

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Georg Lewy

Claim Number: 220557/IG

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Georg Lewy (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 his father, Georges (George) Léwy, who was born on 30 May 1896 in Gleiwitz (Gliwice), Poland, and was married to [REDACTED] on 24 June 1941 in Monaco. The Claimant stated that his father, who was Jewish, was a diamond dealer and a watch maker, and that he resided from 1940 until 1950 at 10 Boulevard Perreira (currently Boulevard Suisse), Monte Carlo, Monaco, and that he maintained a business address from 1939 until 1954 at 10 Cité Trevisse, Paris IX. The Claimant stated that his father dealt with *Jacob Eugster*, a diamond firm, located on the Bahnhofstrasse in Zurich, Switzerland. The Claimant further stated that during the Second World War his father hid from the Nazis in France and in Monaco, and that he was imprisoned in Sospel, France. The Claimant also stated that his father attempted to enter Switzerland to access his money but was denied entry by the Swiss authorities. The Claimant indicated that his father died on 3 June 1955 in Paris, France, and that his mother died in 1957 in New York, New York, the United States. In support of his claim, the Claimant submitted his parents’ marriage certificate, his own birth certificate, issued by the Municipality of Monaco, and his father’s French passport. These documents indicate that the Claimant’s father was Georges Léwy, a jeweler and businessman, who resided in Monaco in 1942. The Claimant indicated that he was born on 11 November 1942 in Monaco.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account held in Zurich owned by his father, Georges Léwy, of Monte Carlo, Monaco.

Information Available in the Bank's Record

The Bank's record consists of an extract from a suspense account ledger. According to this record, the Account Owner was Georg Lewy, who resided in Monte Carlo, Monaco. The Bank's record indicates that the Account Owner held a savings/passbook account, numbered 37765.

The account was transferred on or before 11 January 1954 to a suspense account. The amount in the account on the date of its transfer was 5.60 Swiss Francs. The account was closed on 1 February 1966. The Bank's record does not show who closed the account or the value of the account at the time of its closure. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and city of residence match the published name and the city of residence of the Account Owner. In support of his claim, the Claimant submitted documents, including his parents' marriage certificate, his own birth certificate, issued by the Municipality of Monaco, and his father's French passport. These documents confirm that the Claimant's father was Georges Léwy, a jeweler and businessman, who resided in Monaco in 1942. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name and place of residence in Monaco. Thus, the Claimant has identified Georg Lewy, the Account Owner in the Bank's records, as his father, and as having the same place of residence as the Georg Lewy identified in the Bank's records as the Account Owner.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Georges Léwy of Monte Carlo, Monaco, 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 his 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 his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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 notes that the other claim to this account was disconfirmed because that claimant provided a different place of residence than the place of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified his father as 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 was imprisoned in France during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his parents' marriage certificate and his own birth certificate, issued by the Municipality of Monaco, demonstrating that the Account Owner was his father. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the account was suspended in 1954 and that it was closed in February 1966, after the Account Owner's death in 1955, and given the application of Presumptions (b), (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 his father, 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.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of 11 January 1954 was 5.60 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings/passbook was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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 10,375.00 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 his claim to determine whether there are additional Swiss bank accounts to which he 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
August 20, 2003