

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Martin Levin

Claim Number: 210402/MG

Award Amount: 337,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the "Claimant") to the account of Martin Levin (the "Account Owner") at 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 Owner as her father-in-law, Martin Lewin, who was born on 25 October 1895 in Bromberg, Poland (today known as Bydgoszcz), and was married to [REDACTED], née [REDACTED], who was born on 31 January 1889. Her father-in-law's sole child was [REDACTED], the Claimant's late husband, who was born on 17 July 1923 in Berlin. The Claimant stated that her father-in-law, who was Jewish, was a businessman who resided at Jagowstrasse 44 in Berlin and whose property included three men's clothing stores, named "*Der Elegante Herr*," one of which was located at Friedrichstrasse 97 in Berlin, Germany; a shirt factory; and three apartment buildings in Berlin, one of which was located at Kreuzigerstrasse 17A in Berlin-Friedrichshain. The Claimant further stated that her husband attended a private school named *Le Chopet* (today known as the "International School of Geneva") near Geneva, Switzerland, where her father-in-law stored his personal belongings, paintings, oriental rugs, china and some clothing in a warehouse during the Second World War. The Claimant stated that the Nazis confiscated her father-in-law's properties and businesses. According to the Claimant, the Nazis deported her father-in-law and his wife from Berlin to Theresienstadt on 14 January 1943, and then they were transferred to Auschwitz, where they perished. The Claimant stated that her husband, who immigrated to Canada, died on 10 February 1991 in Montreal. The Claimant submitted various documents, including her husband's will; her husband's death certificate, dated 11 February 1991, indicating that Martin Lewin was his father and that [REDACTED] was his spouse; her father-in-law's business letterhead stationery; photos of her father-in-law's family; and a postcard sent from

Romania to Martin Lewin in Berlin, dated 19 January 1943, which was returned by the Nazis with a stamp stating, "*Abgereised ohne angabe der adresse*" (left without giving an address), since Martin Lewin had already been deported to a concentration camp. In addition, the Claimant submitted correspondence with German authorities concerning the restitution of property belonging to her father-in-law. The Claimant indicated that she was born on 9 June 1928 in Montreal, and that she is the sole heir of her husband.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1997, asserting her entitlement to a Swiss bank account owned by Martin (Max) Lewin from Berlin.

Information Available in the Bank Record

The Bank's record consists of a bank customer card. According to this record, the Account Owner was Martin Levin who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held two custody accounts, numbered L5984 and L12828, which were closed on 23 August 1938 and 29 August 1936, respectively. The Bank's records also indicate that the Account Owner held one demand deposit account, closed on 27 August 1936. The Bank's record does not show to whom the accounts were paid and the amount in these accounts on the dates of their closure is unknown. There is no evidence in the bank 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 has plausibly identified the Account Owner. Her father-in-law's name matches the published name of the Account Owner.¹ The Claimant identified her father-in-law's city of residence, which matches the published information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted her husband's death certificate indicating that his father was Martin Lewin, her husband's will, a postcard sent from Romania to Martin Lewin in Berlin in 1943, correspondence with German authorities concerning the restitution of property belonging to her father-in-law, and her father-in-law's business letterhead stationery.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an ATAG Ernst & Young claim form in 1997, asserting her entitlement to a Swiss bank account owned by Martin (Max) Lewin prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the

¹ The CRT notes that the name "Lewin" may also be spelled "Levin," as it appears in the bank documents.

publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT also notes that other claims to the account were disconfirmed due to inconsistent name and identification information provided by the other claimants.

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, that he lived in Germany during the Second World War, and that he was deported to Theresienstadt in 1943 and then transferred to Auschwitz, where he perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting a family tree, and her husband's death certificate, indicating that she was his spouse and Martin Lewin was his father. The CRT notes that the Claimant's daughter, Martin Lewin's granddaughter, [REDACTED], née [REDACTED], is included in the family tree but has not filed a claim.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of its Jewish nationals through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until he was deported to Theresienstadt in 1943 and then was transferred to Auschwitz, where he perished; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,² the CRT concludes that it is plausible that the account proceeds 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 father-in-law, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

² Appendix C appears on the CRT II website -- www.crt.ii.org.

Amount of the Award

In this case the, Account Owner held two custody accounts and one 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 "ICEP Investigation") in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of a demand deposit account was 2,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 337,680.00 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 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
June 3,2003