

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3], and [REDACTED 4]

and to Claimant [REDACTED 5]

and to Claimant [REDACTED 6]

in re Account of Arthur Lewin

Claim Numbers: 150105/HB; 216067/HB; 219826/HB; 223210/HB

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”),¹ [REDACTED 5], née [REDACTED], (“Claimant [REDACTED 5]”) and [REDACTED 6], née [REDACTED], (“Claimant [REDACTED 6]”) (together the “Claimants”) to the published account of Arthur Lewin (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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as Arthur Lewin, the cousin of his paternal grandmother, who was born in Germany and was unmarried. Claimant [REDACTED 1] further stated that his relative, who was Jewish, was a businessman who fled Nazi Germany for South America, and thereafter became an owner of copper mines in Chile. According to Claimant [REDACTED 1], Arthur Lewin died in the 1970s or 1980s.

¹ The CRT notes that Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) also claimed accounts belonging to Heinz Hanoch Littwitz, Norbert Littwitz, Clara Littwitz, Leopold Littwitz, Ottilia Schmulewitz, and Adolf Schmulewitz. The CRT did not locate an account belonging to Heinz Hanoch Littwitz, Norbert Littwitz, Clara Littwitz, Leopold Littwitz, Ottilia Schmulewitz, or Adolf Schmulewitz 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”).

Claimant [REDACTED 1] stated that Arthur Lewin's father, [REDACTED], had two siblings: [REDACTED] and [REDACTED] ([REDACTED]). In a telephone conversation with the CRT on 18 April 2007, Claimant [REDACTED 1] stated that [REDACTED]'s daughter, [REDACTED], married [REDACTED], and that they had a daughter, [REDACTED 2], née [REDACTED], who currently lives in Israel. Claimant [REDACTED 1] further stated that [REDACTED] married [REDACTED] and that they had three children: [REDACTED], née [REDACTED] (Claimant [REDACTED 1]'s paternal grandmother); [REDACTED], who died childless; and [REDACTED], née [REDACTED], who married [REDACTED] and had two children: a daughter, who died childless, and a son, [REDACTED 4], who currently lives in Israel.

In support of her claim, Claimant [REDACTED 1] submitted documents, including: (1) one side of a postcard from [REDACTED] to [REDACTED], dated 24 March 1933 in Breslau, Germany (today Wroclaw, Poland); (2) [REDACTED]'s death certificate, issued on 30 January 2005, by the Israeli Ministry of Interior, indicating that her parents were [REDACTED] and [REDACTED]; (3) the marriage certificate of [REDACTED], dated 5 April 1940, indicating that his mother was [REDACTED]; (4) Claimant [REDACTED 1]'s birth certificate, dated 12 October 1944, indicating that [REDACTED 1]'s father was [REDACTED]; (5) [REDACTED]'s death certificate, issued on 3 May 1977, indicating that [REDACTED] died on 24 May 1908, and that her father's name was [REDACTED]; and (6) an undated declaration by [REDACTED], née [REDACTED], regarding the estate of her brother, [REDACTED], indicating that he died childless and that his father was [REDACTED] who died in 1941.

Claimant [REDACTED 1] indicated that he was born on 25 August 1944 in Afula, Palestine (today Israel). Claimant [REDACTED 1] is representing: his brother, [REDACTED 3], who was born on 23 August 1952 in Afula; the granddaughter of [REDACTED] (who was the brother of his great-grandmother), [REDACTED 2], who was born on 5 October 1943 in Tel Aviv, Israel, and; the son of [REDACTED] (the sister of Claimant [REDACTED 1]'s grandmother [REDACTED]), [REDACTED 4], who was born on 1 March 1939 in Ramat Gan, Israel.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted a Claim Form identifying the Account Owner as her paternal grandfather, Arthur Lewin, who was born on 9 March 1885 in Stettin, Germany, and was married to [REDACTED] in 1911 in Schlawe, Germany. Claimant [REDACTED 5] stated that the couple had two children: (1) Claimant [REDACTED 5]'s father, [REDACTED], who was born in 1912; and (2) [REDACTED], who was born on 30 April 1914. Claimant [REDACTED 5] further stated that her grandfather, who was Jewish, divorced his first wife and subsequently married [REDACTED] on 27 February 1936 in Berlin, Germany.

Claimant [REDACTED 5] indicated that her grandfather, who was Jewish, lived in Vienna, Austria, from 1930 to 1931 and that he then moved back to Germany and resided in Berlin at Badstrasse 26, at Walderstrasse 30, and later at Ostenderstrasse 2a. Claimant [REDACTED 5] stated that her grandfather was a pharmacist who owned a pharmacy until 1935, that he later worked for the Jewish Hospital in Berlin, and that he was also the manager at a Jewish cultural center (*Judischer Kulterverein*) as of 1 September 1941. According to Claimant [REDACTED

5], her grandfather was murdered in Berlin at the hands of the Nazis on 18 April 1943. Claimant [REDACTED 5] stated that Arthur Lewin's first wife, [REDACTED], was deported from Berlin to Theresienstadt on 11 September 1942 and then to Auschwitz, where she perished upon her arrival on 15 May 1944. Claimant [REDACTED 5] further stated that their daughter, [REDACTED], was deported in March 1943 to Auschwitz, where she perished. According to Claimant [REDACTED 5], her father and his stepmother fled Germany for Palestine, and [REDACTED] died in 1950 in Israel.

In support of her claim, Claimant [REDACTED 5] submitted two communications sent by way of the German Red Cross: (1) dated 13 November 1942, from [REDACTED] to [REDACTED], sending greetings and indicating that he was unaware that she had been deported to Theresienstadt, and (2) dated 8 May 1944, from [REDACTED] to his aunt in Berlin, [REDACTED], mentioning his daughter, [REDACTED].

Claimant [REDACTED 5] stated that she was born on 31 October 1943 in Israel.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted two Claim Forms in which she identified the Account Owner as her father, Arthur Lewin, who was born on 12 April 1907 in Leipzig, Germany. Claimant [REDACTED 6] stated that her father was married to [REDACTED], whom he later divorced, and that the couple had one child, Claimant [REDACTED 6]. Claimant [REDACTED 6] further stated that her father, who was Jewish, was self-employed and lived in Germany until 1934. According to Claimant [REDACTED 6], her father fled Germany for Spain in 1934, resided there until 1937, and then moved to France until 1942. Claimant [REDACTED 6] stated that her father was then deported to Auschwitz, where he was imprisoned until its liberation in 1945. Claimant [REDACTED 6] stated that her father lived in Paris, France after the Second World War, and that he died there on 28 December 1976.

In support of her claims, Claimant [REDACTED 6] submitted documents, including: (1) a letter from Doctor D. Bines, dated 10 April 1959 in Paris, indicating that Doctor D. Bines treated Arthur Lewin for gangrene of the right thigh when he was a prisoner in Seibersdorf (Upper Silesia / *illegible*) concentration camp, and that Arthur Lewin remained with a large scar on the upper-outer surface of his right thigh; (2) a page from the "*Deutscher Reichsanzeiger und Preussischer Staatsanzeiger*" (the German Reich and Prussian State executive bulletin), issued on 11 November 1937, indicating that the Minister of the Interior for the Reich and Prussia declared that Arthur Lewin, who was born on 12 April 1907 in Leipzig, was to have lost his German citizenship, that his assets were to be seized, and that the forfeiture of the German citizenship extends to the family member [REDACTED 6], who was born on 9 June 1928 in Leipzig; (3) the death certificate of Arthur Lewin, dated in Paris on 5 January 1977, indicating that Arthur Lewin was born in Germany and died on 28 December 1976; and (4) a legal certificate (*Certificat de Coutume*), signed in Paris on 8 March 1979, indicating that [REDACTED 6], née [REDACTED], is the sole heir and daughter of Arthur Lewin.

Claimant [REDACTED 6] indicated that she was born on 9 June 1928 in Leipzig.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts closed to the Bank's profit and loss account and a printout from the Bank's database. According to these records, the Account Owner was Arthur Lewin. The Bank's records do not indicate the Account Owner's domicile.

The Bank's records indicate the Account Owner held one account, the type of which is not indicated. The balance of the account as of on 30 June 1937 was 91.00 Swiss Francs ("SF"). The Bank's records indicate that the account was closed to the Bank's profit and loss account in the 1950s or early 1960s as a result of extended lack of contact with the Account Owner.

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 four claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s grandmother's cousin's name, Claimant [REDACTED 5]'s grandfather's name, and Claimant [REDACTED 6]'s father's name match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of his claim, Claimant [REDACTED 1] submitted documents, including: (1) one side of a postcard from [REDACTED] to [REDACTED], dated 24 March 1933 in Breslau, and (2) an undated declaration by [REDACTED] regarding the estate of her brother, [REDACTED], indicating that his father was [REDACTED], providing independent verification that the person who is claimed to be the Account Owner had the same family name recorded in the Bank's records as the family name of the Account Owner.

In support of her claim, Claimant [REDACTED 5] submitted documents, including communications from [REDACTED], sent via the German Red Cross in 1942 and 1944, providing independent verification that the person who is claimed to be the Account Owner had the same family name recorded in the Bank's records as the family name of the Account Owner.

In support of her claims, Claimant [REDACTED 6] submitted documents, including: (1) a letter from Doctor D. Bines, dated 10 April 1959 in Paris, indicating that he treated Arthur Lewin for gangrene of the right thigh when he was a prisoner in Seibersdorf (Upper Silesia / *illegible*) concentration camp; (2) a page from the "*Deutscher Reichsanzeiger und Preussischer Staatsanzeiger*" (the German Reich and Prussian State executive bulletin), issued on 11

November 1937, indicating that the Minister of the Interior for the Reich and Prussia declared that Arthur Lewin, who was born on 12 April 1907 in Leipzig, was to have lost his German citizenship, and that his assets were to be seized; (3) Arthur Lewin's death certificate, dated in Paris on 5 January 1977, indicating that Arthur Lewin was born in Germany and died on 28 December 1976; and (4) a legal certificate (*Certificat de Coutume*), signed in Paris on 8 March 1979, indicating that [REDACTED 6], née [REDACTED], is the sole heir and daughter of Arthur Lewin, 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.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Arthur Lewin, and indicates that he was born on 12 April 1907, that his place of birth was Leipzig, and that he was deported to Auschwitz from France in 1942, which matches the information about the Account Owner provided by Claimant [REDACTED 6]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.²

The CRT notes that Claimant [REDACTED 1]'s grandmother's cousin, Claimant [REDACTED 5]'s grandfather, and Claimant [REDACTED 6]'s father 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 and in no way contradicts any 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 there are no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 5], and Claimant [REDACTED 6] 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. Claimant [REDACTED 1] stated that his grandmother's cousin was Jewish, that he lived in Germany when the Nazi regime came to power and that he fled Germany thereafter. Claimant [REDACTED 5] stated that her grandfather was Jewish, that he was perished at the hands of the Nazi regime in Berlin on 18 April 1943, and that his first wife and daughter perished in Auschwitz. Claimant [REDACTED 6] stated that her father was Jewish, that he was stripped of his German citizenship, and that he was deported to Auschwitz. In support of her claim, Claimant [REDACTED 6] submitted documents, including: (1) a letter from Doctor D. Bines, dated 10 April 1959 in Paris, indicating that he treated Lewin Arthur for a gangrene when he was a prisoner in Seibersdorf (Upper Silesia / *illegible*) concentration camp; and (2) a page from the "*Deutscher Reichsanzeiger und Preussischer Staatsanzeiger*" (the German Reich and

² The CRT notes that the source of the entry in the database is a memorial book of Jews deported from France. The CRT further notes that a comment in the database itself indicates that Arthur Lewin perished in the Holocaust, while Claimant [REDACTED 6] indicated that her father died in 1976. Nonetheless, given that the information from Yad Vashem was listed in its database and not in the source itself, and given the confusion surrounding the gathering of information in the aftermath of the Second World War, the CRT does not deem this discrepancy to affect Claimant [REDACTED 6]'s identification of the Account Owner.

Prussian State executive bulletin), issued on 11 November 1937, indicating that the Minister of the Interior for the Reich and Prussia declared that Arthur Lewin, who was born on 12 April 1907 in Leipzig, was to have lost his German citizenship, and that his assets were to be seized. As noted above, a person named Arthur Lewin, whose date and place of birth match those provided by Claimant [REDACTED 6] regarding her father, was 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 he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was Claimant [REDACTED 1]'s grandmother's cousin. There is no information to indicate that the Account Owner has other surviving heirs other than the parties Claimant [REDACTED 1] is representing.

The CRT notes that Claimant [REDACTED 1] also submitted: (1) one side of a postcard from [REDACTED] to [REDACTED], dated 24 March 1933 in Breslau; (2) [REDACTED]'s death certificate, issued on 3 May 1977, indicating that [REDACTED] died on 24 May 1908, and that her father's name was [REDACTED]; and (3) an undated declaration by [REDACTED], née [REDACTED], regarding the estate of her brother, [REDACTED], indicating that he died childless and that his father was [REDACTED] who died in 1941. The CRT further notes that it is plausible that these documents are documents which most likely only a family member would possess. Additionally, the CRT also notes that these documents provide independent verification that Claimant [REDACTED 1]'s relatives bore the same family name as the Account Owner. Similarly, the CRT notes that Claimant [REDACTED 1] submitted documents demonstrating his relationship to his grandmother, [REDACTED], the cousin of the Account Owner. These documents include: Claimant [REDACTED 1]'s birth certificate, dated 12 October 1944, indicating that [REDACTED 1]'s father was [REDACTED]; and the marriage certificate of [REDACTED], dated 5 April 1940, indicating that his mother was [REDACTED]. 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 Claimant [REDACTED 1] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner as he asserted in his Claim Form.

Claimant [REDACTED 5]

Claimant [REDACTED 5] has demonstrated she is plausibly related to the Account Owner by submitting information demonstrating that the Account Owner was Claimant [REDACTED 5]'s grandfather. There is no information to indicate that the Account Owner has other surviving heirs. The CRT notes that Claimant [REDACTED 5] submitted two communications sent by way of the German Red Cross: (1) dated 13 November 1942, from [REDACTED] to [REDACTED] and (2) dated 8 May 1944, from [REDACTED] to his aunt in Berlin, [REDACTED], mentioning his daughter, [REDACTED]. The CRT notes that it is plausible that these documents are documents that only a family member would possess. The CRT notes that these documents provide independent verification that Claimant [REDACTED 5]'s relatives bore

the same family name as the Account Owner. 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 Claimant [REDACTED 5] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 5] is related to the Account Owner, as she asserted in her claim form.

Claimant [REDACTED 6]

Claimant [REDACTED 6] has demonstrated that she is plausibly related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her father. These documents include: (1) a Certificate of Habit (*Certificat de Coutume*), signed in Paris on 8 March 1979, indicating that [REDACTED 6], née [REDACTED], is the sole heir and daughter of Arthur Lewin, and (2) a page from the “*Deutscher Reichsanzeiger und Preussischer Staatsanzeiger*” (the German Reich and Prussian State executive bulletin), issued on 11 November 1937, indicating that the Minister of the Interior for the Reich and Prussia declared that Arthur Lewin, who was born on 12 April 1907 in Leipzig, was to have lost his German citizenship and indicating that the forfeiture of the German citizenship extended to the family member [REDACTED 6], who was born on 9 June 1928 in Leipzig. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the account was taken into bank profits.

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, each of the Claimants has plausibly demonstrated that the Account Owner was his or her relative 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 as of 1937 was SF 91.00. According to Article 29 of the Rules, if the amount in an unknown type of account was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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. Consequently, the total award amount in this case is SF 49,375.00.

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 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 of the Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 5], and Claimant [REDACTED 6] are each entitled to one-third (1/3) of the total Award amount.

With respect to the one-third share to which Claimant [REDACTED 1] is entitled, as noted above, Claimant [REDACTED 1] is representing the granddaughter of his grandmother's cousin, [REDACTED 2]; his father's cousin, [REDACTED 4]; and his own brother, [REDACTED 3], in these proceedings. According to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. Accordingly, [REDACTED 2] is entitled to one-sixth (1/6) of the total award amount; [REDACTED 4] is entitled to one-twelfth (1/12) of the total award amount; and Claimant [REDACTED 1] and [REDACTED 3] are each entitled to one-twenty-fourth (1/24) 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
19 July 2007