

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Accounts of Henry J. Lévy**

Claim Number: 707624/RS<sup>1</sup>

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Jeanne Levy, Albert Levy, and Georges Levy.<sup>2</sup> This Award is to the published accounts of Henry J. Lévy (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>3</sup>

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 an Initial Questionnaire identifying the Account Owner as her paternal grandfather, Henri Levy (Lévy), who was married to [REDACTED],<sup>4</sup> and who died on 28 October 1946 in Paris, France. The Claimant indicated that her grandfather, who was Jewish, lived in Paris and had six children: [REDACTED] (the Claimant’s father), [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. In support of her claim, the

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<sup>1</sup> The Claimant did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered FRE 0015 073, 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.

<sup>2</sup> In a separate decision, the CRT made a partial award of the account of Georges Levy to the Claimant. See *In re Account of Georges Levy* (approved on 30 December 2004). The CRT will treat the claim to the accounts of Jeanne Levy and Albert Levy in separate determinations.

<sup>3</sup> The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), an individual named Henry Levy in Strasbourg, France, is also listed as owning accounts. Upon careful review, the CRT has determined that Henry Levy of Strasbourg, France is not the same person addressed in the current decision and, consequently, the Claimant did not identify this other account owner as her relative.

<sup>4</sup> The CRT notes that the name of Henri Levy’s wife in the copy of his family book that was provided by the Claimant is virtually illegible, but appears to read ‘[REDACTED]’.

Claimant submitted copies of her father's and grandfather's "family books" (*livret de famille*), indicating that [REDACTED]'s father was [REDACTED], that [REDACTED] was one of six children, all of whom were born in Paris, that his father was Henri Lévy, that two of Henri Lévy's children, [REDACTED] and [REDACTED], died in Drancy, France in 1943, and that his sons [REDACTED] and [REDACTED] "died for France" (*mort pour la France*) in 1944. The Claimant, who was a minor during the Second World War, indicated that most of her family has since passed away, and she does not know many details about her relatives. The Claimant indicated that she was born on 23 May 1929 in Lyon, France.

### **Information Available in the Bank's Records**

The Bank's records consist of dormant account cards. According to these records, the Account Owner was *Monsieur* (Mr.) Henry J. Lévy (Levy), who resided at Avenue Président Wilson 5 in Paris, France. The Bank's records indicate that the Account Owner held two demand deposit accounts.

The Bank's records indicate that one account received a transfer of 50.00 Swiss Francs ("SF") from a collective suspense account, numbered 710000, on 29 July 1955, which was then transferred back to the collective suspense account on 30 August 1955, after which the account had a balance of SF 0.00. The second account received a transfer of SF 1,457.25 from account 710000 on 14 March 1957, which was then transferred back on 3 August 1960, after which the account had a balance of SF 0.00. 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") indicated that the accounts remain suspended.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's grandfather's name, city and country of residence match the published name and city and country of residence of the Account Owner.<sup>5</sup> The CRT notes that the Claimant provided this information prior to its 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"). The Claimant also identified the Account Owner's alternate last name spelling, as indicated in the Bank's records.

In support of her claim, the Claimant submitted documents, including her grandfather's family book, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner.

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<sup>5</sup> The CRT notes that Henry and Henri are variations of the same name.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her aunt Jeanne Levy and uncles Georges and Albert Levy (the children of Henri Lévy), prior to the publication of 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 publication of the ICEP List. It also indicates that the Claimant had reason to believe that a member of her family 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 notes that the other claims to these accounts were disconfirmed because those claimants provided a different city of residence than the city of residence of the Account Owner. The CRT notes that cities identified by the competing claimants were small towns over 300 kilometers from the Account Owner's city of residence, making it unlikely that their relatives would have used a residence in the Account Owner's city, even for the purpose of maintaining a bank account. Moreover, those claimants did not establish any plausible connection to the Account Owner's city of residence. 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-occupied France until his death in 1946. Furthermore, the Claimant indicated that three of the Account Owner's children, who were also Jewish, were Victims of Nazi Persecution. The Claimant provided a copy of her grandfather's family book, indicating that the Account Owner's children, [REDACTED] and [REDACTED], were declared dead at the Drancy transit camp in 1943, and that the Account Owner's sons, [REDACTED] and [REDACTED], "died for France" in 1944.

Individuals named [REDACTED], who was born on 28 October 1894 in Paris, and was deported from Drancy to Auschwitz in 1943, and [REDACTED], who was born on 22 August 1903 in Paris, and was deported from Lyon to Auschwitz in 1944, were included in the CRT's database of victims of Nazi persecution. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

#### 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 the Claimant's grandfather. These documents include her grandfather's and father's family books, indicating that [REDACTED]'s father was [REDACTED], that [REDACTED]'s father was Henri Lévy. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the

publication in February 2001 of the ICEP List, and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of the Account Owner's family book. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner 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, as she has asserted in her Claim Form.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were both transferred to a collective suspense account, where they remain. The CRT notes that the 1955 and 1957 transfers from the suspense account to the two demand deposit accounts and their subsequent re-transfer back to the suspense account appear to be Bank-initiated activity and do not constitute evidence of Account Owner activity.

#### 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 had plausibly demonstrated that the Account Owner was her grandfather, 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. The Bank's records indicate that the value of one of the accounts as of 14 March 1957 was SF 1,457.25. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 195.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1957. Consequently, the adjusted balance of the account at issue is SF 1,652.25.

The Bank's records indicate that the value of the other demand deposit account as of 29 July 1955 was SF 50.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 165.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1955. Consequently, the adjusted balance of the account at issue is SF 215.00.

According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The CRT therefore determines that the combined 1945 value of the two accounts at issue is SF 4,280.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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 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  
27 February 2007