

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Jacques Lewy (also known as Jakub Lewy)¹

Claim Number: 001790/ES/AH; 723179/AH^{2,3}

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Yaacov (or Yacobos) Levy, Levy (or Levi) Levy and Grazia or Garcia Levy. The CRT did not locate an account belonging to Yaacov (or Yacobos) Levy, Levy (or Levi) Levy or Grazia or Garcia Levy 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”). This Denial is to the published account of Jacques Lewy (also known as Jakub Lewy) (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 asserting that her father, Yaacov (or Yacobos) Levy, who was born in 1920 in Thessaloniki, Greece, and was married to [REDACTED] in 1953, owned a Swiss bank account. The Claimant stated that her father, who was Jewish, was deported to Auschwitz, where he was incarcerated until the liberation. The Claimant indicated that her father

¹ In an effort to locate any and all accounts that might have belonged to the Claimant’s relative, the CRT has reviewed and analyzed all accounts whose owners’ names are substantially similar to that of the Claimant’s relative, even if the Claimant did not specifically claim that particular account. Moreover, the CRT recognizes that, in many cases, spellings of names have changed due to the passage of time in the decades since the Second World War, as well as due to the transcription of names into different languages.

² The Claimant submitted two Initial Questionnaires with the Court in 1999 and a Claim Form to the CRT. The CRT is treating one of the Initial Questionnaires and the Claim Form under the consolidated Claim Number 001790. The other Initial Questionnaire has been assigned Claim Number 723179.

³ The accounts published on the February 2001 published list of accounts determined by the ICEP to be probably or possibly those of victims of Nazi persecution (the “ICEP List”), include two accounts which were published under the names Jacques Lewy (Jakub Lewy) and Jakub Lewy (Jacques Lewy). The CRT determined, after careful review of the Bank’s records for this account, that the two published accounts are actually one account which was owned by Jacques Lewy, also known as Jakub Lewy.

died on 25 September 1982 in Israel. The Claimant further stated that she was born on 13 October 1953 in Israel.

The Claimant previously submitted two Initial Questionnaires with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by Yaacov Levy, Levy (or Levi) Levy and Grazia or Garcia Levy.

Information Available in the Bank's Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Yaacov (or Yacobos) Levy. The auditors who carried out the ICEP Investigation reported one account whose owner's name is substantially similar to that provided by the Claimant. The account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 5031093

The Bank's records indicate that the Account Owner was Jacques Lewy (also known as Jakub Lewy) who resided in Lodz, Poland, and the Power of Attorney Holders were Alexandre Stephan Lewy and Anna-Chana Lewy. The Bank's also records indicate the Account Owner's and one of the Power of Attorney Holders' street addresses.

The CRT's Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules.

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her father is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published information about the Account Owner available in the Bank's records. Specifically, the Claimant stated that her father resided in Greece. In contrast, the Bank's records show that the Account Owner resided in Poland. In addition, the CRT notes that the Claimant did not identify the Power of Attorney Holders as her relatives although they bear the same last name as the Account Owner. Consequently, the CRT concludes that the Account Owner and the Claimant's father are not the same person. Moreover, it should be noted that the CRT has awarded the account to other claimants who plausibly identified the Account Owner as their relative. All decisions are published upon release on the CRT's website at www.crt-ii.org.

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 the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of 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 the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
13 October 2004