

DHF
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:
HOLOCAUST VICTIM ASSETS
LITIGATION

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161
and CV 97-461)

ORDER

This Document Relates to: All Cases

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT ED. N.Y.

★ SEP 10 2007 ★

KORMAN, Chief Judge.

P.M. _____
TIME A.M. _____

Upon review and consideration of the June 3, 2007 letter of the Executive Director of the Victim List Project recommending with the approval of the Special Master and the Deputy Special Master that an allocation be made to the United States Holocaust Memorial Museum, it is hereby

ORDERED that the recommendation of the Executive Director of the Victim List Project, described in the letter annexed hereto, is approved and that \$250,000 be made to the United States Holocaust Memorial Museum (USHMM) under the Victim List Project of the Swiss Banks Settlement towards the provision of copies of the records held by the International Tracing Service (ITS) in Bad Arolsen, Germany to major Holocaust research and archival repositories in the eleven member countries of the International Commission of the ITS, in particular to the United States Holocaust Memorial Museum, Yad Vashem, and the Mémorial de la Shoah/Centre de Documentation Juive

Contemporaine. The Signatories to the Settlement Fund are hereby directed to transfer immediately \$250,000 from the Settlement Fund to the Conference on Material Claims Against Germany, which serves as the Court's agent for purposes of administration of the Victim List Project. Upon receipt, the Claims Conference shall transfer such sum to the United States Holocaust Memorial Museum in accordance with the Claims Conference's regular procedures for grants.

Date: Brooklyn, New York
August 26, 2007

SO ORDERED:

Edward R. Korman
United States District Judge

Dr. Wesley A. Fisher
Executive Director
Victim List Project
Holocaust Victim Assets Litigation
Case No. CV 96-4849

C/o Conference on Jewish Material Claims Against Germany, Inc.
15 East 26th Street, Suite 1405
New York, NY 10010
(646) 536-9105 phone
(212) 481-9607 fax
wesley.fisher@claimscon.org

June 3, 2007

Hon. Edward R. Korman
Chief Judge
United States District Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Korman:

I am writing to recommend that an allocation of \$250,000 be made to the United States Holocaust Memorial Museum (USHMM) under the Victim List Project of the Swiss Banks Settlement towards the provision of copies of the records held by the International Tracing Service (ITS) in Bad Arolsen, Germany to major Holocaust research and archival repositories in the eleven member countries of the International Commission of the ITS, in particular to the United States Holocaust Memorial Museum, Yad Vashem, and the Mémorial de la Shoah/Centre de Documentation Juive Contemporaine.

This recommendation has been reviewed and approved by Special Master Gribetz and Deputy Special Master Reig. As the Court is aware, the Victim List Project (described as the "Victim List Foundation" in the Plan of Allocation and Distribution of Settlement Proceeds approved by the Court on November 22, 2000) is intended as a mechanism under the Court's direction to encourage and help organize the compilation and greater accessibility worldwide of the names of individuals whom the Settlement Agreement is intended to benefit – Jewish, Romani, Jehovah's Witness, homosexual, and disabled victims or targets of Nazi persecution, those who perished and those who survived.

As the Court is aware, the materials in question constitute the largest set of documents in existence relating to the victims of the Nazis and their allies. They consist of some 50 million documents organized into three broad groups of records on incarceration, slave labor, and the displaced persons camps, together with a Central Name Index (CNI). The records contain the names of some 17.5 million people. Because of the closed nature of

the ITS until now, the complexities of its governance by eleven countries, and the greater restrictiveness of privacy regulations in Germany, the only way to obtain access to the ITS collections has been to arrange for electronic copies to be transferred to those of the eleven countries prepared to receive them. Access to the copies will be governed by the privacy regulations of the receiving countries. The negotiations to achieve this arrangement have been difficult and have lasted for years.

The tremendous importance of the ITS records to the goals of the Victim List Project is obvious. It is highly appropriate that the Swiss Banks Settlement, as the leading supporter of the compilation and accessibility of the names of the victims of the Nazis and their allies, contribute to the transfer of copies of the records of the ITS. The availability of these records at the U.S. Holocaust Memorial Museum and Yad Vashem will enhance greatly the attempt to create a full listing of victims.

Attached please find a formal letter of request from Paul Shapiro of the United States Holocaust Memorial Museum; a letter from Reto Meister, the new Director of the ITS, regarding the costs of the work required to transfer the data from ITS to the receiving institutions; and a chart indicating current progress at the ITS in the scanning and digitization of the collections.

Please note that after discussion with me, the USHMM is not requesting overhead for this grant. It is likely that I will shortly recommend to the Court a separate additional grant to the USHMM to assist with the importation and making accessible of several sorts of records, including the materials from the ITS, for which inclusion of overhead for the USHMM may be considered reasonable.

Respectfully submitted,

Wesley A. Fisher

Cc: Judah Gribetz, Special Master
Shari C. Reig, Deputy Special Master

ATTACHED:

Letter from Paul Shapiro

Letter from Reto Meister

Chart regarding the digitization status of the ITS collections

May 31, 2007

Dr. Wesley Fisher
Executive Director, Victim List Project
Swiss Banks Settlement (Hon. Edward R. Korman, United States District Court Judge)
c/o Conference on Jewish Material Claims Against Germany
15 East 26th Street Suite 1405
New York, NY 10010

Dear Dr. Fisher:

Pursuant to our recent conversations, I am writing to formally request support from the Victim List Project to assist with the implementation of the recent decisions of the International Commission of the International Tracing Service (ITS) to allow access to the records held by the ITS through the provision of copies to major Holocaust research and archival repositories in the eleven member countries of the International Commission. The availability of digital copies of these archival records at major institutions such as the United States Holocaust Memorial Museum, Yad Vashem, the Centre de Documentation Juive Contemporaine (CDJC) in Paris, and at other sites in other member countries will dramatically increase the accessibility and use of this important collection of well over 30 million—and perhaps as many as 50 million—Holocaust-related documents.

As you know, the ITS records contain the names of at least 17.5 million people victimized by the Nazis and their allies—people arrested, deported, killed, put to forced and slave labor, or displaced from their homes and unable to return at the end of the war. They will serve as a vital resource for the work of the Victim List Project, and simultaneously will allow not only survivors and their families, but legions of scholars as well, to better understand the fates of the millions of innocent people whose lives were permanently altered or ended during the Holocaust.

I am pleased to report that at its most recent meeting in Amsterdam on May 14-15, the International Commission of the ITS unanimously approved the Museum's proposal to begin the transfer of copies of the documentation that is already digitized, even in advance of the final ratification of the Bonn Treaty amendments, and then to continue to transfer additional major sections of the archival material as they are readied, rather than waiting for the entire archive to be digitized. I have enclosed a table showing the current state of the document digitization. Based on the May 14-15 decision, we can anticipate that the first set of documents to be transferred will include the 13.5 million incarceration documents (Section 1) and the 50-million card Central Name Index (Section 4).

Additional positive news at the meeting was the commitment of the German Government to provide an increase of 300,000 Euros to the ITS during the remainder of the current fiscal year, in order to maintain an accelerated pace of digitization. Germany has also committed itself to additional funds for the next 2-3 years to ensure

completion of the job and any necessary follow-up in a timely way without disrupting ITS's other work. As a result, the digitization and data-basing of the Forced Labourer Documents (Section 2) is also slated to be completed by the coming winter, and will also become available for transfer at that time.

There is, however, a substantial technical issue that stands in the way of the actual transfer of the documentation to the prospective recipient organizations. The ITS digitization project was begun and has been implemented within the confines of ITS's on-site computer system and software, and was not configured in such a way as to make either the document images or the database through which documents can be retrieved exportable. Thus, while the images and data exist for the first sets of material that is to be transferred, software needs to be developed to export the digital material from the ITS system and deliver it in a form that is importable into the systems of receiving institutions. Additionally, a software adjustment is needed in the ITS system to ensure that the transfer process is successful, and both memory and server upgrades are required to accomplish the export.

I am enclosing a letter to me from Reto Meister, the newly appointed Director of the ITS, outlining the costs associated with the work required to actually transfer the data from ITS to the recipient institutions. As he points out, these are essentially one-time costs that will assist with the transfer to all recipient institutions—whether there are three or eleven of them. They are, quite simply stated, essential central costs that will benefit all of the recipient organizations, including, of course, the United States Holocaust Memorial Museum, Yad Vashem, and the CDJC.

While the German Government has agreed to fund quite generously the accelerated digitization process, they have made it clear that they are not able to assist with these transfer-related costs. The Museum is therefore requesting assistance from the Victim List Project in the amount of \$250,000 to help support these expenses. This request will serve the interests of all recipient organizations and substantially speed the actual transfer of materials.

To place this request in context, let me conclude by saying that we continue to work with ITS to raise the remainder of the funds needed for this aspect of the digitization and transfer project. Thus far, France has committed itself to a contribution of 60,000 Euros, or approximately \$80,000. Other member states of the International Commission are considering the contributions they will make. Recognizing that some states have not expressed strong interest thus far in receiving a copy of the archives, those contributions will probably reach, but are not likely to exceed the \$146,000 gap between the sum of this request to the Victim List Project plus the French contribution (\$250,000 + \$80,000) and the full funding needed to cover the transfer-related costs (\$476,000).

Please do not hesitate to contact me at any time if you need additional information relating to any of the above.

With appreciation in advance for the Court's consideration of this request,

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Shapiro". The signature is written in a cursive style with a prominent flourish at the end.

Paul A. Shapiro
Director
Center for Advanced Holocaust Studies



SERVICE INTERNATIONAL DE RECHERCHES
INTERNATIONAL TRACING SERVICE
INTERNATIONALER SUCHDIENST

Bad Arolsen, 18. Mai 2007

Mr Paul Shapiro
Director
Center for Advanced Holocaust Studies
United States Holocaust Memorial Museum
100 Raoul Wallenberg Place, SW
WASHINGTON D.C., 20024-2126
USA

Dear Mr. Shapiro

In order to follow up our conversations and exchange regarding the establishing and transfer of digital copies of the archives preserved at the International Tracing Service (ITS) in Arolsen, I address the following information to you.

As we have been able to inform the International Commission of the ITS (IC/ITS) during its recent annual meeting in Amsterdam, the ITS has successfully completed the digitisation of the historic collection related to incarceration of civilians by the Nazi regime. The same applies to the Central Names Index (CNI) which is instrumental as a search instrument to render the data accessible for research.

We have initiated the technical procedures necessary to export the data contained in these two important collections to those institutions which have been designated as repository archives in their respective countries, members of the IC/ITS. In Israel, this will be Yad Vashem and I am happy that the United States Holocaust Memorial Museum will host the data in the United States of America. Other governments have announced that they are interested in receiving copies but have not yet designated the archive or the institution that will receive "their" copy.

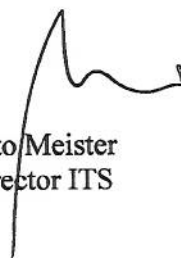
You have asked about the cost arising from the IT preparations necessary for the export. Based on the contracts that we have concluded, which I shared during your visit to Arolsen, these costs are as follows:

Nature of cost	€	\$
Programming of the export of SIMS images of Incarceration Documents (in XML format)	102'000 €	139'000 \$
Programming of CNI Export (in XML format)	173'000 €	235'000 \$
Adjustments and corrections in the current ITS IT-system	40'000 €	54'000 \$
Upgrading of EMC storage area network system	25'000 €	34'000 \$
Purchase of server for databank export	10'000 €	14'000 \$
TOTAL	350'000 €	476'000 \$

I hope that this information helps you in your discussions in the United States and wish to express my deep thanks for your efforts to contribute in making the transfer possible.

With best regards and looking forward to a growing cooperation between the USHMM and the ITS, I remain

Sincerely yours,



Reto Meister
Director ITS

Légende
 Les documents sont scannés et indexés / The documents have been scanned and indexed / Dokumente sind gescannt und indiziert (22 055 766 images)
 Les documents sont scannés et classifiés et d'indexation / The documents are being scanned and indexed / Dokumente werden zur Zeit gescannt und indiziert (8 525 561 images)
 Les documents sont scannés et classifiés mais non indexés / The documents have been scanned but are being electronically indexed / Dokumente sind gescannt und werden zur Zeit elektronisch indiziert (1 737 142 images)
Legende
 Los documentos se han escaneado e indexado / The documents have not yet been scanned / Dokumente sind noch nicht gescannt

**1 Documents d'incarcération
 Incarceration Documents
 Inhaftierungs-Dokumente**

- 1.1. Konzentrationslager**
 - 1.1.1 Amerstoort
 - 1.1.2 Auschwitz
 - 1.1.3 Bergen-Belsen
 - 1.1.4 Breda
 - 1.1.5 Buchenwald
 - 1.1.6 Dachau
 - 1.1.7 Esterwegen
 - 1.1.8 Flossenbürg
 - 1.1.9 Frankfurt
 - 1.1.10 Groß Beeren
 - 1.1.11 Groß-Rosen
 - 1.1.12 Herzogenbusch
 - 1.1.13 Hinzert
 - 1.1.14 Italien/Albanien
 - 1.1.15 Juppelstein
 - 1.1.16 Kislau
 - 1.1.17 Klooga
 - 1.1.18 Kowno(Kaunas)
 - 1.1.19 Krakau-Plaszow
 - 1.1.20 Lichtenburg
 - 1.1.21 Liebenau
 - 1.1.22 Litzmannstadt
 - 1.1.23 Lublin(Majdanek)
 - 1.1.24 Malines(Mechelen)
 - 1.1.25 Mauthaus
 - 1.1.26 Mauthausen
- 1.2. Verschiedenes**
 - 1.2.1 Mittelbau(Dora)
 - 1.2.2 Moringen
 - 1.2.3 Natzweiler
 - 1.2.4 Neuengamme
 - 1.2.5 Niederhagen/Wewelsburg
 - 1.2.6 Norwegen
 - 1.2.7 Oranienburg
 - 1.2.8 Papenburg
 - 1.2.9 Ravensbrück
 - 1.2.10 Riga
 - 1.2.11 Sachsenburg
 - 1.2.12 Sachsenhausen
 - 1.2.13 Sandbühl
 - 1.2.14 Schirneck-Vorbruck
 - 1.2.15 Stutthof
 - 1.2.16 Theresienstadt
 - 1.2.17 Treblinka
 - 1.2.18 Warschau (Ghetto)
 - 1.2.19 Weizheim
 - 1.2.20 Westerbork
 - 1.2.21 versch. Lager
 - 1.2.22 Bad Sulza
 - 1.2.23 Cobitz
 - 1.2.24 Hohnstein
 - 1.2.25 Sonnenburg

**3 Documents de l'après-guerre
 Post-War Documents
 Nachkriegszeit-Dokumente**

- 3.1. Personen**
 - 3.1.1 Allgemeinen
 - 3.1.2 bearbeitete Fälle
 - 3.1.3 CM, KICEM
 - 3.1.4 UNHCR
 - 3.1.5 DP-Krankenunterlagen
 - 3.1.6 Kindersuchdienst
 - 3.1.7 Sonstige
- 3.2. Lager, Transporte**
 - 3.2.1 Listenmaterial

**4 Fichiers auxiliaires du SIR
 ITS Auxiliary Indexes
 ISD-Hilfskarteien**

- 4.1. Zentrale Namenkartei (50 000 000 images)
- 4.1.1 Lang-Kartei
- 4.1.2 Bayern-Hessen-Kartei

**2 Documents des travailleurs forcés
 Forced Labourer Documents
 Zwangsarbeiter-Dokumente**

- 2.1. géographique Gebiete**
 - 2.1.1. amerikänische Zone
 - 2.1.2. britische Zone
 - 2.1.3. französische Zone
 - 2.1.4. sowjetische Zone
 - 2.1.5. Berlin
 - 2.1.6. Österreich
 - 2.1.7. versch. Länder
 - 2.1.10. versch. & unbekannt Zonen
- 2.2. ohne geograph. Einschränkung**
 - 2.2.1. einzelne Nationalitäten
 - 2.2.2. alle Nationalitäten
- 2.3. andere Organisationen**
 - 2.3.1. Organisation Todt
 - 2.3.2. GBH* Berlin
 - 2.3.3. Arbeitsamt Weirschau
 - 2.3.4. WAST**
 - 2.3.5. Sonstige

**5 Documents à caractère général
 Non-Personal Documents
 Sachdokumente**

- 5.1. Sachbezogene Dokumente

*General-Bau-Inspektion
 **Wehrmachts-Angehörigen Stelle