

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Faina Moiseievna Levin

in re Accounts of Hugo Levin

Claim Number: 003910/ES

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Faina Moiseievna Levin (the “Claimant”) to the published accounts of Hugo Levin and to the account of Simon Levin.¹ This Award is to the published accounts of Hugo Levin (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal great-uncle, Hugo Levin (Lewin), who was born in April 1894 and was married to Franzieska Levin (Lewin). The Claimant stated that her paternal grandmother, Bracha-Riva Levin, had two brothers in Germany: Hugo, and Simo. The latter was born in Kionz on 19 March 1870 and was married to Anna (Chana) Levin (Lewin). The Claimant also stated that her great-uncles, who were Jewish, resided in Halle, Germany. The Claimant indicated that Hugo Levin perished in Auschwitz in 1942. In a telephone conversation with the CRT, dated 10 January 2003, the Claimant stated that her contact with that branch of the family was lost a long time ago and that she was unable to provide any additional details about her great-uncles’ residences. The Claimant submitted her own birth certificate, and her mother’s death certificate, indicating her family name was Levin, and four records from Yad Vashem, pertaining to Hugo Lewin, Simon Lewin, Franzieska Lewin, and Anna Lewin, which indicate that Anna Lewin was born in Mahrungen, Germany, resided in Berlin and was deported to Theresienstadt on 20 April 1943; that Franzieska Lewin escaped to England in 1938, and that Hugo Lewin was detained in the Buchenwald concentration camp.

¹ The CRT did not locate an account belonging to the Claimant’s relative, Simon Levin, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

The Claimant indicated that she was born on 15 May 1925 in the village of Bergin in Belarus.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Hugo Levin, who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held a custody account and a demand deposit account.

The Bank's record indicates that the custody account was closed on 20 April 1937. The amount in the account on the date of its closure is unknown.

The Bank's record does not show when the demand deposit account was closed, or to whom it was paid, nor do these records indicate the value of the demand deposit account.

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 the demand deposit 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 the demand deposit account after 1945. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name and country of residence match the published name and country of residence of the Account Owner. The CRT notes that the Claimant's great-uncle resided in Halle, while the Bank's record indicates that the Account Owner resided in Berlin. However, the CRT further notes that in support of her claim, the Claimant submitted documents, including a record from Yad Vashem pertaining to Anna Lewin, the Account Owner's sister-in-law, indicating that Anna Lewin resided in Berlin, Germany, which in turn indicates that the Claimant's great-uncle had a family connection to Berlin.

The Claimant also submitted a record from Yad Vashem, indicating that Hugo Lewin was detained in the Buchenwald concentration camp, providing independent verification that the person who is claimed to be the Account Owner had substantially the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the name Hugo Levin appears 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 "ICEP List"). The CRT notes that there are no other claims to these accounts. Taking all of

these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 Jewish, and that he perished in Auschwitz in 1942. The Claimant also submitted a record from Yad Vashem, which indicates that Hugo Lewin was detained in the Buchenwald concentration camp.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's paternal great-uncle. The CRT notes that the Claimant submitted her own birth certificate, and her mother's death certificate, providing independent verification that the Claimant and her relatives bear the same family name as the Account Owner, which supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the custody account was closed on 20 April 1937. The Bank's record does not show when the demand deposit account was closed.

Given that the Account Owner perished in Auschwitz in 1942; that there is no record of the payment of the Account Owner's accounts to him nor any record of a date of closure of the demand deposit account; that the Account Owner's heirs would not have been able to obtain information about his 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the accounts were not paid to the Account Owner or his 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 Owner was her great-uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held a custody account and a demand deposit account. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945, the average value of a custody account was 13,000.00 Swiss Francs (“SF”) and the average value of a demand deposit account was SF 2,140.00, to produce a total historical amount of SF 15,140.00. 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 a total award amount of SF 189,250.00.

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 claim 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
10 December 2004