

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Denis Delcros and Christophe Aubrun

in re Accounts of Georgette Frandji and Germaine Levy

Claim Numbers: 222796/AC; 222797/AC

Award Amount: 383,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Georgette Frandji (“Account Owner Frandji”) and Germaine Levy (“Account Owner Levy”) (together the “Account Owners”) at the Geneva and Basel branches 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 submitted a Claim Form identifying the Account Owners as her husband’s maternal aunts, Andrée Germaine Levy (also Germaine Levy), who was born on 23 February 1886 in Porrentruy, Switzerland, and Georgette Frandji, née Levy, who was born on 5 November 1879, also in Porrentruy, and was married to [REDACTED]. The Claimant stated that Andrée Germaine Levy and Georgette Frandji, who were Jewish, were the daughters of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant stated that [REDACTED] and [REDACTED] had two other daughters, [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED]. The Claimant indicated that Andrée Germaine Levy was a Swiss citizen, and that Georgette Frandji was a French citizen, pursuant to a decree of naturalization on 4 December 1926. The Claimant further indicated that Andrée Germaine Levy remained in Switzerland during the Second World War, but that Georgette Frandji lived in France, and that during the Nazi occupation of France, she, her sister [REDACTED], and her nephew [REDACTED], who was the Claimant’s husband, were forced to live in hiding to avoid Nazi persecution. The Claimant provided dates and places of residence for her husband’s aunts, indicating that Andrée Germaine Levy resided in Switzerland during the Second World War, then moved to live with her sister Georgette Frandji in Lyon, France from 1950 until 1953, and then returned to Basel, Switzerland, where she passed away on 4 November 1964, and also indicating that Georgette Frandji resided at 30 rue Mercière in Lyon until 1943, at which point

she went into hiding with her sister and nephew through 1944 in Bayère, Charnay, France, after which she returned to Lyon, where she resided at 13 quai Saint Antoine until her death on 20 August 1953. The Claimant indicated that neither of her husband's aunts had children, and that their sister, [REDACTED], had a son with [REDACTED], who was [REDACTED], the Claimant's husband. According to the Claimant, she is the only surviving heir of her husband's aunts, as the rest of the family has since passed away.

The Claimant submitted documents in support of her claim. These documents include: 1) a copy of the death certificate of Georgette Levy, indicating that she was born in Porrentruy, Switzerland on 5 November 1879, that her parents were [REDACTED] and [REDACTED], that she was the widow of [REDACTED], and that she died on 20 August 1953 in Lyon, with her nephew, [REDACTED], as a witness; 2) a copy of an extract from the Lyon public register, indicating that Georgette Levy, who was the widow of [REDACTED], died on 20 August 1953 in Lyon, and that she left her estate to her sister, Germaine Levy; 3) a copy of the death certificate of [REDACTED], indicating that he was married to Georgette Levy, and that he died on 10 December 1934 in Lyon; 4) a copy of the death certificate of [REDACTED], indicating that she was born in Porrentruy, Switzerland on 6 July 1875, that her parents were [REDACTED] and [REDACTED], that she was the widow of [REDACTED], and that she died on 16 December 1955 in Lyon, with her son, [REDACTED], as a witness; 5) a copy of the death certificate of [REDACTED], indicating that he was married to [REDACTED], and that he died on 17 July 1933 in Lyon; 6) a copy of her husband's birth certificate, indicating that he was born on 26 August 1914, that his parents were [REDACTED] and [REDACTED], and bearing the signature of [REDACTED] as a witness, and also indicating that she and her husband were married on 20 November 1944 in Lyon, and that he later died on 17 June 1984 in Francheville, France; 7) a copy of her own birth certificate, indicating that she was born on 10 September 1925, and noting that she was later married on 9 November 1944 in Lyon to [REDACTED]; 8) a copy of her marriage certificate, indicating that she married [REDACTED] on 8 November 1944, that her husband was born on 26 August 1914 in Lyon, and that his parents were [REDACTED] and [REDACTED]; and 9) a copy of her husband's death certificate, indicating that he was born on 26 August 1914, that his parents were [REDACTED] and [REDACTED], that he was married to [REDACTED], and that he died on 17 June 1984 in Francheville.

The Claimant indicated that she was born on 6 September 1925 in Dessenheim, France.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a securities portfolio list for a custody account. According to these records, the Account Owners were *Mademoiselle* (Miss) Germaine Levy, a Swiss national, and *Mme* (Mrs.) Georgette Frandji, née Lévy, a French national. The Bank's records indicate that the Account Owners resided at 44, rue de l'Hôtel-de-Ville in Lyon, France. According to the Bank's records, Account Owner Levy visited the Bank on 24 April 1942 and her address was changed to 38 Eulerstrasse, Basel, Switzerland.

The Bank's records indicate that the Account Owners jointly held a numbered demand deposit account, a numbered custody account, both numbered S.V. 21865; as well as a safe deposit box numbered 777.

The securities portfolio list for the custody account indicates that as of 14 February 1940, the custody account contained the following securities:

- 4% *Fédéral 1930* bonds with a total nominal value of 6,000.00 Swiss Francs ("SF");
- 3.5% *Fédéral 1932/33 Séries 1-3* bonds with a total nominal value of SF 5,000.00;
- 4% *Canton de Bâle-Ville 1933* bonds with a total nominal value of SF 5,000.00;
- 4% *Ville de Zurich 1934/54* bonds with a total nominal value of SF 3,000.00;
- 3% *Ville d'Oslo 1938/58* bonds with a total nominal value of SF 4,000.00;
- 3% *Crédit Suisse, Bâle, au porteur à 5 ans remb. le 25/1/1943* bonds with a total nominal value of SF 2,000.00;
- 3% *Banque Hyp. de Bâle-Campagne dénonçable dès le 15/7/42 avec préavis de 6 mois au porteur* bonds with a total nominal value of SF 3,000.00.

Thus, the Bank's records indicate that the total face value of the securities was SF 28,000.00. In addition, the Account Owners held 8 shares of the Swiss Bank Corporation (*actions Société de Banque Suisse*).

The Bank's records indicate that the accounts were frozen pursuant to the Federal Decree of 6 July 1940 and that they were subsequently unfrozen according to a letter of the Swiss Compensation Office dated 13 May 1942.

The Bank's records indicate that the safe deposit box was closed, but its date of closure is illegible.

The Bank's records further indicate that the accounts were closed and the assets were transferred from the Geneva branch of the Bank to the Basel branch of the Bank on 21 May 1942. The amounts in the accounts on the date of their transfer are unknown. 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 provide any information about the Account Owners' accounts at the Bank's Basel branch. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account/these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents supplement the information provided by the auditors, but do not contain any additional information about the Account Owners' accounts at the Bank's Basel branch.

There is no evidence in the Bank's records that the Account Owners or their heirs closed the three accounts at issue and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's husband's aunts' names and city and country of residence match the published names and city and country of residence of the Account Owners. The Claimant identified Account Owner Levy's second city of residence, the Account Owners' nationalities, and their family relationship, which matches unpublished information about the Account Owners contained in the Bank's records. In support of her claim, the Claimant submitted documents, including 1) a copy of the death certificate of Georgette Levy, indicating that she was the widow of [REDACTED], and that she died in Lyon; 2) a copy of an extract from the Lyon public register, indicating that Georgette Levy was the widow of [REDACTED], and that she had a sister named Germaine Levy; and 3) a copy of the death certificate of [REDACTED], indicating that he was married to Georgette Levy, and that he died in Lyon; providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owners.

The CRT notes that the names Georgette Levy [AKA Georgette Frandji] and Germaine Levy each appear only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different cities of residence than the cities of residence of the Account Owners, and did not identify the family relationship between the Account Owners.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Frandji was a Victim of Nazi Persecution. The Claimant stated that Account Owner Frandji was Jewish, and that she was forced to live in hiding for two years during the Nazi occupation of France. The CRT notes that while Account Owner Levy, who was Jewish, was not a Victim of Nazi Persecution, Account Owner Levy's sisters, Account Owner Frandji and [REDACTED], and her nephew, [REDACTED], were Victims of Nazi Persecution, and they were forced to live in hiding during the Nazi occupation of France.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the

Claimant's husband's aunts. These documents include: 1) a copy of the death certificate of Georgette Levy, indicating that her parents were [REDACTED] Levy and [REDACTED], and that she died with her nephew, [REDACTED], as a witness; 2) a copy of an extract from the Lyon public register, indicating that Georgette Levy had a sister named Germaine Levy; 3) a copy of the death certificate of [REDACTED], indicating that her parents were [REDACTED] and [REDACTED], and that she died with her son, [REDACTED], as a witness; 4) a copy of her husband's birth certificate, indicating that his parents were [REDACTED] and [REDACTED], and bearing the signature of [REDACTED] as a witness, and also indicating that she and her husband were married; 5) a copy of her own birth certificate, indicating that she was married to [REDACTED]; 6) a copy of her marriage certificate, indicating that she married [REDACTED], and that his parents were [REDACTED] and [REDACTED]; and 7) a copy of her husband's death certificate, indicating that his parents were [REDACTED] and [REDACTED], and that he was married to [REDACTED]. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owners as contained in the Bank's records.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were frozen pursuant to the Federal Decree of 6 July 1940, and that they were subsequently unfrozen by 13 May 1942. The Bank's records further indicate that the accounts were transferred to the Basel branch of the Bank on 21 May 1942, and that the safe deposit box was closed on an unknown date.

Given that Account Owner Frandji was forced to live in hiding during the Nazi occupation of France; given that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; given that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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.

The CRT notes that the Bank's records indicate that the accounts were transferred on 21 May 1942, at which time Account Owner Levy was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom the accounts were closed; given that Account Owner Levy had relatives, including one who was joint Account Owner, who resided in Nazi-occupied territory and that she may therefore have yielded to Nazi pressure to turn over her accounts to ensure their safety; given that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, due to the Swiss banks' practice of withholding or misstating account information in their responses to

inquiries by account owners because of the banks' concern regarding double liability, and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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 the Account Owners were her husband's aunts, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held one custody account, one demand deposit account, and one safe deposit box.

With respect to the custody account, which contained securities, research conducted by the CRT shows that the securities that were quoted at the Zurich Stock Exchange and which were held in the custody account had the following market values as of 31 December 1940:

- 4% *Fédéral 1930* bonds: SF 6,129.00;
- 3.5% *Fédéral 1932/33 Séries 1-3* bonds: SF 4,900.00;
- 4% *Ville de Zurich 1934/54* bonds: SF 3,015.00;
- 3% *Ville d'Oslo 1938/58* bonds: SF 820.00;
- 8 shares of the Swiss Bank Corporation (*actions Société de Banque Suisse*): SF 2,456.00 (at a value of SF 307.00 per share).

Thus, the total market value of the securities that were traded at the Zurich Stock Exchange was SF 17,320.00.

As for the remaining securities, as the CRT was not able to determine their market value, the nominal values will be used to calculate the current value of these securities. These securities, namely 4% *Canton de Bâle-Ville 1933* bonds; 3% *Crédit Suisse, Bâle, au porteur à 5 ans remb. le 25/1/1943* bonds; and 3% *Banque Hyp. de Bâle-Campagne dénonçable dès le 15/7/42 avec préavis de 6 mois au porteur* bonds had a total nominal value of SF 10,000.00.

Consequently, the total value of the securities held in the custody account was SF 27,320.00. The current value of this amount is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an amount of SF 341,500.00.

With respect to the demand deposit account and the safe deposit box, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the

same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was SF 2,140.00, and the average value of a safe deposit box was SF 1,240.00, for a combined 1945 average value of SF 3,380.00 for the demand deposit account and the safe deposit box. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 42,250.00 for the demand deposit account and the safe deposit box. Accordingly, the total award amount is SF 383,750.00.

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 her claims to determine whether there are additional Swiss bank accounts to which she 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
28 June 2006