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Holocaust Litigation



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As Chairman of the International Commission on Holocaust Era Insurance Claims ("ICHEIC" or "the Commission"), I have been entrusted to help establish and run an organization capable of resolving unpaid Holocaust era insurance claims. This attempt to bring a measure of justice to Holocaust victims decades after the events -- on the basis of incomplete or nonexistent records and in the face of hostility and resistance -- has no precedent. I undertook this job because I believe profoundly in the mission of this organization. I wanted to use my experience to help those who have for so long been denied recourse to address their claims and who have for far too long been denied justice. My tenure as Secretary of State capped an over thirty-year career with the U.S. Department of State spent trying to make a difference for my country in understanding and dealing with complex and difficult international issues. Administering ICHEIC has been among the most challenging assignments of my career.

The Slave Labor Litigation

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ICHEIC was established in 1998 following negotiations among European insurance companies and U.S. insurance regulators, as well as representatives of international Jewish and survivor organizations and the State of Israel. The resulting Memorandum of Understanding ("MOU") -- signed on August 25, 1998, by six European insurance companies (Allianz, AXA, Basler Leben, Generali, Zurich Financial Services, and Winterthur Leben) -- created ICHEIC and charged it with establishing a just process to collect and facilitate the signatory companies' processing of insurance claims from the Holocaust period. Signatory companies agreed to process claims according to ICHEIC guidelines, which were subsequently negotiated and established by consensus among the ICHEIC membership. Individuals negotiating on behalf of the companies as well as those negotiating on behalf of the claimants (insurance regulators and representatives of international Jewish organizations) became ICHEIC Members, Alternates or Observers and all have a voice in the organization. To date, ICHEIC has received approximately \$465 million, which includes funding from six MOU insurance companies (including Basler Leben), settlement agreements with the five MOU companies, and the German Foundation and German Insurance Association. These funds are earmarked for (a) the payment of ICHEIC claims, (b) humanitarian purposes, and (c) operating expenses.

The Insurance Litigation

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ICHEIC was the first organization ever to offer Holocaust survivors and their heirs an avenue other than litigation to pursue a claim against an insurance company at no cost. The Commission was created as a means of addressing the gaps and shortfalls of postwar compensation programs of the 1950s and 1960s and was intended to provide an opportunity for thousands of Holocaust survivors and their heirs to submit claims for the first time. ICHEIC and the MOU companies assumed the responsibility of redressing contractual obligations on 60-odd year-old policies for which the statute of limitations had most certainly expired but for which the overriding moral responsibility remained. In an effort to find as many claimants as possible, ICHEIC undertook a worldwide outreach program to seek out Holocaust survivors and their heirs believed to have had policies or whose heirs might have been insured.

Looted Art Litigation

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To assist claimants, ICHEIC launched a research initiative to investigate archives and create databases that could improve claimants' chances of having a valid claim established -- all done for the claimant at no cost. In addition, ICHEIC established a thorough claims process involving a difficult and complex valuation process. In short, we did everything we could possibly think of to help potential claimants, all without cost to them. As a result of these efforts, ICHEIC has received insurance claims from survivors of the Holocaust and the heirs of Holocaust victims and has been able to distribute most of these claims to the appropriate insurance companies and organizations throughout Europe.

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ICHEIC has established a claims and valuation process with relaxed standards of proof to identify, settle, and pay individual claims. These guidelines for valuing claims and relaxed standards of proof for determining the validity of these claims were developed and accepted by all ICHEIC Members: representatives of Jewish and survivor organizations, state regulators, and insurance companies. The ICHEIC Member companies do not independently determine the validity and value of claims. Relaxed standards of proof were developed because Holocaust-era claimants could not possibly have the typical proof demanded by insurance companies before these companies would even consider paying a claim. Our relaxed standards recognize this fact and substantially reduce the amount and quality of the evidence required to support a claim.

ICHEIC is responsible for sending claims to the appropriate processing companies/entities and is committed to ensuring that (1) claims that name a company are sent to the named company and are reviewed there; (2) claims that do not name a company are checked against all available company databases, for companies which did business in the country where the claimant lived; and (3) offers or denials on ICHEIC claims are determined in accordance with ICHEIC guidelines.

ICHEIC's two offices in Washington, DC and London have a combined staff of 20 whose primary responsibility is to drive the claims process by facilitating the transfer of claims to the companies, tracking their progress, and verifying the resulting decisions against ICHEIC guidelines. These activities are done in close consultation with ICHEIC Members, Alternates and Observers to ensure that their views and concerns are considered at all levels throughout the process.

ICHEIC distributes figures on a bi-monthly basis to U.S. insurance commissioners around the country as well as to international Jewish groups in a systematic outreach effort so as to keep claimants' representatives aware of progress on claims processing. In addition, a quarterly report, which includes statistics, on the Commission's progress is posted on the ICHEIC website. ICHEIC also meets and reports on a quarterly basis to the National Association of Insurance Commissioners Holocaust Issues Task Force, several of whose members are also Members of ICHEIC.

Although initially limited to the MOU signatory companies, ICHEIC has greatly expanded its scope in an effort to coordinate potentially duplicative activities. ICHEIC has done this by establishing partnerships with additional companies and national and local industry, governmental and Jewish organizations that are responsible for resolving Holocaust-era claims in their respective countries. As a result of these efforts Holocaust survivors and their heirs who have claims on non-MOU European insurance companies also have the opportunity to have their claims processed and reviewed in accordance with ICHEIC rules and guidelines.

The MOU and the additional agreements reached and partnerships formed provide the structure of the ICHEIC claims process, ICHEIC's operating funds and the funds from which claimants are paid.

Agreements with ICHEIC Member Companies

Generali

In November 2000, ICHEIC and representatives of the World Jewish Restitution Organization signed an Agreement with Italian insurer Assicurazioni Generali S.p.A ("Generali"), a signatory of the MOU. Generali agreed to provide to ICHEIC \$100 million plus interest for the settlement of all claims and humanitarian payments related to Generali's Holocaust-era insurance claims. This amount was in addition to funds Generali already had committed under the MOU. In April 2001, ICHEIC signed an agreement with the Generali Fund in Memory of the Generali Insured in East and Central Europe Who Perished in the Holocaust ("GTF"), to implement the earlier accord with Generali. The GTF agreed to process and make payment on all valid Holocaust-era insurance claims against Generali and its subsidiaries that were received through the ICHEIC (except for those claims against Generali's subsidiaries in Germany and the Netherlands, which are processed in accordance with other agreements as described below). The GTF is bound by the Agreement to evaluate all Generali claims using the ICHEIC Standards of Proof and other ICHEIC rules and guidelines, in accordance with Israeli law.

AXA, Winterthur, Zurich

In April 2003, representatives from AXA, Winterthur and Zurich (collectively referred to as "AWZ") along with representatives from ICHEIC, Jewish and survivor organizations, and the State of Israel established the terms of an agreement related to the processing of ICHEIC claims by those three companies. The AWZ Agreement, signed in July 2003, added \$17.5 million to the funds available to ICHEIC for claims payments and humanitarian initiatives.

Agreements with Other Organizations

Germany: "Remembrance, Responsibility and Future" Foundation and the German Insurance Association

The United States and the Federal Republic of Germany signed an agreement in July 2000 concerning the creation under German law of the "Remembrance, Responsibility and Future" Foundation ("German Foundation"). In the agreement between the two governments, it was established that insurance claims that came within the scope of the current ICHEIC claims handling procedures and were made against German insurance companies would be processed by the companies and the German Insurance Association ("GDV") on the basis of such procedures and any additional claims handling procedures that were agreed among ICHEIC, the German Foundation and the GDV.

The insurance portion of the German law establishing the Foundation provided for €281.211 million (DM 550 million) to be transferred to the ICHEIC, of which €102.259 million (DM 200 million) is for the payment of valid insurance claims and up to a maximum of \$30 million for ICHEIC operating expenses and €178.952 million (DM 350 million) for humanitarian purposes. Any portion of the €102.259 million (DM 200 million) not needed for claims and operating expenses will be available for additional humanitarian spending. In the event that the €102.259 million (DM 200 million) should prove insufficient to pay all valid claims, the Foundation will provide up to a further €25.565 million (DM 100 million).

In October 2002, ICHEIC signed an Agreement with the German Foundation and the GDV ("German Foundation Agreement") on the processing and payment of Holocaust-era insurance claims against German companies. The Foundation transferred to the ICHEIC in full the €281.211 million (DM 550 million) provided under the German law on October 17, 2002.

The Netherlands: Sjoa Foundation

In May 2000, the Dutch Stichting Individuele Verzekeringsaanpakken Sjoa ("Sjoa Foundation") signed the ICHEIC MOU on behalf of insurance companies in the Netherlands and agreed to adopt ICHEIC standards in evaluating claims against Dutch companies. In addition, the Sjoa Foundation agreed to provide to ICHEIC 750 names of individuals insured during the Holocaust. These names have since been published on the ICHEIC website. The Sjoa Foundation applies its own valuation standards, which are broadly consistent with ICHEIC's guidelines, and has established its own appeals process.

Belgium: The Buysse Commission

In July 2003 ICHEIC reached agreement with the Indemnification Commission for the Belgian Jewish Community's Assets, which were Plundered, Surrendered or Abandoned During the Second World War ("Buysse Commission") on the handling of ICHEIC claims. This agreement enables all ICHEIC claims that name a Belgian company, including claims on MOU

companies and any unnamed claims stating Belgium as the country of issue, to be examined and, if valid, paid by the Buysse Commission.

Austria: General Settlement Fund

The General Settlement Fund for Victims of National Socialism ("GSF") was established in Austria in early 2001. The Austrian government and Austrian companies together provided \$210 million for various categories of restitution, \$25 million of which was earmarked specifically for payments on insurance policies. Under its claims-based process, the GSF will consider payments for losses or damages for a variety of assets, including insurance policies. Claimants must show proof or convincing evidence of ownership of property, or entitlement to a property, that has not already been finally decided by the Austrian courts. Where claimants receive a negative decision by the Claims Committee, they can file an appeal for a new decision or review in the GSF's separate but parallel equity-based process.

ICHEIC has been negotiating with the GSF for an arrangement which would allow ICHEIC claims (on Austrian companies or where the claimant believes the policy claimed was issued in Austria) to be settled along similar lines as under the ICHEIC process. Although the filing period for the GSF ended in May 2003, the arrangement should provide for the transfer of ICHEIC claims after this date.

France: Commission for the Compensation of Victims of Spoliation Resulting from Anti-Semitic Legislation in Force during the Occupation ("CIVS")

ICHEIC is working to finalize an arrangement with the Commission for the Compensation of Victims of Spoliation Resulting from Anti-Semitic Legislation in Force during the Occupation ("CIVS"). The contemplated arrangement would permit individuals to submit claims to designated Jewish organizations in France which, with assistance from ICHEIC, would work to match claims with French insurance companies' policyholder lists or payments into blocked accounts. If a match is found, and the claim is valid, the company in question will pay on the claim.

ICHEIC'S MISSION AND BENEFITS OF THE ICHEIC CLAIMS PROCESS

As I have reiterated to my staff and members of ICHEIC since the Commission's inception, our mission is and will continue to be to resolve unpaid Holocaust-era insurance claims by establishing a claims and valuation process with relaxed standards of proof to identify, settle, and pay individual claims. In light of our mission and in response to your original question concerning the benefits of using the ICHEIC process to administer claims, I should point out in more detail the benefits of the ICHEIC process in comparison to alternate claims adjudication systems/processes.

First, the ICHEIC claims process is provided at no cost to ICHEIC claimants and has an independent appeals process in place through which claimants can appeal decisions made by ICHEIC Member companies, also at no cost to the claimants. (As noted above, there are certain claims that may not go through the ICHEIC appeals systems.)

Second, ICHEIC's relaxed standards of proof help make the Commission the most effective route for compensation on insurance claims for Holocaust victims and their heirs. Our relaxed standards recognize that Holocaust era claimants could not possibly have the typical proof demanded by insurance companies (or that might be demanded in a courtroom to prove contractual obligations) and substantially reduce the amount and quality of the evidence required to support a claim.

A third benefit of ICHEIC as a claims administrator is that the Commission allows claimants to submit claims that do not name a particular insurance company to the ICHEIC for processing. ICHEIC has developed a system which checks these claims against the archives of all existing companies that did business in the country (and have since not been liquidated or nationalized). This system provides claimants with an opportunity to have their claims checked against a wide range of archives, thus increasing the potential for them to receive payment. These claimants would not otherwise have the ability to access information from such a broad array of sources. To date, approximately 600 claimants who submitted their claims through ICHEIC and who did not name a company on their claim form have been paid approximately \$8 million through the ICHEIC claims process.

I want to highlight, in particular, a fourth benefit of ICHEIC as a claims administrator. The Commission initiated a comprehensive archival research project to investigate and record information from Holocaust-era archives around the world in 1999 and has used this information to provide ICHEIC claimants with additional evidence to support their claims. The Commission has established a process by which archival information is matched against the ICHEIC claimant database in order to pair ICHEIC claims with additional supportive documentation for submission to the ICHEIC Member companies and organizations. Through this technically sophisticated process, ICHEIC claims are also matched against company policyholder lists, a benefit which will be described in more detail later in this statement.

PROGRESS OVER [RECENT] MONTHS

Last time we met, ICHEIC faced a number of challenges in finalizing agreements that concerned claims processing and humanitarian monies. If you recall, in November 2001, the Dutch Sjoa Foundation had signed the ICHEIC MOU, and we had reached a settlement agreement only with Generali among the original MOU companies, but we did not yet have the Implementing Organization Agreement with the GTF in place. We were far from completing negotiations with the German Insurance Association ("GDV") and the German Foundation, "Remembrance, Responsibility and Future" or with ICHEIC Member companies AXA, Winterthur and Zurich. In addition, ICHEIC had not yet finalized arrangements with the Buysse Commission concerning the handling of Belgian claims.

To be candid, the time and energy needed to negotiate various settlement agreements took away from the attention that needed to be focused on ICHEIC's claims administration role. The ICHEIC Valuation Guidelines were in a continual drafting stage, making decisions difficult for companies and claimants alike as the Guidelines were fine-tuned following their initial development and application. Many ICHEIC claimants and regulators were dissatisfied with companies' application of these Guidelines. There also was a great deal of understandable frustration all around at the pace and quality of consideration of these claims, with responsibility for these failings shared among all ICHEIC parties.

Over the past 22 months, ICHEIC has accomplished much. Our accomplishments include:

Increase in Offers: Last time we met, approximately 800 offers had been made on claims submitted to ICHEIC and approximately 150 offers had been made by companies directly using ICHEIC Valuation Guidelines, totaling offers worth approximately \$11 million. In the past 22 months, there have been approximately 1800 additional offers on claims submitted directly to the Commission (\$30 million) and 500 additional offers on claims sent directly to companies (\$5.5 million). In brief, since the last hearing, an additional \$35.5 million has been distributed to Holocaust survivors and their heirs using ICHEIC Guidelines.

Implementing Agreement with the GTF: The Commission finalized an implementing agreement with the Generali Trust Fund (GTF) in April 2001, which represented a shift in the processing of claims made against Generali from the company in Trieste, Italy, to the GTF in Jerusalem.

Agreement with the German Foundation/GDV: After signing an Agreement with the GDV and German Foundation in October 2002, ICHEIC has started ensuring that the GDV makes payments to claimants (which ICHEIC then reimburses from the German Foundation claims funds). The German Foundation Agreement commits all German GDV member companies in operation from 1920-1945 to (1) process, (2) investigate and (3) award or deny (in compliance with ICHEIC rules and guidelines) Holocaust-era insurance claims as defined by ICHEIC and in the Agreement in accordance with agreed standards and guidelines. To date, 129 payments totaling \$1.1 million have been made to ICHEIC claimants by the GDV.

Progress in Implementation of the Agreement with the German Foundation and the German Insurance Association: Since the signing of the trilateral Agreement on October 16, 2002, the German Insurance Association ("GDV") has worked steadily to process the approximately 10,000 claims against German insurance companies that have been filed to date through ICHEIC. In accordance with the Agreement, all claims are being processed regardless of whether the claimant has provided the name of an insurance company or specific details on a policy.

Of the nearly 10,000 claims that have been transferred by ICHEIC to the GDV, 6,995 do not name a specific company. These "unnamed" claims are currently under investigation by all relevant German insurance companies (approximately 70) that had existing portfolios prior to 1945. It is expected that the investigation on 2,002 of these "unnamed" claims will be complete by the end of October 2003, and that the work on the remaining claims will be complete by the end of the year. All "unnamed" claims that are identified by a company to possibly have issued a relevant policy will be treated as a "named" claim, the procedures for which are described below.

ICHEIC has transferred 3,511 claims to the GDV that name a specific insurance company. In accordance with the agreed procedures, these claims are first checked by the German restitution archives to determine whether the particular policy might already have been compensated under the postwar compensation programs established by the Allies after 1945 and continued later by the Federal Republic of Germany. Consequently, all so-called "named" claims are first sent to a central archive (Bundeszentrale, or "BZK") in order to determine which of the 11 German state restitution archives might have handled the case. All claims must be researched manually in the BZK's 3.5 million hard copy files.

The BZK has completed research on 3,104 claims to date. The BZK found no match on 1,218 of these claims, which then were sent to the companies for a decision on whether a payment can be made. The remaining claims have been sent to the respective state restitution archives for research. While the research was already finalized in some cases, the majority of these claims still await responses from the local state restitution archives.

ICHEIC is in frequent and regular contact with the GDV and the German Foundation concerning progress made on implementation of the trilateral Agreement. As partners in this endeavor, we are committed to working together to jointly seek the expeditious resolution of claims and address unanticipated issues in an effective and timely manner, so that valid claims are paid and claimants can receive some measure of justice. The cooperation among our three organizations since the signing of the Agreement has been notable in this regard, and we are working steadfastly to achieve full and complete implementation.

That said, with regard to the speed at which the claims are being processed, all parties agree that we must actively take steps to improve the processing rate and, in particular, work to decrease the amount of time it takes for the various restitution archives to complete their work. The German Foundation and GDV are working with BZK officials to discuss possibilities to speed up the process. Furthermore, the German government demonstrated its support for this objective when the Federal Minister of Finance recently wrote to the prime ministers of all states to ask for their support and to speed up the process.

Once the research for the remaining 2,815 "named" claims is complete in the relevant restitution archives, we expect that the compensation process will further accelerate once those claims for which the BZK has not found a match will be forwarded immediately to the company for a final determination of the eligibility of the claim.

Agreement with AXA, Winterthur and Zurich: ICHEIC reached a settlement agreement with AXA, Winterthur, and Zurich (AWZ Agreement), finalized in July 2003 and triggering the release of \$25 million to the Commission and lists of policyholders to be published on the ICHEIC website.

Agreement with the Buysse Commission: Negotiations with regard to claims against Belgian insurance companies were brought to a close in July 2003 when an agreement was signed between ICHEIC and the Buysse Commission. The agreement covers the processing of ICHEIC claims in which the claimant named a Belgium company or named Belgium as the country in which the policy was believed to have been issued. These claims are in the process of being transferred to the Buysse Commission for determination.

Progress in Discussions with the CIVS (Drai Commission): ICHEIC is working to finalize an arrangement with the French national compensation commission (Commission for the Compensation of Victims of Spoliation Resulting from Anti-Semitic Legislation in Force during the Occupation, or "CIVS") and two French Jewish organizations. Under this arrangement, claimants and potential claimants could submit inquiries via the ICHEIC website that would then be checked against the lists held by the CIVS that contain information on policies issued by French companies that were in effect prior to and during World War II. It also would provide for ICHEIC's claims database to be checked against the list of blocked bank accounts held by the CIVS. A recent exchange of letters among ICHEIC, the French Prime Minister and a designated representative has established the basis for the arrangement, the details of which are currently under discussion.

Pending Agreement with the Austrian General Settlement Fund: Following a September 2, 2003 meeting in Vienna with representatives of the Austrian General Settlement Fund and the Austrian Government, ICHEIC is very close to completing an operational agreement with the GSF similar to that concluded in July of this year with the Buysse Commission in Belgium. The pending agreement would allow ICHEIC to transfer to the GSF claims that name an Austrian insurance company or indicate Austria as where the policy being claimed was issued. We anticipate concluding this agreement in the near future.

Final ICHEIC Valuation Guidelines: The long-negotiated ICHEIC Valuation Guidelines were finalized in November 2002, circulated to Members of the Commission and posted on the ICHEIC website. The Valuation Guidelines applied to those claims covered under the GDV/German Foundation Agreement were finalized as Annex D of the Agreement in October 2002.

Review of Company Offers and Denials: Spurred by the distribution of the final ICHEIC Valuation Guidelines and Annex D of the German Agreement, and suggested by the report of an ad hoc Monitoring Group convened in 2002, ICHEIC organized a review of more than 2,200 claims in the London ICHEIC office in January 2003 which covered a significant bulk of the universe of offers and well-documented denials to date and included regulator representation. In addition to flagging those decisions that were affected by the revised ICHEIC Guidelines, as well as those impacted by ICHEIC's new Agreement with the German Foundation and the GDV, the review also provided new and updated training for ICHEIC staff members to improve the review of decisions and to pinpoint areas where claims processing improvements were warranted. ICHEIC analyzed the results of the review, identified a range of issues to bring to the attention of the majority of ICHEIC Member Companies, and implemented changes in our internal operations based on what we had learned.

Verification System: The claims review highlighted a number of challenges in relation to claims processing, challenges which we are actively addressing. One of the most significant outcomes of the review was that we established an internal system by which decisions are verified. The ICHEIC claims team in London has been tasked with automatically reviewing all decision letters sent out either by the five ICHEIC MOU companies (including the Generali Trust Fund) or by any of the companies covered by our agreement with the German Foundation and GDV. When questions on decisions are identified, they will be raised directly by ICHEIC staff with the relevant companies or with the GDV. We expect full cooperation from the companies and the GDV and are certain that both entities will actively address these questions/concerns where needed in the future. We have established follow-up procedures to ensure this result.

Improved Communications: ICHEIC has worked towards improved communications with those individuals involved in and affected by the ICHEIC claims process, including U.S. regulators, representatives of Jewish organizations, insurance companies, the State of Israel, U.S. government officials and Members of Congress, press and, most importantly, ICHEIC claimants. With this goal in mind, we have developed the ICHEIC Quarterly Report to facilitate regularly scheduled communication with our constituents and have published an English version of the ICHEIC Claims Processing Guide, which is available on our website. The Guide is intended to provide claims resolution professionals, claimants, and all ICHEIC constituent members a stepby- step guide through the ICHEIC claims process. We also implemented a significant outreach effort to publicize internationally the many new policyholder names added to the ICHEIC website over the last few months and extension of the claims filing deadline to December 31, 2003. This effort included purchasing advertising in the Jewish press throughout the U.S. and the world, and our recent webcast, which is also available on the ICHEIC website.

Improved Financial Reporting: With the hiring of a Chief Financial Officer, ICHEIC has (1) developed a Lifetime Budget, as was originally tasked to ICHEIC management by the Commission Members in September 2000; (2) brought full accounting and reporting responsibility to the Washington DC office, reducing cost and providing more timely information; (3) developed budget to actual analyses on a monthly basis; with quarterly budget to actual reporting to the Financial Accounting Advisory Committee (FAAC); (4) developed regular, consistent reporting to the FAAC regarding actual financial results, at least annual revisions of the lifetime budget and review of the annual audited financial statements; (5) constituted an Investment Committee to provide professional advice with regard to investment decisions; (6) developed competitive investment environment to monitor returns of ICHEIC's investments within the narrow band of the ICHEIC Investment Guidelines; and (7) improved the reporting, transparency and information flow of financial information between ICHEIC and the Generali Trust Fund.

Progress on Statistical Reporting: Over the past six months, ICHEIC has worked cooperatively with ICHEIC Member Companies to reconcile reporting statistics as they relate to offers and denials made as well as offers accepted. ICHEIC has recently modified its statistical reporting format to more effectively and accurately portray these figures. We hope to have the improved version accessible on the ICHEIC website shortly.

Policyholder Lists

In 1999, ICHEIC initiated the most extensive project ever conducted to investigate and record information on insurance policies from Holocaust-era archives and other sources from around the world. In addition, we also have been largely successful in acquiring lists of policyholders from participating insurance companies, which have been matched against Yad Vashem's database of Holocaust victims using the broadest possible criteria, as well as from governmental organizations in a number of countries. A recent example of these efforts was in April of this year, when ICHEIC published a list of more than 360,000 German Jewish policyholders. This resulted from an unprecedented cooperative effort involving ICHEIC, the German Insurance Association and the German Foundation.

These combined efforts have yielded substantial information regarding hundreds of thousands of insurance policies in effect prior to and during World War II. With publication on ICHEIC's website (<http://www.icheic.org>), this information is available to ICHEIC claimants, potentially providing them with additional evidence to support their claims. The lists on the website are searchable and help potential claimants determine if they should file, particularly if they cannot name a specific company or are just inquiring as to the possibility of a policy's existence.

A country-by-country breakdown of the policyholder names published on ICHEIC's website is as follows [\[iii\]](#):

<u>Country</u>	<u>Names</u>
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Austria	21,848
Belgium	452
France	3,304
Germany	395,578
Hungary	9,155
Italy	6,095
Netherlands	1,080
Spain	8
Switzerland	226
Bulgaria	9,033
Czechoslovakia	36,907
Greece	1,013
Lithuania	263
Poland	11,225
Romania	79
Yugoslavia	9,304
Other/Unspecified [iii]	13,439
Total	519,009 [iv]

A key element of the October 2002 agreement among ICHEIC, the GDV and the German Foundation concerned publication of a list of German Jewish policyholder. First, the parties worked to compile a list of German Jewish residents from numerous federal and state archives, which was then matched against German insurance companies' electronic policy lists. A similar exercise was conducted with Italian Jewish residents and policies issued in Italy by a major Italian insurer, RAS. In the course of this effort, ICHEIC has made possible the compilation of the most comprehensive lists of Jewish communities in Germany and Italy prior to the Holocaust. While admittedly not our primary goal, I believe this welcome side effect stands as a lasting tribute to the memory of those who suffered under Nazi persecution.

It is important to sound a cautionary note on policyholder names: Although ICHEIC has published this extensive list of Holocaust-era insurance policies, not all of them remain unpaid. Let me state that another way: just because a name appears on the ICHEIC website, it does not necessarily follow that the heir or beneficiary is entitled to payment. Many of these policies have been compensated previously through restitution programs or by the companies directly. So why have we chosen to include such policies? First, in the interest of time, ICHEIC has elected to publish names and allow the potential beneficiaries to come forth before investigating the details of the policy. Had we insisted on researching the individual fate of all these policies we would not have been able to publish any lists in a timely manner. Rather than delay the process further and risk the loss of what living memory remains, ICHEIC chose to publish. I realize that this may lead to greater expectations than we can hope to meet and would therefore ask all of you to assist us in managing our claimants (your constituents) expectations.

Lest I sound too pessimistic, however, let me also stress that these combined lists of 519,009 policyholder names, made available to ICHEIC as a result of research conducted by ICHEIC Member companies, and which have been augmented further by extensive archival research projects in independent archives in several European countries, present the most comprehensive list of Holocaust-era insurance policyholders ever assembled. Given the ravages of war, the passage of more than sixty years as well as the destruction of documents in the ordinary course of business, the compilation of this list in and of itself is a remarkable achievement.

FUTURE PRIORITIES

Despite our progress over the past 22 months, we have been faced with a number of challenges on the claims processing front. We are working to address each of these obstacles as we focus on ensuring that every ICHEIC claim receives a fair evaluation in the most efficient and effective manner possible.

I recognize that we have necessarily laid strong emphasis in the past on establishing a system to handle ICHEIC claims and guidelines by which these claims could be evaluated. We have accomplished this goal and have shifted our focus to ensuring that claims already in the ICHEIC system are now processed as quickly and efficiently as possible, while at the same time being evaluated in accordance with ICHEIC guidelines. Our priorities over the next year include:

- *Ensuring companies have everything needed to process claims:* With several new claims-team members in place, we will accelerate our efforts to work with companies to ensure they receive requested information and documents in a timely fashion so as to ensure that claims can be processed by these companies as quickly as possible.

- Continued Verification: We are committed to continuing our verification efforts with the aim of ensuring that companies are issuing decisions on claims that are in accordance with ICHEIC guidelines. In this light, we are also dedicated to working cooperatively with companies to ensure that problems are corrected and misunderstandings resolved in a timely fashion.
- Ongoing reconciliation efforts: As discussed previously, ICHEIC will continue to work with companies to reconcile claim specific information. The Commission intends to further break down the categorization of claims that are currently being processed in order to better ascertain where they are in the processing stage. This will allow us to communicate more detailed information on claims to both claimants and their representatives.
- Finalizing the majority of ICHEIC audits: As companies are unable to finalize offers and/or denials (providing claimants the opportunity for appeal) until their audits are complete, a key priority is ensuring a rapid audit closeout process in the coming months. We anticipate reaching Stage 1 compliance by late autumn with respect to Allianz Leben, Vereinte, AGF (Allianz's French subsidiary), and Winterthur. Further work remains with regard to Generali's west European operations and its east European subsidiaries in order to bring them into full compliance.
- Finalizing list publication and focus on matching: ICHEIC is working to ensure that all available lists are published by the end of this month so that all potential ICHEIC claimants will have the opportunity and time necessary to search those lists and to submit a claim to the Commission. We are also committed to investing more in internal matching procedures in an effort to ensure that additional claimants receive payment. I recognize that these matching efforts will require significant follow-up with companies involved in the ICHEIC process. This will be a priority for the claims team.
- Working with companies/GTF to increase the speed of processing (in particular – larger companies with an extensive number of claims): As we look to the back end of the claims process, ICHEIC intends to work with the companies to ensure that sufficient resources are available to speedily process claims.
- Continued improvements in communication: In an attempt to provide claimants a more user-friendly forum in which to download claim forms and walk through the ICHEIC claims process, ICHEIC intends to launch a new website in the coming month. ICHEIC will continue to utilize the website to make available information to potential claimants, regulators, Jewish groups, Congress, and all other interested parties.

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