

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Rosa Perl**

Claim Number: 206379/YL

Award Amount: 12,676.68 Swiss Francs

This certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the Account of Rosa Perl (the “Account Owner”) at the Zurich branch 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 in which she stated that the Account Owner, Rosa Perl, was her great aunt (her grandfather’s sister), who resided in 49 Ulichstr., Libau, Latvia, and later at Rupniecibas iela 9/12, Riga, Latvia, never married and owned a tailoring and alteration shop. The Claimant stated that her great aunt stopped writing to the Claimant’s family in 1941 after the German army entered Latvia. The Claimant also stated that her great aunt, who was Jewish, could not be located after the Second World War and, therefore, the Claimant assumed that she perished in the Holocaust.

The Claimant submitted a copy of a Final Award rendered by the Tribunal in an arbitration concluded on 21 December 2000 (the “Arbitration”) regarding an account held by Rosa Perl.<sup>1</sup> The parties to the Arbitration were the Claimant, the Bank and an additional claimant. In the Arbitration, the information before the Tribunal indicated that Rosa Perl held a numbered account (number 235169) comprised of a custody account and a current account. The Tribunal determined that only the Claimant had a valid claim and ordered the Bank to pay the Claimant an adjusted amount of 38,621.87 Swiss Francs. This value was determined based on bank submissions showing that the earliest known value of the accounts was 5,582.00 Swiss Francs in 1968, from which the Tribunal

---

<sup>1</sup> Claims Resolution Tribunal for Dormant Accounts in Switzerland, Docket No. 0261/0198/NH/SL/KY.

calculated a 1945 value of 3,862.19 Swiss Francs by taking into account standard interest and fees.

### **Information available in the Bank Records**

The bank records consist of printouts from the bank's database and a 1959 survey listing accounts for which account owners directed the bank to hold all correspondence and where there had been no correspondence with the account owners since the 1930s. The bank records also include a survey (and related research documents) conducted pursuant to the Swiss Federal Decree of 1962 concerning assets of missing foreigners or stateless persons persecuted due to race, religion or politics.

According to the bank records, the Account Owner was Fräulein Rosa Perl who used an address at 49 Ulichstr., Libau, Latvia, and later at Rupniecibas iela 9/12, Riga, Latvia. The bank records show that the Account Owner held an account (numbered 235169) comprised of a custody account and a current account which in 1939 had balances of 4,000.00 Swiss Francs and 964.50 Swiss Francs, respectively. In addition, the bank records show that the accounts were opened on 23 March 1932. The bank records do not show if or when the accounts were closed, nor to whom they were paid. 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 did not find the accounts in the bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on the accounts after 1945.

### **The Tribunal's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as her great aunt. Her great aunt's name matches the Account Owner's name that appears in the bank records. The Claimant has submitted her great aunt's street address, which exactly matches the Account Owner's address contained in the bank documents. In addition, the unpublished bank records indicate that the Account Owner required the Bank to send correspondence to Fraülein Rosa Perl c/o Frau J. Perlmann; before seeing the bank records in the Arbitration, the Claimant stated her great-aunt changed her name from Perlmann to Perl.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has provided plausible evidence that the Account Owner was a Victim of Nazi Persecution. The Claimant has indicated that her great aunt, who was Jewish, disappeared during the Second World War while living in Latvia after it was occupied by the Nazi Regime.

### The Claimant's Relationship to the Account Owner

The Tribunal has determined that the Claimant has plausibly shown that the Account Owner was her great aunt, by submitting a reference to the Arbitration, in which she had provided a detailed family history. The credibility of the information submitted by the Claimant gives the Tribunal no basis to question that the Claimant is the Account Owner's only surviving relative.

### The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award of the proceeds of the Account Owner's two accounts if these proceeds were in fact paid to the Account Owner or her heirs, the Tribunal must consider the question of what happened to the funds in this case.

As previously noted, bank records do not indicate when the accounts at issue were closed, and there is no evidence as to whom the proceeds were paid. As to the critical issue of whether the proceeds of the accounts were paid to the Account Owner or her heirs, there is no evidence in the bank records suggesting that the Account Owner closed the accounts and received the proceeds herself. On the contrary, the accounts were identified by the Bank in 1962 as dormant accounts with a total value of 5,000.00 Swiss Francs. In addition, information before the Tribunal shows that the accounts were still open in 1997 and that subsequently the assets in the accounts were adjusted based on documents the Bank had submitted to the Tribunal as part of the Arbitration. These assets were paid to the Claimant.

### Basis for the Award

The Tribunal has determined that an Award may be made in favor of the Claimant for the following reasons: the claim is admissible as the claimed accounts belonged to a Victim of Nazi Persecution, and the Claimant has provided information establishing that her great aunt is the Account Owner (a relationship that justifies making an award).

### Amount of the Award

In this case the Tribunal finds that the accounts at issue here are the same accounts that were paid out pursuant to the Arbitration. The Account Owner's name and address, and the identification number, type, and values of the accounts, are identical to those before the Tribunal during the Arbitration. Additional bank records which were not available to the Tribunal during the Arbitration indicate that in 1939 the value of the current account was 964.50 Swiss Francs and the value of the custody account was 4,000.00 Swiss Francs, for a total historic value of 4,964.50. As part of the Arbitration the Claimant already received the benefit of 3,862.19 Swiss Francs in their present day value. Therefore, based on the additional bank records the Claimant is entitled to receive the present day value of the difference, 1,102.32 Swiss Francs. The present value of the accounts is calculated by multiplying the historic value by a factor of 11.5, in accordance

with Article 37(1) of the Rules Governing the Claims Resolution Process (the "Rules"), yielding a total award amount of 12,676.68 Swiss Francs.

According to Article 37(3) of the Rules, in cases where the Tribunal determines that the accounts may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this instance, 35% of the total award amount for the accounts is 4,436.84 Swiss Francs.

### **Scope of the Award**

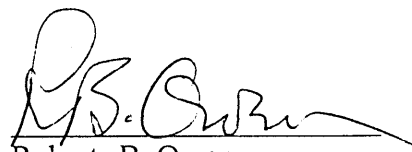
The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

### **Certification of the Award**

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a strong case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same accounts will be forthcoming. The Special Masters appointed by the Court to supervise the Claims Resolution Process for Deposited Assets Claims have stressed the importance of moving ahead quickly to begin to make awards to Holocaust victim claimants or their heirs. They have therefore instructed the Tribunal that in particular cases where the Tribunal is satisfied that the currently identified claimant has a strong claim and that the risk of future competing claims is low, the Tribunal should prepare an award to that claimant and submit it to the Court for approval. This is such a case.

In this case, the Tribunal is of the opinion that the Claimant has presented a strong claim to the Account, thus substantially reducing the likelihood of competing claims. On this basis, and taking into account the instructions of the Special Masters, the Tribunal recommends approval of the present Award by the Court for payment by the Special Masters in accordance with Article 37(3) of the Rules.

25 Jan. 2002  
Date

  
Roberts B. Owen  
Senior Claims Judge