

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of D. Arditti**

Claim Numbers: 205718/BW; 205719/BW<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Salomon Arditti and the account of Jeanne Arditti.<sup>2</sup> This Award is to the unpublished account of D. Arditti (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 his sister, Doreen Gilbertson, née Arditti, the child of [REDACTED] and [REDACTED], née [REDACTED], who was born on 1 February 1923 in Thessaloniki, Greece, and who was married to [REDACTED] in 1946. The Claimant’s sister, who is Jewish, lived with the Claimant and their parents in Thessaloniki until early March 1943, when the Claimant’s parents were deported to Auschwitz, where they ultimately perished. According to the Claimant, his sister went into hiding from 1943 to 1944 in a suburb of Athens, where she lived with a family and worked as a teacher for their children. The Claimant further indicated that his sister married [REDACTED] in 1946, and resided in England and then later Brussels, Belgium until her death in 1983. The Claimant indicated that his parents had a bank account at the Westminster Bank in London, England, which the Claimant and his sister settled at some point in the late 1940s after the end of the Second World War.

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<sup>1</sup> In a separate decision, the CRT treated the Claimant’s claim to the account of Salomon A. Arditti. See *In re Account of Salomon A. Arditti* (approved on 18 August 2004).

<sup>2</sup> The CRT did not locate an account belonging to Jeanne Arditti in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

In support of his claim, the Claimant submitted the following documents: (1) a copy of his sister's death certificate, which indicates that Doreen Gilbertson, née Arditti, was born on 1 February 1923 in Thessaloniki, and died on 3 October 1983 in Woluwe-Saint-Lambert, Belgium; (2) a copy of a court decree written in the Greek language and dated 15 February 1947, which contains the names of the Claimant's parents, and which the Claimant indicates is a judicial decree establishing the date and place of death of his parents; and (3) a copy of a court decree written in the Greek language and dated 20 November 1947, and which the Claimant indicates is a judicial decree establishing the heirs of his parents.

The Claimant indicated that he was born on 26 October 1926 in Thessaloniki.

### **Information Available in the Bank's Record**

The Bank's record consists of a copy of a ledger entry denoting satisfaction by the Bank of checks presented by various account owners of the Bank to the Westminster Bank Ltd. in London (the "London Bank"). According to this record, the Account Owner was D. Arditti. The Bank's record does not indicate the Account Owner's domicile.

According to this record, the London Bank accepted a check drawn on the Bank from the account of Account Owner D. Arditti on 31 July 1937, as payment for the amount of £-1.2 British Pounds Sterling ("£"), which equals approximately £ .058, or 1.26 Swiss Francs ("SF") in 1937.<sup>3</sup> The Bank's record further indicates that the London Bank presented the check to the Bank for payment in 1956, and that the amount of £ .058, or SF .70 in 1956, was satisfied out of the Bank's 'account for remaining outstanding obligations' ("*NOSTRI Ausgeschiedene Abgaben*") on 23 April 1956, and subsequently booked to profits and losses on 8 November 1961.

The Bank's record does not indicate the value of this account, nor does this record indicate the type of account held by the Account Owner. 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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was were closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

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<sup>3</sup> The CRT uses historical exchange rates when making currency conversions.

### Identification of the Account Owner

The Claimant's sister's first initial and family name matches the unpublished first initial and family name of the Account Owner. Additionally, the Claimant identified the unpublished name of the London Bank as identified in the Bank's records. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her first initial and family name.

In support of his claim, the Claimant submitted documents, including the death certificate of his sister, which provides independent verification that the person who is claimed to be the Account Owner had the same first initial and family name recorded in the Bank's record as the first initial and family name of the Account Owner.

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, whose family is Jewish, stated that in early March 1943, his parents were deported to Auschwitz, where they perished, and that the Account Owner went into hiding from 1943 to 1944 in a suburb of Athens.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's sister. These documents include a copy of his sister's death certificate, which indicates that Doreen Gilbertson, née Arditti, was born on 1 February 1923 in Thessaloniki, and died on 3 October 1983 in Woluwe-Saint-Lambert, Belgium, as well as copies of two court decrees written in the Greek language and dated 15 February 1947, and 20 November 1947, which contain the names of the Claimant's parents, and which the Claimant indicates are judicial decrees establishing the date and place of death of his parents, and the heirs of his parents. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

Given that the Account Owner went into hiding after her parents were deported to Auschwitz in 1943; that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her heirs. Based on its precedent and the Rules, the CRT

applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

### 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 sister, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one 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 the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) 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 claims 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  
12 October 2007