

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]
represented by Harald Reichert

in re Account of Henri Paul Louis Francois Xavier Ghislain Zech

Claim Number: 500364/ES

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Henri Paul Louis Francois Xavier Ghislain Zech and to the published account of *Mme. F. Zech Levie*.¹ This Award is to the published account of Henri Paul Louis Francois Xavier Ghislain Zech (the “Account Owner”), over which Theophile Zech Levie and F. Zech Levie (the “Power of Attorney Holders”) held power of attorney, at the Geneva branch of the [REDACTED] (the “Bank”).¹

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 father’s paternal cousin, Henri Paul Louis Francois Xavier Ghislain Corneil Zech, who was Jewish and was born on 22 March 1911 in Braine-Le-Comte, Belgium. In his Claim Form, the Claimant also identified the Power of Attorney Holders as her father’s paternal uncle and aunt and the parents of Henri Paul Louis Xavier Ghislain Corneil Zech, Théophile Eugène Joseph Guillaume Zech, who was born on 4 April 1871 and was married on 27 April 1907 in Binche, Belgium to Fernande Flore Louise Zech, née Levie, who was born on 17 July 1884 in Binche. The Claimant explained that Théophile Zech was the brother of his paternal grandfather, [REDACTED]. The

¹ 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”), *Mme. F. Zech Levie* was published as the owner of an account. Upon careful review, the CRT has determined that *Mme. F. Zech Levie* did not in fact own an account, but held power of attorney over the account of Henri Paul Louis Francois Xavier Ghislain Zech.

Claimant stated that her father's cousin, whose mother was Jewish, was a missionary in the Congo, was never married, and never had children. The Claimant further stated that her father's uncle was an industrialist, who might have had business connections in Switzerland. The Claimant stated that her father's cousin left for the Congo in 1937, but that his parents remained in Belgium and that his mother was living in hiding in Braine-Le-Comte until Belgium's liberation. In a letter addressed to the CRT, dated 3 December 2004, the Claimant stated that her cousin returned to Belgium during the Second World War, due to his father's illness, and therefore was forced into hiding together with his mother. The Claimant stated that her father's uncle died on 27 January 1944 in Braine-Le-Comte, that her father's aunt died on 24 January 1960 in Braine-Le-Comte, and that her father's cousin died on 22 June 1960 in Braine-Le-Comte.

The Claimant submitted the following documents in support of her claim: an extract of her father's cousin's death certificate, indicating that his name was Henri Paul Louis Francois Xavier Ghislain Cornel Zech, and that his parents were Théophile Eugene Joseph Guillaume Zech and Fernande de Flore Louise Levie, and that he was born and died in Braine-le-Comte; extracts of Théophile and Fernande Zech's death certificates, indicating that they resided in Braine-le-Comte, and that Théophile Zech's father was [REDACTED]; an extract of the death certificate of the Claimant's father, [REDACTED], indicating that his father was [REDACTED]; an extract of the death certificate of the Claimant's paternal grandfather, [REDACTED], indicating that his father was [REDACTED]; and the family book ("*Livret de Famille*") of the Claimant's father, indicating that he was married to [REDACTED 4], and that the Claimant and her brothers, [REDACTED 2], and [REDACTED 3], are his children.

The Claimant stated that she was born on 16 April 1953 in Uccle, Belgium. The Claimant represents her brother, [REDACTED 2], who was born on 5 September 1946 in Uccle, her brother, [REDACTED 3], who was born on 29 March 1948 in Uccle and her mother, [REDACTED 4] née [REDACTED], who was born on 14 October 1918 in Ekeren in Belgium.

Information Available in the Bank's Records

The Bank's records consist of a customer card and a power of attorney form, dated 24 August 1932. According to these records, the Account Owner was Henri Paul Louis Francois Xavier Ghislain Corneil Zech, who was of Belgian nationality and resided at 101 rue de Mons, Braine-Le-Comte, Belgium, and the Power of Attorney Holders were *Monsieur* (Mr.) Theophile Zech Levie² and *Madame* (Mrs.) F. Zech Levie, who resided in "Les Bises," Braine-Le-Comte. The Bank's records indicate that the Account Owner held a demand deposit account, numbered 152.634.

The Bank's records indicate that the account was closed on 26 April 1972, and that the remaining assets in the amount of 56.00 Swiss Francs ("SF") were transferred to the Bank's profit and loss account.

² The Bank's records indicate that Theophile Zech added his wife's maiden name "Levie" to his own for use in the Bank's records.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holders. The Claimant's father's cousin's name and place of residence match the name and place of residence of the Account Owner. The Claimant's father's uncle and aunt's names match the published names of the Power of Attorney Holders. In support of her claim, the Claimant submitted an extract of her father's cousin's death certificate, showing that his name was Henri Paul Louis Francois Xavier Ghislain Cornel Zech, and that his parents were Théophile Eugene Joseph Guillaume Zech and Fernande de Flore Louise Levie, and that he was born and died in Braine-le-Comte, and extracts of Théophile and Fernande Zech's death certificates, showing that they resided in Braine-le-Comte, providing independent verification that the persons who are claimed to be Account Owner and the Power of Attorney Holders had the same names and resided in the same town recorded the Bank's records as the names and place of residence of the Account Owner and the Power of Attorney Holders.

The CRT notes that there are no other claims to this account.

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 because the Account Owner's mother was Jewish, he and his mother were forced to live in hiding in Braine-le-Comte during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she and the parties that she represents are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her father's paternal cousin. These documents include an extract of her father's cousin's death certificate, indicating that his name was Henri Paul Louis Francois Xavier Ghislain Cornel Zech, and that his parents were Théophile Eugene Joseph Guillaume Zech and Fernande de Flore Louise Levie; extracts of Théophile and Fernande Zech's death certificates, indicating that Théophile Zech's father was [REDACTED]; an extract of the death certificate of the Claimant's father, [REDACTED], indicating that his father was [REDACTED]; an extract of the death certificate of the Claimant's paternal grandfather, [REDACTED], indicating that his father was [REDACTED]; and the family book ("*Livret de Famille*") of the Claimant's father, indicating that he was married to [REDACTED 4], and that the Claimant and her brothers, [REDACTED 2], and [REDACTED 3], are his children.

There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant represents.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to the Bank's profit and loss account on

26 April 1972.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and her brothers, whom she represents. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her father’s cousin, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner, the Power of Attorney Holders nor their heirs received the proceeds of the claimed account.

Further, the CRT notes that the Claimant and her brothers, who are descendants of the Account Owner’s grandparents, have a better entitlement to the account than the Claimant’s mother, who is only related to the Account Owner by marriage.

Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank’s records indicate that the value of the demand deposit account as of 26 April 1972 was SF 56.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 420.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1972. Consequently, the adjusted balance of the account at issue is SF 476.00 Swiss Francs. 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 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 26,750.00.

Division of the Award

According to Article 23(1)(e) of the Rules, if neither the Account Owner’s spouse nor any descendants of the Account Owner’s parents 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. In this case, the Claimant is representing her mother and two brothers. As indicated above, the Claimant and her brothers have a better entitlement to the account than their mother. Accordingly, the Claimant and her two brothers are each entitled to one-third of the total award amount.

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
30 December 2004