

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]
also acting on behalf of [REDACTED 3], [REDACTED 4],
[REDACTED 5], and [REDACTED 6]

in re Account of Georges Levy

Claim Numbers: 203693/AX; 707624/AX¹

Award Amount: 90,437.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to accounts of [REDACTED], [REDACTED] and Georges Levy,² and the claim of [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Georges Levy. This Award is to the published account of Georges Levy (the “Account Owner”) at the Davos 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.

¹ Claimant [REDACTED 1] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered 0015073, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned Claim Number 707624.

² The CRT did not locate an account belonging to Claimant [REDACTED 1]’s relatives, [REDACTED] and [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or the “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”). Claimant [REDACTED 1] should be aware that the CRT will carry out further research on her claim to determine whether an award may be based upon the information provided by Claimant [REDACTED 1] or upon information from other sources.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as her paternal uncle, Georges Levy, who was born on 22 August 1903 in Paris, France. Claimant [REDACTED 1] indicated that her uncle, who was Jewish, studied at a polytechnic and then at a mining school in France. Claimant [REDACTED 1] indicated that her uncle, who lived at 87 Boulevard de Port Royal in Paris, was active in the French resistance during the Second World War. According to Claimant [REDACTED 1], her uncle was either arrested and killed in 1944 with several members of the French underground resistance or deported to a concentration camp, where he perished. Claimant [REDACTED 1] stated that due to family circumstances, she does not know many details about her relatives. In support of her claim, Claimant [REDACTED 1] submitted her paternal grandfather’s family book, indicating that among his children were [REDACTED], Claimant [REDACTED 1]’s father, and Georges Levy; and [REDACTED]’s family book, indicating that Claimant [REDACTED 1] is his daughter. Claimant [REDACTED 1] indicated that she was born on 23 May 1929 in Lyon, France.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her father’s benefactor, Georges Levy, who was born on 31 January 1887, and was never married. Claimant [REDACTED 2] indicated that Georges Levy, who was Jewish, was deported to Auschwitz, where he perished on 25 November 1943. Claimant [REDACTED 2] indicated that her father, [REDACTED], was declared the sole heir of Georges Levy. In support of her claim, Claimant [REDACTED 2] submitted a notarized copy of a decision issued by the Paris civil court, declaring [REDACTED] as the sole heir to Georges Levy, and her French identification card, indicating that her name is [REDACTED 2], née [REDACTED]. Claimant [REDACTED 2] indicated that she was born on 29 October 1934 in Paris. Claimant [REDACTED 2] is representing her siblings: [REDACTED 3], [REDACTED 4], [REDACTED 5], and [REDACTED 6].

Information Available in the Bank’s Records

The Bank’s records consist of an excerpt from the Bank's ledger and printouts from the Bank’s database. According to these records, the Account Owner was Georges Levy. The Bank’s records do not contain information about the Account Owner's domicile. According to the Bank’s records, the Account Owner held an account, the type of which is not indicated. The Bank’s records indicate that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 27 May 1983. The amount in the account on the date of its transfer was 6,630.00 Swiss Francs (“SF”). The account remains in the Bank's suspense account.

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 Claimants in one proceeding.

Identification of the Account Owner

The name of Claimant [REDACTED 1]'s uncle and Claimant [REDACTED 2]'s father's benefactor matches the published name of the Account Owner. In support of their claims, Claimant [REDACTED 1] submitted her grandfather's family book, indicating that among his children were [REDACTED], Claimant [REDACTED 1]'s father, and Georges Levy, and Claimant [REDACTED 2] submitted a notarized copy of a decision issued by the Paris civil court, declaring [REDACTED] George Levy's sole heir, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Georges Levy, and indicates that his date of birth was 22 August 1903, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the database also includes a person named Georges Levy, and indicates that his date of birth was 31 January 1887, and that his date of death was 25 November 1943, which matches the information about the Account Owner provided by Claimant [REDACTED 2].

The CRT notes that Claimant [REDACTED 1]'s relative and the Georges Levy identified by Claimant [REDACTED 2] are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports the information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account were disconfirmed because those claimants provided a different spelling of the Account Owner's name, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish. Claimant [REDACTED 1] stated that the Account Owner was either killed in 1944 while fighting for the French

resistance or was deported to a concentration camp, where he perished, and Claimant [REDACTED 2] stated that the Account Owner perished in Auschwitz in 1943.

As noted above, persons named Georges Levy were included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her uncle. These documents include Claimant [REDACTED 1]'s grandfather's family book, indicating that among his children were [REDACTED] and Georges Levy, and [REDACTED]'s family book, indicating that Claimant [REDACTED 1] is his daughter.

Claimant [REDACTED 2]

Claimant [REDACTED 2] has plausibly demonstrated that [REDACTED] was the Account Owner's legal heir, and that she is the daughter of [REDACTED]. Claimant [REDACTED 2] submitted a notarized copy of a decision issued by the Paris civil court, declaring [REDACTED] the sole heir to George Levy. The CRT notes that it is plausible that this is a document that most likely only a family member would possess. The CRT further notes that Claimant [REDACTED 2] submitted a copy of her identification card, showing that her name is [REDACTED 2], née [REDACTED], which provides independent verification that Claimant [REDACTED 2] bears the same family name as [REDACTED], the Account Owner's heir. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner's sole heir was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner's sole heir, as she has asserted in her Claim Form.

There is no information to indicate that the Account Owner has surviving heirs other than the parties which Claimant [REDACTED 2] is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains in the Bank's suspense account.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her uncle, and Claimant [REDACTED 2] has plausibly demonstrated that her father was the Account Owner's legal heir, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs 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 27 May 1983 was SF 6,630.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 605.00, which reflects standardized bank fees charged to an unknown type of account between 1945 and 1983. Consequently, the adjusted balance of the account at issue is SF 7,235.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 90,437.50.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship or entitlement to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship or entitlement to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to one-half of the total award amount, and Claimant [REDACTED 2] and the parties she represents are collectively entitled to one-half of the total award amount.

With respect to Claimant [REDACTED 2]'s share of the award amount, according to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 2] submitted a notarized copy of a decision issued by the Paris civil court, declaring her father, [REDACTED], as the heir of the Account Owner. Furthermore, Claimant [REDACTED 2] is representing her siblings: [REDACTED 3], [REDACTED 4], [REDACTED 5], and [REDACTED 6]. Therefore, in accordance with Article 23(1)(c) of the Rules and consistent with principles of fairness and equity, Claimant [REDACTED 2], Laza[REDACTED 3], [REDACTED 4], [REDACTED 5], and [REDACTED 6] are each entitled to one-tenth of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
12 January 2005