

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Accounts of Hans Levy

Claim Number: 218261/HB

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Edmond Levy.¹ This Award is to the published accounts of Hans Levy (the “Account Owner”) at the Zurich 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 submitted a Claim Form identifying the Account Owner as her late husband, Hans Jakob (Jakob, Jean Jacques) Levy (Lévy), who was born on 18 December 1902 in Berlin, Germany. The Claimant indicated that her husband, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED], and that he had a brother, [REDACTED]. According to information provided by the Claimant, her husband, who was a German citizen, was a merchant, and he resided at Klopstockstrasse 48 in Berlin until approximately 1938, after which he resided in Milan, Italy, before fleeing to Paris, France, to avoid Nazi persecution. The Claimant indicated that she and her husband were married on 4 July 1939 in Paris, where they resided at Rue 21 Lavoisier, and that they later emigrated to Melbourne, Australia, and Surfer's Paradise, Australia, where her husband died on 18 January 1968. The Claimant indicated that her husband's parents and brother are no longer alive.

The Claimant submitted documents in support of her claim, including: (1) a copy of her husband's family's *Familien-Stammbuch* (family book), indicating that [REDACTED] had a son, Hans Jakob Levy, who was born on 18 December 1902 in Berlin; (2) a copy of her husband's

¹ The CRT will treat the claim to this account in a separate determination.

German passport, issued on 13 April 1938 by the German consulate in Milan, and renewed on 25 January 1939 at the German consulate in Paris, indicating that Hans Levy was Jewish, that he was born on 18 December 1902 in Berlin, that he resided in Milan, and that he made several trips to Switzerland in 1938; (3) a copy of her own marriage certificate, indicating that [REDACTED] and Hans Jakob (Jean Jacques) Lévy were married on 4 July 1939 in Paris, that Hans Levy was born on 18 December 1902 in Berlin, and that [REDACTED] was born on 9 April 1912 in Liepaja, Latvia; (4) a copy of her husband's death certificate, indicating that Hans Jacob Levy died on 18 January 1968 in Surfer's Paradise, that he was born in Berlin, that his father was [REDACTED], that he was a German law consultant, and that he was married to [REDACTED]; (5) a copy of her father-in-law's will, dated 5 July 1914 in Berlin, indicating that [REDACTED]'s heirs were his wife, [REDACTED], née [REDACTED], and his children, [REDACTED] and Hans Levy; (6) a copy of her mother-in-law's inheritance certificate, issued on 1 October 1959 in Berlin, indicating that [REDACTED]'s children, Hans Levy and [REDACTED], were entitled to equal shares of her estate; and (7) a copy of her husband's will, dated 1 April 1964, indicating that Hans Levy left his entire estate to his wife, [REDACTED].

The Claimant indicated that she was born on 9 April 1912 in Liepaja.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Hans Levy, who resided in Milan, Italy. The Bank's record indicates that the Account Owner held two demand deposit accounts. The Bank's record further indicates that one demand deposit account was closed on 30 April 1939, and that the other demand deposit account was closed no later than 30 April 1939. The amounts in the accounts on the dates of their closure are unknown. 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 husband's name, city and country of residence match the unpublished name, city, and country of residence of the Account Owner.

In support of her claim, the Claimant submitted documents, including a copy of her husband's family's *Familien-Stammbuch* (family book), a copy of her husband's German passport, a copy of her own marriage certificate, a copy of her husband's death certificate, a copy of her father-in-law's will, a copy of her mother-in-law's inheritance certificate, a copy of her husband's will, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence and a different last name spelling than the country of residence and last name spelling of the Account Owner. 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 resided in Nazi Germany and Nazi-allied Italy before fleeing to Paris in approximately 1939.

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 and documents, demonstrating that the Account Owner was her husband. These documents include (1) a copy of her own marriage certificate, indicating that [REDACTED] and Hans Jakob (Jean Jacques) Lévy were married on 4 July 1939 in Paris; (2) a copy of her husband's death certificate, indicating that Hans Jacob Levy was married to [REDACTED]; and (3) a copy of her husband's will, indicating that Hans Levy left his entire estate to his wife, [REDACTED]. 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 one demand deposit account was closed on 30 April 1939, and that the other demand deposit account was closed no later than 30 April 1939.

The CRT notes that the Bank's record indicates that the accounts were closed on and before 30 April 1939, at which time, according to information provided by the Claimant and the information in the Bank's record, the Account Owner was in Italy. The CRT notes that Italy formed an alliance with Germany on 25 October 1936, and therefore it is considered that from this date there existed the possibility of oppression. Accordingly, an asset closed after 25 October 1936 will only be considered closed properly if there is evidence that the asset was paid to the account owner or an authorized party. In this case, the Bank's record provides no information as to the circumstances surrounding the closure of the accounts. Given that the Bank's record does not indicate to whom the accounts were closed, that the Account Owner fled his country due to Nazi persecution, that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety, that the Account Owner and his heirs would not have been able to obtain information about his account 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 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 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 husband, 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 two demand deposit accounts. 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 demand deposit account was 2,140.00 Swiss Francs (“SF”), for a combined average value of SF 4,280.00 for the two accounts at issue. 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 53,500.00.

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
7 June 2006