

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Aldo Levi**

Claim Number: 501486/WI<sup>1, 2</sup>

Award Amount: 26,750.00.Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Aldo Levi (the “Account Owner”) at the Bern 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 maternal grandfather’s cousin, Aldo Levi, who was born on 24 July 1911 in Fauglia, Italy. The Claimant indicated that Aldo Levi, who was Jewish, resided in Firenze (Florence), Italy. According to the Claimant, Aldo Levi and his parents were arrested on 1 March 1944 in Florence, deported to a local prison, and then deported to the Fossoli di Carpi concentration camp, and subsequently on 5 April 1944 to Auschwitz, where they all perished. The Claimant stated that he is not aware of any other surviving family members.

In support of his claim, the Claimant submitted copies of documents, including: 1) his own birth certificate, indicating that his full name is [REDACTED], that he was born on 18 April 1960 in Milan, Italy, and that his parents are [REDACTED] and [REDACTED]; 2) his mother’s birth

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<sup>1</sup> The Claimant submitted five additional claims, which are registered under the Claim Numbers: 218451, 501282, 501291, 501632, and 501633. With regards to claims 501282, 501291 and 218451, the CRT awarded the accounts of Allegra Besso Menachem G. Besso and Giuseppe Levi to the Claimant in separate decisions. See *In re Accounts of Joseph Besso, Menachem G. Besso, Allegra Besso and Giuseppe Levi* (approved on 18 November 2004). With regards to claims 501632 and 501633, the CRT will treat these claims in separate determinations.

<sup>2</sup> The CRT notes that in his claim numbered 501486, the Claimant also claimed an account belonging to Giuseppe Castelli. The CRT will treat the claim to this account in a separate decision.

certificate, indicating that [REDACTED] was born on 16 November 1935 in Brescia, Italy, that her parents were [REDACTED] and [REDACTED], and that she was Jewish; 3) his maternal grandfather's birth certificate, indicating that [REDACTED] was born on 19 January 1896 in Florence, that his parents were [REDACTED] and [REDACTED], that he married on 8 December 1933 [REDACTED] in Bucarest, Romania, and that he was Jewish; 4) his great-grandmother's birth certificate, indicating that her full name was [REDACTED], that she was born in 1874 in Casale Monferrato, Italy, that her parents were [REDACTED] and [REDACTED], and that she was Jewish; 5) his great-grandmother's brother's birth certificate, indicating that [REDACTED] was born in 1878 in Casale Monferrato, Italy, that his parents were [REDACTED] and [REDACTED], and that he was Jewish; and 6) Aldo Levi's birth certificate, indicating that Aldo Silvano Levi was born on 24 July 1911 in Fauglia, that his parents were [REDACTED] and [REDACTED], and that he was Jewish. The Claimant further submitted a detailed family tree and copy of pages from the book "*Libro della Memoria*" (Book of Memories) of [REDACTED], which indicates that [REDACTED] and Aldo Levi, who both resided in Florence, were deported to Fossoli di Carpi and subsequently to Auschwitz, where they perished.

The Claimant indicated that he was born on 18 April 1960 in Milan.

### **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was Aldo Levi. While the Account Owner's place of residence is illegible, the auditors who carried out investigation of this Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of the Eminent Persons ("ICEP" or the ICEP Investigation") determined that the Account Owner resided in Italy. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 14 January 1939. The Bank's record does not show when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account.

The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. 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 maternal grandfather's cousin's name and country of residence match the published name and country of residence of the Account Owner. In support of his claim, the Claimant submitted documents, including: Aldo Levi's birth certificate, indicating that he was born on 24 July 1911 in Fauglia, Italy, that his parents were [REDACTED] and [REDACTED],

and that he was Jewish, and copy of pages from the book “*Libro della Memoria*,” indicating that Aldo Levi and [REDACTED] were deported to Fossoli di Carpi and subsequently to Auschwitz, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank’s records as the name and country of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Aldo Levi, and indicates that his date of birth was 24 July 1911 and place of birth was Fagulia, that during the war he resided in Florence, and that he was deported to Auschwitz, where he perished, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the name Aldo Levi appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified 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, he lived in Nazi-allied Italy during the Second World War, and that he and his parents were arrested in March 1944 and deported to the concentration camps Fossoli di Carpi and Auschwitz, where they all perished. The Claimant also submitted copy of pages from the book “*Libro della Memoria*,” which indicates that [REDACTED] and Aldo Levi, who both resided in Florence, were deported to Fossoli di Carpi and subsequently to Auschwitz, where they perished.

As noted above, a person named Aldo Levi 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 information and documents, demonstrating that the Account Owner was the Claimant’s maternal grandfather’s cousin. These documents include: 1) his own birth certificate, indicating that his parents are [REDACTED] and [REDACTED]; 2) his mother’s birth certificate, indicating that her parents were [REDACTED] and [REDACTED]; 3) his maternal grandfather’s birth certificate, indicating that [REDACTED]’s parents were [REDACTED] and [REDACTED]; 4) his great-grandmother’s birth certificate, indicating her parents were [REDACTED] and [REDACTED]; 5) his great-grandmother’s brother’s birth certificate, indicating that [REDACTED]’s parents were [REDACTED] and [REDACTED]; and 6) Aldo Levi’s birth certificate, indicating that his parents were [REDACTED] and [REDACTED].

The CRT notes that the Claimant indicated that he has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

#### The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi-allied Italy until his deportation to Auschwitz, where he perished; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner's heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (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 maternal grandfather's cousin, and that relationship justifies an Award. Third, 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 demand deposit. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it 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.

#### **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  
18 December 2007