

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of A. Levy

Claim Number: 713901/MI^{1, 2}

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (Levi) (the “Claimant”) to the account of Anna Levy (Levi) and Yosef Levy (Levi).³ This Award is to the unpublished account of A. Levy (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his mother, Anna Levy, née Gertner, who was born on 9 November 1892, and was married to [REDACTED], who was also the Claimant’s father. The Claimant indicated that his parents, who were Jewish, resided on Luxembourgerstrasse 5 in Cologne, Germany. According to the Claimant, his parents owned an electric and lighting store, which was located directly beneath their apartment. The Claimant stated that during the “Night of Broken Glass” (*Kristallnacht*) pogrom, his parents’ store was destroyed, and everything was stolen. The Claimant explained that his parents were able to take out some money, and that they sent it to their relatives in Paris, France to deposit in a Swiss account on their behalf. The Claimant indicated that, in 1941, his parents were deported to the ghetto in Lodz, Poland, where they were forced into labor, working on textiles for military personnel. According to the Claimant, his parents survived the Lodz

¹ Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered IQ-HEB-0077-003 to the Court in the United States. Although this IQ was not a Claim Form, 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 was forwarded to the CRT and has been assigned claim number 713901.

² The Claimant submitted one additional claim, which is registered under the Claim Number 713743. The CRT will treat this claim in a separate determination.

³ The CRT will treat the claim to this account in a separate determination.

ghetto until it was shut down, at which time they were deported to Auschwitz, where they perished.

The Claimant indicated that he was born on 28 January 1923 in Cologne.

Information Available in the Bank's Records

The Bank's records consist of excerpts from a Bank ledger and a printout from the Bank's database. According to these records, the Account Owner was A. Levy, who resided in Cologne, Germany. The Bank's records indicate that the Account Owner held a demand deposit account. The Bank's records further indicate that there was a credit to the account of 1,154.00 Swiss Francs ("SF"), and a debit to the account of SF 21.00, both of which occurred on unknown dates. The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account.

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 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 records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's first initial and family name and city and country of residence match the unpublished first initial and family name and city 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 Anna Levi, née Gertner, and indicates that her year of birth was 1892, that she was from Cologne, and that she was in the Lodz ghetto during the Second World War, 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 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, that she and her husband had their store destroyed on *Kristallnacht*, and that they were deported first to the Lodz ghetto, where they were forced into labor, and then to Auschwitz, where they perished. As noted above, a person named Anna 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 biographical information, demonstrating that the Account Owner was the Claimant's mother. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records; and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

Given that the Account Owner and her husband resided in Nazi Germany; that they were deported to the Lodz ghetto in 1941, and that after it was shut down, they were deported to Auschwitz, where they perished; that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 her 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 mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that there was a credit and debit to the account of SF 1,154.00 and SF 21.00, respectively, on unknown dates. However, no further information regarding the value of the account is indicated. Pursuant to Article 29 of the Rules, therefore, 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 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 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
12 October 2007