16. **Matching:** means the process of comparing computer databases of names of Victims and/or Claimants with names of Account Holders using algorithms to identify exact name matches, near-exact name matches, and name matches with confirming factors under procedures used in the ICEP investigation.
17. **Old SBC:** means Swiss Bank Corporation prior to its merger with Union Bank of Switzerland.
18. **Old UBS:** means Union Bank of Switzerland prior to its merger with Swiss Bank Corporation.
19. **Participating Banks:** means Credit Suisse, Old SBC, and Old UBS, and any other bank that has agreed to make Account information available for publication and for the claims resolution process as provided in these Rules.
20. **Probable or Possible Accounts:** means all Accounts identified at each bank investigated by the ICEP Audit Firms and reported to ICEP as being in Categories 1 to 4 for its Report of December 6, 1999 and designated by ICEP as probably or possibly related to Victims.
21. **Related Claimants:** means persons claiming an Account from an Account Holder as relatives, as beneficiaries under a will, or as shareholders of a corporate entity.

22. **Relevant Period:** means the period from January 1, 1933 to December 31, 1945.
23. **Research:** means the process of identifying and analyzing information, including information compiled by the ICEP Audit Firms in carrying out the ICEP forensic accounting investigation of Swiss banks, relevant to awarding claims to Accounts.
24. **Special Masters:** means the Special Masters appointed by the Court pursuant to the Referral to Special Masters for Claims Resolution Process for Deposited Assets of December 8, 2000.
25. **Spouse:** means anyone who was married to the Account Holder at the time of the Account Holder's death, as well as a person who cohabited and maintained a joint household with the Account Holder for a substantial period of time immediately prior to the Account Holder's death or deportation, provided that neither of the parties was married to another person during that time.
26. **Unadjusted Book Value:** means the earliest ascertainable book value of an Account recorded in the bank records, prior to adjustment for interest and fees.
27. **Victim or Target of Nazi Persecution ("Victim"):** means any person or entity persecuted or targeted for persecution by the Nazi regime because they were or were believed to be Jewish, Romani, Jehovah's Witness, homosexual, or physically or mentally disabled or handicapped.

### **Article 53    Advisory Committee**

The Special Masters may establish an Advisory Committee that may include persons drawn from Victims, the plaintiffs in the Holocaust Victim Assets Litigation, Swiss banks, Jewish organizations with experience with claims matters, organizations providing assistance to potential claimants, and governmental entities.