

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Norbert Levy

Claim Number: 204625/MI

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Norbert Levy (the “Account Owner”) at 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 father, Norbert [REDACTED] (formerly Lewy), who was born on 30 March 1913 in Berlin, Germany, and was married to [REDACTED], née [REDACTED], on 24 August 1956 in Berlin. The Claimant stated that his father, who was of Jewish origin and considered of mixed race (“*Mischling*”) by the Nazis, was a photographer, and took over his own father’s photography studio, named *Leonard*, in 1933. The Claimant further stated that he performed numerous domestic and international job assignments for a variety of German and foreign entities until he was drafted into the German army in February 1939. The Claimant explained that his father was discharged from the Germany army because of his Jewish origin and after his discharge changed his last name from Lewy to [REDACTED]. The Claimant indicated that his father was arrested by the Nazis on 2 October 1943 and incarcerated in the Sachsenhausen and Oranienburg concentration camps. According to the Claimant, his father informed him that he held a Swiss bank account under the name “Levy” rather than “Lewy” to conceal his identity from the Nazis during the Second World War. The Claimant indicated that his father died on 21 November 1971 in Gran Canaria, Spain.

The Claimant submitted copies of documents in support of his claim, including: (1) his father’s prisoner's record (*Häftlingsakte*) from Sachsenhausen, dated 26 November 1943, indicating that Norbert Lewy was of Jewish origin and was charged with crimes against the economy and for procuring false identity papers; (2) his father’s arrest order, dated 10 December 1943, indicating that Norbert Lewy was born on 30 March 1913 in Berlin; and (3) his father’s curriculum vitae,

indicating that Norbert Lewy changed his last name from Lewy to [REDACTED], and took over his father's photography studio and worked as a photographer until his arrest on 2 October 1943.

The Claimant indicated that he was born on 6 August 1958 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts that were transferred to the Bank's profit and loss account, as well as printouts from the Bank's database. According to these records, the Account Owner was Norbert Levy. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The Bank's records further indicate that the account was transferred on 30 June 1937 to a collective account for dormant assets. The amount in the account on the date of its transfer was 76.50 Swiss Francs ("SF").

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") determined that the account was closed to the Bank's profit and loss account on an unknown date sometime after 30 June 1937. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner.¹ The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted documents, including his father's prisoner record, arrest order, and curriculum vitae, providing independent verification that the person who is claimed to be the Account Owner had the same name as the Account Owner.

The CRT notes that the name Norbert 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 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.

¹ The CRT notes that the documents submitted by the Claimant indicate that his father's last name was spelled "Lewy," and that the Account Owner's last name was spelled "Levy." The CRT concludes that this minor discrepancy does not adversely affect the plausibility of the Claimant's identification of the Account Owner. The CRT further notes that the Claimant explained that his father held an account under the name "Levy" in order to conceal his identity, and that the Claimant submitted documents indicating that his father was charged by the Nazi authorities of falsifying his identity.

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 of Jewish origin, was arrested by the Nazis, and was incarcerated in the Sachsenhausen and Oranienburg concentration camps.

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 father. The CRT further notes the Claimant submitted a copy of his father's prisoner's record, arrest order, and curriculum vitae. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess and indicate 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. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred on 30 June 1937 to a collective account for dormant assets. The auditors who carried out the ICEP Investigation determined that the account was subsequently closed to the Bank's profit and loss account.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his father, 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 account of unknown type. The Bank's records indicate that the value of the unknown account as of 30 June 1937 was SF 76.50. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 49,375.00.

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
9 November 2006