

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Theodor Vitols

Claim Number: 214880/GO

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”), to the published account of Theodor Vitols (the “Account Owner”) at the Zurich branch of 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 her maternal uncle, Theodor Vitols, the son of [REDACTED]. In her Claim Form and in correspondence with the CRT on 20 October 2005, the Claimant indicated that her uncle, who was Jewish, was born in 1903, and that he had two siblings, [REDACTED] (the Claimant’s mother) and [REDACTED] (the Claimant’s uncle). The Claimant indicated that her uncle was married and that he resided in Riga, Latvia, where he served as technical director of *Valsts Electrotehniska Fabrika (VEF)* (State Electronics Factory). The Claimant further stated that her uncle and his entire family, except for the Claimant’s mother, were murdered by the Nazis after 1941.

In telephone conversations with the CRT on 5 May 2004 and 4 June 2004, the Claimant stated that when she fled from the Union of Soviet Socialist Republics (the “USSR”) in 1977, she was not permitted to take any family documents with her. The Claimant indicated that she was an only child and that her mother died in 1971 in the USSR. The Claimant further indicated that she was born on 27 February 1946 in Odessa, the USSR (today the Ukraine).

Information Available in the Bank's Records

The Bank's records consist of an account card with the Account Owner's signature sample, dated 15 October 1938, account statements, lists of account owners, and printouts from the Bank's database. According to these records, the Account Owner was *Herr* (Mr.) Theodor Vitols, whose address was Berzaunes iela 3a in Riga, Latvia.

The Bank's records indicate that the Account Owner held a demand deposit account, numbered 656.957, which was opened on or before 15 October 1938. The Bank's records indicate that the balance of the account was 693.50 Swiss Francs ("SF") on 31 December 1944. The Bank's records include account statements from 1944 to 1988, which show the balance steadily diminished by fees until 13 June 1988, when the account was closed to fees and charges. According to the Bank's records, the amount in the account on the date of its closure was SF 147.50.

Additional Research by the CRT

The CRT carried out additional research based on the Account Owner's address in the Bank's records and the Claimant's statement that her uncle was technical director of *Valsts Electrotehniska Fabrika (VEF)* before the Second World War. The website for the private company *VEF Telekom*, which is the successor to the state-owned *VEF*, indicates that it is located at Berzaunes iela 15 in Riga.¹ Additionally, the archives of the Latvian State Privatization Agency indicate that *VEF*'s mechanical division (*VEF-Amatnieks*) was located at Berzaunes iela 3a.² Finally, a website on the history of the Minox camera, originally manufactured at *VEF* in Riga, indicates that in 1936 *VEF*'s technical director was Theodor Vitols.³

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner. Additionally, the Claimant stated that her uncle was technical director of *VEF*. The CRT's additional research confirms that *VEF* had a technical director named Theodor Vitols before the Second World War. Moreover, the CRT located the street address of a former *VEF* division, which matches the Account Owner's unpublished street address in the Bank's records. This information supports the Claimant's identification of the Account Owner.

¹ See http://www.veftelekom.lv/main_e.htm.

² See <http://www.lpa.bkc.lv/lpa/lpa.php?ID=5&date=20020328&file=20020328/89-914LV.htm>.

³ See <http://www.minox.org/minoxencyclopedia/z/zapp.html>.

Also see generally, <http://www.minox.org/minoxencyclopedia/v/vef.html>.

The CRT notes that the name Theodor Vitols 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 (the “ICEP List”). The CRT also 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 he resided in Nazi-occupied Latvia, and that he and his family were murdered by the Nazis after 1941.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, which is supported by the CRT’s additional research, demonstrating that the Account Owner was her maternal uncle. 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 closed to fees and charges on 13 June 1988.

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, as amended (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her maternal uncle, and that relationship justifies an Award. Third, the CRT has determined 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 demand deposit account. The Bank’s records indicate that the value of the demand deposit account as of 31 December 1944 was SF 693.50. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of this amount 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, 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 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 Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
12 October 2007