

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Aron Levy and Aron Levy, Junior

Claim Numbers: 216414/RS; 216415/RS¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Aron Levy (“Account Owner Levy”) at the [REDACTED] (“Bank 1”), and to the published account of Aron Levy, Junior (“Account Owner Levy Junior”) (together, the “Account Owners”) at the Lausanne branch of the [REDACTED] (“Bank 2”) (together, the “Banks”).

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 banks have been redacted.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire identifying Aron Levy as his paternal uncle, Aron Levy, who was born in 1903, and who was the son of [REDACTED], the wealthy owner of the *Continental Bank* or *Levy-Fortuna Bank* in Belgrade, in the former Yugoslavia. The Claimant stated that his uncle, who was Jewish, lived in Belgrade, and that he had one daughter and one son. The Claimant indicated that he could not recall Aron Levy’s son’s given name, but the Claimant did recall that his uncle’s son was born after 1928, the year in which the Claimant was born.

According to the Claimant, Aron Levy was the founder and owner of a metal factory in Belgrade that employed over 150 workers. The Claimant indicated that the metal factory supplied small metal goods to the Yugoslavian army and government until April 1941, when the Nazis occupied

¹ In addition to two Claim Forms, the Claimant also submitted six Initial Questionnaires (“IQs”), numbered ENG-0584132, ENG-0584133, ENG-0584134, ENG-0584135, ENG-0584159, and ENG-0584169, to the Court in the United States in 1999. Although these IQ’s were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ’s were forwarded to the CRT and are being treated under claim number 216415.

Yugoslavia. The Claimant indicated that his grandfather David Levy opened a Swiss bank account for each of his nine grandsons, in order to secure their future financial security. The Claimant further indicated that Aron Levy, along with fifteen of his family members, including his brother (the Claimant's father), traveled to Switzerland some time in the late 1930s or early 1940s in order to deposit assets in Swiss bank accounts. Specifically, the Claimant indicated that Aron Levy opened a safe deposit box in Switzerland in which he deposited gold coins, jewels, and four life insurance policies valued at 500,000.00 Swiss Francs ("SF") each. The Claimant stated that upon arrival in Switzerland, the sixteen members of the Levy family were imprisoned in Swiss detention camps, and that they were ultimately deported from Switzerland. The Claimant indicated that Aron Levy, along with twenty-five other members of his family, died in a concentration camp in Poland. According to the Claimant, Aron Levy's son is also deceased.

In support of his claim, the Claimant submitted copies of his birth certificate, indicating that he was born [REDACTED] in Sofia, Bulgaria, on 20 July 1929 [*sic*], and that his father's name was [REDACTED].

The Claimant indicated that he was born on 20 July 1928 in Sofia, Bulgaria.

Information Available in the Banks' Records

Bank 1

Bank 1's record consists of a deposit statement. According to this record, the Account Owner was Aron Levy, who was born in 1903. Bank 1's record indicates that a fiduciary custody account numbered 1265 was opened for Account Owner Levy on 17 December 1943, and that the fiduciary deposit was received from Camp Girenbad, a detention camp in the Canton of Zurich, Switzerland. Bank 1's record also indicates that the assets deposited in the account were three French gold coins, and one Swiss gold coin.

Bank 1's record does not show when the account at issue was closed. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in Bank 1'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 Bank 1's record that Account Owner Levy or his heirs closed the account and received the proceeds themselves.

Bank 2

Bank 2's record consists of a customer card. According to this record, the Account Owner was Aron Levy, Junior ("Aron Levy, *fils*"), who resided in Belgrade, in the former Yugoslavia. Bank 2's record indicates that Account Owner Levy Junior held a demand deposit account.

Bank 2's record indicates that the account was opened on 15 October 1932, and was closed on an unspecified date in 1945. The amount in the account on the date of its closure is unknown.

There is no evidence in Bank 2's record that Account Owner Levy Junior or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owners

Account Owner Levy

The Claimant has plausibly identified Account Owner Levy. The Claimant's paternal uncle's name matches the unpublished name of Account Owner Levy. The Claimant identified Account Owner Levy's year of birth; the fact that Account Owner Levy was held at a detention camp in Switzerland; and the fact that Account Owner Levy deposited gold coins in a Swiss bank account, all of which matches unpublished information about Account Owner Levy contained in Bank 1's record.

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

Account Owner Levy Junior

The Claimant's cousin's surname and country of residence match the published surname and country of residence of Account Owner Levy Junior. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in Bank 2's record.

The CRT notes that the name Aron Levy 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 "ICEP List").

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, indicating that his grandfather from Belgrade opened a Swiss bank account for each of his grandsons, prior to the publication of 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 Claimant did not specifically identify Account Owner Levy Junior's given name. However, the CRT notes that the Claimant was a minor during the Second World War, and therefore determines that it is plausible that the Claimant would not recall the names of all of his extended family members who were alive during that period. The CRT also notes that it is not clear from Bank 2's record whether Account Owner Levy Junior's given name was actually Aron, or whether the expression Aron Levy, Junior ("Aron Levy, *fils*") simply refers to the fact that the account owner was the son of Aron Levy. The CRT notes that reference to a son using the term " *fils*" is a common practice in the French language. The CRT further notes that the Claimant indicated that his cousin was born some time after 1928, which could indicate that the Claimant's cousin did not yet have a given name at the time at which his grandfather opened an account for him in 1932.

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 Account Owner Levy Junior.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, and that they lived in Nazi-occupied Yugoslavia. The Claimant indicated that Account Owner Levy was detained in a detention camp in Switzerland before being deported from Switzerland. The Claimant further indicated that Account Owner Levy, together with twenty-five other members of his family, perished in a concentration camp in Poland.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information, demonstrating that Account Owner Levy was the Claimant's paternal uncle, and that Account Owner Levy Junior was the Claimant's cousin. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owners as contained in the Banks' records, including Account Owner Levy's date of birth and the fact that he was detained in a Swiss refugee camp; and Account Owner Levy Junior's city of residence.

The Issue of Who Received the Proceeds

Given that Account Owner Levy perished in a concentration camp, and that Account Owner Levy Junior was a child when his account was closed; that there is no record of the payment of the Account Owners' accounts to them, nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their accounts after the Second World War from the Banks 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 Owners or their 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 Account Owner Levy was his paternal uncle, and that Account Owner Levy Junior was his cousin, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Levy held one custody account. 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 custody account was SF 13,000.00. 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 amount of SF 162,500.00. In addition, Account Owner Levy Junior held one demand deposit account. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was SF 2,140.00. 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 amount of SF 26,750.00. Accordingly, the total award amount for the two accounts is SF 189,250.00.

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