

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of *Ath. Philon*

Claim Number: 222110/JT

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of *Ath. Philon* (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant’s representative and Chairman, [REDACTED], submitted a Claim Form identifying the Account Owner as their organization, [REDACTED] of Athens, Greece (“*Lodge Philon*”), which is part of [REDACTED]. The Claimant stated that *Lodge Philon* was founded in Athens, Greece, on 2 October 1924 as a Welfare Association (Independent Order) of [REDACTED], and that it was forced to shut down during the Second World War. The Claimant further stated that “Philon” comes from the name of a famous Jewish philosopher who lived in Alexandria, Egypt, between 20 B.C.E. and 50 A.C.E. In support of its claim, the Claimant submitted documents, including copies of *Lodge Philon*’s registration order with [REDACTED] dated 2 October 1924, which confirm the organization’s existence in 1924, and documents highlighting recent activities of the organization. The Claimant’s representative provided documents confirming his association with both *Lodge Philon* in Athens and [REDACTED] and indicating his reelection as Chairman of *Lodge Philon* in 2002.

Information Available in the Bank’s Records

The Bank’s records consist of a listing of account holders from 1940, extracts from a suspense account ledger and printouts from the Bank’s database. According to these records, the Account Owner was *Ath. Philon*. The Bank’s records indicate that the Account Owner was from Athens, Greece, and held an account of unknown type, numbered C13656. The account was transferred

to a suspense account on or before 15 May 1941. The amount in the account as of 15 May 1941 was 81.00 Swiss Francs.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) did not find this account in the Bank’s system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the bank records that the Account Owner or any affiliated person or organization closed the account and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant’s name matches the published name of the Account Owner. The Claimant identified its location, which matches published information about the Account Owner contained in the bank records. In support of its claim, the Claimant submitted documents, including copies of *Lodge Philon’s* registration order with [REDACTED] dated 2 October 1924 and copies of documents indicating that [REDACTED], the Claimant’s representative, is the Chairman of *Lodge Philon* of Athens, Greece.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was a Jewish organization, that it was forced to shut down during the Second World War, that the Lodge was reorganized after the War, and that it continues to exist today.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that it is the Account Owner by submitting documents demonstrating that it is *Lodge Philon*, that it is part of [REDACTED], that it was founded in Athens, Greece, in 1924, and that the Claimant is represented by its Chairman, who was reelected in 2002.

The Issue of Who Received the Proceeds

Given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or its heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that it is the Account Owner, and that justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor any person or affiliated organization received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 15 May 1941 was 81.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 47,400.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on its claim to determine whether there are additional Swiss bank accounts to which it might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
June 23, 2003