

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Guillaume Assayas

Claim Number: 218451/AC

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Josef (Giuseppe) Levi (Levy).¹ This Denial is to the published account of Guillaume Assayas (the “Account Owner”), over which Elda Assayas (the “Power of Attorney Holder”) held power of attorney, at the [REDACTED] (the “Bank”).²

All denials 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 maternal grandfather’s cousin, Guillaume Assayas, who was born on 23 May 1873 in Egypt or Greece, and identifying the Power of Attorney Holder as his grandfather’s cousin’s wife, Elda Assayas, née Nahmias. The Claimant stated that Guillaume (Guglielmo) Assayas, who was Jewish, was the owner of a private bank based in Milan, Italy, and that he had a home office at Piazza Duomo 31 in Milan. The Claimant explained that Guillaume Assayas often entered into business ventures with the Claimant’s grandfather, [REDACTED] and that these businesses involved transactions in many countries, including France, Italy, Albania, Egypt, England, and Greece. In a telephone conversation with the CRT on 26 August 2004, the Claimant’s son, [REDACTED], indicated that the Claimant’s grandfather was close with his cousin, and that he named one of his sons, [REDACTED] after his cousin. The Claimant indicated that his grandfather’s cousins had residences in Milan, France, and Egypt, but that they fled to Switzerland during the Second

¹ In a separate decision, the CRT awarded the accounts of Josef Levi and Giuseppe Levi to the Claimant. See *In re Accounts of Josef Levi* (approved on 18 November 2004) and *In re Accounts of Giuseppe Levi* (approved on 30 December 2004).

² 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”), Guillaume and Elda Assayas are each indicated as having an account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of one account belonging to Guillaume Assayas, over which Elda Assayas held power of attorney.

World War to escape Nazi persecution. The Claimant stated that his grandfather, uncles, and father were deported by the Nazis in 26 October 1943. The Claimant further stated that his mother escaped to Switzerland from Italy with her two children, the Claimant and his sister, and that she contacted Guillaume Assayas in Switzerland, who then helped the family to survive the duration of the Second World War. The Claimant explained that his family resided with Guillaume and Elda Assayas at the Edelweiss Hotel in Lugano, Switzerland. The Claimant indicated that Guillaume and Elda Assayas did not have any children, and that Guillaume Assayas died in Switzerland in 1944.

The Claimant and his sons, [REDACTED] and [REDACTED], submitted documents in support of his claim. These documents include: 1) a copy of a letter from *Westminster Foreign Bank Ltd.*, in Paris, France, dated 28 February 1939, informing *Monsieur* (Mr.) [REDACTED] that funds had been sent from his account to *Madame* (Mrs.) Elda Assayas in Milan, pursuant to his request; and 2) a copy of an undated signature of Elda Assayas.

The Claimant indicated that he was born on 13 April 1931 in Naples, Italy. The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Giuseppe Levi.

Information Available in the Bank's Records

The Bank's record consists of a customer card. According to this record, the Account Owner was Guillaume Assayas and the Power of Attorney Holder was *Madame* (Mrs.) Elda Assayas. The Bank's record indicates that the Account Owner held a custody account, numbered 44042, which was opened in December 1943. According to this record, the Account Owner was a French citizen, resided at Piazza Duomo 31 in Milan, Italy, and had a subsequent address at 6 Rue de la Mairie in Geneva, Switzerland. This record further indicates that originally the correspondence was to be held at the Bank, and that eventually the Power of Attorney Holder received Bank correspondence at Via Tasso No. 6 in Milan.

The record indicates that the Bank was contacted regarding this account in January and March 1944, in January and December 1945, 14 January 1946, and 19 July 1946. The record further indicates that on 14 January 1948, the Bank was informed that the Account Owner had died on 1 November 1944, and the account was then held under the name of *Succession de feu* (Estate of the deceased) Guillaume Assayas. The Bank's record indicates that the account was closed on 30 September 1948. The amount in the account on the date of its closure is unknown.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of an application for opening of a custody account, a power of attorney form, and a signed form containing general terms and conditions applying to accounts at the Bank. These records indicate that the Account Owner resided at the Hôtel Helvétie in Montreux, Switzerland, as of December 1943, and contain the Account Owner's and Power of Attorney Holder's signatures.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's cousins' names and country of residence match the published names and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant identified the street address and city of residence of the Account Owner and the Power of Attorney Holder, as well as the year of death of the Account Owner, which matches unpublished information contained in the Bank's records, and the Claimant also indicated that the Account Owner and Power of Attorney Holder fled from Italy to Switzerland, which is consistent with unpublished information contained in the Bank's records. In addition, the Claimant's cousin's signature matches the signature sample of the Power of Attorney Holder contained in the Bank's records. Furthermore, the Claimant indicated that the Account Owner and the Power of Attorney Holder were likely to hold their assets jointly, which strengthens the credibility of the Claimant's claim, as the Account Owner and the Power of Attorney Holder were published separately on the February 2001 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").

In support of his claim, the Claimant and his sons submitted documents, including a copy of a letter from *Westminster Foreign Bank Ltd.*, indicating that funds had been sent to *Madame* (Mrs.) Elda Assayas in Milan, providing independent verification that the person who is claimed to be the Power of Attorney Holder 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 Power of Attorney Holder. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Elda Assayas and indicates that her date of birth was 16 January 1884, that she was Jewish, that she was a French national, that she had resided in Chiasso, Italy, and that she was admitted as a refugee to Switzerland on 13 September 1943, which matches the information about the Power of Attorney Holder provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the names Guillaume Assayas and Elda Assayas each appear only once on the ICEP List. The CRT further 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 the Account Owner was Jewish, that he resided in Nazi-allied Italy, that he was forced to flee to Switzerland to avoid Nazi persecution, and that several other members of their family were deported and murdered by the Nazis. As noted above, a person named Elda Assayas was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's

grandfather's cousin. The CRT further notes that the Claimant identified unpublished information about the Account Owner and the Power of Attorney Holder as contained in the Bank's records; 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 a letter from *Westminster Foreign Bank Ltd.* regarding the Power of Attorney Holder. 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 and Power of Attorney Holder were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owner and the Power of Attorney Holder, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs who have filed a claim.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Bank was contacted regarding this account in 1944, 1945, on 14 January 1946, and on 19 July 1946; that on 14 January 1948, the Bank was informed that the Account Owner had died on 1 November 1944; that the account was then held under the name of the Account Owner's estate; and that the account was closed on 30 September 1948. Given that the Bank was contacted several times before and after the death of the Account Owner, that the Bank was specifically notified of the Account Owner's death on 14 January 1948, that the name of record for the account was then changed to the Account Owner's estate, and that the account was closed less than nine months later, on 30 September 1948, the CRT concludes that the Account Owner and the Account Owner's heirs had access to the account and determines that the Account Owner's heirs closed the account and received the proceeds themselves.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

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 Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
20 October 2006