

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
represented by Jost von Trott zu Solz

and to Claimant [REDACTED 2]  
also acting on behalf of [REDACTED 3]  
represented by Jost von Trott zu Solz

## **in re Accounts of Arthur Arnold**

Claim Numbers: 501648/BW/AC; 501713/BW/AC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] ("Claimant [REDACTED 1]"), and [REDACTED 2], née [REDACTED] ("Claimant [REDACTED 2]") (together the "Claimants"), to the published account of Arthur Arnold (the "Account Owner") at the [REDACTED] (the "Bank").<sup>1</sup>

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 Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father-in-law, Arthur (Artur) Arnold, who was born 9 August 1880 in Augsburg, Germany, and was married to [REDACTED], née [REDACTED], on 9 May 1909 in Augsburg. Claimant [REDACTED 1] indicated that her in-laws had two children: [REDACTED], née [REDACTED], and [REDACTED] (Claimant [REDACTED 1]'s late husband). Claimant [REDACTED 1] further indicated that her father-in-law, who was Jewish, was the executive director and partner at *Kahn & Arnold*, the family textile mill in Augsburg, and that he was also a

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<sup>1</sup> 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"), Arthur Arnold is listed as having one account. Upon careful review, the CRT has concluded that the Bank's record evidences the existence of two accounts.

partner in other textile factories in the Augsburg area. According to Claimant [REDACTED 1], her father-in-law was unable to work after the Nazis came to power in Germany, and that he lived in Augsburg until 1941, when he was deported to Dachau, where he perished on 23 November 1941.

Claimant [REDACTED 1] submitted documents in support of her claim, including: (1) a copy of a certificate issued by the International Committee of the Red Cross, indicating that Arthur Arnold, who was born 9 August 1880, and resided at Remboldstr. 1 in Augsburg, was deported to Dachau on 25 September 1941 and perished on 23 November 1941; (2) a copy of her father-in-law's certificate of inheritance, indicating that Artur Arnold, who formerly resided in Augsburg and perished in Dachau on 23 November 1941, had two heirs, [REDACTED] and [REDACTED], née [REDACTED]; (3) a copy of her husband's death certificate, indicating that [REDACTED], the son of Arthur Arnold, and husband of [REDACTED 1], died on 6 May 1986; (4) a copy of her husband's probate documents, indicating that [REDACTED] 's residual estate went to his wife, [REDACTED 1]; and (5) copies of correspondence and documents relating to her late husband's claims to assets held by his father, Arthur Arnold, at German banks.

Claimant [REDACTED 1] indicated that she and her late husband had a son, who is not represented in her claim.

Claimant [REDACTED 1] indicated that she was born on 16 November 1912 in Augsburg.

#### Claimant [REDACTED 2]

Claimant [REDACTED 2], who is Claimant [REDACTED 1]'s niece by marriage, submitted a Claim Form identifying the Account Owner as her maternal grandfather, Arthur Arnold, who was born on 9 August 1880 in Augsburg, and was married to [REDACTED], née [REDACTED], on 9 May 1909 in Augsburg. Claimant [REDACTED 2] indicated that her grandparents, who were Jewish, resided in Augsburg, where her grandfather owned and managed the family textile mill, *Kahn & Arnold*, and had an ownership interest in *Neuen Augsburger Kattunfabrik AG*. Claimant [REDACTED 2] indicated that her grandfather's businesses were taken from him in 1938, and that her grandmother died in Augsburg in July 1941, after which her grandfather was deported to Dachau, where he subsequently perished. Claimant [REDACTED 2] indicated that her grandparents had two children: [REDACTED], who died in 1986, and [REDACTED], née [REDACTED] (Claimant [REDACTED 2]'s mother), who died in 1968.

In support of her claim, Claimant [REDACTED 2] submitted copies of documents, including: (1) her grandfather's certificate of inheritance, indicating that Artur Arnold, who formerly resided in Augsburg and perished in Dachau on 23 November 1941, had two heirs, [REDACTED] and [REDACTED], née [REDACTED]; (2) a certificate issued by the International Committee of the Red Cross, indicating that Arthur Arnold, who was born 9 August 1880, and resided at Remboldstr. 1 in Augsburg, was deported to Dachau on 25 September 1941 and perished on 23 November 1941; (3) her mother's death certificate, indicating that [REDACTED] was born on 21 October 1912 in Germany, that her father was Arthur Arnold, that she died on 10 July 1968, and that the person who informed the authorities about her death was [REDACTED 3]; (4) her mother's will and probate documents, indicating that [REDACTED] had two daughters named

[REDACTED] and [REDACTED], and indicating that she left her entire estate to her husband if he was living, or to her daughters or their children, in equal shares by representation; and (5) a copy of her father's death certificate, indicating that [REDACTED], who was married to [REDACTED], died on 12 May 1968.

Claimant [REDACTED 2] indicated that she was born on 23 January 1933 in Stettin, Germany (now Szczecin, Poland). Claimant [REDACTED 2] is representing her sister, [REDACTED 3], née [REDACTED], who was also born on 23 January 1933 in Stettin.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Arthur Arnold who resided in Augsburg. The Bank's record indicates that the Account Owner held a demand deposit account and a custody account, numbered L 1530.

The Bank's record indicates that the demand deposit account was closed on 8 July 1933, and that the custody account was closed on 19 August 1933. The Bank's record does not indicate the amounts in the accounts on the dates of their closures. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

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

#### Identification of the Account Owner

The name and country of residence of Claimant [REDACTED 1]'s father-in-law and Claimant [REDACTED 2]'s grandfather match the published name and country of residence of the Account Owner. The Claimants, who are related, also identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of their claims, the Claimants submitted documents, including (1) copies of a certificate issued by the International Committee of the Red Cross; (2) copies of Artur Arnold's certificate of inheritance; (3) a copy of Claimant [REDACTED 1]'s husband's death certificate; and 4) a copy of Claimant [REDACTED 2]'s mother's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Arthur Arnold, and indicates that he was born in 1880 in Augsburg, which matches the information about the Account Owner provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Arthur Arnold appears only once on the February 2001 published list of accounts determined by the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

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 Claimants have plausibly identified the Account Owner.

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

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, that he resided in Nazi Germany, that he was unable to work after the Nazis came to power, and that he was deported to Dachau, where he perished on 23 November 1941. The Claimant also submitted a certificate from the International Committee of the Red Cross, indicating that Arthur Arnold perished in Dachau. As noted above, a person named Arthur Arnold was included in the CRT’s database of victims.

#### The Claimants' Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 1]’s father-in-law and Claimant [REDACTED 2]’s grandfather. These documents include: (1) a copy of Artur Arnold’s certificate of inheritance, indicating that Artur Arnold’s heirs were [REDACTED] and [REDACTED], née [REDACTED]; (2) a copy of Claimant [REDACTED 1]’s husband’s death certificate, indicating that [REDACTED], the son of Arthur Arnold, was married to [REDACTED 1]; (3) a copy of Claimant [REDACTED 1]’s husband’s probate documents, indicating that [REDACTED]’s wife was [REDACTED 1]; (4) a copy of Claimant [REDACTED 2]’s mother’s death certificate, indicating that [REDACTED]’s father was Arthur Arnold; and (5) a copy of Claimant [REDACTED 2]’s mother’s will and probate documents, indicating that [REDACTED] had two daughters named [REDACTED] and [REDACTED].

Claimant [REDACTED 1] indicated that she and her husband had a son who is not represented in her claim, and who has not submitted a claim to the CRT.

#### The Issue of Who Received the Proceeds

The Bank’s record indicates that the Account Owner’s demand deposit account was closed on 8 July 1933, and that his custody account was closed on 19 August 1933.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax and other confiscatory measures, including confiscation of assets held in Swiss banks; that

the Account Owner resided in Nazi Germany until he was deported to Dachau, where he perished in 1941, and would not have been able to repatriate his account to Germany without losing ultimate control over its proceeds; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner's heirs would not have been able to obtain information about his 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C<sup>2</sup>), the CRT concludes that it is plausible that the proceeds of the accounts were not paid to the Account Owner or his 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 Claimants and represented party [REDACTED 3]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her father-in-law, and Claimant [REDACTED 2] has plausibly demonstrated that the Account Owner was her grandfather, and those relationships justify 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 accounts.

Claimant [REDACTED 1] indicated that she and her husband had a son, who was a grandchild of the Account Owner, who has not submitted a claim, and is not represented in her claim. The CRT notes that Claimant [REDACTED 1]'s son would be more entitled to the Account Owner's account than his mother, but because he has not submitted a claim is not represented in Claimant [REDACTED 1]'s claim, his potential entitlement to these accounts will not be treated in this decision.

### Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. 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 ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00, for a combined average value of SF 15,140.00 for the two accounts at issue. 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 189,250.00.

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<sup>2</sup> Appendix C appears on the CRT II website -- [www.crt-ii.org](http://www.crt-ii.org).

### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Furthermore, according to Article 23(1)(f) of the Rules, if a child of the Account Owner is deceased, that child's spouse but none of that child's descendants have submitted a claim, that child's spouse shall be considered a child of the Account Owner for the purposes of this Article.

In this case, the Account Owner had two children: [REDACTED] (Claimant [REDACTED 1]'s husband), and [REDACTED], née [REDACTED] (Claimant [REDACTED 2]'s mother), who would each be entitled to one-half of his accounts.

Claimant [REDACTED 2] is representing her sister, [REDACTED 3], and they are the Account Owner's grandchildren (the children of [REDACTED], née [REDACTED]), and Claimant [REDACTED 1] is the Account Owner's daughter-in-law (the wife of [REDACTED]). Accordingly, Claimant [REDACTED 2] and represented party [REDACTED 3] are each entitled to one-fourth of the total award amount, and Claimant [REDACTED 1] is entitled to one-half of the total award amount.

As noted above, the CRT will not treat the potential entitlement of Claimant [REDACTED 1]'s son, the Account Owner's grandson, because he is not represented in her claim, and he has not submitted a claim form to the CRT.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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