

# The International Commission On Holocaust Era Insurance Claims And Subsidiary

Financial Report  
December 31, 2004

**McGladrey & Pullen**  
Certified Public Accountants

## Contents

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<b>Independent Auditor's Report</b>	1
<b>Financial Statements</b>	
Consolidated Statement Of Financial Position	2
Consolidated Statement Of Activities	3
Consolidated Statement Of Cash Flows	4
Consolidated Statement Of Change In Net Assets	5
<b>Notes To Consolidated Financial Statements</b>	6 - 12

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# McGladrey & Pullen

Certified Public Accountants

## Independent Auditor's Report

To the Board of Directors  
The International Commission on  
Holocaust Era Insurance Claims  
Washington, DC

We have audited the accompanying consolidated statement of financial position of the International Commission on Holocaust Era Insurance Claims and Subsidiary (ICHEIC) as of December 31, 2004, and the related consolidated statements of activities, cash flows, and change in net assets for the year then ended which, as described in Note 1 to the financial statements, have been prepared on the basis of accounting principles accepted in Switzerland. These consolidated financial statements are the responsibility of ICHEIC's management. Our responsibility is to express an opinion on these consolidated financial statements based on our audit. The prior year summarized comparative information has been derived from ICHEIC's financial statements, and in our report dated March 31, 2004, we expressed an unqualified opinion on those financial statements.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the 2004 consolidated financial statements referred to above present fairly, in all material respects, the financial position of the International Commission on Holocaust Era Insurance Claims and Subsidiary as of December 31, 2004, and the change in their net assets and their cash flows for the year then ended in conformity with accounting principles generally accepted in Switzerland.

*McGladrey & Pullen, LLP*

Bethesda, Maryland  
March 9, 2005

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Consolidated Statement Of Financial Position  
December 31, 2004  
(With Comparative Totals For 2003)

(All amounts in thousands of U.S. Dollars)

Assets	2004				2003 Total
	Unrestricted	Temporarily Restricted	Funds Held In Trust	Total	
Cash and Cash Equivalents	\$ 13,276	\$ 79,361	\$ 220,570	\$ 313,207	\$ 378,681
Investments	-	-	3,755	3,755	-
Other assets	1,170	-	-	1,170	712
	<u>\$ 14,446</u>	<u>\$ 79,361</u>	<u>\$ 224,325</u>	<u>\$ 318,132</u>	<u>\$ 379,393</u>
<b>Liabilities And Net Assets</b>					
Current Liabilities					
Accounts payable and accrued expenses	\$ 2,544	\$ -	\$ 1,916	\$ 4,460	\$ 1,852
Advances from members	1,094	-	-	1,094	256
Current portion of commitments -					
Claims	-	-	100,566	100,566	148,763
Humanitarian	-	31,893	-	31,893	26,122
<b>Total current liabilities</b>	<u>3,638</u>	<u>31,893</u>	<u>102,482</u>	<u>138,013</u>	<u>176,993</u>
Long-term portion of humanitarian commitment	-	-	83,000	83,000	100,000
	<u>3,638</u>	<u>31,893</u>	<u>185,482</u>	<u>221,013</u>	<u>276,993</u>
Commitments and Contingencies (Notes 2 and 7)					
Net assets	10,808	47,468	38,843	97,119	102,400
	<u>\$ 14,446</u>	<u>\$ 79,361</u>	<u>\$ 224,325</u>	<u>\$ 318,132</u>	<u>\$ 379,393</u>

See Note 1 regarding assets of the Bermuda Trust, not included above.

See Notes To Consolidated Financial Statements.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Consolidated Statement Of Activities  
Year Ended December 31, 2004  
(With Comparative Totals For 2003)

	(All amounts in thousands of U.S. Dollars)				
	2004				2003
	Unrestricted	Temporarily Restricted	Funds Held in Trust	Total	Total
<b>Receipts and Revenue</b>					
Interest income	\$ 4,746	\$ -	\$ -	\$ 4,746	\$ 5,808
AWZ Agreement	-	-	-	-	25,000
Net assets released from restriction	20,212	(20,212)	-	-	-
Funds released from Trust	-	21,464	(21,464)	-	-
<b>Total receipts and revenue</b>	<b>24,958</b>	<b>1,252</b>	<b>(21,464)</b>	<b>4,746</b>	<b>30,808</b>
<b>Expenses</b>					
<b>Program services</b>					
Claims	5,812	-	-	5,812	4,390
Humanitarian	2,285	-	-	2,285	1,160
Commission	1,361	-	-	1,361	1,280
Appeals	1,359	-	-	1,359	934
Audit	946	-	-	946	277
Outreach	45	-	-	45	388
Research	40	-	-	40	667
<b>Supporting services</b>					
General and administrative	1,177	-	-	1,177	1,461
<b>Total expenses</b>	<b>13,025</b>	<b>-</b>	<b>-</b>	<b>13,025</b>	<b>10,557</b>
<b>Change in net assets from operations</b>	<b>11,933</b>	<b>1,252</b>	<b>(21,464)</b>	<b>(8,279)</b>	<b>20,251</b>
Peer review audit fees reimbursed					
by Companies	(3,274)	-	-	(3,274)	(265)
Change in reserves for claims payments	-	-	65,186	65,186	23,635
Claims paid or reimbursed	-	-	(43,722)	(43,722)	(27,402)
Humanitarian payments	(13,408)	-	-	(13,408)	(7,500)
Reserve for Humanitarian commitments	-	(5,770)	-	(5,770)	3,878
Realized foreign exchange gains (losses)	162	-	4,550	4,712	29,402
Depreciation	(30)	-	-	(30)	(34)
<b>Change in net assets</b>	<b>\$ (4,617)</b>	<b>\$ (4,518)</b>	<b>\$ 4,550</b>	<b>\$ (4,585)</b>	<b>\$ 41,965</b>

See Notes To Consolidated Financial Statements.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Consolidated Statement Of Cash Flows  
Year Ended December 31, 2004  
(With Comparative Totals For 2003)

	(All amounts in thousands of U.S. Dollars)	
	2004	2003
<b>Cash Flows From Operating Activities</b>		
Change in net assets	\$ (4,585)	\$ 41,965
Adjustments to reconcile change in net assets to net cash provided by operating activities		
Depreciation	30	34
Reserve for claims payments	(48,197)	(21,669)
Reserve for humanitarian payments	(11,229)	(5,878)
Changes in assets and liabilities:		
Decrease (Increase) in:		
Accounts receivable and other assets	(290)	(601)
Increase (decrease) in:		
Accounts payable and accrued expenses	2,608	581
Advances from members	838	256
<b>Net cash (used in) provided by operating activities</b>	<b>(60,825)</b>	<b>14,688</b>
<b>Cash Flows From Investing Activities</b>		
Purchase of investments	(3,755)	-
Purchase of property and equipment	(198)	(53)
<b>Net cash (used in) investing activities</b>	<b>(3,953)</b>	<b>(53)</b>
<b>Cash Flows From Financing Activities</b>		
Member contributions	1,863	697
<b>Net cash provided by financing activities</b>	<b>1,863</b>	<b>697</b>
Effects Of Exchange Rate Changes On Cash And Cash Equivalents	(2,559)	(4,996)
<b>Net (decrease) increase in cash and cash equivalents</b>	<b>(65,474)</b>	<b>10,336</b>
<b>Cash And Cash Equivalents</b>		
Beginning	378,681	368,345
Ending	<b>\$ 313,207</b>	<b>\$ 378,681</b>

See Notes To Consolidated Financial Statements.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Consolidated Statement Of Change In Net Assets  
Year Ended December 31, 2004  
(With Comparative Totals For 2003)

	(All amounts in thousands of U.S. Dollars)				
	2004				2003 Total
	Unrestricted	Temporarily Restricted	Funds Held in Trust	Total	
Net assets at beginning of year	\$ 13,562	\$ 51,986	\$ 36,852	\$ 102,400	\$ 64,734
Change in net assets from operating and non-operating activities	(4,617)	(4,518)	4,550	(4,585)	41,965
Unrealized foreign exchange gains (losses)	-	-	(2,559)	(2,559)	(4,996)
Equity contributions MOU companies	1,863	-	-	1,863	697
<b>Change in net assets</b>	<b>(2,754)</b>	<b>(4,518)</b>	<b>1,991</b>	<b>(5,281)</b>	<b>37,666</b>
Net assets, end of year	\$ 10,808	\$ 47,468	\$ 38,843	\$ 97,119	\$ 102,400

See Notes To Consolidated Financial Statements.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Notes To Consolidated Financial Statements

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**Note 1. Nature of Activities and Significant Accounting Policies**

Nature of activities: The International Commission on Holocaust Era Insurance Claims (ICHEIC) was established, by the signing of a Memorandum of Understanding (MOU), in October of 1998 by the National Association of Insurance Commissioners in cooperation with several European insurance companies, (MOU Companies), European regulators, representatives of several Jewish organizations, and the State of Israel. ICHEIC is charged with establishing a just process that will expeditiously address the issue of unpaid insurance policies issued to victims of the Holocaust.

ICHEIC's operations are funded by contributions from member companies and settlements from certain restitution organizations. ICHEIC has no additional sources of funds or revenue, other than interest on investments and bank accounts, and annual dues of a nominal amount, which are recognized when due.

ICHEIC's wholly owned subsidiary, International Commission on Holocaust Era Insurance Claims LLC (ICHEIC, LLC) is a limited liability company incorporated in Delaware for the operations of the Washington, DC office of ICHEIC.

Basis of accounting: The accompanying consolidated financial statements are presented in accordance with accounting principles generally accepted in Switzerland, whereby revenue is recognized when earned and expenses are recognized when incurred.

Principles of consolidation: The accompanying consolidated financial statements include the accounts of ICHEIC, and its wholly owned subsidiary, ICHEIC, LLC. All material intercompany balances and transactions have been eliminated in consolidation.

Basis of presentation: The assets, liabilities and financial activities of ICHEIC are classified based on the existence or absence of imposed restrictions on the funds received. Accordingly, the net assets of ICHEIC are classified and reported as follows:

Unrestricted net assets: Net assets that are not subject to any imposed restrictions.

Temporarily restricted net assets: Net assets subject to restrictions imposed by the contributor on their use that may be removed either by actions of ICHEIC or the passage of time. Temporarily restricted funds include (A) U.S. \$15 million from the Generali Fund (footnote 3) earmarked for humanitarian purposes; (B) U.S. \$16 million from the AWZ Fund (footnote 4) specifically designated for humanitarian purposes; (C) U.S. \$57 million from the German Foundation Agreement (footnote 2) to fund current humanitarian commitments and expenses, plus an additional U.S. \$30 million to fund ICHEIC operating expenses; (D) realized gains on temporarily restricted funds converted from Euro to U.S. Dollar; less amounts transferred to unrestricted to be used for humanitarian payments or ICHEIC operating expenses. At December 31, 2004, total temporarily restricted net assets of \$47,468,000 arising out of the contributions described above, are restricted for humanitarian purposes.

Funds held in trust: Net assets that are held by ICHEIC in trust for the payment of claims. These funds include all settlement funds earmarked for the payment of claims.

Investments: Investments consist of a corporate note that is reported at cost, which approximates fair value, as determined by quoted market prices.



The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Notes To Consolidated Financial Statements

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**Note 1. Nature of Activities and Significant Accounting Policies (Continued)**

Bermuda Trust: The member companies of ICHEIC have contributed funds to a special purpose trust in Bermuda which is under the control of ICHEIC's Chairman. Under the trust deed, the Chairman of ICHEIC is designated the Protector of the trust in his personal capacity. An independent professional trustee holds the assets on behalf of the trust. The assets have not been consolidated with those of ICHEIC. The purpose of the trust is to assist in the resolution of insurance claims through ICHEIC and the payment of related administrative expenses. Any residual monies are to be distributed to Holocaust-related charities as approved by the Protector. The contributions to the trust were made in 1999 and amounted to approximately U.S. \$30 million. Income is accumulated. During 2003, U.S. \$7.5 million was contributed to ICHEIC, associated with the AWZ Agreement (Note 4). At December 31, 2004, the trust's funds amounted to approximately U.S. \$19.0 million.

Cash equivalents: ICHEIC considers all highly liquid investments purchased with an average maturity of three months or less to be cash equivalents. Cash equivalents consisted of cash, money market mutual funds, and fixed income investments of approximately U.S. \$313 million as of December 31, 2004.

Financial risk: ICHEIC maintains its cash in bank deposit accounts, which at times may exceed insured limits. ICHEIC has not experienced any losses in such accounts. ICHEIC believes it is not exposed to any significant financial risk on cash.

Property and equipment: Property and equipment are recorded at cost. Depreciation is computed using the straight-line method over their expected useful working lives, which are 6 years for furniture and fixtures and 4 years for office equipment. Property and equipment is included in other assets.

Advances from members: From time to time, ICHEIC receives advances from members for future peer review audit fees. These amounts are classified as current liabilities until the related audits are performed and paid.

Restricted and unrestricted receipts and revenue: Contributions and settlements received are recorded as unrestricted, temporarily restricted, or trust receipts, depending on the existence and/or nature of any donor restrictions.

All donor-restricted receipts are reported as an increase in temporarily restricted net assets or trust funds, depending on the nature of the restriction. When a restriction expires (that is, when a stipulated time restriction ends or purpose of the restriction is accomplished), temporarily restricted net assets and trust funds are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions or funds released from trust.

Interest income is recognized when earned.

Realized gains or losses on foreign currency transactions are recognized in the period the transactions occur.

Foreign currency translation: The financial statements are presented in U.S. dollars. ICHEIC has liabilities and long-term obligations in various currencies and holds its liquid assets in the best estimate of the currencies in which these obligations will be paid. Assets and liabilities denominated in currencies other than U.S. dollars are converted at rates of exchange prevailing at December 31, 2004. Non-U.S. dollar currency transactions are converted at the rates of exchange prevailing during the year and are reflected in the Statement of Activities.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Notes To Consolidated Financial Statements

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**Note 1. Nature of Activities and Significant Accounting Policies (Continued)**

The currency translation adjustment arising on consolidation, which does not represent a realized gain or loss, is recorded directly to the Net Assets of ICHEIC.

Income taxes: ICHEIC has been advised that it does not have any Swiss or United Kingdom tax obligation. ICHEIC, LLC is a foreign corporation for U.S. tax reporting purposes.

Estimates: The preparation of financial statements requires management to make estimates and assumptions that affect certain reported amounts of assets and liabilities, disclosures of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

Prior year information: The financial statements include certain prior-year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with accounting principles generally accepted in Switzerland. Accordingly, such information should be read in conjunction with ICHEIC's financial statements for the year ended December 31, 2003, from which the summarized information was derived.

**Note 2. The German Foundation Agreement**

ICHEIC signed an agreement with the Foundation "Remembrance, Responsibility and the Future" ("Foundation") and the German Insurance Association ("GDV") (the "Agreement") on October 16, 2002, regarding the settlement of individual claims on unpaid or confiscated and not otherwise compensated policies of German insurance companies. To achieve this purpose, and to provide up to U.S. \$30 million towards certain of ICHEIC's operating expenses, the Foundation transferred to ICHEIC the sum of Euro \$102,258,376 (the "Claims and Expenses Fund").

The Agreement also provided for a payment by the Foundation to the Humanitarian Fund of ICHEIC. A further transfer of Euro \$178,952,160 was made for specified humanitarian purposes, some of which are at the discretion of ICHEIC (the "Humanitarian Fund").

These sums were received on October 17, 2002.

According to the agreement, the Claims and Expenses Fund is to be used:

To fund 50% of actual ICHEIC operating expenses (as defined) from January 1, 2001, until termination (with a cap of U.S. \$30 million);

For the payment of insurance claims -

To prefund German insurance companies for claims to be paid by them from October 16, 2002, in accordance with the Agreement and

To reimburse German member companies for ICHEIC claims that were paid by them prior to October 16, 2002.

Amounts released from the Claims and Expenses Fund for ICHEIC operating expenses totaled approximately U.S. \$4.6 million for the year ended December 31, 2004.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Notes To Consolidated Financial Statements

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**Note 2. The German Foundation Agreement (Continued)**

Any surplus in the Claims and Expenses Fund after all approved claims and costs have been met, shall be used for holocaust related humanitarian purposes, at ICHEIC's discretion.

With the exception of U.S. \$30 million to be used for ICHEIC operating expenses, which is classified as temporarily restricted, the Claims and Expenses Fund is classified as Funds Held in Trust as ICHEIC does not exercise discretion over the payment of claims.

The German Foundation Agreement stipulates that the Humanitarian Funds are to be used:

At ICHEIC's discretion, for the payment of claims against unknown or no longer existing insurance companies and their subsidiaries (known as "8A Claims", based on Section 8A of the Memo of Understanding which describes such payments);

For the payment of claims on insurance policies whose proceeds were transferred to blocked accounts (blocked account claims);

For the payment of the difference between the calculated value and the minimum payment as described in the Agreement (top up payments);

At the discretion of ICHEIC, for the benefit of needy victims of the Holocaust and for other Holocaust-related humanitarian and educational purposes; and

At the discretion of ICHEIC, for the payment of costs related to the administration of the funds.

The first priority for the Humanitarian Funds will be to satisfy the obligations for blocked account claims, top up payments and claims against unknown or no longer existing insurance companies. As such, most of the funds are included In Trust in the accompanying Statement of Financial Position.

In 2003, ICHEIC committed up to approximately U.S. \$132 million of the remaining Humanitarian Funds, to the extent available, to social welfare programs for needy Holocaust victims worldwide. These funds are being distributed over nine years beginning in 2003. ICHEIC has also committed approximately U.S. \$2.2 million for three pilot programs operating in 2004-2006.

No other commitments of Humanitarian funds have been made at this time.

ICHEIC expects to make disbursements from these funds over a period of years. However, except in the case of the approximately U.S. \$132 million commitment to social welfare programs, there is no method whereby the timing of payments can be established. Accordingly, with the exception of this commitment, all amounts have been treated as payable within one year.

**Note 3. The Generali Fund**

In November 2000, ICHEIC entered into an agreement with Assicurazioni Generali S.p.A. ("Generali"), a member company, regarding the payment of claims under the ICHEIC process and which required Generali to transfer the sum of U.S. \$100 million to ICHEIC to be used for the payment of claims on Generali's Holocaust-era insurance policies and for humanitarian purposes ("the Generali Deposit"). This sum (subject to certain adjustments) was transferred to ICHEIC on July 10, 2001.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Notes To Consolidated Financial Statements

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**Note 3. The Generali Fund (Continued)**

The principal of the Generali Deposit is not available to fund the operations of ICHEIC, but must be used for the payment of claims, with the exception of U.S. \$15 million, which is available for humanitarian purposes. Any remaining balance of funds earmarked for claims payments after all claims have been fully paid or reserved will also become available for humanitarian purposes.

Generali also established the Generali Fund in Memory of the Generali Insured in East and Central Europe Who Perished in the Holocaust ("the Generali Trust") which, in 2001, ICHEIC appointed to handle claims on Generali. ICHEIC paid U.S. \$1.3 million and U.S. \$1.2 million to the Generali Trust in 2004 and 2003, respectively, toward the overhead cost of the Generali Trust. Such payments are treated as claims handling expense. ICHEIC terminated its claims handling contract with the Generali Trust effective November 30, 2004. The remaining unresolved Generali claims will be processed by Generali.

**Note 4. AWZ Agreement**

In July 2003, ICHEIC entered into an agreement with AXA, Winterthur Life Insurance Company and Zurich Life Insurance Company (the "Insurers"), three member companies, regarding the payment of claims through the ICHEIC process and the provision of funds for humanitarian purposes. The Insurers provided a total of U.S. \$25 million to ICHEIC, U.S. \$7.5 million of which had been previously funded to the special purpose Bermuda Trust, for the payment of non-German claims for insurance policies issued by the Insurers to Holocaust victims (as defined by ICHEIC) and humanitarian purposes as defined under the Memorandum of Understanding. Any remaining balance of the U.S. \$9 million earmarked for claims payments after all claims have been paid or fully reserved will become available for humanitarian purposes. These funds are classified as Funds Held In Trust in the accompanying Statement of Financial Position. The U.S. \$16 million specifically earmarked for humanitarian purposes becomes available over time and must be used for holocaust-related humanitarian purposes. These funds are included in Temporarily Restricted Funds in the Statement of Financial Position.

**Note 5. Capital Contributions**

Capital Contributions are contributions made to fund ICHEIC by its members and related parties.

**Note 6. Operating Expenses**

ICHEIC's costs have been allocated in the Statement of Activities to the expense categories described below.

**Outreach** is the cost of extensive and far reaching advertising, presentations and publicity campaigns in more than 40 countries to alert potential claimants to the opportunity made available by ICHEIC. Outreach also includes ongoing communication with ICHEIC constituents via the web site, quarterly reports and ad hoc meetings.

**Claims** is the cost of processing incoming claims/inquiries and includes the costs of the outsourced claims processing service provider, translations, and the toll-free telephone help lines. Approximately 120,400 claims/inquiries were received by the ICHEIC deadline of December 31, 2004, 80,900 of which are within ICHEIC's jurisdiction.

**Appeals** is the cost of providing an appeal service to claimants whereby claimants have an opportunity to appeal the decisions made by the insurers in response to their claims.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Notes To Consolidated Financial Statements

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**Note 6. Operating Expenses (Continued)**

**Research** is the cost of research in public archives and review and publication of names of policyholders of potentially unpaid insurance policies purchased between 1920 and 1945. Costs of review and publication of similar lists of names provided by the company members are also included under this heading.

**Audit** is the cost of auditing member companies' compliance with ICHEIC's standards, excluding fees payable to audit firms for peer review audits of MOU Companies.

**Commission** includes ICHEIC members' expenses, mostly for travel and accommodation (not all members claim for reimbursement), the cost of Commission meetings, legal fees, directors and officers' liability insurance and the allocated costs of the Chairman, Chief Operating Officer and Chief of Staff which allocation is based on their time spent on general Commission business.

**General and administration** includes the cost of ICHEIC's operations including personnel (except those dedicated to specified cost centers), office rent, accounting services, Chief Financial Officer, the financial audit, unallocated communications and other office expenses.

**Humanitarian expenses** are the costs of due diligence to enable ICHEIC to gain proper insight with regards to the distribution of the Humanitarian Funds and the oversight of programs funded by ICHEIC.

**Peer review audit fees (covered by capital contributions)** are the fees paid to audit firms to carry out peer review audits of MOU Companies.

**Net assets released from restriction** include (A) the amounts ICHEIC received from German Foundation Funds towards certain of its operating costs under the German Foundation Agreement (approximately U.S. \$4.6 million during the year ended December 31, 2004), and (B) amounts released from restriction for the funding of humanitarian programs and expenses (U.S. \$15.7 million during the year ended December 31, 2004).

**Claims (paid) or reimbursed** are the amounts paid to intermediaries for the purpose of funding claims against insurance companies.

**Note 7. Commitments and Contingencies**

The November 2000 agreement between ICHEIC and Generali provides that should Generali have claims, judgments or settlements resulting from any litigation or administrative proceeding against the company in respect of Holocaust-era insurance policies or related claims, Generali will be reimbursed by ICHEIC out of the balance of the U.S. \$100 million payment from Generali. The agreement also provides that Generali is not to enter into a settlement of litigation that would be reimbursable without prior approval from ICHEIC, which approval will not be unreasonably withheld. Generali has informed ICHEIC that all class action and individual lawsuits which were pending against it have been dismissed; however it is anticipated that at least some of these dismissals may be appealed. There is no liability recorded in these statements for these lawsuits.

The International Commission On Holocaust  
Era Insurance Claims And Subsidiary

Notes To Consolidated Financial Statements

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**Note 7. Commitments and Contingencies (Continued)**

ICHEIC leases certain buildings and equipment for use in its operations. The future minimum rental payments under these operating leases at December 31, 2004, are as follows:

Years Ending December 31,	
2005	\$ 306,501
2006	233,926
2007	156,978
	<u>\$ 697,405</u>

ICHEIC contributes to certain British defined contribution pension schemes, thus, no funding shortfall exists. No retirement benefits are offered to U.S. ICHEIC employees.