

Winterthur, October 26, 2001

Congressional Request dated October 15, 2001 -
Winterthur's answers

1. Estimated numbers of policies issued to Holocaust victims

With regard to the Holocaust-relevant countries (as defined by ICHEIC), Winterthur Life have sold policies in Germany, France and Belgium/Luxembourg, i.e. in Western Europe only. The number of policies in force of Winterthur Life in Germany in the 1938 was 8'427.

A few years ago, Winterthur acquired the German company Deutsche Beamten-Versicherung (DBV) which means German civil servants insurance company, a company which in the relevant period sold insurance almost exclusively to civil servants and members of the army. Archives and files of this company are far from being complete and do not allow a policy count for the period in question.

There is no information in the files remaining from that period which would allow identification of Holocaust victims among the total number of insureds of Winterthur or DBV. In more general terms, it should however be noted that in the above mentioned Western European countries, the percentage of Jews in the total population was very small. Based on a study carried out by ICHEIC, e.g. in Germany only 0.8 per cent of the total population was Jewish. Moreover, Winterthur's major carrier in Germany (DBV) was almost exclusively insuring public servants in the relevant period, as from mid-1933 Jewish citizen were by law excluded from public service. It is therefore reasonable to assume that the percentage of Jewish policyholders in Winterthur's German operations remained even below the small Jewish percentage of total population.

2. Number of Holocaust victim policyholder names that have been provided to ICHEIC and the date the lists were provided

Back in February 2000, Winterthur Life provided ICHEIC with the names of four policyholders, with potentially unpaid Holocaust related policies for publication. These policies relate to the company's German business. A few more potentially unpaid policies were identified in France and Belgium, but according to the laws in these countries could not be published.

3. Number of policies filed through ICHEIC that have been approved

To date (25.10.01) Winterthur has approved the existence of 31 policies related to 7'678 claims/inquiries submitted by ICHEIC.

4. Total amount of compensation awarded to victims and the range of the awards

The total amount so far awarded under the 2 policies (converted into US Dollars where required) is USD 8'700. The awards have been paid prior to the existence of ICHEIC. In the meantime it came to light that for one policy a payment would not be debted according to ICHEIC standards. They range from a low of USD 2'000 to a high of FFr. almost 50'000.--.

5. Number of claims filed through ICHEIC that have been denied

It should be noted that a broad majority of "claims" filed with ICHEIC are actually just inquiries, in most cases not naming a specific company, and are therefore by ICHEIC often directed to all MoU companies for research. Whereas Winterthur, in spite of a relatively small market share, thus has received a sizeable number of inquiries, the number of actual claims specifically or potentially addressing Winterthur remains small. Out of these, the company has denied 4 claims of which only one originated from a claimant in the United States.

Another 40 claims are pending due to the extensive research conducted by Winterthur in external/public archives. We are in full compliance with the time limits established by ICHEIC.

6. The steps taken by Winterthur to implement the rulings of the ICHEIC Chairman regarding the approval of claims

ICHEIC claims resolution guidelines (including those regarding the approval of claims) have on the basis of the Memorandum of Understanding (MoU) been negotiated in Working Groups and approved by ICHEIC members in plenary meetings. Only where a specific issue remained unresolved, a Chairman's decision memorandum was issued. Whilst these decisions were not binding upon any member of ICHEIC (based on the articles of Association), they have in most instances been accepted by the insurers in order to move the ICHEIC process forward.

Winterthur has taken all requisite steps to implement ICHEIC decisions regarding the approval of claims made in accordance with the procedures established for ICHEIC decision-making. Our Claims Assessment Unit has accordingly adopted all provisions of the standards of proof as established and agreed by ICHEIC. The full wording of the standards of proof can be found on ICHEIC's website.

7. Copies of any internal audits required under item 4 of the ICHEIC Memorandum of Understanding

Winterthur's compliance with all five audit standards established by ICHEIC has been declared by the Independent Auditors (appointed by the company) and

approved by the Peer Review Auditors appointed by ICHEIC. Pending the Debriefing Session of ICHEIC's Audit Mandate Support Group (scheduled for November 14 and 15, 2001), the compliance report will be finalized and made available to ICHEIC shortly thereafter.

In accordance with the engagement letter between ICHEIC and the independent peer review auditors as well as the engagement letters between Winterthur and the independent auditors engaged by Winterthur, publication of the compliance report will be decided at the discretion of ICHEIC.

8. Winterthur's position on the extension of the ICHEIC deadline until all members have published and disseminated exhaustive lists of policies held by a victim to ensure that no viable claims are foreclosed

As this question has not as yet been raised and discussed within ICHEIC, Winterthur has so far not determined a position. We will do so if and when the issue is raised within ICHEIC, considering all the facts and arguments at that time.

As regards German insurance companies, including Winterthur's subsidiary in Germany, it should be noted that all policies issued in Germany are governed by the provisions of the Law establishing the Foundation "Remembrance, Responsibility, and the Future". To our knowledge, these provisions have established a December 31, 2001 deadline for filing claims.