

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rolf Arnal

Claim Number: 215387/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Rolf Arnal (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

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 uncle, Rolf Ludwig Arnal, who was born in approximately 1906. The Claimant indicated that his uncle, who was Jewish, was born to [REDACTED] and [REDACTED], née [REDACTED], and that he had four sisters, including his mother, [REDACTED], née [REDACTED]. The Claimant indicated that his uncle was married to [REDACTED], who died at a young age, and that he never remarried. The Claimant further indicated that his uncle resided with his immediate family at Dzirnava 16 and at Elizabetas 13 in Riga, Latvia, and that his last known address was Rupniebas 14 in Riga. According to the Claimant, several members of the Arnal family, including two of Rolf Arnal's sisters, were deported to a ghetto in Balta in 1941, and perished there. The Claimant further stated that his uncle disappeared in 1941, and was never heard from again thereafter. Finally, the Claimant indicated that his personal documents, including his passport and birth certificate, were confiscated by government authorities when he left the Union of Soviet Socialist Republics for Australia, as his emigration was deemed equivalent to renouncing his Soviet citizenship.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Rolf Arnal's domicile was published as Riga, Union of Soviet Socialist Republics (the “USSR”). The CRT notes that Latvia was occupied by the Soviet Union in 1940, and was transformed into a constituent republic of the USSR by the mid-1940s.

In support of his claim, the Claimant submitted his mother's death certificate, dated 28 February 1983 in Odessa, the Ukraine, identifying her as [REDACTED], née [REDACTED], and indicating that she passed away on 28 February 1983; the Claimant's mother's marriage certificate, dated 2 July 1939 in Odessa, indicating that [REDACTED] was married to [REDACTED]; and a certified affidavit, signed and executed by Mary Leydman, dated 29 December 2005, indicating that [REDACTED] is the son of [REDACTED] and [REDACTED]. The Claimant indicated that he was born on 1 April 1940 in Odessa.

Information Available in the Bank's Records

The Bank's records consist of excerpts from registers of opened and closed numbered accounts. According to these records, the Account Owner was Rolf Arnal, who originally resided in Kaunas, Lithuania, and later in Riga, Latvia. The Bank's records indicate that the Account Owner held one numbered account, with a designation 66902, the type of which is not indicated. The Bank's records further indicate that the account was opened on 8 November 1939 through a transfer from another account. These records indicate that the account was closed by fees on 5 December 1946. The amount in the account on the date of its closure is unknown.

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 a power of attorney form, signed on 4 March 1932 in Riga. This record indicates that the Account Owner resided at Mühlenstrasse 16 in Riga, and that the Power of Attorney Holder was *Frau* (Mrs.) [REDACTED], who also resided at Mühlenstrasse 16 in Riga. This document indicates that the Account Owner held one account, the type of which is not indicated, which was closed on 9 November 1939.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name, city and country of residence match the published name, city and country of residence of the Account Owner. The Claimant indicated that his grandmother's name was [REDACTED], and that she resided in Riga, which matches unpublished information about the Power of Attorney Holder contained in the Bank's records. The CRT notes that the Claimant stated that his relative resided at Dzirnavu 16 in Riga, whereas the Bank's records indicate that the Account Owner resided at Mühlenstrasse 16. However, the CRT notes that Mühlenstrasse is the German translation of the Latvian Dzirnavu. Therefore, the Claimant has identified the unpublished information about the Account Owner's street address.

The CRT further notes that the name Rolf Arnal appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution. Finally, 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, and that he disappeared in Riga in 1941. In addition, the CRT notes that the Claimant indicated that two of his uncle's sisters perished at the Balta ghetto.

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 uncle. The CRT notes that the Claimant identified unpublished information as contained in the Bank's records, and that he submitted his mother's marriage certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. The CRT further 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. 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 Owner held one account of unknown type. According to the Bank's records, the account was changed from a named account to a numbered account on 8 November 1939. The Bank's records further indicate that the account was closed to fees in 1946.

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 uncle, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held an account of unknown type. 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 investigation carried out pursuant to the instructions of ICEP, in 1945 the average value of an account of unknown type was 3,950.00 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 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
7 June 2006