

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation

Case No. CV96-4849

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Dr. Artur Kantor

Claim Number: 206018/MBC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Dr. Artur Kantor (the “Account Owner”) at the Lugano 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 father, Dr. Artur Kantor, who was born in Jicin, Czechoslovakia (formerly Bohemia), on 20 June 1874, and was married to [REDACTED], née [REDACTED], in Vienna, Austria, on 22 July 1918. The Claimant stated that his parents had two children, the Claimant, and his sister, [REDACTED], née [REDACTED]. The Claimant indicated that his parents lived at Postgasse 6 in Vienna. The Claimant further stated that his father held a doctorate in law, and that from 1924 he owned a law practice in Vienna, which was first located at Wollzeile Strasse 30, and from 1937 until 1939 at Seilerstatte 3a. The Claimant indicated that during the years he was living in Austria, his father maintained connections with Czechoslovakia and an additional home address in Prague-Vinohardy at 7 Nerudova Street. The Claimant indicated that his father was the honorary president of the Czech community in Vienna, that he led a movement to preserve the Czech cultural heritage, and that he established Czech-speaking schools in Vienna. The Claimant also indicated

¹ The Claimant submitted an additional claim to the accounts of [REDACTED], and to the accounts of [REDACTED], and [REDACTED], which is registered under the Claim Number 206019. The CRT previously issued a Certified Award to the Claimant to the accounts of [REDACTED] (approved by the Court on 4 April 2003).

that his Austrian birth certificate was issued in Prague, although he himself was born in Vienna.

The Claimant further indicated that, following the *Anschluss*, his father, who was Jewish, was imprisoned by the *Gestapo*, and eventually was forced to sign a document stating that he voluntarily relinquished all of his assets and citizenship rights and that he would leave Austria of his own free will. The Claimant stated that the family fled to Prague, where they lived at Sareckastrasse 21/25, and that upon the occupation of Czechoslovakia by Germany, the Claimant's father was sent to the Pankrac prison from 26 March 1939 until 28 August 1939. The Claimant explained further that on 16 July 1942 his parents were deported to Theresienstadt, where they were imprisoned until 11 May 1945. The Claimant indicated that in 1951 his family managed to move from Czechoslovakia to Australia. The Claimant stated that both his father and his mother died in Melbourne, Australia, on 25 September 1958 and 31 December 1982, respectively.

In support of his claim, the Claimant submitted his parents' marriage certificate; his father's death certificate; and his father's handwritten will in which he bequeathed his estate to his children in equal parts; a copy of the Prague police registration form, dated 17 May 1945, indicating his family's return from Theresienstadt; and a copy of a power of attorney form, signed by his father on 31 July 1938, giving his mother full power of attorney regarding the family's assets.

In support of his claim to the account of [REDACTED],² the Claimant's father's cousin, the Claimant submitted a letter dated 16 February 1965 that his mother wrote to the Swiss Agency for the Tracing of Disappeared Foreigners' Assets in Switzerland. In this letter, the Claimant's mother asked the Agency to trace any assets belonging to Dr. Artur Kantor, or to the [REDACTED], from Wipplingerstrasse 23 in Vienna I, Austria, or to [REDACTED] and [REDACTED] from Schimanistrasse, Vienna XIX-Döbling. In this letter, the Claimant's mother further stated that in 1938 she withdrew all proceeds of the family's account in Austria, and gave the proceeds to her husband's uncle and cousins to be deposited by them in a foreign country.

The Claimant stated that he was born on 27 February 1925 in Vienna. The Claimant is representing his sister, [REDACTED], née [REDACTED], who was born on 5 January 1924 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of an account-opening card. According to this record, the Account Owner was Dr. Artur Kantor, who resided in Prague, Czechoslovakia. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened on 31 March 1932. The Bank's record further indicates that the account was

² As noted above, the CRT previously issued a Certified Award to the Claimant to the accounts of [REDACTED] (approved by the Court on 4 April 2003).

closed on 20 June 1948. The Bank's record does not show to whom the account was paid, nor does this record indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archives

By decree on 26 April 1938, the Nazi Regime required Jews residing within Austria who held assets above a specified level to submit a census form registering their assets. In the records of the Austrian State Archives (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Artur Kantor, numbered 46933. These documents indicate that Dr. Artur Kantor was born on 26 June 1874, that he was married to [REDACTED], née [REDACTED] (who was not Jewish, but of Greek-Orthodox faith), that he was an attorney, and that he resided at Postgasse 6, Vienna I, Austria. According to these documents, Dr. Artur Kantor registered with the Nazi authorities that he owned property worth 18,605.56 Reichsmarks; the equipment of his office located at Seilerstätte 3a in Vienna I, worth 3,552.00 Reichsmarks; various Austrian and foreign securities and bonds worth 33,713.00 Reichsmarks, including 25 *Färberei Trust* shares worth 2,500.00 Swiss Francs; savings accounts worth 16,305.00 Reichsmarks; and other valuables worth 1,100.00 Reichsmarks. These records also indicate that Dr. Artur Kantor held assets abroad that were repatriated by the *Reichsbank*. Furthermore, there is a letter, dated 6 September 1938, sent from the Nazi office in charge of confiscating Jewish assets (*Vermögensverkehrsstelle*) to different offices of the *Reichsbank* in Vienna, stating that Artur Kantor left for Czechoslovakia, and ordering the confiscation of his foreign securities (*Vermögen abbuchen!*).

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The Claimant identified his father as a lawyer, who held a doctorate of law, which is consistent with the unpublished information contained in the Bank's record that the Account Owner held the title of "Doctor." In addition, the Claimant indicated that while his father resided in Vienna, Austria, from 1914, he previously resided in Prague, Czechoslovakia, where he maintained an address during the years he spent in Vienna. Thus, the Claimant has identified the Account Owner's unpublished city of residence. In support of his claim, the Claimant submitted documents, including his parents' marriage certificate, and his father's death certificate demonstrating that the Claimant's father was Dr. Artur Kantor. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Artur Kantor and indicates that his date of birth was 26 June 1874, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that the Claimant identified information about

the Account Owner contained in the Austrian State Archives, including the Account Owner's spouse's name, and year and month of birth.

The CRT also notes that the Claimant submitted his mother's letter to the Swiss Agency for the Tracing of Disappeared Foreigners' Assets in Switzerland, dated 16 February 1965, in which the Claimant's mother asked the Agency to trace any assets belonging, *inter alia*, to Dr. Artur Kantor. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the 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") bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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 as his father.

Status of the Account Owner as Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant indicated that the Account Owner was Jewish, that he was imprisoned several times by the Gestapo, that he was imprisoned in the Pankrac prison in 1939, and that he was deported to Theresienstadt in 1942. As noted above, a person named Artur Kantor is included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his parents' marriage certificate; his father's death certificate; and his father's handwritten will in which he bequeathed his estate to his children in equal parts, demonstrating that the Claimant and his sister are Artur Kantor's children. There is no information to indicate that the Account Owner has surviving heirs other than the Claimant and his sister.

The Issue of Who Received the Proceeds

Given that the Austrian State Archives indicate Dr. Artur Kantor held assets abroad that were repatriated by the *Reichsbank* after the *Anschluss*; that the account was closed in 1948 and the Account Owner resided in Communist Czechoslovakia until 1951, and therefore was unlikely to have had access to his account; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner or his heirs would not have been able to obtain information about his account 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), (i), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) (see Appendix A), the CRT concludes that it is plausible that the account proceeds 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 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 father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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. 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 ICEP, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. 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 26,750.00 Swiss Francs.

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. In this case, the Claimant is representing his sister. Accordingly, the Claimant and his sister, [REDACTED], née [REDACTED], are each entitled to one-half of the total award amount.

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
19 November 2003