

Neil Barofsky



December 17, 2024

VIA ELECTRONIC MAIL

The Honorable Senator Sheldon Whitehouse
Chairman
Committee on the Budget
U.S. Senate
Washington, DC 20510

The Honorable Senator Chuck Grassley
Ranking Member
Committee on the Budget
U.S. Senate
Washington, DC 20510

Re: Oversight of Credit Suisse Investigation of Nazi Ties

Dear Chairman Whitehouse and Ranking Member Grassley:

I write in response to your December 9, 2024 letter requesting an update on the status of my oversight of an investigation (the “Investigation”) by Credit Suisse AG (“Credit Suisse” or the “Bank”)¹ into its historic servicing of previously undisclosed Nazi-linked accounts.

1. Background

As you know, I was retained by Credit Suisse in June 2021 as an “Independent Ombudsperson.” Along with my team, my role was to provide independent oversight of the Investigation, which Credit Suisse had initiated voluntarily after the Simon Wiesenthal Center (“SWC”) raised allegations about the existence of previously undisclosed relationships between Credit Suisse and Nazi and Nazi-related account holders before, during, and after World War II. Although the Bank sought out and initially cooperated with our oversight, that cooperation ended in the summer of 2022, after Credit Suisse replaced its General Counsel. Following demands by the Bank that we exclude from our oversight many of the subject areas discussed below, which we refused to do, we were fired by Credit Suisse in December 2022.

In February 2023, we prepared a report of our findings and submitted it to Credit Suisse (the “February 2023 Report”), as required by the terms of our original engagement agreement. We

¹ Note that throughout this letter, we use “Credit Suisse” or “the Bank” to refer to Credit Suisse as well as predecessor banks and entities acquired by Credit Suisse over the years, some of which were acquired after World War II.

then produced the February 2023 Report to the United States Senate Committee on the Budget (the “Committee”) on March 16, 2023, in response to a subpoena issued by the Committee.

In June 2023, after UBS AG (“UBS”) completed its acquisition of Credit Suisse, it replaced Credit Suisse’s General Counsel again, and in December 2023, the new Acting Credit Suisse General Counsel decided to reinstate me in my role as Independent Ombudsperson, restoring my full oversight of the Investigation. Since then, as my team carried out our oversight responsibilities, we have regularly met with Committee staff to keep them abreast of the status of our work.

The information in this letter responds to the Committee’s questions and otherwise summarizes the progress we have made since being reinstated approximately one year ago. We must caveat that because the Investigation is ongoing, this summary is subject to change pending completion of the work. Additionally, as noted below, due to the Bank’s view of the applicability of Swiss banking secrecy law to this matter, we do not identify any account holders in this letter; instead, we have provided the information that you have requested on an anonymized basis.

2. Bank Cooperation²

At the outset, we want to stress the extraordinary level of cooperation that Credit Suisse, under the leadership of UBS, has provided since we were reinstated. We would not have been able to obtain the information detailed below absent such cooperation. Under UBS’s direction, Credit Suisse has dedicated significant resources to the Investigation. According to UBS, it has more than 50 people working on the Investigation, including its team of consultants and forensic accountants. It more than doubled the staff otherwise working in the Bank’s archives to facilitate faster processing of requests for archival documents and hired vendors to expedite the work of scanning and indexing archival documents. Notably, the Bank dedicated resources to overcoming technical and practical hurdles related to these archival documents, such as obtaining specialized equipment to scan aging records from the 1930s and 40s.

Under UBS’s direction, Credit Suisse also has provided resources for my team,³ including the funding of our own forensic accountants to evaluate the Bank’s work. In addition, Credit Suisse has funded our retention of subject-matter experts to provide critical support to the Investigation and our oversight. These individuals include historians with decades of experience studying the

² This section addresses the Committee’s request for “[a]n update on the status of [our] communications and collaboration with UBS, Credit Suisse staff, and other parties whose cooperation is required [...] to complete [our] work.” See Dec. 9, 2024 Letter, at 2.

³ My team also includes Ira N. Forman, the former U.S. Special Envoy for Monitoring and Combating Anti-Semitism. Among other tasks, Mr. Forman provides advice on insights and perspectives of the Jewish community and historical background on relevant topics.

financial relationships between Nazi Germany and the Swiss banks, and experts on the flight of Nazi perpetrators following World War II.

Credit Suisse also has provided my team with full access to the Bank's private archives, which typically are not available to outsiders. Based on the work being done in the archives, my team has made and overseen significant discoveries and has identified previously undiscovered banking relationships, as noted below. With the Bank's support, my team also has conducted additional archival research in Europe, South America, and the United States to contextualize the information regarding these newly discovered Bank client relationships. Similarly, the Bank has incorporated additional public and corporate archives in its own research to ensure the Investigation is thorough.

3. SWC⁴

My team works in close cooperation with SWC, which has continued to conduct its own investigation into Credit Suisse's role in providing banking services to Nazis. SWC has provided us with evidence and information to support additional areas of inquiry, including the names of Nazi-related individuals and entities that SWC said had ties to Credit Suisse. Moreover, SWC has allowed us to incorporate the fruits of its investigation into our work, and SWC contributes as a thought partner for key decisions related to our oversight of the Investigation.

SWC's cooperation has been invaluable to the progress of the Investigation and our oversight, and the results to date could not have been achieved without SWC's involvement and cooperation.

4. Scope of Review of the Bank's Files⁵

We have taken to heart the Committee's directive "to ensure [...] a clear-eyed and historically complete review that leaves no stone unturned."⁶

A. Archival Work

My team has worked closely with Credit Suisse to ensure that all relevant parts of its archives that remain are incorporated into its review. This is an enormous undertaking. The Credit

⁴ This section addresses the Committee's request for "[a]n update on the status of [our] communications with the Simon Wiesenthal Center (SWC) to ensure that their leads and concerns are addressed during the ongoing work." See Dec. 9, 2024 Letter, at 2.

⁵ This section addresses the Committee's request for a summary of measures taken to ensure that the Investigation "leaves no stone unturned." See Dec. 9, 2024 Letter, at 1.

⁶ *Id.*; see also Committee Press Release August 17, 2023, available at <https://www.budget.senate.gov/chairman/newsroom/press/credit-suisse-failed-to-fully-investigate-nazi-linked-accounts-full-report-confirms>; Committee Press Release December 5, 2023, available at <https://www.budget.senate.gov/chairman/newsroom/press/credit-suisse-reinstates-independent-ombudsperson-to-review-nazi-linked-accounts-as-a-result-of-budget-committee-investigation->.

Suisse archives are an amalgamation of archives from various predecessor banks that Credit Suisse has acquired over the last century. The archives span approximately 300,000 linear meters of archival shelving, including records from different time periods and predecessor banks, kept in a variety of different storage and file systems.

As we described in our February 2023 Report, although prior investigations using Credit Suisse's archives made significant findings that contributed to the historical record, they were not tasked with and did not review every potentially relevant component of those archives. Moreover, they faced their own time pressures to complete their work. As a result, an important priority for my team has been identifying and working with the Bank to make sure that sections of the archives that may not have been systematically reviewed in the past are examined and tested for relevancy.

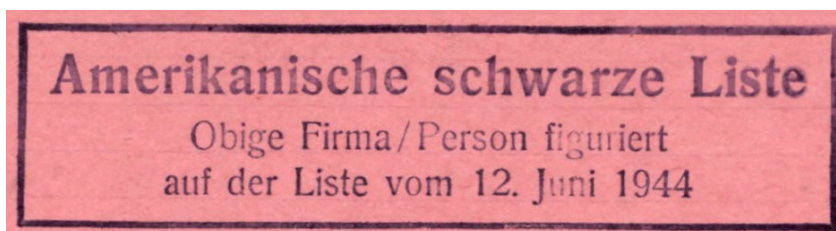
In some cases, our oversight work has identified the need to more comprehensively review documents from particular Credit Suisse predecessor banks and entities that are known to have serviced accounts for Nazi perpetrators and to have participated in activities that looted funds from Nazi victims—such as Bank Leu, Bank in Zurich, and Fides (a trust and fiduciary company majority-owned by a Credit Suisse predecessor at the time). In other cases, such as in the example discussed below, we have focused on the need to include documents more comprehensively from particular departments at Credit Suisse.

B. Incorporation of New Archival Material

One recent discovery of documents resulting from our testing of the completeness of prior archival reviews is especially noteworthy. The work overseen by my team led to the identification of approximately 3,600 boxes of physical documents (approximately 400 linear meters of archival cabinets) and approximately 40,000 microfilms. The files came from a research department at Credit Suisse known as the “Inf Department.” This department collected internal bank information as well as newspaper articles and other public information akin to “Know Your Customer” information about some Bank clients, as well as other individuals and entities, including during World War II. Although some portions of this archive were included in prior reviews, the Inf Department files as a whole were not previously scanned, indexed, or otherwise systematically incorporated into those reviews.

A “pilot” review of Inf Department files has shown that they contain content that is potentially highly probative for the Investigation and our oversight. To test the relevance of these archive materials, Credit Suisse's consultants manually searched for matches of a sample of 99 Nazis and Nazi affiliates. That search identified 23 documents relating to 13 of the names searched, a significantly high relevance rate that we and the Bank have determined warrants a complete scanning and indexing of the files contained in these boxes. Moreover, our preliminary review of a sample of documents from the Inf Department files indicates their potential importance. For example, numerous client files in the sample are marked with a stamp stating “Amerikanische schwarze Liste”—meaning “American Black List”—a list maintained by the Allies of individuals and companies that were directly financed by, or were known to regularly

trade with, Axis powers. Notably, we have not seen this stamp in our review of other archival documents outside of the Inf Department.



This is potentially an important marker for relevant accounts. One file bearing this stamp relates to an entity that was involved in selling looted Jewish assets. Although the Investigation previously had indicated that this entity held an account in the 1950s, the Inf Department documents demonstrate that the account was actually open during World War II, when assets were actively being looted. Another relevant example found in the Inf Department archives is a document that identifies a Credit Suisse client acting as a “front” for certain Nazi financiers, at least one of whom, according to our research, escaped Europe after the war. It appears that neither of these documents were previously identified by Credit Suisse.

5. Timing⁷

Credit Suisse currently estimates that it will complete the Investigation in September 2025. At that point, we will finalize any remaining testing and prepare a report of our findings, which we anticipate requiring several months.

A. Timeline for the Investigation

As discussed in detail above, the timeline for the Investigation is driven by several factors, including: the size of the Bank’s archives and our efforts to ensure that all material records are reviewed, including those not previously identified; the identification of previously unreviewed documents by our testing (*i.e.*, the identification of the approximately 3,600 boxes from the Inf Department noted above); the need to scan, index, and review those files; the difficulties of working with paper documents from the 1930s and 40s; and the reliance on a limited team of trained archivists to respond to requests to retrieve physical documents contained in the Bank’s archives. In that regard, we are in the process of completing our work to analyze the Bank’s archive plan to identify additional sources of potentially relevant material, and that process may result in the need for further review that could impact the timeline.

The Investigation’s timeline is also driven by the complexity of analyzing relevant files. A significant amount of the analysis remaining to be completed by the Bank concerns Nazi

⁷ This section addresses the Committee’s questions regarding the timeline of Credit Suisse’s investigation and our oversight work, as well as potential factors that could cause delays, and actions taken to mitigate the risks of further delay. *See* Dec. 9, 2024 Letter, at 1.

“intermediaries”—*i.e.*, individuals or entities that facilitated the movement, transfer, or concealment of funds, assets, or looted property for the benefit of Nazis or Nazi affiliates. As we have found to date, the work of identifying intermediaries and determining whether their activity was for the benefit of a Nazi or Nazi affiliate is inherently challenging—by design, intermediaries were used to cloak the true beneficiaries of such transactions. Indeed, in the 1990s, the Independent Committee of Eminent Persons (the “Volcker Commission”)⁸ opted not to conduct a systematic review of a list of approximately 4,000 potential intermediaries it collected because it determined that tracing the accounts to their beneficial owners would prove too complicated. Thus, completing this review will be an important means of contributing to the historical record, which is why it was a key recommendation of our February 2023 Report. This component of the investigation has already begun to bear fruit with the identification of previously undiscovered connections and relationships between Credit Suisse and prominent Nazis through intermediaries. I credit the Bank with pursuing a full investigation of this category of account holders, consistent with the Committee’s direction, and recognize that this complex work takes time.

Under UBS’s direction, Credit Suisse has taken various steps to help accelerate the Investigation and reduce the risk that the timeline will be further extended. It has committed to addressing each element of the archival document research process, which is the key driver of the Investigation’s timing. As noted above, the Bank has already more than doubled its archival staff, who are working six days a week. The Bank is working on retaining two to five additional archival staff, the maximum number of workers that the archival space can facilitate efficiently. Additionally, as mentioned above, the Bank has retained two outside vendors to scan and index the newly discovered documents and microfilms. The vendors, in turn, have expanded their teams significantly at the Bank’s request (one vendor tripled the size of its staff; a second vendor imported specialized equipment and its staff works six days a week for twelve hours a day). Moreover, the Bank is prioritizing archival reviews so that the most work-intensive cases are delivered to my team for testing as soon as possible.

B. Testing and Reporting

After the archival work is complete and Credit Suisse has concluded its own review, we will need to complete our testing of the Bank’s work. It is possible that—as with the Inf Department—our testing may identify additional sources of material that will need to be incorporated into the Investigation.⁹

As we conduct our testing, we will draft a report detailing our findings. Once complete, the draft report will be delivered to Credit Suisse in Switzerland. We expect the Bank will ask us to prepare two versions of our report. One version will contain all relevant names (the “Final Report”)

⁸ The Volcker Commission was established in 1996 by a memorandum of understanding between the World Jewish Restitution Organization, the World Jewish Congress, and the Swiss Bankers Association to identify dormant accounts of victims of Nazi persecution in the four major Swiss banks and to assess the banks’ treatment of those accounts.

⁹ To speed up my team’s testing, I have directed them to work with the Bank’s vendors to test the Bank’s investigative work while it is ongoing—a process that led to the discovery of the Inf Department files.

and will likely not be made publicly available. The other version, which Credit Suisse would deliver to the Committee, will anonymize the names that the Bank chooses not to disclose based on its view of the applicability of Swiss banking secrecy law to the Final Report (the “Anonymized Report”). We expect that preparing the Final Report will take approximately three to four months, depending on, among other things, the pace of our testing and whether additional research is required. Although we will endeavor to prepare the Anonymized Report as efficiently as possible, based on our prior experience, we believe that it will likely add months to our report drafting timeline.

6. Progress on Investigative Topics¹⁰

Under UBS’s direction, Credit Suisse’s cooperation has allowed my team to expand on the key findings detailed in our February 2023 Report.

Based on the work to date, the Investigation has identified several hundred accounts with potential Nazi connections that we are in the process of further investigating, including to determine which accounts were not identified previously, or were discovered previously but not disclosed by prior investigations. In response to your request for a summary of preliminary observations and findings, below are some examples of the progress achieved over the last year, which are a direct result of the Committee’s oversight and UBS’s commitment to add to the historical record.

A. The 1990s Investigations

The Committee requested an update regarding my team’s “findings related to the previously undisclosed account at Credit Suisse’s predecessor Schweizerische Kreditanstalt (SKA), which was apparently controlled by a senior officer of the Nazi Schutzstaffel (SS) whom the bank later described as a representative of Deutsche Wirtschaftsbetriebe GmbH ‘DWB.’”¹¹ We included certain preliminary information on this topic in our February 2023 Report, and below is an update on that work.

As background, in 1997, a German author and a German journalist reported on documents written by the Nazi SS that had been found in the German Federal Archives indicating that the SS had a banking relationship with Credit Suisse. Those documents describe how three senior SS officers arranged for the opening of an account at Credit Suisse on behalf of DWB.¹² The documents further describe how this account was used to receive the funds of a Hungarian Jewish businessman, August Wild, and that the account holders were a combination of the SS officers and a Swiss citizen named Alfred Kurzmeyer, an intermediary for Nazis during the war. Additionally,

¹⁰ This section addresses the Committee’s request for a summary of preliminary observations and findings. *See* Dec. 9, 2024 Letter, at 2.

¹¹ *See* Dec. 9, 2024 Letter, at 2.

¹² DWB served as a holding company for numerous SS companies that had been entrusted with the economic exploitation of the Jews murdered by the Nazis.

according to the German author, the funds in the account were obtained from Wild in exchange for sparing him from the gas chambers.

In 2001, when drafting a report that covered Kurzmeyer, the Bergier Commission asked Credit Suisse if it had any additional information about “these events” (appending an excerpt from the German author’s book and the German journalist’s article).¹³ The Bergier Commission asked a series of additional questions, including to what extent the links between Kurzmeyer and the Bank were documented, whether internal research was done at Credit Suisse in response to the journalist’s article, and whether there was further information about the account of August Wild or the relationship between the Bank and DWB’s parent entity, the SS’s Main Economic and Administrative Office. In its request to Credit Suisse, the Bergier Commission specifically mentioned a letter between one of the SS officers and Kurzmeyer discussing the account. In response, the Bank told the Bergier Commission that “[t]here are no indications from the [Bank] documents that SKA entered into a business relationship with DWB during this time period.”¹⁴ Given Credit Suisse’s response, the Bergier Commission concluded that the account described in the documents from the German Federal Archives likely existed but that Credit Suisse documents that would have confirmed its existence must have been destroyed.¹⁵

As we reported in our February 2023 Report, the investigation we were then overseeing identified an account “registry card” from the wartime period that included Kurzmeyer’s name as well as the name of one of the three senior SS officials affiliated with DWB, a document that was consistent with what was described by the German author.¹⁶ Prior to being terminated in 2022, we confirmed that a copy of the card was contained in the files of the team of Bank employees who conducted historical research in the Bank’s archives in the 1990s and 2000s and who were responsible for drafting the response to the inquiry from the Bergier Commission noted above. As stated in our February 2023 Report, as a result of our termination, we were not able to investigate further why this card was not provided nor otherwise identified to the Bergier Commission, or whether there were other key Nazi or Nazi-related accounts that Credit Suisse found but did not disclose at the time.

Since our work resumed in December 2023, we have reopened our oversight and investigation of the circumstances surrounding Credit Suisse’s 1990s investigation of this SS-related account registry card. At UBS’s direction, Credit Suisse has facilitated my team’s review of thousands of documents from the working files of the Bank’s prior investigation and has arranged interviews with several former employees who worked on the project. Although that

¹³ Letter from Bergier Commission to Credit Suisse, dated July 4, 2001.

¹⁴ *Id.* at 87.

¹⁵ Bergier Commission, Vol. 9, *Tarnung, Transfer, Transit. Die Schweiz als Drehscheibe verdeckter deutscher Operationen (1938–1952)* (2002), at 169.

¹⁶ Report of the Independent Ombudsperson and Independent Advisor to Credit Suisse, dated February 15, 2023, at 123-126.

investigation is ongoing, and the results are tentative pending completion of our work, we can provide the following update on the facts we have developed:

- Following the publication of the 1997 article referenced above reporting on the SS account, the Bank initiated a search for documents indicating a relationship with either DWB or the SS officers referenced in the article, including the SS officer whose name ultimately appeared on the registry card alongside Kurzmeyer's. Witnesses who worked on the investigation in the 1990s recalled that the allegations were viewed as significant at the time and were a focus for the investigative team. Indeed, at the time, a lawyer for the Bank stressed to the Bank's team the importance of searching for these documents given the ongoing investigation by the United States Senate as well as lawsuits brought by Holocaust victims and their heirs against Credit Suisse and other Swiss banks.
- Documents indicate that the Bank's investigative team searched for documents related to Kurzmeyer, the relevant SS officers, and DWB several more times and reached the following results:
 - In 1998, a Bank memorandum detailed a "list of persons and companies for whom information [was] available." The list included the names of two of the SS officers reportedly affiliated with the DWB account, including the account holder. The memorandum advises that information on the individuals was "available by telephone if required." According to a witness, the memorandum called for information to be shared orally because it was very sensitive or unconfirmed.
 - In 1999, a researcher for the Bank wrote an email to some of the senior members of the team in which that researcher recalled: "I can remember a general registry card with a reference to [DWB]."
 - Also in 1999, a different researcher identified the registry card and included it in a collection of findings related to Kurzmeyer. According to a witness, these findings would have then been escalated to more senior members of the investigative team.
- Documents and witness testimony further indicate that Credit Suisse did not always share information that it knew with outside investigations such as the Volcker Commission and the Bergier Commission. For example, Credit Suisse's internal comments on a draft report by accountants working for the Volcker Commission on Kurzmeyer expressed that Credit Suisse knew of additional information not included in that report, including that Kurzmeyer

had a more significant role in moving capital and suspected dealings in Nazi gold than what was reported in the Volcker Commission draft. Credit Suisse's internal comment stated that the Volcker Commission accountants' report was "rather sanitized" and said it was "[b]est to leave [it] as is!"

More broadly, we also have been told that Credit Suisse's general approach to the outside investigations was to share only information that was specifically requested and not to offer additional information known to the Bank. One example we were given is that if the outside researchers were in the Bank's archives looking for something and a researcher knew where it was located, the researcher would not tell the outside investigator where to look unless specifically asked to do so. We were told a variety of reasons for this approach, including a desire to protect the Bank, a concern that the outside researchers were biased against the Bank, and a belief that outside researchers did not want assistance from Bank employees because the outside researchers wished to be strictly independent.

We are continuing to investigate the circumstances regarding why the Bank failed to disclose this documentation of its relationship with the SS officer to the Bergier Commission, as well as those surrounding several other accounts that were identified by Credit Suisse in the 1990s and appear not to have been disclosed.

B. Ratlines¹⁷

The Investigation has identified client documents and other evidence that demonstrate a significant connection between Credit Suisse and one of the key routes, known as "ratlines," through which Nazis and their collaborators fled justice after World War II.

Based on results to date, the Investigation has identified Credit Suisse accounts for more than three dozen individuals connected to the ratlines. A cluster of these individuals were connected to a ratline that operated from a base in Switzerland and assisted hundreds of Nazis to flee after the war, including war criminals involved in the atrocities of the Holocaust. In addition to showing the significance of this ratline, our research has focused on the funds required to operate the ratline, including to pay for bribes, false identification documents, and transportation. These findings have been supported by the research of our experts, including the renowned ratlines expert and author Uki Goñi.

¹⁷ This section addresses the Committee's request for information and specific examples related to, among other topics, the ratlines. See Dec. 9, 2024 Letter, at 2.

C. Other Account Holders¹⁸

As indicated above, the Investigation has identified scores of individuals and legal entities connected to Nazi atrocities whose relationships with Credit Suisse had either been previously unidentified, or for which the relationship had been partially identified but the full nature of the Bank's involvement has not yet been reported publicly. The Investigation has also identified accounts for several hundred alleged Nazi intermediaries who helped Nazis to hide gold, camouflage illicit transactions to purchase war materials, loot Jewish assets, including through the aryanization of Jewish businesses, and generally support the Nazi war economy. With respect to intermediaries, the identification of an account does not mean that the account was necessarily used for illegal or Nazi-related activities, and as indicated above, that question will be subject to further investigation.

Below is an anonymized list of just a few of the banking relationships the expanded investigation has uncovered to date that appear to have previously not been identified and fully and publicly disclosed, pending further investigation:

- A blacklisted Swiss lawyer who acted as an intermediary, known for specializing in cloaking transactions, held several accounts at Credit Suisse and Fides. Documents further show that the lawyer managed assets for a subsidiary of a notorious Nazi-owned industrial conglomerate.
- Individuals and financial institutions that were involved in the exploitation of Jews during the Nazi occupation of another country. For example, a Nazi who oversaw a bank that was used by the Nazis to loot assets from the local Jewish population had several accounts with Credit Suisse. Several of these accounts were opened shortly after the Nazis required Jewish citizens of that country to deposit their assets at that bank. The bank itself also had accounts at Credit Suisse.
- Nazi-affiliated banks that were involved in the theft of Jewish assets, including one bank that appears to have used its account at Credit Suisse to do so.
- A German manufacturer that relied extensively on concentration camp slave laborers held an account at Credit Suisse that was opened during the war.
- A Nazi-controlled entity that was effectively run by the SS opened an account with Credit Suisse during the war.

¹⁸ This section addresses the Committee's request for information and specific examples related to, among other topics, "documents uncovered to date concerning individuals, legal entities, and intermediaries that in any way supported Nazis or Nazi activities." See Dec. 9, 2024 Letter, at 2.

- An entity involved in selling looted Jewish assets had an account at Credit Suisse that was open during the war (noted above).
- An intermediary who acted as a front for Nazis, including one who escaped Europe, had an account with Credit Suisse during the war.

Further work in each of these areas is ongoing.

* * *

In closing, I would like to reiterate my deep appreciation to the Committee for its continued oversight, to SWC for its commitment to uncover the truth about this darkest chapter of human history, and to UBS for its extensive cooperation and dedication to supporting this important work.

Sincerely,



Neil Barofsky