

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Gustav de Léon

Claim Number: 207286/MBC

This Certified Denial is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Gustav de Léon (the “Account Owner”) at the Zurich branch of 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 identifying the Account Owner as her father, Gustave (Gustav) Etienne de Léon, who was born on 30 December 1900 in Vienna, Austria, and was married to [REDACTED] on 16 August 1943 in Altilac, France. The Claimant indicated that her father, who was Jewish, was a director of a company in the sugar industry in Liban, Czechoslovakia (now the Czech Republic), until its occupation by Nazi Germany, after which he fled to Villemur, France, where he remained for the duration of the Second World War. The Claimant indicated that her father died on 31 January 1962 in Paris, France, that her mother died in 1992, in Malakoff, France, and that she is their only child.

The Claimant submitted documents in support of her claim, including: (1) a copy of her parents’ marriage certificate, indicating that Gustave Etienne de Leon married [REDACTED]; (2) a copy of her father’s French passport, indicating that Gustave de Léon was born in Vienna and resided in Paris and Liban; and (3) a copy of a notarized certificate, indicating that [REDACTED], née [REDACTED], is the only child and heir of [REDACTED] and Gustave Etienne de Leon. Following a request by the CRT, the Claimant submitted further documents on 23 March 2005, including: a copy of her father’s birth certificate; a letter dated 28 June 1939 from a Czech lawyer regarding accounts held in Czech banks; a letter dated 28 November 1945 from a Swiss lawyer to the Claimant’s father notifying him about the death of a relative in Zurich, Switzerland; a note dated 9 April 1959 from the lawyer of the French embassy in Prague, Czechoslovakia, indicating that he did research regarding funds that were blocked in Czech bank accounts as per the request of Gustave de Leon; a letter dated 21 April 1964 from an Austrian lawyer addressed to the Claimant’s mother regarding the will of Gustave de Leon; and a letter

dated 25 February 1965 from a French lawyer addressed to the Claimant's mother informing her that her request for indemnification from the Czech government was rejected.

The Claimant indicated that she was born on 10 February 1949 in Paris.

Information Available in the Bank's Records

The Bank's records consist of several lists of dormant accounts, a list of archived records and a list of accounts. According to these records, the Account Owner was Gustav de Léon. The Bank's records indicate that the Account Owner held one custody account, numbered 9406. According to the Bank's records, the approximate value of the securities held in the account in April 1953 was 90,000.00 Swiss Francs ("SF"). The Bank's records further indicate that the account was transferred to a suspense account for dormant assets on 28 April 1953. These records also indicate that the account was transferred at some point to the Account Owner's heirs.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (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 include lists of accounts, a list of closed accounts, and an account statement. These records indicate that the Account Owner resided in Liban, Czechoslovakia. According to these records, custody account 9406 was booked out from the suspense account in September 1962 and was later held in the name of "the heirs of the late Gustave de Leon" (*heritiers de feu Gustave de Leon*). These records indicate that the account number was changed from 9406 to 293.602. These records also indicate that the account was closed on 28 September 1970. The amount in the account on the date of its closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The Claimant also identified the Account Owner's unpublished city and country of residence. In support of her claim, the Claimant submitted documents, including her father's birth certificate; her parents' marriage certificate; her father's French passport; and a notarized certificate, which provide independent verification that the person who is claimed to be the Account Owner 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 Account Owner. The CRT notes that the name Gustav de Léon appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). The CRT further 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 and was forced to flee after the Nazi occupation of Czechoslovakia.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include a notarized certificate, indicating [REDACTED], née [REDACTED], is the only child and heir of [REDACTED] and Gustave Etienne de Leon.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owner held one custody account, numbered 9406. The Bank's records further indicate that the account was transferred to a suspense account on 28 April 1953. The Bank's records indicate that the account was booked out from the suspense account in September 1962, and that subsequently, the account was held for the benefit of "the heirs of the late Gustave de Leon" (*heritiers de feu Gutave de Leon*). The Bank's records indicate that the account was closed on 28 September 1970.

The CRT notes that the Bank's records indicate the Bank was informed of the Account Owner's death within eight months of the date that he died, that the Bank then changed the account to an estate account, and that the account was subsequently closed. Thus, the Bank's records indicate that the Account Owner's heirs were in contact with the Bank and had access to the Account Owner's assets. Therefore, the CRT concludes that the Account Owner's heirs closed the account and received the proceeds of the claimed account 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 her claim to determine whether there are additional Swiss bank accounts to

which she 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