Please note: This translation of the original German "Bericht zu Ferdinand Hodler, Thunersee mit Blüemlisalp und Niesen, 1876/82, SKKG-Inventarnummer 1859", dated October 25, 2025 is for information purposes only. In case of discrepancies between this text and the German original, the German prevails. Terms and definitions relate to Swiss legislation and practice.

October 28, 2025

Report on

Ferdinand Hodler, *Thunersee mit Blüemlisalp und Niesen*, 1876/1882, SKKG inventory number 1859

Ferdinand Hodler (1853–1918), *Thunersee mit Blüemlisalp und Niesen*, 1876/1882, oil on canvas, 67.0 x 89.0 cm, Inv. No. 01859, Stiftung für Kunst, Kultur und Geschichte, Winterthur. Photo: SKKG 2020

Table of Contents

Report on Ferdinand Hodler, *Thunersee mit Blüemlisalp und Niesen, 1876/82,* SKKG inventory number 1859 5

I. Official procedures 5

A. Responsibilities and Rules of Procedure 5

B. Initiation of Proceedings 5

C. Parties to the Proceedings 6

II. Substantive Examination 7

A. Point of Departure 7

1. The Work 7

2. Previous ownership status of Hugo and Martha Nathan 9

2.1. Lost Art Search Request 9
2.2. Information on the Identity of the Collector 9
2.2.1. Hugo Noe Nathan (1862–1922) 9
2.2.2. Martha Adrianna Nathan (1874–1958) 10
2.3. Proof of Previous Ownership 11
2.3.1. Hugo Nathan 11
2.3.2. Martha Nathan 11
2.4. Subsequent Provenances 14
2.4.1. Peter Nathan / Fritz Nathan 15
2.4.2. "Sutter, Genua" 16
2.4.3. Provenance from July 24, 1941 to June 17, 1998 16
2.5. Exclusion of other Potential Claimants 16
2.6. Identification of the Above-Mentioned Cultural Good with that in the SKKG Collection 17
2.7. Restitution Claims by the Previous Owner 17

B. Assessment of the Facts 18

1. Was Martha Nathan persecuted by the Nazi Regime between January 30, 1933, and May 8, 1945? 18

1.1. Persecution within the German Reich 18
1.1.1. Collective Persecution 18
1.1.2. Individual Concrete Persecution 19
1.2. Persecution in France 21
1.3. Persecution in Switzerland 22
1.3.1. General Situation in Switzerland 22
1.3.2. Concrete Situation of Martha Nathan in Switzerland 23

2. Did a loss of assets occur within the applicable time period as a result of forced sale, expropriation or other means? 28

2.1. Ownership/Possession as a Prerequisite 28
2.2. Definitive Loss of Assets 28

3. What evidence is there regarding the persecution-related nature of the loss? 29

3.1. Presumption of persecution-related loss based on collective persecution 29
3.2. Evidence of individual persecution 29

4. What information is available regarding the purchase price, its suitability, and its payment? ... 30
4.1. Information on Sales Price ... 30
4.2. Other Sales from Martha Nathan's Collection ... 30
5. Claims and subsequent compensation payments, compensation, equivalent values (including proceedings for restitution and compensation after 1945) ... 31
5.1. Enforcement of restitution claims after 1945 ... 31
5.2. Placement of Findings in Context ... 33
6. Decisions or recommendations regarding the above-mentioned collection or the above-mentioned collector ... 34
6.1. Post-War Period ... 34
6.2. After 1998 ... 34
III. Conclusions ... 35
A. Foundation ... 35
1. General Foundation ... 35
2. Definition of "the loss of cultural goods due to Nazi persecution" ... 36
3. Foundation for dealing with gaps ... 37
3.1. 1998 Washington Principles ... 37
3.2. 2024 Best Practices ... 37
3.3. 2023 Principles of the SKKG ... 37
3.4. Examples of Other Commissions and Institutions ... 38
4. Foundation for sales outside the Nazi sphere of power ... 39
B. Substantive Evaluation ... 40
1. Identity of the Cultural Good ... 40
2. Ownership status from 1933 to the sale and entitlement of the Legal Successors ... 41
2.1. Property of Hugo and Martha Nathan ... 41
2.2. Heirship Status ... 41
3. Persecution of the owner by National Socialists ... 41
4. Sale of the work in Switzerland ... 42
4.1. Evidence of the sale of the work by Fritz Nathan on July 24, 1941 ... 42
4.2. Sale in Switzerland ... 43
5. The owner's predicament ... 43
6. Dealing with gaps in the case of Ferdinand Holder's *Thunersee mit Blüemlisalp und Niesen* ... 46
6.1. Gaps in the Facts ... 46
6.2. Assessment of Sources ... 47
7. Affirmative decision: Loss due to Nazi persecution ... 47
8. Just and fair solution ... 48
8.1. Policy: Return ... 48
8.2. Possible Grounds for Exclusion from Restitution ... 48

8.2.1. Reparation and Compensation 48
8.2.2. Sale due to Nazi persecution 49
9. Conclusion 50
IV. Settlement Negotiation Preparation 51

Addendum dated March 22, 2026, to the Commission's report of October 28, 2025:

V. Settlement Negotiation 52
VI. Decision 52

Appendix

Examination schedule of the Unabhängige Kommission SKKG (UK-SKKG) used to clarify and decide on cultural goods owned by the SKKG foundation, which were lost by previous owners between 1933 and 1945 due to Nazi persecution 50

Report on Ferdinand Hodler, *Thunersee mit Blüemlisalp und Niesen, 1876/82,* SKKG inventory number 1859

I. Official procedures

A. Responsibilities and Rules of Procedure

1 On January 10, 2023, the Board of the *Stiftung für Kunst, Kultur und Geschichte* (SKKG) in Winterthur established the "Principles of the Stiftung für Kunst, Kultur und Geschichte (SKKG) in dealing with the loss of cultural goods due to Nazi persecution" (hereafter: "2023 Principles of the SKKG") and established the *Unabhängige Kommission SKKG* (Independent Commission of the *Stiftung für Kunst, Kultur und Geschichte* for Clarifying Claims Resulting from Nazi Persecution, hereafter: UK-SKKG or Commission) in early Spring 2023.[1] The objective of the interdisciplinary Commission is to clarify whether a cultural good was lost by the previous owner between 1933 and 1945 due to Nazi persecution, and if necessary develop a just and fair solution. The SKKG has pledged to recognize the decisions of the UK-SKKG as binding and to implement them.

2 The proceedings of the UK-SKKG are based on the "Rules of Procedure for the Independent Commission of the Stiftung für Kunst, Kultur und Geschichte for Clarifying Claims Resulting from Nazi Persecution" dated April 24, 2023 (Updated April 15, 2024; hereafter "Rules of Procedure for the UK-SKKG" or "UK-SKKG RoP") and issued by the SKKG Board.[2]

B. Initiation of Proceedings

3 On February 23, 2024, the Head of SKKG Provenance Research submitted a request for initiation of proceedings in accordance with Article 12 Subsec. b of the UK-SKKG RoP with regard to the painting with the SKKG inventory number 1859, *Thunersee mit Blüemlisalp und Niesen*, 1876/1882, by Ferdinand Hodler (1853–1918), and the research report dated February 23, 2024 (hereafter

[1] "Principles of 'the Stiftung für Kunst, Kultur und Geschichte' (SKKG) in dealing with the loss of cultural goods due to Nazi persecution", January 10, 2023, https://www.ukskkg.ch/assets/2023.01.10-SKKG-Kommission_Grundsaetze_EN.pdf (retrieval November 6, 2025).

[2] "Rules of Procedure for the Independent Commission of the 'Stiftung für Kunst, Kultur und Geschichte' for Clarifying Claims Resulting from Nazi Persecution" dated April 23, 2024 (Updated: April 15, 2024), https://www.ukskkg.ch/assets/2024.04.15-UK-SKKG-Geschaftsordnung_EN.pdf (retrieval November 6, 2025).

"February 23, 2024 Research Report") pertaining to it.[3] The painting by Ferdinand Hodler has been owned by the SKKG since 1998.

4 The Head of SKKG Provenance Research bases its request on the February 23, 2024 Research Report, which states that well-founded evidence was presented indicating that the painting previously belonged to the collection of Hugo Nathan (1861–1922) from Frankfurt am Main. According to the report, his widow and sole heir, Martha Nathan (1874–1958), who was persecuted by the Nazi regime as a Jew, fled Germany to Paris in 1937, then subsequently to Switzerland in 1939, and was forced to sell the painting.

5 The UK-SKKG reviewed the request on March 19, 2024, coming to the conclusion that there was sufficient documentation for the identification of the cultural good, as well as of Martha Nathan as its previous owner (Art. 13 Para. 5 and 6 UK-SKKG RoP) and initiating proceedings on the same day. The parties to the proceedings were informed of the initiation.

C. Parties to the Proceedings

6 The parties to the proceedings are the SKKG, on behalf of the Board represented by the SKKG's Head of Culture, as well as the legal successors of the previous owner (Art. 2 Para. 1 UK-SKKG RoP). The latter have declared their involvement in the proceedings through statements dated September 19, 2024, and October 7, 2024, respectively, as two groups, each represented by a legal representative (hereafter: "Legal Successors 1" and "Legal Successors 2").

7 In November 2024, the parties to the proceedings were invited to make a statement on the February 23, 2024 Research Report, as well as on the addenda submitted by the Head of SKKG Provenance Research on September 17, 2024 (hereafter: "September 17, 2024 Addenda")[4]. The contents of their statements were each sent to the other parties with a request for optional responding statements. The SKKG stated its agreement with both the February 23, 2024 Research Report and the September 17, 2024 Addenda, waiving further

[3] Stiftung für Kunst, Kultur und Geschichte, Provenance Research Project to Clarify the Reasons for Nazi Persecution-Related Loss, Research Report on the work by Ferdinand Hodler, *Thunersee mit Blüemlisalp und Niesen*, Inventory No. 1859, February 23, 2024, by Dr. Nina Blum de Almeida and Dr. Carolin Lange, in collaboration with Dr. Thomas Schmutz and Rahel Urech.
[4] Stiftung für Kunst, Kultur und Geschichte, Provenance Research Project to Clarify the Reasons for Nazi Persecution-Related Loss, Addenda to February 23, 2024 Research Report on the work by Ferdinand Hodler, *Thunersee mit Blüemlisalp und Niesen*, Inventory No. 1859, September 17, 2024, by Dr. Nina Blum de Almeida, and Project Heads Dr. Carolin Lange and Dr. Thomas Schmutz.

remarks. The statements of Legal Successors 1 and 2 are included in this report.

II. Substantive Examination

A. Point of Departure

8 The examination of the evidence (Chapter II.) is significantly based on the February 23, 2024 Research Report, the September 17, 2024 Addenda, the statements submitted by the parties to the proceedings of December 12, 2024 (SKKG), dated February 27, 2025 (Legal Successors 1) and February 28, 2025 (Legal Successors 2), as well as the optional responding statements dated April 7, 2025 (SKKG) and April 14, 2025 (Legal Successors 1) and the findings from investigations made by the Commission itself. The Commission's report refers in various places to these reports and statements.[5]

9 In compiling its report, the UK-SKKG is following the *Prüfschema der Unabhängigen Kommission SKKG für die Klärung und den Entscheid betreffend Kulturgüter der Stiftung SKKG, die zwischen 1933 und 1945 den Eigentümer:innen NS-verfolgungsbedingt entzogen wurden* [Examination schedule of the Independent Commission SKKG for the clarification and decision concerning cultural assets of the SKKG Foundation that were confiscated from their owners between 1933 and 1945 due to Nazi persecution] (adopted September 21, 2023).[6] This examination model is a UK-SKKG tool that can be further developed and adapted by the Commission as it gathers experience during its work.

1. The Work

10 The painting *Thunersee mit Blüemlisalp und Niesen* by Ferdinand Hodler, oil on canvas, 67.0 cm x 89.0 cm (H x B), is currently part of the SKKG collection, registered under Inventory No. 1859.[7]

[5] The Research Report will be published on the UK-SKKG website.; cf. https://www.ukskkg.ch/en#reports.
[6] *Prüfschema der Unabhängigen Kommission SKKG*, September 21, 2023, Appendix.
[7] For further information on the work, cf. February 23, 2024 Research Report, margin nos. 7–9.

11 The painting was publicly exhibited in 1910[8], 1911[9] and 1913[10] by the Frankfurter Kunstverein and listed in the corresponding exhibition documents. The earliest illustration of the painting dates back to 1910. In 1917, the painting was described with an illustration in a publication by the then-director of the Städelsches Kunstinstitut, Georg Swarzenski.[11] In the 1951 catalog of works of Oskar Bätschmann and Paul Müller, it is listed as No. 60.[12] Further references to the painting can be found in the publication by Walter Hugelshofer, *Ferdinand Hodler: eine Monografie*, and in Werner Y. Müller's essay, "Landschaftskatalog".[13] In 1998, the work was auctioned at Sotheby's Zurich. There is also an illustration in its auction catalog that corresponds to that of SKKG Inventory No. 1859.[14]

12 On the authenticity of this work by Hodler, Jura Brüschweiler, art historian, who specialized in the life and work of Ferdinand Hodler, wrote in his statement to

---

[8] Frankfurter Kunstverein (publisher), *Frankfurter Kunstschau. Eine Auswahl aus dem Schönsten gegenwärtigen deutschen Kunst-Schaffens*, *zusammengestellt im Frankfurter Kunstverein*, exhibition catalog, July 21 to September 28, 1910, Frankfurt am Main 1910. The work is depicted on the catalog's cover. Hugo Nathan is on the list of lenders (P. 4), but is not mentioned by name on the list of exhibited works (No. 19, "Thuner See", P. 6).

[9] Frankfurter Kunstverein (publisher), *Hodler-Ausstellung. Ein Überblick über das gesamte bisherige Schaffen Ferdinand Hodler's, in ausgewählten Werken seiner Hand zusammengestellt, im Frankfurter Kunstverein*, Exhibition catalog, July 16 to October 1, 1911, Frankfurt am Main 1911. Hugo Nathan is on the list of lenders (P. 16), but is not mentioned by name in the list of exhibited works (No. 7, "Niesen und Thunersee", P. 17).

[10] Frankfurter Kunst-Verein (publisher), *Frankfurter Kunstschätze. Auswahl der schönsten und wertvollsten Gemälde des 19. Jahrhunderts aus Frankfurter Privatbesitz,* Exhibition catalog, July 20 to September 30, 1913, Frankfurt am Main 1913. Hugo Nathan is explicitly mention as the lender of "Thunersee und Niesen" (No. 33, P. 12).

[11] Georg Swarzenski, "Die Sammlung Hugo Nathan in Frankfurt a. M.", in: *Kunst und Künstler. Illustrierte Monatsschrift für Kunst und Gewerbe*, Year XV, Issue 3, Berlin: Bruno Cassirer, 1917, P. 105–120. "Thunersee bei Niesen, 1876" (Ill. P. 116) is listed as part of Hugo Nathan's collection.

[12] Oskar Bätschmann and Paul Müller, *Ferdinand Hodler. Catalogue raisonné der Gemälde, Vol. 1: Die Landschaften*, Œuvrekataloge Schweizer Künstler 23/1, 2 vols, published by the Schweizerisches Institut für Kunstwissenschaft, Zurich 2008, No. 60, https://www.ferdinand-hodler.ch/werke.aspx?id=6009114 (retrieved November 6, 2025).

[13] Walter Hugelshofer*, Ferdinand Hodler: eine Monografie*, Zurich: Rascher, 1952 (name of work "Am Thunersee, Blick gegen die Blümlisalp, 1879", P. V, VIII, XIV, Ill. 8); Werner Y. Müller, "Landschaftskatalog", in: *Die Kunst Ferdinand Hodlers. Gesamtdarstellung*, Vol. 2: *Reife und Spätwerk 1895–1918*, Zurich: Rascher, 1941, P. 379–469 ("Der Niesen und Thunersee, 1876" No. 45). An overview of these and other publications can be found in the online catalog of works by Bätschmann and Müller. 2008, https://recherche.sikisea.ch/de/everything/in/catalogues.hodler/publication/list?0.0.type=work&0.0.@id=sik:work-6009114&0.type=work (retrieved November 6, 2025).

[14] Sotheby's Zurich (publisher), *Schweizer Kunst. Art Suisse. Auktionskatalog Sotheby's Zürich,* June 17, 1998, Zurich 1998, (Lot 123).

Sotheby's Zurich on April 9, 1998: "[…] qu'il s'agit bien d'une oeuvre entièrement de la main de Ferdinand Hodler […]."[15]

13 On June 17, 1998, Bruno Stefanini, the founder of the Stiftung für Kunst, Kultur und Geschichte in Winterthur, which currently owns the work, purchased it at auction at Sotheby's in Zurich for CHF 274,719 (including premium and VAT).[16]

2. Previous ownership status of Hugo and Martha Nathan

2.1. Lost Art Search Request

14 In 2006 a search request was registered with the Lost Art Database for the work "Thuner See bei Niesen" by Ferdinand Hodler (ID 312487). "Nathan, Martha" is listed as the original owner and the contact is the German Lost Art Foundation.[17] The illustration included on the search request corresponds to Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen*, which is currently in the SKKG collection (SKKG Inventory No. 1859).

15 The documents found through SKKG Provenance Research – as listed below – previous ownership by Hugo and Martha Nathan.

2.2. Information on the Identity of the Collector

2.2.1. Hugo Noe Nathan (1862–1922)

16 Hugo Noe Nathan was born on July 10, 1862, as the first child of Julia Nathan, née Fürth, (1841–1928) and Salomon Nathan (1831–1918) in Frankfurt am Main. From at least 1893, Hugo Nathan was a commercial employee at his family's leather and fur company in Frankfurt am Main, "Nathan & Mayer […] Häute u. Felle", which was founded by his grandfather. On December 15, 1893, he married Martha Adrianna Dreyfus, who was born in Frankfurt am Main. They had no children.[18]

---

[15] Jura Brüschweiler, "Schreiben vom 9. April 1998 betr. Datierung", in: Swiss Art Archives in the Swiss Institute for Art Research, archive number 44004.
[16] February 23, 2024 Research Report, margin nos. 5, 26.
[17] German Lost Art Foundation, Lost Art Database, search request "Thuner See bei Niesen", Hodler, Ferdinand", Lost Art ID 312487, www.lostart.de.
[18] For more information on Hugo Nathan, including sources, cf. February 23, 2024 Research Report, margin nos. 9b f., 28–34.

2.2.2. Martha Adrianna Nathan (1874–1958)

17 Martha Adrianna Nathan was born on November 28, 1874, in Frankfurt am Main as the oldest child of Rosalie 'Lally' Anne Dreyfus (née Lévy, born 1851 in Sierck-les-Bains, died 1927) and Isaac Dreyfus-Jeidels (born 1849 in Berlin, died 1909 in Frankfurt am Main). She had four siblings in total: Albert Emil (born 1876 in Frankfurt am Main, died 1945 in Geneva), Georg (later Georges) Ludwig (born April 25, 1879, in Frankfurt am Main, died March 6, 1957, in Zurich), Willy (born 1885 in Frankfurt am Main, died January 12, 1977 in Montreux) as well as Marie Bertha (1877–1888). Her grandfather, Isaac Dreyfus-Bernheim (1786–1854) founded the Dreyfus Bank in Basel in 1812. In addition to Basel (which still exists as a private bank today), the bank had further branches in Frankfurt am Main (since 1868) and Berlin (since 1891). Martha Nathan's father, Isaac Dreyfus, worked in the Frankfurt branch first as a director with signing authority, then from 1872 onwards as a partner.[19]

18 Martha Nathan was a French national. In 1875, she gained Swiss citizenship together with her parents and siblings. Through her marriage to Hugo Nathan, she lost her Swiss citizenship and became a German national. In 1933, she applied for and regained her French citizenship.[20]

19 On February 19, 1937, Martha Nathan fled Germany to France, where she lived in a hotel in Paris. She was able to save her furnishings from Germany in 1938, placing them in storage in Paris on August 18, 1938. Later, on June 25 and 29, 1942, her furnishings were seized and taken away by the German occupation authorities.[21]

20 On August 15, 1939, just before the start of the Second World War, Martha Nathan fled on to Geneva. Here too, she lived, as did many refugees, first in hotels and most likely partly in sublets, before she moved into her own apartment on the Rue des Alpes 5 in 1951.[22]

21 Martha Nathan died on December 9, 1958, in Geneva.

---

[19] For further information about the Dreyfus family, including sources, cf. ibid., margin nos. 35–37; September 17, 2024 Addenda, margin nos. 37a–l.
[20] Cf. remarks in ibid., margin no. 40a; Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 1; Albert Lebrun and Eugène Penancier, "Naturalisations et réintégrations", in: *Journal officiel de la République française. Lois et décrets*, September 24, 1933, Year 65, No. 224, fol. 46.
[21] Cf. February 23, 2024 Research Report, margin nos. 38–40.
[22] Cf. ibid., margin nos. 41 f.

2.3. Proof of Previous Ownership

2.3.1. Hugo Nathan

22 When and how the painting came into Hugo Nathan's collection is unknown. The characteristics of Hodler's work *Thunersee mit Blüemlisalp und Niesen* that still exist today do not shed light on Hugo Nathan's previous ownership status.[23] However, previous ownership by Hugo Nathan can be proven from 1913 onwards, based on the following documents.

23 In the exhibition catalog of the Frankfurter Kunstverein from 1913, Hugo Nathan is explicitly listed as the lender of the Hodler painting "Thunersee und Niesen". The catalog includes an illustration of the painting.[24]

24 The essay "Die Sammlung Hugo Nathan in Frankfurt a. M." written by Städel director Georg Swarzenski in *Kunst und Künstler* in 1917 names the Hodler work "Thunersee bei Niesen, 1876" as part of Hugo Nathan's collection.[25] The illustration corresponds to the painting that is currently part of the SKKG collection.

25 From November 16, 1919, to April 25, 1920, part of Hugo Nathan's collection was stored in the Städelsche Kunstinstitut in Frankfurt am Main. The catalog "Verzeichnis Sammlung Hugo Nathan, Eingang: 16. November 1918", which is in the Städel Archive, shows "Hodler Thunersee mit Niesen" at Position 7. [26]

2.3.2. Martha Nathan

26 Hugo Nathan disposed of his estate in his will, although, due to political and economic developments, he repeatedly made amendments.[27] In the first

---

[23] Cf. ibid., margin nos. 9 and "8. Provenienzmerkmale am Objekt", P. 39. A technical analysis by art specialists dated the ornate frame to the 1990's; cf. September 17, 2024 Addenda, margin no. 9a.

[24] Frankfurter Kunst-Verein (publisher), *Frankfurter Kunstschätze. Auswahl der schönsten und wertvollsten Gemälde des 19. Jahrhunderts aus Frankfurter Privatbesitz*, exhibition catalog, July 20 to September 30, 1913, Frankfurt am Main 1913, explicitly names Hugo Nathan as lender of "Thunersee und Niesen" (No. 33, P. 12), Ill. Table 33.

[25] Georg Swarzenski, "Die Sammlung Hugo Nathan in Frankfurt a. M.", in: *Kunst und Künstler. Illustrierte Monatsschrift für Kunst und Gewerbe*. Year XV, Issue 3. Berlin: Bruno Cassirer, 1917, P. 105–120, Ill. P. 116.

[26] Hugo Nathan Collection, catalog, November 16, 1918 (return to Nathan dated April 25, 1920), Archiv des Städelschen Kunstinstituts / Städel-Archiv, Signature No. 657: Restitution of acquired cultural goods. Return of acquired cultural goods.

[27] For the will, its amendments and relevant sources, cf. February 23, 2024 Research Report, margin nos. 17–21.

version dated December 24, 1917 he named his wife Martha Nathan as sole heir, at the same time decreeing that the painting collection should be bequeathed to the Städelsche Kunstinstitut on the death of his wife. In return, the Städel was to set up a foundation in his name with the aim of keeping the collection together.[28] [Please note that the will of Hugo Nathan was written in German. The following translation is for information purposes only. In case of discrepancies between this text and the German original, the German prevails.]

27 "§ 1. In the event that I should die without leaving any legitimate descendants, I appoint as my sole heir my beloved wife

Martha Adrienne née Dreyfus, namely with the following proviso.

§ 2. All furnishings and household items belonging to the marital household, with the exception of the oil paintings, for which I have made a special provision below, including all gold, silver and jewelry, shall remain the unrestricted property of my beloved wife.

§ 3. The oil paintings in my possession at the time of my death shall remain in the possession of my wife for as long as she lives, but after her death they shall be bequeathed as a single collection to the Städel'sche Kunstinstitut here, on condition that the paintings be displayed as a unified collection under the name

Hugo Nathan Stiftung

and hung in a special room, or at least in a part of the painting gallery set specifically aside for them. To enable this, and to prepare the room intended for the paintings and carry out any other structural alterations that may be necessary, a sum of RM 50,000 (fifty thousand marks) from my estate shall be made available to the Städel'sche Kunstinstitut upon the death of my beloved wife.

Should the Städel'sche Kunstinstitut not comply with the above conditions, I hereby decree that the paintings shall be sold at public auction.

I leave it to the discretion of the subsequent heirs appointed by me, or, if the asset administration appointed by me still exists, its members, to decide where and how this is best done.

In this case, the bequest of RM 50,000 (fifty thousand marks) will of course not be paid out to the Städel'sche Kunstinstitut. […]."

[28] Transcript of Hugo Nathan's will, Archiv des Städelschen Kunstinstituts / Städel-Archiv, Signature No. 657: Restitution of acquired cultural goods. Return of acquired cultural goods. Hugo Nathan wrote that he bequeathed "all furnishings and household items belonging to the marital household […] including all gold, silver and jewelry" to his "wife in unrestricted ownership". The oil paintings were excluded.

28 After the end of the First World War and the monarchy, Hugo Nathan changed his will on December 27, 1918. He left his wife "the right to freely dispose of my paintings". She "may sell from the collection whatever she deems necessary for her living expenses", since he did not know, "what my financial circumstances will be like once peace talks are complete".[29] In an addendum dated June 21, 1920, he wrote that as an amendment to his will dated December 24, 1917

29 "In view of the complete upheaval of all circumstances through political events […] in case of emergency […] and in favor of my first wife, to the extent necessary to avert an emergency, that the capital assets I leave behind, which are placed under administration, may be also reduced in their value and used to cover living expenses […]".[30]

30 With Hugo Nathan's death on November 30, 1922, Martha Nathan the right to free disposition of Hugo Nathan's entire art collection. This also made her the sole owner of the Hodler work *Thunersee mit Blüemlisalp und Niesen*.

31 The following documents show that the work remained in Martha Nathan's possession and unrestricted ownership even after 1922:

- archival files from the Kunsthalle Basel, which recorded that Martha Nathan had stored the work in its depository from August 7, 1931, to August 31, 1939; especially her letter to Director Barth dated August 2, 1931, and his answer dated August 8, 1931;[31]
- transcript of Martha Nathan's moving inventory dated February 9, 1938, addressed to the chief financial officer (currency exchange) in Kassel;[32]
- letter including list from the Kunsthalle Basel to the Banque Cantonale Vaudoise dated August 31, 1939, which confirmed the works' move from the depository in Basel to Lausanne;[33]

[29] Ibid.
[30] Ibid.
[31] Martha Nathan, letter to Director Barth, August 2, 1931; Director Barth, letter to Martha Nathan, August 8, 1931, Kunsthalle Basel archive, Martha Nathan file. Completed deposits (prior to 1960) II.
[32] Notarized transcript of Martha Nathan's moving inventory, February 9, 1938, addressed to the chief financial officer (currency exchange) in Kassel, HHStA Inventory 519/3 No. 12912, fol. 28–30.
[33] Kunsthalle Basel "Liste des 30 tableaux de la collection Nathan envoyés ce jour-ci à la Banque cantonale vaudoise à Lausanne", August 31, 1939, Kunsthalle Basel archive, Martha Nathan file. Completed deposits (prior to 1960) II.

- as well as the letter from Willy Dreyfus to Carl Egger, Kunsthalle Basel, dated April 23, 1941.[34]

32 The last existing proof of Martha Nathan's possession and unrestricted ownership is a letter dated April 26, 1941, in which Martha Nathan's brother Willy Dreyfus informs the Kunsthalle Basel that the paintings previously stored at the Kunsthalle were now definitely declared as imported into Switzerland. All imported paintings are listed in the letter, with "Hodler 'Thunersee'" in fifth place.[35]

33 Archival research done by the Banque Cantonale Vaudoise on the request of the UK-SKKG did not lead to further results, even though the work had demonstrably been stored there as of August 1939.[36]

34 There is no further evidence for Martha Nathan's ownership of the Hodler painting in the period after April 26, 1941.

2.4. Subsequent Provenances

35 On June 17, 1998, Bruno Stefanini purchased the work at auction at Sotheby's in Zurich. The Sotheby's Zurich auction catalog dated June 17, 1998, lists "Peter Nathan", the son of art dealer Fritz Nathan, as provenance. On request, the auction house stated that Peter Nathan was neither the owner at the time nor did he consign the work to the auction.[37] Neither the name of the consignor to the auction at Sotheby's Zurich of June 17, 1998, nor the previous owner is known to the UK-SKKG. The auction house states that the applicable private person has since died.[38] The attempt to contact the heirs of the consignor through the auction house was unsuccessful.

[34] Willy Dreyfus, letter to Carl Egger, April 23, 1941, Kunsthalle Basel archive, Martha Nathan file. Completed deposits (prior to 1960) II.
[35] Above-mentioned, letter to Willy Dreyfus, April 26, 1941, Kunsthalle Basel archive, Martha Nathan file. Completed deposits (prior to 1960) II.
[36] Banque Cantonale Vaudoise, letter to UK-SKKG, December 17, 2024: "[…] l'obligation légale de conservation des archives est de 10 ans. Passé ce délai, les informations ne sont plus disponibles. Toutefois, […] nous avons effectué […] des recherches dans nos archives physiques. Malheureusement, les recherches entreprises n'ont pas permis d'identifier de courriers ou de documents en lien avec la remise des tableaux concernés lors de leur sortie de la Banque. Il n'y a aucune mention d'un dépôt ou safe au nom de Mme Martha Nathan."
[37] Sotheby's Zurich, Senior Director, Head of Office, email to UK-SKKG, April 24, 2024.
[38] Ibid.

2.4.1. Peter Nathan / Fritz Nathan

36 The results of provenance research showed, however, that the work was on the premises of art dealer Fritz Nathan in early 1941. (Despite having the same name as the art dealer Fritz Nathan, who was also persecuted by the Nazis, Martha Nathan was not directly related to him.)[39] The work is included in a catalog belonging to Fritz Nathan titled "Album für die Jahre 1941–42", with an illustration.[40] The black-and-white photo shows the same painting that is currently in the SKKG collection. Whether Hodler's *Thunersee mit Blüemlisalp und Niesen* was transferred from Martha Nathan to the art dealer Fritz Nathan, or Fritz Nathan merely took the work under commission, is unknown. The index of the "Album für die Jahre 1941–42" contains the additional information "'Thunersee', sold to 'Sutter, Genua'."[41] According to Johannes Nathan (Nathan Fine Art), the grandson of the art dealer Fritz Nathan, his grandfather's appointment book for 1941 shows that the sale to "Sutter" in Genoa occurred on July 24, 1941. No information on the sale price or supporting documents such as correspondence, an entry in the account book, or sales documents are available.

37 Fritz Nathan had already sold two works from Martha Nathan's collection in 1938/39, which at the time were stored at the Kunsthalle Basel. In October 1938, Fritz Nathan sold the works by Hans Thoma, *Obstgarten bei Säckingen* (1872) and *Schwarzwaldbächlein (Bächlein bei Bernau*, 1872), to Oskar Reinhart.[42] He carried out three additional sales from Martha Nathan's collection from 1942 to 1951.[43] Fritz Nathan recorded that he had sold works from Martha Nathan's collection in his publication *Erinnerungen aus meinem Leben*, but without listing the titles.[44]

---

[39] Cf. February 23, 2024 Research Report, margin no. 87.
[40] Johannes Nathan, email to Thomas Schmutz, June 27, 2023 (photo of object as attachment).
[41] Ibid.
[42] In a letter dated September 21, 1938, Fritz Nathan mentions "the two Thoma paintings […], which were then purchased by Dr. Reinhart , with payment immediately received by Mrs. N."; Fritz Nathan, letter to the Basler Kunstverein, September 21, 1939, Kunsthalle Basel archive, Martha Nathan file. Completed deposits (prior to 1960) II. Further correspondence on sales by Fritz Nathan to Oskar Reinhart can be found in the archive of the Oskar Reinhart Collection (information from the Legal Successors 1, April 14, 2025).
[43] 1941/42: Camille Pissaro, *Hafen von Rouen (Flusslandschaft)*, and 1946: Pierre-Auguste Renoir, *Sur la Falaise* (information from the Legal Successors 1, April 14, 2025, with reference to information provided by Johannes Nathan [Nathan Fine Art]); 1951: Hans von Marées, *Selbstportrait* (Kunsthaus Zurich Provenance Project, https://collection.kunsthaus.ch/en/collection/item/2561/ [retrieved November 6, 2025]).
[44] Cf. Fritz Nathan, *Erinnerungen aus meinem Leben*, Zurich 1965.

2.4.2. "Sutter, Genua"

38 According to the index of the "Album für die Jahre 1941–42" by Fritz Nathan, he sold the work "Thunersee" "to Sutter, Genua"[45]. The buyer's index does not go into detail who "Sutter" is; a first name is not listed.[46]

39 There is a company in Genoa called "Sutter", which manufactures cleaning supplies. It is possible that the family with Swiss roots who owned it was the buyer mentioned by Fritz Nathan in his album index ("Sutter, Genua").[47] The company was contacted twice by SKKG Provenance Research. There was no reply. A letter from SKKG Provenance Research to the descendant and current head of the Sutter company also remained unanswered, as did enquiries to art museums in Genoa as to whether the Hodler painting had been exhibited there after July 1941.[48] In addition, no export or customs papers were found, neither in the Swiss Federal Archives nor the Federal Office for Customs and Border Security, which might document the export of this work to Genoa.[49]

2.4.3. Provenance from July 24, 1941 to June 17, 1998

40 It is unknown where the work was located and who owned it between its sale by Fritz Nathan on July 24, 1941, to "Sutter, Genua" and the Sotheby's auction on June 17, 1998. Examination of available evidence yielded no results.[50]

2.5. Exclusion of other Potential Claimants

41 There is no evidence of other previous owners who could be entitled to act as claimants in these proceedings.

42 It can be specifically excluded that Martha Nathan sold the Hodler work *Thunersee mit Blüemlisalp und Niesen* to the couple Alfred and Gertrude Sommergut, who were also persecuted by the National Socialists. Fritz Nathan also sold a Ferdinand Hodler work for them in early 1941 titled "Am Thuner See / Aarekanal bei Thun" a.k.a. "Aarekanal bei Scherzlingen". There is proof, however that up to 1941, this work was deposited in the Kunstmuseum St. Gallen by the Sommerguts and came from there to Fritz Nathan. His "Album

[45] Johannes Nathan, email to Thomas Schmutz, June 27, 2023 (photo of object as attachment).
[46] Thomas Schmutz, memorandum on visit to Nathan Fine Art, July 4, 2024.
[47] Cf. February 23, 2024 Research Report, margin no. 85.
[48] Cf. September 17, 2024 Addenda, margin no. 84a.
[49] Cf. Federal Office for Customs and Border Security, letter to UK-SKKG, May 28, 2025; Swiss Federal Archives, email to UK-SKKG, July 7, 2025.
[50] Cf. February 23, 2024 Research Report, margin no. 85; September 17, 2024 Addenda, margin nos. 84a, 86a–d, 87a.

für die Jahre 1941–42" documents its sale, four illustrations after *Thunersee mit Blüemlisalp und Niesen*. Here as well, the buyer is listed as "Sutter, Genua".[51]

2.6. Identification of the Above-Mentioned Cultural Good with that in the SKKG Collection

43 There is no evidence to cast doubt on the fact that the painting by Ferdinand Hodler with the current title *Thunersee mit Blüemlisalp und Niesen*, which was part of the collection of Hugo and Martha Nathan at the latest from 1913 to at least April 26, 1941, is identical to the SKKG work with Inventory No. 1859. The illustrations in the exhibition catalogs of the Frankfurter Kunstverein from 1910 and 1913, as well as the essay "Die Sammlung Hugo Nathan in Frankfurt a. M." by Georg Swarzenski from 1917 on Hugo Nathan's collection correspond to the work in the SKKG collection with Inventory No. 1859.[52]

2.7. Restitution Claims by the Previous Owner

44 After the war, Martha Nathan submitted restitution claims for assets that had been lost due to her persecution (cf. margin nos. 89–94)[53]: In April 1950, she received DM 10,000 by way of settlement for her house and property on Mendelssohnstrasse in Frankfurt.[54] In December 1951, she came to an agreement with Frankfurter Städelsche Kunstinstitut in which, of the forced donations from 1938, she ceded two works to the museum while three were returned to her (cf. margin nos. 53, 79, 89, 123).[55]

45 Based on compensation law enacted in the US Zone in April 1949, Martha Nathan successfully claimed compensation for the Reich Flight Tax she had paid (cf. margin no. 90).[56]

46 The *Bundesrückerstattungsgesetz* [Federal Refund Act] of 1957 made it possible for her to claim compensation for her financial losses due to the seizure of her furnishings in Paris (cf. margin nos. 19, 91). On January 30, 1957,

[51] Cf. Thomas Schmutz, memorandum on visit to Nathan Fine Art, July 4, 2024; Matthias Wohlgemuth and Samuel Reller, "Archivprojekt während der NS-Zeit in St. Gallen eingelagerte Sammlungen aus jüdischem Eigentum", provenance research project 2019–2020, supported by the Federal Office for Culture, final report, St. Gallen 2020, https://kunstmuseumsg.ch/fileadmin/daten/downloads/provenienzforschung/Archivprojekt_Schlussbericht_24.11.2020.pdf , P. 20 (retrieved November 6, 2025).
[52] Cf. margin nos. 11 with detailed sources.
[53] Cf. February 23, 2024 Research Report, margin nos. 88 f., 91 f.
[54] Cf. ibid., margin no. 92 with additional notes.
[55] Cf. ibid., margin nos. 51, 89 with additional notes.
[56] Cf. ibid., margin nos. 55, 60; Hessisches Hauptstaatsarchiv Wiesbaden (HHStAW), Inventory 518, No. 43828, fol. 43–46, 52 f.

she won a settlement in the amount of DM 17,486.25, which did not cover the loss of her household goods. On April 5, 1960, the heirs of the meanwhile deceased Martha Nathan were awarded another DM 91,996.99 for the furnishings stolen in Paris.[57]

B. Assessment of the Facts

1. Was Martha Nathan persecuted by the Nazi Regime between January 30, 1933, and May 8, 1945?

1.1. Persecution within the German Reich

1.1.1. Collective Persecution

47 As a Jew, Martha Nathan belonged to a group that was systematically and collectively disenfranchised and persecuted.[58]

48 The anti-Jewish policies and everyday anti-Jewish practices within the "Third Reich", which was implemented by the anti-Semitic ideology of the Nazi regime, aimed to reverse the social and legal equality of Jews that had gradually been established since the Enlightenment. With the National Socialists' seizure of power in 1933, a systematic process began that led to the abolition of the civil equality of Jews achieved during the Weimar Republic. In the process, measures taken by the state and the NSDAP and its organizations, associations and structures interacted with initiatives from German society. Fueled by widespread anti-Semitism, social initiatives repeatedly took precedence over state measures. The Nuremberg Race Laws of September 1935, which were chosen as the key date in the Allied restitution legislation from which collective persecution of Jews must be assumed, are therefore important for developments in several respects. On the one hand, they marked the state and the party's claim to authority over the process of excluding Jews, the dynamics of which had been largely uncontrolled. On the other, they established that Jews in the German Reich would henceforth have a lower legal status as citizens. This gave buyers of Jewish property a significant advantage, as they could rely on collective persecution measures without having to abandon the

[57] Cf. ibid., margin no. 93 with additional notes.
[58] Cf. from extensive literature, especially Saul Friedländer, *Nazi Germany and the Jews: The Years of Persecution 1933-1939*; and *The Years of Extermination: Nazi Germany and the Jews, 1939-1945* in German translation by Martin Pfeiffer, Munich 2007 [*Das Dritte Reich und die Juden, Bd. 1: Die Jahre der Verfolgung 1933–1939; Bd. 2: Die Jahre der Vernichtung 1939–1945*]

fiction of bona fide acquisition. Buyers benefited from the fact that the sellers were not acting voluntarily, which meant that the central basis of legal transaction under the civil code was no longer valid; the basic assumption required for a transaction under civil law – the contracting parties as legally equal – no longer applied.

49 At this point, the interplay between the removal of boundaries and the imposition of restrictions inherent to the persecution of Jews within the "Third Reich" became clear, which was also a prerequisite for the expropriation of Jews to take place without the bourgeois property regime being called into question.[59] The institution of private property thus remained untouched, while Jews were displaced from their position as owners, i.e. expropriated. This was embedded in the widespread notion that the expropriation of Jews was a kind of "redemption" of "public property" from Jewish hands, which would thus return to its rightful – non-Jewish – owners.[60] Therefore, the expropriation of Jews was more than a state process. It affected broad sections of German society, who could seek individual advantages with a clear conscience at the expense of an increasingly disenfranchised minority.

1.1.2. Individual Concrete Persecution

50 In many ways, Martha Nathan was affected by the ever-tightening net of discrimination against Jews. Many aspects of everyday and social life were affected, which in general, and also in her case, are not and cannot be fully documented.

51 The persecution measures documented in Martha Nathan's applications for reparations after 1945 (cf. margin nos. 89–91) have already been filtered through the logic of the relevant laws and only cover part of the reality of persecution. Nevertheless, this filter does reveal some things: until the beginning of World War II, the anti-Jewish policy of the "Third Reich" aimed to exert considerable pressure on Jews to emigrate, forcing them to leave as much of their property behind as possible.

52 This also applies to Martha Nathan. And in her case, the familiar pattern is confirmed. Firstly, the German tax authorities actively sought to seize Jewish assets as much as possible, primarily through the Reich Flight Tax, which was

[59] Constantin Goschler, "Die Enteignung der Juden und die Europäisierung des Holocaust", in: Hartmut Berghoff, Jürgen Kocka and Dieter Ziegler (publishers), *Wirtschaft im Zeitalter der Extreme. Beiträge zur Unternehmensgeschichte Deutschlands und Österreichs*, Munich 2010, P. 337–353.
[60] Hans Günther Adler, *Der verwaltete Mensch. Studien zur Deportation der Juden aus Deutschland*, Tübingen 1974, P. 491.

becoming increasingly confiscatory in nature.[61] In Martha Nathan's case, this meant that she lost around 95 percent of her monetary and investment assets when she left the German Reich in 1938.[62] Although she managed to transport her household goods to France and store them in Paris, once the French capital was occupied, they were confiscated by German forces. This confiscation formed part of a comprehensive persecution plan, specifically the confiscation of Jewish furniture that began in occupied France in January 1942 under the direction of the *Einsatzstab Reichsleiter Rosenberg* (ERR) [task force under Reichsleiter Rosenberg], the so-called "M-Aktion" (short for "Möbel-Aktion" [furniture action]). As part of this plan, the apartments of Jews who had been deported or forced to flee in the territories occupied by Germany, especially in France, Belgium, and the Netherlands, were looted. .[63]

53 Secondly, Martha Nathan's case also demonstrates a second characteristic of the expropriation of Jews. In addition to the tax authorities, numerous players in German society enriched themselves in many ways by exploiting to their advantage the increasing lack of rights of Jews.[64] One could speak here of a collective unleashing of individual greed. There are three concrete examples of this in Martha Nathan's restitution claims, which refer to sales made before her emigration in 1938: When Martha Nathan sold her car, the buyer did not consider it necessary to actually pay the agreed purchase price.[65] When she sold her house, the prospective buyer took advantage of the fact that she was under considerable time pressure, changing the terms of sale to his advantage.[66] And the Städelsche Kunstinstitut ultimately extorted her in return

[61] Katharina Stengel (publisher*), Vor der Vernichtung. Die staatliche Enteignung der Juden im Nationalsozialismus*, Frankfurt am Main i. a. 2007; Christiane Kuller, *Bürokratie und Verbrechen. Antisemitische Finanzpolitik und Verwaltungspraxis im nationalsozialistischen Deutschland*, Munich 2013.
[62] Cf. on the individual measures of expropriation, February 23, 2024 Research Report.
[63] Martin Dean, *Robbing the Jews. The Confiscation of Jewish Property in the Holocaust, 1933–1945*, Cambridge 2010, especially P. 282, 309 f., 312; referral to sources and documents to the European Holocaust Research Infrastructure (EHRI), *Einsatzstab Reichsleiter Rosenberg*, https://portal.ehri-project.eu/units/de-002429-ns_30 (retrieved November 6, 2025).
[64] Cf. from the now extensive literature on the expropriation of Jews under National Socialist rule, in particular Frank Bajohr*, "Arisierung" in Hamburg. Die Verdrängung der jüdischen Unternehmer 1933–1945*, Hamburg 1997; Constantin Goschler and Philipp Ther (publishers), *Raub und Restitution. "Arisierung" und Rückerstattung des jüdischen Eigentums in Europa,* Frankfurt am Main 2003; Martin Dean, *Robbing the Jews. The Confiscation of Jewish Property in the Holocaust, 1933–1945*, Cambridge, 2010.
[65] Cf. February 23, 2024 Research Report, margin no. 43 with additional notes.
[66] Cf. ibid., margin nos. 44–48, especially 47.

for "favorable" treatment of the export application of her art collection by demanding a donation of several of her paintings.[67]

54 In view of the well-known increasing lawlessness and endangerment of Jews within the "Third Reich", no individual violence on the part of buyers was necessary to gain advantages. They were thus able to conclude transactions with Jews that formally appeared to be legally valid contracts between two equal contracting parties within the meaning of the German Civil Code. However, the legal fiction of civic equality underlying the German Civil Code, which is a prerequisite for valid legal transactions, had long since been undermined or abolished.

1.2. Persecution in France

55 During her stay in Paris from 1937 to August 1939 – that is, until shortly before England and France declared war on the German Reich in September 1939 – Martha Nathan was presumably confronted with strong xenophobic and increasingly anti-Semitic tendencies inherent in French society and politics. These were directed primarily against Léon Blum, a Jew who had been elected to the head of the Popular Front government in 1936. Nevertheless, French politics initially resisted these tendencies, and so "until the defeat of 1940, explicit anti-Semitism was absent from legislation and government work."[68] However, in 1934, the French state had begun to gradually tighten its policy toward immigrants.[69] Martha Nathan was not affected by this due to her regained French citizenship.

56 The persecution of Jews in France, which began in the fall of 1940, finally caught up with Martha Nathan when she was already living in Switzerland. The valuables she had taken from Germany to Paris and put into storage were affected by the "M-Aktion" (cf. margin no. 52). [70]

[67] Cf. ibid., margin nos. 49–51.
[68] Tal Bruttmann, Laurent Joly and Barbara Lambauer, "Der Auftakt zur Verfolgung der Juden in Frankreich 1940", in: *Vierteljahrshefte für Zeitgeschichte* 60,3 (2012), P. 381–407, here 382.
[69] Michael Mayer, "'Die französische Regierung packt die Judenfrage ohne Umschweife an.' Vichy Frankreich, deutsche Besatzungsmacht und der Beginn der 'Judenpolitik' im Sommer/Herbst 1940", in: *Vierteljahrshefte für Zeitgeschichte* 58,3 (2010), P. 329–362, here 339–341.
[70] Martin Dean, *Robbing the Jews. The Confiscation of Jewish Property in the Holocaust, 1933–1945*, Cambridge 2008, especially P. 257 ff.

1.3. Persecution in Switzerland

1.3.1. General Situation in Switzerland

57 Until World War I, migration in Europe was largely unregulated, with a system of free movement of persons in place.[71] However, after the October Revolution in Russia in 1917, the political landscape changed fundamentally. In Switzerland, there were fears that the entry and exit of foreigners was not being adequately controlled, meaning that spies and fraudsters could pose a threat to internal security. The Swiss Federal Council passed an emergency ordinance creating the Federal Aliens Police [*Fremdenpolizei*], which was responsible for monitoring and controlling immigration. With the revision of the Federal Constitution in 1925, the federal government was officially granted legislative authority over the entry, exit, residence and settlement of foreigners. This led to the adoption of the *Bundesgesetz über Aufenthalt und Niederlassung der Ausländer* (ANAG) [Federal Act on the Residence and Settlement of Foreign Nationals] on March 26, 1931, which established the legal framework for foreigners in Switzerland. Swiss immigration policy shifted from a policy of integration to a policy of exclusion. The Federal Aliens Police had the task of preventing "foreign infiltration." The consequence of the Federal Aliens Police's "foreign infiltration policy" was a restrictive, anti-Semitic migration policy.[72]

58 The ANAG was based on economic protectionist considerations, but shaped Switzerland's migration and asylum policy for decades. People with valid identity documents could obtain a settlement permit or a residence permit for up to two years. People without identity documents, on the other hand, could obtain a temporary residence permit [*Duldung*; literally "toleration"] for three to six months in exchange for a deposit.

59 Since there was no internationally binding legal status for refugees at that time – the Geneva Refugee Convention was not adopted until 1951 – it was up to individual states to regulate their own policies on refugees. In Switzerland, the definition of a refugee and the associated right to asylum had been interpreted increasingly restrictively since 1917. The ANAG granted only "political refugees" the right to asylum, not other refugees (Art. 21 ANAG). Persons who were not directly persecuted or threatened by another state due to a political

[71] Patrick Kury, "Wendepunkt Erster Weltkrieg. Das Fremde wird zur Bedrohung", in: André Holenstein, Patrick Kury and Kristina Schulz, *Schweizer Migrationsgeschichte. Von den Anfängen bis zur Gegenwart*, Baden 2018, P. 229–246, here 231.
[72] Ibid., P. 244.

offense were not considered political refugees, nor were persons who suffered disadvantages because of their political or religious beliefs.

60 This narrow interpretation of the term "refugee" and the granting of asylum, particularly between 1933 and 1945, can be seen as an expression of an anti-Semitic policy of isolation. During the Second World War, Switzerland took in around 300,000 people seeking protection. Of these, more than a third were interned military personnel, 67,000 were temporarily admitted border refugees, 60,000 were children on recuperative leave, 51,000 were civilian refugees, 10,000 were emigrants, and 250 were political refugees. Only about 22,500 of those seeking refuge were Jews. A similar number of Jewish refugees were turned away at the border during those years.[73]

61 As an immediate response to the first wave of Jewish refugees after the NSDAP came to power on January 30, 1933, the Federal Department of Justice and Police (EJPD) sent out a circular letter requesting that "the utmost attention be paid" to the immigration of "Israelites". The cantons were instructed to "counteract the establishment of incompatibly alien [*wesensfremd*] elements [...] with regard to foreign infiltration.[74] Permanent residence and work permits were not to be granted under any circumstances. These instructions were specified in the Federal Council decision of April 3, 1933, after the authority to recognize political refugees had been transferred to the Office of the Attorney General. Jews were now explicitly not recognized as political refugees. On this basis, Jewish asylum seekers were turned away directly at the border and not accepted until the end of the war.[75]

1.3.2. Concrete Situation of Martha Nathan in Switzerland

62 At the time she fled into Switzerland, Martha Nathan was a French citizen (cf. margin no. 18). As such, she was able to register in Geneva. She entered Switzerland by car via Perly on August 15, 1939, and registered in Geneva on October 4, 1939.[76] After entering Switzerland, Martha Nathan stated in a questionnaire issued by the Federal Aliens Police dated October 6, 1939, that

[73] Cf. Independent Commission of Experts Switzerland – Second World War (ICE), *Die Schweiz und die Flüchtlinge*, Zurich 2001, P. 170–171.
[74] Federal Police Department, signed Federal Councilor Heinrich Häberlin, letter to the police authorities of all cantons and to the Swiss embassies and consulates in Europe, March 31, 1933, https://e-archiv.li/files/2009_2_rf_133_36_001.pdf (retrieved November 6, 2025).
[75] Cf. Noëmi Sibold, *Bewegte Zeiten. Zur Geschichte der Juden in Basel von den 1930er Jahren bis in die 1950er Jahre*, Zurich 2010, P. 248.
[76] Martha Nathan, Questionnaire B , Demande d'une autorisation de séjour, October 6, 1939, and Questionnaire pour émigrants, No. 858197, August 1, 1940, Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 5, 13.

she was French; she described her former nationality as “German by marriage.” She clarified this statement in another questionnaire on August 1, 1940: “French, naturalized Swiss in 1875, German by marriage, reinstated as French in 1933”.[77]

63 According to the cantonal registration card,[78] Martha Nathan lived in various hotels in Geneva. Quite a few Jewish refugees lived in hotels, at least in the early years of their exile, because it was not possible to rent an apartment or because upper-class exiles lacked the skills needed to run a household. Martha Nathan initially stayed at the Hôtel Métropole. In 1941, the Central Tracing Agency of the International Committee of the Red Cross was housed there. This could explain Martha Nathan’s move to the Hôtel de la Paix in the same year.[79] Martha Nathan lived in sublet accommodations for a time. It was not until after the war, in 1951, that she once again moved into an apartment that she was able to call her own, at 5 Rue des Alpes.

64 As a French citizen with valid papers, Martha Nathan was most likely granted a permanent residence permit under bilateral settlement agreements in accordance with applicable law.[80] Her legal situation can be considered relatively secure until the entry ban for French Jews in 1941. However, the Federal Aliens Police had already warned of possible French-Jewish refugees in August 1940, as evidenced by a letter from the *Federal aliens Police* to the Swiss consulate in Toulouse dated August 1940.[81] Until then, Jews with French citizenship had generally been granted entry permits to Switzerland, as there was nothing to prevent them from returning freely, at least from a legal standpoint. In August 1940 – after France’s defeat by Nazi Germany in June of that year – a warning was issued that entry visas should only be issued to French Jews with the utmost caution, as there was a fear that they would no longer be able to return to France. Two months later, on October 3, 1940, the Vichy regime indeed issued the first “Statut des Juifs”, which initiated the persecution of Jews in France. However, from August 1940 onwards, entry visas for French Jews were only issued against guarantees and the deposit of

[77] Martha Nathan, Questionnaire pour émigrants, No. 858197, August 1, 1940, Archives d’Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 11. This statement is verified; Albert Lebrun und Eugène Penancier, “Naturalisations et réintégrations”, in: *Journal officiel de la République française. Lois et décrets*, September 24, 1933, Year 65, No. 224, fol. 46. Cf. remarks in September 17, 2024 Addenda, margin no. 40a.
[78] Archives d’Etat de Genève, 1985, esp. 18.1.788 Nassehy-Navarro (A-J), “NATHAN, Marthe”, 1985va18_1_788_Nathan_Fichier_Controle_1939-1958.
[79] Cf. September 17, 2024 Addenda, margin no. 94e.
[80] Cf. ICE, *Die Schweiz und die Flüchtlinge*, Zurich 2001, P. 34.
[81] Federal Aliens Police [*Fremdenpolizei]* to the Swiss Consulate in Toulouse, August 12, 1940, paraphrased from ibid. P. 136.

high security deposits. From 1941 onwards, with few exceptions, almost all entry applications from French Jews were rejected on the grounds that the development of anti-Semitic measures was foreseeable. With the closure of the border in 1942, legal entry became impossible for Jews from all neighboring countries.[82]

65 On August 1, 1940, Martha Nathan submitted an application to be recognized as an "emigrant".[83] People who had fled to Switzerland before the outbreak of war for political, racial or economic reasons and had been granted a cantonal "tolerance permit" under Art. 7 ANAG were considered "emigrants." The tolerance permit made the emigrants' stay in Switzerland legal, but it was limited until a time when they could return home or continue their journey. This open temporary residence permit valid for one canton served solely to organize onward travel and had to be renewed every three to six months. The Federal Council Decision of October 17, 1939, regulated the legal status of "emigrants." Previously, the terms "refugees" and "emigrants" had been used synonymously. From that point on, only those refugees who fell under the provisions of the Federal Council Decision of October 17, 1939, were considered "emigrants." The Federal Aliens Police determined this on a case-by-case basis.[84]

66 The Federal Aliens Police did not recognize Martha Nathan as an emigrant. However, she was granted a residence permit, for which she had to submit a new application every six months, including a financial statement. The following information can be gleaned from these documents: In her letter to the residence permit office dated August 14, 1941, Martha Nathan explained that she had declared the amount of CHF 60,500 for the "sacrifice national," for which she had been taxed.[85] This presumably refers to the following regulation: "The Federal Aliens Police may make the granting of tolerance permits to wealthy emigrants conditional upon their making appropriate contributions to

[82] Ibid., P. 146.
[83] Cf. September 17, 2024 Addenda, margin no. 63d; Martha Nathan, Questionnaire B, Demande d'une autorisation de séjour, 6. October 1939; Federal Aliens Police [*Fremdenpolizei]*, letter to Martha Nathan, December 20, 1940, Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 5, 16.
[84] Carl Ludwig, *Die Flüchtlingspolitik der Schweiz in den Jahren 1933 bis 1955. Bericht an den Bundesrat zuhanden der eidgenössischen Räte*, Bern 1957, P. 170 f.
[85] Martha Nathan, letter to the Département de Justice et Police, Bureau de Permis de séjour, August 14, 1941, Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 22.

the costs incurred by private aid organizations for the accommodation, maintenance and onward travel of emigrants without means."[86]

67 From December 1940 onwards, Martha Nathan had to apply to the Federal Aliens Police every six months to renew her residence permit.[87]

68 Martha Nathan's financial situation in Switzerland cannot be reconstructed in its entirety, as no withholding tax records relating to her can be found.[88] Nor does the tax office of the Canton of Geneva have any tax records for Martha Nathan.[89] A reference to Martha Nathan's financial situation can be found in a questionnaire from the Federal Aliens Police dated August 1, 1940.[90] There, in section "IV. Moyens d'existence et caution" [means of subsistence and immigration bond][91], she states that she had the following assets: she possessed approximately CHF 20,000 and approximately FRF 200,000 at the French bank Lubersac & Co., half of which was "in securities" and half in a "compte courant" (checking/current account); she was liable for tax in Geneva. On August 14, 1941, Martha Nathan stated in her letter to the department of residence issues of the justice and police department of the Canton of Geneva that she had paid CHF 60,500 for the "sacrifice national". Martha Nathan's residence permit had to be approved by the Federal Aliens Police. As was also customary in other cantons, applications for renewal had to be submitted to the cantonal authorities. In the aforementioned letter, Martha Nathan also states that she had imported a number of paintings into Switzerland after obtaining the necessary permits and paying customs duties. Having sold several of these paintings, she now had cash amounting to approximately CHF 50,000.[92]

---

[86] Cf. amendment to regulations governing foreign nationals, in: *Die Tat. Schweizerische unabhängige Tageszeitung*, Year 4, No. 17, October 21, 1939, P. 4; September 17, 2024 Addenda, margin no. 63d.
[87] Cf. Archives d'Etat de Genève, 1985 esp. 18.1.788 Nassehy-Navarro (A-J), "NATHAN, Marthe", 1985va18_1_788_Nathan_Fichier_Controle_1939-1958.
[88] Cf. September 17, 2024 Addenda, margin no. 63a.
[88] Cf. ICE, *Die Schweiz und die Flüchtlinge*, Zurich 2001, P. 34.
[89] Letter from the République et Canton de Genève, Département des finances, des ressources humaines et des affaires extérieurs, Administration fiscale cantonale to the UK-SKKG, August 4, 2025.
[90] Martha Nathan, Questionnaire pour émigrants, No. 858197, August 1, 1940, Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 11–14.
[91] Ibid., fol. 14.
[92] Her original statement: "Par suite de la vente de plusieurs de ces tableaux, je dispose actuellement d'argent liquide en espèces, s'élevant à sfr.50.000.-- environ"; cf. Martha Nathan, letter to the Département de Justice et Police, Bureau de Permis de séjour, August 14, 1941, Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 22.

69 This information corresponds to the verifiable sales, made by her, of works from her collection.[93] On August 18, 1942, Martha Nathan again stated that she had cash in the amount of "50,000 francs".[94] The next details regarding Martha Nathan's financial circumstances can be found in a letter from her lawyer to the Geneva residents' registration office dated August 21, 1944.[95] In it, he explains that Martha Nathan has a securities account in France that is under German control and also has cash at her disposal. He also states that, according to Willy Dreyfus, his sister's financial situation has not changed since her last tax return, as she continues to earn her living almost exclusively from the sale of personal items. A letter dated August 24, 1944, to Geneva's cantonal residents' registration office contains the following information: Martha Nathan's cash holdings amount from "frs. 35,000" to "frs. 40,000," half in dollars and half in Swiss francs.[96] The letter also emphasizes that Martha Nathan is of Swiss origin and has three brothers in Switzerland who, "si c'était nécessaire -ce n'est pas le cas encore actuellement- ne la laisseraient pas tomber dans le dénuement" ["if necessary – which is currently not the case –would not let her become destitute"].[97]

70 In summary, it can be said that although Martha Nathan was not threatened with expulsion from Switzerland, the loss of her residence permit in December 1940 and the non-recognition of her status as an "emigrant" meant that she was in a legally precarious situation, as she had no legal certainty and neither her premarital Swiss citizenship[98] nor the fact that she had three brothers living in Switzerland had any influence on her legal status. Martha Nathan had to renew her residence permit every six months and disclose her financial situation several times, because only those who could prove that they had sufficient means to support themselves could expect to have their residence permit renewed. She had to cover her living expenses from her own assets. The fear of arbitrary decisions by the authorities and sudden deportation was a constant threat for most Jews in Switzerland who did not have Swiss citizenship.

---

[93] Cf. February 23, 2025 Report, margin nos. 72–78.
[94] Martha Nathan, Questionnaire C, *Demande de renouvellement d'une autorisation de séjour*, August 18, 1942, Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 29 f.
[95] Alex Martin-Achard, attorney, letter to Controle de l'habitant, Geneva, August 21, 1944, Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 45.
[96] Ibid., fol. 44.
[97] Ibid.
[98] Cf. among others Silke Margherita Redolfi, *Die verlorenen Töchter. Der Verlust des Schweizer Bürgerrechts bei der Heirat eines Ausländers Der Verlust des Schweizer Bürgerrechts bei der Heirat eines Ausländers. Rechtliche Situation und Lebensalltag ausgebürgerter Schweizerinnen bis 1952*, Zurich 2019.

2. Did a loss of assets occur within the applicable time period as a result of forced sale, expropriation or other means?

2.1. Ownership/Possession as a Prerequisite

71 The mandatory prerequisite for a relevant loss of assets is, first of all, ownership or possession of the painting by the cut-off date of January 31, 1933, and a change of hands before May 8, 1945.

72 The work *Thunersee mit Blüemlisalp und Niesen* by Ferdinand Hodler with the SKKG Inventory No. 1859 is proved to have been owned by Hugo und Martha Nathan (cf. margin nos. 22–34) since 1913/17. The last proof of Martha Nathan's ownership by inheritance from her late husband dates to April 26, 1941: Martha Nathan's brother Willy Dreyfus informed the Kunsthalle Basel that the paintings previously deposited at the Kunsthalle had now been definitively declared as imported into Switzerland. The letter lists all the imported paintings, with "Hodler 'Thunersee'" in fifth place (cf. margin no. 31 f.).[99]

2.2. Definitive Loss of Assets

73 In order to establish the definitive loss of assets in this present case, conclusive evidence of a change of ownership between April 26, 1941 (last evidence of ownership by Martha Nathan) and May 8, 1945, is required.

74 As explained above, the index of art dealer Fritz Nathan's "Album für die Jahre 1941–42" contains the information "'Thunersee', Sold to 'Sutter, Genua'" and according to Fritz Nathan's appointment book, the sale took place on July 24, 1941 (cf. margin no. 36 f.). No further evidence, such as information on the sale price, a business ledger entry or sales documents, is available.

75 In her letter to the residence permit office dated August 14, 1941, Martha Nathan reports on imports and sales of paintings.[100] It can be assumed that the sale in question here falls under this category and therefore actually took place before the letter was written. Similar letters from subsequent and previous years contain no information about asset sales or changes in assets that would indicate a sale of valuables.[101]

[99] Among others, letter to Willy Dreyfus, April 26, 1941, Kunsthalle Basel archive, Martha Nathan file. Completed deposits (prior to 1960) II.
[100] Martha Nathan, Schreiben an Département de Justice et Police, Bureau de Permis de séjour, 14. August 1941, Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477, fol. 22.
[101] Archives d'Etat de Genève, CHAEG_1985_va22_6_n°181477.

76 It can therefore be assumed that the persecution-related sale and the associated loss of assets took place or occurred on July 24, 1941, or in August 1941 at the latest.

3. What evidence is there regarding the persecution-related nature of the loss?

3.1. Presumption of persecution-related loss based on collective persecution

77 Based on the available evidence, it can be assumed that Martha Nathan sold Hodler's painting *Thunersee mit Blüemlisalp und Niesen* on July 24, 1941. There is no concrete sales documentation. This means that details of the sale, such as the purchase price and how much Martha Nathan may have received, can no longer be verified.

78 As a Jew, Martha Nathan was among those collectively persecuted by the Nazi regime (cf. margin nos. 47–49). When the work was sold in 1941, it can therefore be assumed that the seller was in a forced predicament, as the consequences of this persecution also had a direct impact on the circumstances of her stay in Switzerland.

3.2. Evidence of individual persecution

79 Martha Nathan was persecuted individually in Germany (cf. margin nos. 50–54). The available evidence documents that the numerous compulsory levies, the freezing of accounts, and ultimately the pressure of persecution that led to her flight robbed Martha Nathan of all her liquid assets, except for an authorized amount of RM 15,000.[102] In addition, the export of her moving inventory and parts of the art collection was approved, apparently in exchange for "gifts" (donation to the Städelsche Kunstinstitut).[103]

80 As a Jew, Martha Nathan's existence in France was also threatened by persecution, even though she had regained French citizenship. She was forced to travel on to Switzerland, where she was allowed to enter as a French citizen. However, her residence status as a French Jew became precarious again at the latest when the war began. In addition to covering her living expenses, she also needed proof of liquid assets to renew a temporary residence permit in Switzerland every six months (cf. margin nos. 64–70).

81 In this regard, Legal Successors 1 cite the following reasons for the sale: "Without the financial losses suffered as a result of state confiscation, Martha

[102] Cf. February 23, 2024 Research Report, margin nos. 55–63, here 59.
[103] Ibid., margin nos. 49–51, here 51.

Nathan would not have been forced to sell paintings to secure her survival in France and later in Switzerland. She did not give up the paintings because she no longer liked them, but because she was forced to sell off her collection piece by piece in order to survive. Under such conditions there was very little leeway to wait for a favorable moment to sell a painting or even to achieve good prices. The change of ownership in 1941 must therefore be assessed as a loss caused by Nazi persecution."[104]

82 The fact that Martha Nathan initially tried to maintain her lifestyle is understandable, especially since, until the outbreak of war, the duration of the reign of terror and thus the costs of exile were not foreseeable. From 1939 onwards, however, her uncertain residence status led to a deterioration in her living conditions; she ended up living partly as a subtenant.[105] She was unable to generate any income at any time, and it was no longer possible to liquidate her household goods after they were seized in France.

4. What information is available regarding the purchase price, its suitability, and its payment?

4.1. Information on Sales Price

83 As mentioned above, the index of the "Albums für die Jahre 1941–42" of art dealer Fritz Nathan states "'Thunersee', sold to 'Sutter, Genua'." And according to Fritz Nathan's appointment book, the sale was carried out on July 24, 1941 (cf. margin no. 36 f.).

84 No sales documents, information on the purchase price, or evidence of actual payment could be found in the archives of Fritz Nathan's grandson's art dealership, Nathan Fine Art, or anywhere else (cf. margin nos. 36). Inquiries made by SKKG Provenance Research to the Sutter company in Genoa and to the descendants of the former owners were not answered (cf. margin no. 38 f.).

4.2. Other Sales from Martha Nathan's Collection

85 On December 14, 1938, Martha Nathan sold the work *The Diggers* (Les Bêcheurs), 1889, by Vincent van Gogh, which was in the Kunsthalle Basel's

[104] Statement by Legal Successors 1, February 27, 2025.
[105] Cf. February 23, 2024 Research Report, margin no. 42.

depository at the time, to art dealers Justin Thannhauser, Alexander Ball and Georges Wildenstein for CHF 40,920.[106]

86 Also in December 1938, Martha Nathan sold the work *Street in Tahiti*, 1891, by Paul Gauguin from the depository of the Kunsthalle Basel for CHF 30,000 to the same art dealers, Justin Thannhauser, Alexander Ball and Georges Wildenstein. The proceeds are said to have gone directly to Martha Nathan.[107]

87 It is not known whether Martha Nathan actually received the full sale price for these two sales. The fact is that the dealers involved sold the works shortly afterwards at prices up to four times higher.[108] Martha Nathan's sale of the works at up to four times below their actual market value illustrates the pressure to sell that the seller was clearly under. As already indicated in margin nos. 62–70, Martha Nathan was under financial pressure and was forced to sell her works in order to cover her living expenses and secure her residence in Switzerland, which she may have already been considering as an emergency option at the end of 1938.

88 The sale of these two works from her collection below their actual market value suggests that Martha Nathan was also forced to sell Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen* below its actual market price in the spring of 1941.

5. Claims and subsequent compensation payments, compensation, equivalent values (including proceedings for restitution and compensation after 1945)

5.1. Enforcement of restitution claims after 1945

89 The research findings show that after the war, Martha Nathan focused on asserting the restitution claims that were legally possible at the time.[109] This does not mean that all of her financial losses would have been fully recorded.[110] Her restitution claims follow the chronology of legal developments. Martha

[106] United States District Court, Eastern District of Michigan, Southern Division, March 31, 2007, Detroit Institute of Art / City of Michigan vs. Claude George Ullin, et al., 2:06-cv-10333.
[107] United States District Court, Northern District of Ohio (Cleveland), December 28, 2006, Toledo Museum of Art vs. Claude George Ullin, et al., 3:06-cv-07031.
[108] Sales price 1938 Van Gogh, *The Diggers*: CHF 40,920 (ca. USD 9,360), sales price 1941: USD 34,000, cf. United States District Court, Eastern District of Michigan, Southern Division, March 31, 2007, Detroit Institute of Art / City of Michigan vs. Claude George Ullin, et al., 2:06-cv-10333. Sales price 1938 Gauguin, *Street in Tahiti*: CHF 30,000 (ca. USD 6,900), sales price May 1939: USD 25,000; cf. United States District Court, Northern District of Ohio (Cleveland), December 28, 2006, Toledo Museum of Art vs. Claude George Ullin, et al., 3:06-cv-07031.
[109] Cf. February 23, 2024 Research Report, margin nos. 88 f., 91 f.
[110] Cf. on the following February 23, 2024 Research Report, margin nos. 43–78, 88–95.

Nathan initially took advantage of the opportunities offered by Military Government Law No. 59 of the American occupation zone of November 1947. This law only applied to property that could be traced.[111] She therefore filed compensation claims relating to the sale of her Frankfurt real estate and the forced donation of paintings to the Städelsche Kunstinstitut in Frankfurt.[112] Settlement agreements were reached between the parties within this process – as expressly provided for in the provisions of this law, and in many cases in accordance with those provisions. In April 1950, Martha Nathan received DM 10,000 in settlement for her house and land on Mendelssohnstrasse in Frankfurt.[113] In December 1951, she came to an agreement with the Städelsche Kunstinstitut that she would permanently donate one work each by Courbet and Trübner to the museum, while receiving one painting each by Slevogt, Burger, and Boehler in return (cf. margin nos. 44, 53).[114] On the one hand, such settlements meant waiving part of the claims, but on the other, they enabled the proceedings to be concluded more quickly, especially since further legal action would have involved high costs.

90 Martha Nathan also successfully applied for compensation for the Reich Flight Tax she had paid on the basis of the U.S. Zone Restitutions Law of April 1949 [*Entschädigungsgesetz der US-Zone vom April 1949*].[115]

91 The *Bundesrückerstattungsgesetz* [Federal Refund Act] of 1957 finally opened up the possibility of compensating for property losses suffered abroad, provided that the valuables had been brought into the territory of the German Reich. After Martha Nathan received notice on January 30, 1957, regarding compensation in the amount of DM 17,486.25, which did not yet take into account the loss of her household goods (confiscation of her furniture in Paris, cf. margin nos. 19, 89), on April 5, 1960, the heirs of Martha Nathan, who had

[111] Cf. on the development and execution of the Allied restitution legislation, Walter Schwarz, *Rückerstattung nach den Gesetzen der Alliierten Mächte* (= *Die Wiedergutmachung nationalsozialistischen Unrechts durch die Bundesrepublik Deutschland*, published by the Federal Minister of Finance in collaboration with Walter Schwarz, Vol. 1), Munich 1974; Constantin Goschler, *Wiedergutmachung. Westdeutschland und die Verfolgten des Nationalsozialismus (1945–1954)*, Munich 1992; Jürgen Lillteicher, *Raub, Recht und Restitution: die Rückerstattung jüdischen Eigentums in der frühen Bundesrepublik*, Göttingen 2007; Tobias Winstel, *Verhandelte Gerechtigkeit. Rückerstattung und Entschädigung für jüdische NS-Opfer in Bayern und Westdeutschland*, Munich 2007; Benno Nietzel, *Handeln und Überleben. Jüdische Unternehmer aus Frankfurt am Main 1924–1964*, Göttingen 2012.
[112] Cf. February 23, 2024 Research Report, margin nos. 88 f., 91 f.
[113] Cf. ibid., margin no. 92 with additional notes.
[114] Cf. ibid., margin nos. 51, 89 with additional notes.
[115] Cf. ibid., margin nos. 55, 60; Hessisches Hauptstaatsarchiv Wiesbaden (HHStAW), Inventory 518, No. 43828, fol. 43–46, 52 f.

since passed away, were awarded an additional DM 91,996.99 for her household goods stolen in Paris.[116]

5.2. Placement of Findings in Context

92 According to the legal standards and the situation at that time, these were properly conducted proceedings. However, even from this relativizing perspective, the comparison with the Städelsche Kunstinstitut is negative. The legal development of restitution legislation after 1945 was not primarily driven by a desire to establish justice. Rather, the main concern was to restore legal certainty in the area of property in order to enable economic activity to resume. For this reason, restitution legislation favored quick procedures based on settlements. This implies, firstly, that claims and losses were often only partially settled. Secondly, these settlements generally defined the non-Jewish purchaser as owner between 1933 and 1945 and provided monetary compensation to the former Jewish owners. In terms of social history, this cemented the displacement of Jewish owners from Germany. Which is strikingly illustrated by the example of Martha Nathan, who, despite successful restitution proceedings after 1945, found herself in increasingly dire financial straits. Post-war restitution legislation was unable to satisfy Martha Nathan's claims in a way that could have prevented this.

93 In restitution proceedings, it is often argued that claims under the Washington Conference Principles on Nazi-Confiscated Art of December 1998 (hereafter referred to as the "1998 Washington Principles") can only be made if the descendants of the former owner have sought restitution or at least compensation for a cultural object. This presupposes that the former owners or their descendants would have been in a position to formulate their claims and that such claims would have been promising. Martha Nathan and later her descendants complied with the legal regulations that came into force and attempted to assert claims on the basis of these regulations (cf. margin nos. 44–46, 89–91).

94 For works of art sold abroad, whose whereabouts were often known only to the dealer involved, there was never any prospect of successful recovery or restitution. Even the option of making a claim, created in Switzerland between 1945 and 1947 by Federal Council decisions, only applied to artworks that remained in Switzerland, and even then, only if they had been directly confiscated by the German Reich. The assertion of such claims against buyers

[116] Cf. ibid., margin no. 93 with additional notes.

was precluded either by the statute of limitations or by the protection of buyers' good faith.

6. Decisions or recommendations regarding the above-mentioned collection or the above-mentioned collector

6.1. Post-War Period

95 Until her death on December 9, 1958, Martha Nathan herself did not request restitution of any paintings from her collection that she had sold between 1933 and 1945, apart from her claims against the Städelsche Kunstinstitut (cf. margin nos. 44).

6.2. After 1998

96 After the Washington Principles were adopted in 1998, two court cases ensued in which Martha Nathans' legal successors were involved.

97 In 2004, the legal successors of Martha Nathans notified the Toledo Museum of Art of their claim to the work *Street in Tahiti*, 1891, by Paul Gaugin. In response, the museum that owned the work proactively sued Martha Nathan's legal successors in 2006 to establish its ownership of the work and sought a permanent injunction against legal and other actions by Martha Nathan's legal successors in relation to the painting. The latter then filed a counterclaim and demanded the return of the work. The work had been stored in the Kunsthalle Basel's depository and sold in May 1939 to art dealers Justin Thannhauser, Alexander Ball, and George Wildenstein for CHF 30,000. The proceeds are said to have gone directly to Martha Nathan. The plaintiff, the Toledo Museum, had purchased the painting from Wildenstein & Co. in May 1939 for USD 25,000.[117]

98 In the second case, in 2007, concerning Vincent van Gogh's work *The Diggers* (*Les Bêcheurs*), 1889, the Detroit Institute of Arts, which has the work in its collection, also sued Martha Nathan's legal successors. In this case, too, the latter filed a countersuit demanding the return of the work, which Martha Nathan had sold in December 1938 from the Kunsthalle Basel depository for CHF 40,920 to art dealers Justin Thannhauser, Alexander Ball, and George Wildenstein. The Detroit Institute of Arts received the work in 1969 as a

[117] United States District Court, Northern District of Ohio (Cleveland), December 28, 2006, Toledo Museum of Art vs. Claude George Ullin, et al., 3:06-cv-07031.

donation from collector Robert H. Tannahill, who had purchased it from the three art dealers in 1941 for USD 34,000.[118]

99 In both cases, the respective museum's claim was upheld and the counterclaim by the legal successors was dismissed on formal grounds, in particular due to the statute of limitations on any possible basis for a claim. The 1998 Washington Principles were not found to apply. The works remain in the respective museums to this day.[119]

III. Conclusions

A. Foundation

1. General Foundation

100 The Rules of Procedure for the UK-SKKG state that the Commission must adhere to the 1998 Washington Principles, the "Best Practices for Washington Conference Principles on Nazi-Confiscated Art" of 2024[120] (hereafter "2024 Best Practices"), the "Terezín Declaration" of 2009 (hereafter "2009 Terezín Declaration"), the "ICOM Code of Ethics for Museums" of 2004, as well as the SKKG Principles of 2023 (Art. 1 Para. 1 UK-SKKG RoP).

101 Within these guidelines, the UK-SKKG makes ex aequo et bono decisions. The aim is to find a solution that is as comprehensible and appropriate as possible for all concerned (Art. 1 Para. 3 UK-SKKG RoP).

102 The preamble to the Rules of Procedure obliges the Commission to find fair and just solutions in connection with the loss of cultural goods due to Nazi persecution. Article 1 of the Rules of Procedure specifies that the primary focus must be the unconditional return of the cultural property in question. Other options include solutions negotiated by the parties involved in the proceedings

[118] United States District Court, Eastern District of Michigan, Southern Division, March 31, 2007, Detroit Institute of Art / City of Michigan vs. Claude George Ullin, et al., 2:06-cv-10333.
[119] Ibid.; United States District Court, Northern District of Ohio (Cleveland), December 28, 2006, Toledo Museum of Art vs. Claude George Ullin, et al., 3:06-cv-07031.
[120] Best Practices for the Washington Conference Principles on Nazi-Confiscated Art, United States Department of State, https://www.state.gov/office-of-the-special-envoy-for-holocaust-issues/best-practices-for-the-washington-conference-principles-on-nazi-confiscated-art (retrieved November 6, 2025).

in settlement talks under the guidance of the Commission (Art. 15 UK-SKKG RoP).

2. Definition of "the loss of cultural goods due to Nazi persecution"

103 For the UK-SKKG, its Rules of Procedure define the loss of cultural goods due to Nazi Persecution in accordance with the 2009 Terezín Declaration as all losses suffered by victims of the Holocaust (Shoah) and other victims of Nazi persecution, including through theft, coercion and confiscation, and on grounds of relinquishment, as well as forced sales and sales under duress occurring during the Holocaust era between 1933-45, and as an immediate consequence thereof (Art. 1 Para. 2 UK-SKKG RoP).

104 The 1998 Washinton Principles generally use the term "Nazi-confiscated art", in which "confiscation" implies state measures. However, from the outset this was a technical term that encompassed more than mere confiscation. This was made clear in the 2009 Terezín Declaration, which clarifies the concept of looted art in the 1998 Washington Principles and states that "Nazi-confiscated art" also includes property that was lost through theft, coercion, deprivation or relinquishment, but also those that were sold under duress or in a situation of necessity. Deprivation can therefore also manifest itself indirectly, for example through sales to finance escape. The 2024 Best Practices, which define central terms within the 1998 Washington Principles more precisely and provide clarification for their interpretation and practical application,[121] also elucidate this: "'Nazi-confiscated' and 'Nazi-looted' refer to what was looted, confiscated, sequestered, and spoliated, by the Nazis, the Fascists and their collaborators through various means including but not limited to theft, coercion, and confiscation, and on grounds of relinquishment, as well as forced sales and sales under duress, during the Holocaust era between 1933–45." (2024 Best Practices, Section II. B.).

105 Accordingly, Article 1 Paragraph 2 of the Rules of Procedure also recognizes sales to finance flight as the loss of cultural goods due to Nazi persecution.

[121] Cf. on creation and development, Wesley Fisher, "Best Practices for the Washington Conference Principles on Nazi-Confiscated Art and the Way Forward", in: Jirásková Jana (publisher), *Transferred to Reich Ownership. Documenting, identifying and restituting Nazi-looted cultural property. Proceedings of the 8th International Conference on the expropriation of property during the Second World War held in Prague on 17–18 September 2024*, https://jdcrp.org/wp-content/uploads/Wesley-Fisher-Best-Practices-for-the-Washington-Conference-Principles.pdf (retrieved November 6, 2025), P. 11–22.

3. Foundation for dealing with gaps

106 The starting point must be that gaps in provenance research are the rule rather than the exception. Despite intensive efforts and careful research, in most cases it is not possible to completely clarify all ambiguities, particularly regarding the biographical details of previous owners, as well as their relation to ownership and property.

3.1. 1998 Washington Principles

107 On this, the 1998 Washington Principles state: "In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era." (Sec. 4, 1998 Washington Principles).[122]

3.2. 2024 Best Practices

108 The 2024 Best Practices do not explicitly comment on how to deal with unclear findings, but state that, considering the specific circumstances in each individual case, it can be assumed that sales of cultural goods by a persecuted person during the Holocaust between 1933 and 1945 constitute involuntary transactions: "Taking into account the specific historical and legal circumstances in each case, the sale of art and cultural property by a persecuted person during the Holocaust era between 1933-45 can be considered equivalent to an involuntary transfer of property based on the circumstances of the sale." (2024 Best Practices, Section II. C). In addition, they generally assume an interpretation in favor of the victims: "'Just and fair solutions' means just and fair solutions first and foremost for the victims of the Holocaust (Shoah) and other victims of Nazi persecution and for their heirs." (2024 Best Practices, Section II. D.).

3.3. 2023 Principles of the SKKG

109 Under "Guidelines for the UK-SKKG", the 2023 Principles of the SKKG explicitly state that decisions can also be made in cases of incomplete provenance on the basis of evidence of loss due to Nazi persecution. They leave open the

[122] Cf. on the Washington Principles, Andrea F. G. Raschèr and Monika Steinmann Meier, "Washingtoner Richtlinien. Entwicklungen und Tendenzen in der Schweiz", in: Nikola Doll (publisher), *Museen in der Verantwortung. Positionen im Umgang mit Raubkunst*, Zurich 2024, P. 385–430, here P. 387–389; Raschèr, Kultur Kunst Recht, Ch. 6 N 710 ff. with additional notes.

question of how extensive the evidence of loss due to Nazi persecution must be and leave its assessment in individual cases to the Commission.

3.4. Examples of Other Commissions and Institutions

110 Other commissions and institutions deal with the probability of gaps in provenance and unclear circumstances in the following ways.

111 The Dutch Restitutie Commissie distinguishes between two degrees of probability: "highly plausible" for proof of former ownership and legal succession, and "sufficiently plausible" for the assumption that expropriation was involuntary.[123]

112 The French commission CIVS[124] follows the "principe de bonne foi" [principle of good faith] and attaches credence to victim statements as long as they are consistent with historical findings. If they fall outside the usual scope, further substantiation is required.[125]

113 The German evaluation framework from 2025[126] requires "high plausibility" for proof of previous ownership and object identity.[127] This is defined as a lower degree of assuredness compared to certainty, which, despite gaps and possible doubts, appears convincing overall based on evidence, sources and typical processes.[128]

[123] Assessment Framework for the Restitutions Committee, § 2, 3, https://www.restitutiecommissie.nl/wp-content/uploads/2023/12/DecreeRC2021incl-notes-validfrom24Jan23.pdf (retrieved November 6, 2025).
[124] Commission pour l'indemnisation des victimes de spoliations intervenues du fait des législations antisémites en vigueur pendant l'Occupation (CIVS), http://www.civs.gouv.fr/ (retrieved November 6, 2025).
[125] Cf. CIVS, Rapport d'activité de la Commission au titre de l'année 2002, Paris 2002, P. 25; Johannes von Lintig, *Ausgleichsleistungen für Kulturgüterverluste während der Zeit des Nationalsozialismus in Frankreich*, Berlin 2024, P. 222 f., 366 f.
[126] "Verwaltungsabkommen zur Einrichtung einer gemeinsamen Schiedsgerichtbarkeit für Rückgabestreitigkeiten über NS-Raubgut", March 2025, https://www.beratende-kommission.de/media/pages/aktuelles/verwaltungsabkommen-schiedsgericht-ns-raubgut/6dfabb0436-1744102617/verwaltungsabkommen.pdf (retrieved November 6, 2025).
[127] "Bewertungsrahmen für die Prüfung und Entscheidung zum Umgang mit NS-verfolgungsbedingt entzogenem Kulturgut", Appendix 2 of the administrative agreement "Schiedsberichtsbarkeit NS-Raubgut", March 2025, Sections 4.4.2., 5.5.3.
[128] Ibid., Sections 2.2.4, 2.3.2.

114 In Switzerland, various museums have issued statements on how to deal with gaps or have drafted their own guidelines.[129]

4. Foundation for sales outside the Nazi sphere of power

115 In the case of sales in countries outside Nazi Germany and the territories occupied by the Nazis – such as Switzerland, for example – the direct link between confiscation and persecution is often called into question.[130] This has to do with the fact that the restitution of Nazi-looted art was originally based on Allied military legislation and focused solely on reparations for loss that had taken place within the German Reich or its occupied territories (cf. margin no. 48 f.). The disposition of assets in the above-mentioned legal sphere by someone directly subject to persecution measures, or who belonged to a group of people whom the German NSDAP government intended to exclude from cultural and economic life in Germany through its measures, was also

[129] Cf. among others decision by the Kunstkommission Basel on the work by Henri Rousseau/Le Douanier, *La muse inspirant le poète/Apollinaire et sa muse* (1909), December 20, 2023; Marcel Brülhart and Nikola Doll et al., *Grundlagen zum Umgang mit NS-Raubkunst. Haltung der Stiftung Kunstmuseum Bern zur Provenienzforschung und zum Umgang mit Forschungsergebnissen*, Bern, June 11, 2025, margin no. 33; Marcel Brülhart and Nikola Doll, *Bericht zuhanden der Stiftung Kunstmuseum Bern bezüglich der Rückgabeforderung der Erben nach Carl Sachs,* March 28 / April 28, 2025, on the work by Alfred Sisley, *Le Chemin des Bois à Ville-d'Avray* (1879), margin nos. 184–188.

[130] Cf. on sales outside the Nazi sphere of power, Marcel Brülhart, Nikola Doll et al., *Grundlagen zum Umgang mit NS-Raubkunst. Haltung der Stiftung Kunstmuseum Bern zur Provenienzforschung und zum Umgang mit Forschungsergebnissen*, Bern, June 11, 2025, margin nos. 129–139; "Bewertungsrahmen für die Prüfung und Entscheidung zum Umgang mit NS-verfolgungsbedingt entzogenem Kulturgut", Appendix 2 on the administrative agreement "Schiedsberichtsbarkeit NS-Raubgut", March 2025, Section 9. On the looted goods/escape good controversy cf. among others Felix Uhlmann and Franca Eckstein, "Die Schaffung der unabhängigen Kommission für historisch belastetes Kulturerbe in der Schweiz", in: Vanessa Rüegger, Nicolas Mosimann and Lionel Schüpbach (publishers), *Kunst & Recht*, 2024 conference proceedings, Basel 2025, P. 5–56, here 9 f., 14, 21, 50; Weller Matthias (publisher), "Stärkung der Beratenden Kommission". "Internationale wissenschaftliche Studie im Auftrag der Beauftragten der Bundesregierung für Kultur und Medien", Bonn 2024, margin no. 402 ff.; Hannah Lehmann, *Die schweizerische Restitutionspraxis im Lichte der Washingtoner Prinzipien*, Berlin 2024, P. 138–167; Andrea F. G. Raschèr and Monika Steinmann Meier, "Washingtoner Richtlinien. Entwicklungen und Tendenzen in der Schweiz", in: Nikola Doll (publisher), *Museen in der Verantwortung. Positionen im Umgang mit Raubkunst*, Zurich 2024, P. 385 – 430, here 404–409; Andrea F. G. Raschèr, "§ 10 Raubkunst", in: Peter Mosimann, Marc-André Renold and Andrea F. G. Raschèr (publishers), *Kultur Kunst Recht*, Basel 2020, Ch. 6, margin nos. 853–858; Matthias Weller and Anne Dewey, "Warum ein ‹Restatement of Restitution Rules for Nazi-Confiscated Art›? Das Beispiel ‹Fluchtgut›", KUR 6/2019, 170–18; Alexander Jolles, "Fluchtkunst ist nicht Raubkunst – schweizerische Rechtslage bei Fluchtkunst", in: Peter Mosimann and Beat Schönenberger (publishers), *Fluchtgut – Geschichte, Recht und Moral*, Bern 2015, 137–147; Kurt Siehr, "Internationaler Rechtsschutz von Kulturgütern. "Schutz der bildenden Kunst in Vergangenheit, Gegenwart und Zukunft", in: *Schweizerische Zeitschrift für internationales und europäisches Recht, SZIER* 15/2005 52–77.

considered as loss within the meaning of the restitution laws.[131] For sales made between September 15, 1935, and May 8, 1945, the presumption of persecution applied, meaning that legal transactions were only considered valid if they might have been concluded even without the rule of National Socialism.[132]

116 The 1998 Washington Principles and their subsequent declarations do not explicitly address sales to third countries. The clarification in the 2009 Terezín Declaration, that "Nazi-confiscated and looted art" also includes cultural goods sold out of necessity, encompassing art and cultural goods lost between 1933 and 1945, as well as immediately afterwards through theft, coercion, or sale under pressure does not include any specifications or limitations to place or transaction. The 2024 Best Practices state that the sale of art and cultural goods by a persecuted individual during the Holocaust period between 1933 and 1945, taking into account the specific historical and legal circumstances, may be considered in every single case as the forced transfer of ownership (2024 Best Practices, Section II, C.). And they emphasize that the perspective of the victims and their individual and collective persecution must be taken into account (2024 Best Practices, Section II, B, C). Here, too, the emphasis is on examining each case individually, regardless of the place of sale.

117 Article 1 Paragraph 2 of the Rules of Procedure state that "The Terezín Declaration of 2009 applies the definition of Nazi-Confiscated and Looted Art to all losses suffered by victims of the Holocaust (Shoah) and other victims of Nazi persecution, including theft, coercion and confiscation, and on grounds of relinquishment as well as forced sales and sales under duress, occurring during the Holocaust era between 1933-45 and as an immediate consequence thereof." A limitation as to where the "losses suffered by victims of […] Nazi persecution" must have taken place is not defined by the Rules of Procedure.

B. Substantive Evaluation

1. Identity of the Cultural Good

118 Article 1 of the Rules of Procedure stipulates that the cultural good must have been owned by the applicant or their legal predecessor between January 30, 1933, and May 8, 1945. This means that the work currently in the SKKG

[131] Military Government – Germany, British Area of Control, Law No. 59, Restitution of Identifiable Property to Victims of Nazi Oppression, Art. 3 Para. 1 lit. a, b.
[132] Military Government – Germany, United States Area of Control, Law No. 59 (Amended 1), Restitution of Identifiable Property, July 1949, Art. 4 Para. 1 lit. A.

collection must be identical to the work that was owned by the applicant or their legal predecessor during the period in question.

119 Ferdinand Hodler's SKKG work, *Thunersee mit Blüemlisalp und Niesen*, Inventory No. 1859, is identical to Hodler's painting *Thunersee*, which was in the collection of Hugo and Martha Nathan from at least 1913 until at least April 26, 1941. The identity is confirmed by illustrations of the work in the exhibition catalogs of the Frankfurter Kunstverein from 1910 and 1913, as well as in Georg Swarzenski's essay "Die Sammlung Hugo Nathan in Frankfurt a. M." (The Hugo Nathan Collection in Frankfurt am Main) from 1917 (cf. margin nos. 11).

2. Ownership status from 1933 to the sale and entitlement of the Legal Successors

2.1. Property of Hugo and Martha Nathan

120 Article 13, Paragraph 6 of the Rules of Procedure requires that ownership be conclusively proven. Hugo and Martha Nathan were the previous owners of Ferdinand Hodler's work, now titled *Thunersee mit Blüemlisalp und Niesen*. Their ownership of the work can be proven from 1913 until at least April 26, 1941 (cf. margin nos. 22–34). The available documents prove Hugo and Martha Nathan's ownership.

2.2. Heirship Status

121 Legal successors are all persons who, by law, last will and testament, or other legally binding provision, have assumed the rights and obligations of the former owners (Art. 2 UK-SKKG RoP).

122 The legal successors involved in the proceedings substantiated their status as heirs through the required documents (Art. 13 UK-SKKG RoP). They were therefore admitted to the proceedings (cf. margin no. 6 f.). In its summary examination, the UK-SKKG came to the conclusion that all eligible heirs of Martha Nathan are involved in the proceedings. In accordance with Article 19 of the Rules of Procedure, the final examination of the succession is carried out by a notary appointed by the SKKG only after the proceedings have been concluded.

3. Persecution of the owner by National Socialists

123 Martha Nathan was disenfranchised and largely expropriated by the National Socialists in Germany (cf. margin nos. 50–54): she lost almost her entire

fortune to the Reich Flight Tax when she left the country in 1938. In addition, private individuals took advantage of her lack of rights by underpaying her when she sold her car and house. She was coerced into donating works of art to the Städelsche Kunstinstitut (cf. margin no. 53).

124 During her stay in Paris until 1939, Martha Nathan was confronted with xenophobic tendencies, but thanks to her French citizenship, she was spared stricter regulations against immigrants. From 1940 onwards, however, she was affected by the persecution of Jews when her valuables stored in Paris were confiscated as part of the "M-Aktion" (cf. margin no. 52).

125 Although Martha Nathan was not directly threatened with deportation in Switzerland, she found herself in a legally uncertain situation after losing her settlement permit as a French national in 1940. She now had to regularly renew a residence permit, disclose her financial situation each time, and cover her living expenses from her remaining assets (cf. margin nos. 62–70).

4. Sale of the work in Switzerland

4.1. Evidence of the sale of the work by Fritz Nathan on July 24, 1941

126 In April 1941, Martha Nathan definitively imported into Switzerland the works stored at the Banque Cantonale Vaudoise in Lausanne and formerly at the Kunsthalle Basel (cf. margin nos. 31 f., 72). The final importation of works of art was a significant turning point for Martha Nathan, as it not only entailed financial burdens such as customs duties and import sales tax, but also the risk of criminal prosecution in Germany for violating the obligation to declare goods upon departure. Such a risk could have had serious consequences if the person concerned had ever fallen back under Nazi control. For these reasons, final importation usually only took place if a work of art was to be sold on short notice.

127 Shortly thereafter, the work is mentioned in an "Album für die Jahre 1941–42" by the art dealer Fritz Nathan and documented with an illustration (cf. margin no. 36). The black-and-white photo shows the same painting that is now in the SKKG collection. It is not known whether Hodler's *Thunersee mit Blüemlisalp und Niesen* changed hands from Martha Nathan to art dealer Fritz Nathan, or whether Fritz Nathan merely took the work on commission. However, the index of "Album für die Jahre 1941–42" includes the additional information "'Thunersee', sold to 'Sutter, Genua'". In Fritz Nathan's appointment book for 1941, a sale to Sutter is entered for July 24, 1941 (cf. margin no. 36). No further evidence of the sale is available.

4.2. Sale in Switzerland

128 In this case, the above-mentioned documents of Fritz Nathan, who had his private and business address in Switzerland from 1936,[133] suggest that at that time, Martha Nathan lived in Geneva, that the work was stored in the Banque Cantonale Vaudoise in Lausanne, and that therefore the sale of the work *Thunersee mit Blüemlisalp und Niesen* 1941 was carried out in Switzerland.

129 The UK-SKKG understands the principles set out in margin numbers 115–117 to mean that, for the period from 1933 to 1945, the transfer of cultural goods belonging to persons persecuted by the Nazi regime cannot be formally regarded as legal transactions between contracting parties with equal rights. Rather, it is imperative to examine in each individual case whether the legal transaction was a sale motivated by Nazi persecution within the meaning of the Rules of Procedure in conjunction with the 1998 Washington Principles, the 2009 Terezín Declaration, and the 2024 Best Practices – regardless of where the legal transaction was carried out. A case-by-case assessment[134] therefore requires, as a matter of priority, clarification of the personal situation of the seller, in particular the impact of persecution on their decision to sell.

5. The owner's predicament

130 As shown in margin numbers 62–70, Martha Nathan was under considerable pressure to sell assets in order to be able to renew her residence permit on a regular basis. Losing her residence permit would most likely have resulted in her being deported to France and from there, by the German occupying forces, to one of the concentration camps. Martha Nathan therefore had to do everything she could to prove that she had the necessary financial reserves

[133] Esther Tisa Francini, Anja Heuss and Georg Kreis, *Fluchtgut – Raubgut. Der Transfer von Kulturgütern in und über die Schweiz 1933–1945 und die Frage der Restitution*, Zurich 2001, P. 41, 110 f.

[134] The Stiftung Kunstmuseum Bern also advocates for a case-by-case assessment: "Even in the case of a retrospective assessment [of the legal transaction], only the subjective motives of the persecuted person may be relevant in relation to the context of persecution, regardless of whether or not there was a risk of persecution in the third country. This means that, with a few conceivable exceptions, disposals by persons persecuted by the Nazis in third countries outside the Nazi sphere of influence always show a connection to persecution, because the subjective motive for the disposal results from persecution by the Nazi regime. The legal transaction must therefore be examined in each case to determine whether it stands up to scrutiny from the point of view of fairness and justice, particularly with regard to the negotiating situation and price." Marcel Brülhart, Nikola Doll et al., "Grundlagen zum Umgang mit NS-Raubkunst. Haltung der Stiftung Kunstmuseum Bern zur Provenienzforschung und zum Umgang mit Forschungsergebnissen", Bern June 11, 2025, margin no. 43.

every six months. Despite her residence in supposedly safe Switzerland, her life was indirectly threatened.

131 Martha Nathan had attempted to protect the works from seizure by the Nazi authorities by bringing them to Switzerland and storing them for many years in the depository of the Kunsthalle Basel and later at the Banque Cantonale Vaudoise in Lausanne – originally, presumably, in the hope of one day being able to hang them again in her private home.[135] However, the spreading threat posed by the National Socialists forced her into exile. From 1938 onwards, she was compelled to sell her works.[136] The sale of her works – including Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen* – was prompted by the pressure to generate funds to secure her stay in Switzerland and thus her survival in exile.[137] In April 1941, she definitively imported the works into Switzerland, which gave her the opportunity to sell them on short notice. She no longer had any other financial resources at her disposal (cf. margin nos. 68–70).

132 The sale of Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen* by Fritz Nathan (cf. margin nos. 36, 127) on April 26, 1941, is, in the Commission's

[135] In their statement of February 27, 2025, the Legal Successors 1 write: "It was only once she fled Germany and lost her assets in 1938 that the collection began to be broken up. Martha Nathan lost six paintings when she was forced to hand them over to the Städelsche Kunstinstitut in the summer of 1938. Sales in exile followed. The paintings that had been taken to France with the household goods were confiscated by the German Reich as part of the 'M-Aktion'."
[136] Cf. ibid.: "Without the financial losses suffered as a result of state confiscation, Martha Nathan would not have been forced to sell paintings to secure her survival in France and later in Switzerland. She did not give up the paintings because she no longer liked them, but because she was forced to sell off her collection piece by piece in order to survive. In such a situation, there was very little leeway to wait for a favorable moment to sell a painting or even to achieve good prices. The change of ownership in 1941 must therefore be assessed as a loss caused by Nazi persecution." The Legal Successors 1 further state that Martha Nathan was forced to sell paintings after emigrating to Switzerland. Firstly, she needed Swiss francs to cover her daily living expenses; she had to pay for accommodation, food, clothing, medical treatment, medication and everyday necessities. Secondly, she had to secure her residence in Switzerland in the first place. She was dependent on sufficient financial resources, the existence of which she had to prove to the Swiss authorities every six months in order to obtain a further residence permit. One can imagine the pressure Martha Nathan was under, having lost not only almost her entire fortune but also her home and social status at the age of over 65, and now being regularly dependent on the goodwill of the Swiss authorities and the help of her brothers every six months.
[137] Cf. statement by Legal Successors 2 dated February 28, 2025: "Even after her emigration to Switzerland, Martha Nathan struggled to fund not only her cost of living but also secure her residence in Switzerland. Every six (6) months, she had to prove that she had sufficient financial resources to remain in the country. Given her financial hardship, Martha Nathan had to resort to selling more of the pieces from her art collection. […] The subsequent flurry of sales post-1938 coincided with the pronounced increase in antisemitism in Germany and can only indicate that she was in a life-threatening predicament at the time and was forced to sell her art collection to fund her life after fleeing Germany."

opinion, directly related to the predicament in which Martha Nathan found herself in Switzerland in 1941. Without the sale of the work, she would not have been able to prove that she had the necessary liquid funds to extend her residence permit. As a French Jew, the loss of her residence permit would most likely have had life-threatening consequences for her.

133 Even if she had received payment of a reasonable purchase price with free disposal of her property, this would not have changed Martha Nathan's predicament. Although payment of a reasonable purchase price and free disposal of property may be parameters to be taken into account in an assessment, they alone do not constitute the necessary prerequisite for the assessment of an individual case, nor are they the decisive criterion.[138] Any "free availability of purchase price" must also be considered as it relates to necessary expenses, such as securing residence status outside the Nazi sphere of power. This means it should be noted that sales abroad could also directly serve to protect against Nazi persecution, i.e., to protect freedom and life, especially if there was a risk of being denied a residence permit due to a lack of available financial resources (cf. margin no. 70).[139] The latter was the case with Martha Nathan, as has been demonstrated several times.

[138] Cf. the recommendation of the "Advisory Commission in connection with the restitution of cultural goods seized as a result of Nazi persecution, especially Jewish property" in the case of the heirs of Kurt and Else Grawi vs. Landeshauptstadt Düsseldorf, March 18, 2021, www.beratende-kommission.de/de/empfehlungen (retrieved November 6, 2025). The sale of the *Füchse* by Grawi in Chile in 1940 was assessed as a confiscation due to Nazi persecution, even though it took place outside the Nazi sphere of influence, the purchase price achieved was considered reasonable, and Grawi was able to freely dispose of the proceeds. The decisive factor in this assessment was that the decision to sell and the specific arrangements for the sale were directly related to Nazi repression and forced emigration, i.e., there was a close connection between persecution, flight and sale.

[139] Cf. also Marcel Brülhart and Nikola Doll, *Bericht zuhanden der Stiftung Kunstmuseum Bern bezüglich der Rückgabeforderung der Erben nach Carl Sachs,* March 28 / April 28, 2025, on the work Alfred Sisley, *Le Chemin des Bois à Ville-d'Avray* (1879), margin nos. 191–194. The UK Spoliation Advisory Panel decided otherwise, recognizing in a 2012 case that the those affected were in a precarious financial situation as a result of their emigration from Germany and the sale would most likely not have taken place if the National Socialists had not come to power. However, it classified the forced sale as being at the lower end of the scale in terms of severity: "Having concluded on balance that this was a forced sale, the Panel, nonetheless, considers that the sale is at the lower end of any scale of gravity for such sales." In its reasoning, the Panel explained that the sales had taken place outside the sphere of power of the National Socialists and thereby did not immediately serve to protect freedom or life. Cf. "Report of the Spoliation Advisory Panel in respect of fourteen Clocks and Watches now in the Possession of the British Museum", London, 7. March 2012, P. 7 f., https://www.britishmuseum.org/sites/default/files/2019-11/spoliationreport_14clocks_2012_0.pdf (retrieved November 6, 2025). The Basel Art Commission argued similarly in the Rousseau case. It considers the Washington Principles to be applicable to changes of ownership in Switzerland (and other countries outside the Nazi sphere of

6. Dealing with gaps in the case of Ferdinand Holder's *Thunersee mit Blüemlisalp und Niesen*

6.1. Gaps in the Facts

134 In the specific case of Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen*, the following gaps in the facts essentially exist.

135 The sales documents containing details of the item sold, the terms of the contract and the sale price are missing. There is no receipt for the sale of the work. There is no evidence of payment of the purchase price to the art dealer Fritz Nathan, nor is there any information as to whether Martha Nathan received the proceeds of the sale (cf. margin no. 36).

136 It is also unclear whether Martha Nathan transferred ownership to art dealer Fritz Nathan or whether Fritz Nathan took the work on commission (cf. margin no. 36).

137 The identity of the potential buyer, "Sutter, Genua," could not be clarified. Accordingly, there is no evidence from the buyer's side for the sale on July 24, 1941 (cf. margin no. 38 f.).

138 It is also unknown where and in whose possession the work was held after its sale by Fritz Nathan on July 24, 1941, until the Sotheby's auction on June 17, 1998 (cf. margin no. 40).[140]

139 In addition, there are gaps in the facts regarding how Martha Nathan lived. Martha Nathan's financial situation at the time of the sale cannot be fully reconstructed. There are no withholding tax records or tax documents available (cf. margin nos. 68).

power), but argued in favor of unequal treatment, since in its view the specific element of injustice in the form of physical threat or extermination, and thus a life-threatening situation, did not exist, or at least to a much lesser extent. In this case, the predicament did exist, but it was different in Switzerland than in Germany or in the occupied countries, Kunstmuseum Basel, "Entscheid der Kunstkommission in Sachen des Werkes Henri Rousseau/Le Douanier (1844–1910) La muse inspirant le poète/Apollinaire et sa muse (1909) of December 20, 2023", https://kumu.picturepark.com/s/LrvhJe3p (retrieved November 6, 2025), P. 46–50, here 48 f.

[140] As a party to the proceedings, the SKKG writes in its statement of February 18, 2025: "Despite the efforts of all parties involved, the documentation regarding Martha Nathan's financial situation, the possible timing of the sale, and the sale price remains incomplete."

6.2. Assessment of Sources

140 In the assessment of the sources for this case (cf. margin nos. 126 f. and 130–133) the Commission has concluded, upon the evaluation of all files and information available to it, that although there are gaps in the facts of this case, a decision can still very easily be made based on what is known.

141 In particular, the Commission considers the information contained in the album, the index of the album, and the appointment book of art dealer Fritz Nathan to be established facts (cf. margin no. 36). The source provides sufficient information to provide adequate evidence for the sale of the work by Fritz Nathan on July 24, 1941, even though it is not known whether Fritz Nathan sold the work on behalf of Martha Nathan or had previously acquired the work himself. The fact that he sold the work leads to the conclusion that Martha Nathan highly likely relinquished or lost her ownership of the work on July 24, 1941. There is no evidence to suggest that the sale took place earlier – that is, between April and July 24, 1941 (see margin no. 73) – or later – that is, between July 24 and August 1941 (margin nos. 75 f.).

142 Information on the sale price and its availability would only further highlight the unfairness of the sale. However, the absence of the sales documents does not constitute a substantial gap that would call the sale as having taken place under duress into question.

143 The existence of an emergency situation is sufficiently demonstrated by the available documentation on Martha Nathan's personal situation, together with information on the historical context (cf. margin nos. 57–61), so that the absence of tax documents and withholding tax files is not significant.

144 Documents relating to the whereabouts of the work between July 24, 1941, and the Sotheby's auction in 1998 could provide sources that would further document the sale on July 24, 1941. At present, there are no further options for closing this gap. However, the lack of knowledge about the whereabouts of the work during the period in question does not affect the finding that it is highly likely the work was sold on July 24, 1941.

7. Affirmative decision: Loss due to Nazi persecution

145 In summary, it can be concluded that Martha Nathan definitively declared Ferdinand Hodler's work *Thunersee mit Blüemlisalp und Niesen* as having been imported into Switzerland in the spring of 1941, and that art dealer Fritz Nathan

highly likely sold the work on July 24, 1941, on behalf of Martha Nathan or after having previously purchased it from her himself.

146 Martha Nathan was forced to sell this and other works in order to finance her life in Switzerland. In addition, and in particular, she had to regularly prove that she had sufficient financial means to extend her residence permit in Switzerland. Otherwise, as a Jew with a French passport, she would have risked expulsion to France and subsequent deportation to a concentration camp and thus death.

147 The UK-SKKG therefore considers Martha Nathan's sale, between April 26 and July 24, 1941, of Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen* with SKKG Inventory No. 1859 to be a case of cultural goods lost due to Nazi persecution in accordance with the meaning of the above-mentioned foundation (cf. margin nos. 100–102).

8. Just and fair solution

8.1. Policy: Return

148 If cultural goods have been lost due to a Nazi persecution, they must always be returned (Art. 1 UK-SKKG RoP). The parties involved in the proceedings have the opportunity to agree on this or another just and fair solution (Art. 15 UK-SKKG RoP; margin nos. 102).

8.2. Possible Grounds for Exclusion from Restitution

149 When examining possible grounds for exclusion from restitution, it must be investigated in each specific case whether, on the one hand, compensation and reparations have been paid and, on the other hand, whether a work might have been sold even without the influence of Nazi persecution.

150 This topic is discussed in more detail below.

8.2.1. Reparation and Compensation

151 Martha Nathan received neither reparation nor compensation in the postwar period for the sale of Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen*, which was forced upon her by Nazi persecution (cf. margin nos. 89–91). She filed the restitution claims that were legally possible at the time and received partial restitution. The work in question was not part of this (cf. margin nos. 89–91, 95).

152 After 1998, Martha Nathan's heirs sought the return of two works from the Martha Nathan Collection in two court cases but were unsuccessful (cf. margin nos. 96–99). Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen* was not the subject of these proceedings.

153 Neither Martha Nathan nor her legal successors concluded a private settlement based on the Allied restitution laws for *Thunersee mit Blüemlisalp und Niesen*, which would have allowed the cultural property to remain with its respective owner in exchange for a monetary payment or other consideration.[141]

154 In 2006 and 2007, the legal representatives of Martha Nathan's heirs inquired about the work with Bruno Stefanini. The inquiry remained unanswered.[142] The SKKG archives contain a handwritten note dated November 18, 2010, which states: "The painting Ferdinand Hodler No. 1859, *Am Thunersee mit Niesen*, may not be loaned abroad. Nathan estate!"[143]

155 In summary, it should be noted that the restitution payments and settlements made in the post-war period do not cover the sale of *Thunersee mit Blüemlisalp und Niesen* due to Nazi persecution, and Martha Nathan never received any compensation for this.

8.2.2. Sale due to Nazi persecution

156 In the case of legal transactions concluded after September 15, 1935 (enactment of the Nuremberg Laws), it can be assumed that the seller was in a situation of collective duress. Legal transactions governed by Article 4 of American Military Government Law No. 59 of 1947/49[144] were only deemed valid if they might have been concluded without the rule of National

[141] This reason for exclusion is explicitly stated in section 10 of the *Bewertungsrahmen für die Prüfung und Entscheidung zum Umgang mit NS-verfolgungsbedingt entzogenem Kulturgut* [assessment framework for the examination and decision on the handling of cultural property lost due to Nazi persecution], Appendix 2 to the administrative agreement "Schiedsberichtsbarkeit NS-Raubgut," March 2025, whereby a private settlement does not constitute grounds for exclusion if the conclusion appears to be grossly unfair.
[142] February 23, 2024 Research Report, margin no. 27.
[143] "Nathan-Nachlass!", handwritten note, November 18, 2010, SKKG archive, Wintower, 2nd Floor, A.216.859, container NF 0077, file 859: Martha Nathan estate, Provenance Research for various paintings by Ferdinand Hodler: correspondence, inventory excerpt, 1998–2010.
[144] Military Government – Germany, United States Area of Control, Law No. 59 (Amended 1), Restitution of Identifiable Property, July 1949, Art. 4, Para. 1, lit. a, b.

Socialism.[145] The reason for exclusion from restitution would therefore have been a sale even without Nazi persecution.

157 In this specific case, there is no evidence that Martha Nathan would have sold the works if Germany were not under National Socialist rule. Before 1933, she did not sell any works from her collection. In a letter dated October 26, 1931, she stated: "[I] generally [do] not sell any paintings from my collection," but would "make an exception [...] only if I were offered a minimum sum of 12,000M for Hodler's Eiger, Mönch & Jungfrau."[146] Martha Nathan did not change her stance until mid-1936, when the first signs of her intention to sell became apparent. She granted her brother Georg(es) Dreyfus power of attorney over the paintings deposited in Basel.[147] From the summer of 1938 onwards, her intentions to sell intensified, as did visits to the depository by interested art dealers and buyers in Basel.[148] On December 6, 1938, Martha Nathan wrote to Lucas Lichtenhan of the Kunsthalle Basel: "I'm sorry to have to bother you so often, but since I have to sell paintings, I don't know any other way. [...] You can imagine how hard it is for me to part with my paintings."[149] Actual sales then followed in the succeeding weeks and months.[150]

158 Martha Nathan's efforts to sell works from her collection coincided with a significant intensification of persecution in Germany, which forced her to flee and raise funds to finance her livelihood abroad. This leads to the conclusion that without the predicament caused by persecution, the sale of the paintings would neither have been desired nor necessary.

9. Conclusion

159 In conclusion, the UK-SKKG states the following.

160 The work by Ferdinand Hodler, *Thunersee mit Blüemlisalp und Niesen* with inventory number 1859, which Bruno Stefanini acquired for SKKG in 1998, is identical to the Hodler painting "Thunersee", which was part of the collection of

[145] Military Government – Germany, United States Area of Control, Law No. 59 (Amended 1), Restitution of Identifiable Property, July 1949, Art. 4 Para. 1 lit. a.
[146] Martha Nathan, letter to Mr. Egger, October 26, 1931, Kunsthalle Basel archive, Dossier Martha Nathan. Completed deposits (prior to 1960) II.
[147] Martha Nathan, letter to Lucas Lichtenhan, February 12, 1937, Kunsthalle Basel archive, Dossier Martha Nathan. Completed deposits (prior to 1960) II.
[148] Cf. February 23, 2024 Research Report, margin nos. 61–76, here 73.
[149] Martha Nathan, letter to Lucas Lichtenhan, December 6, 1938, Kunsthalle Basel archive, Dossier Martha Nathan. Completed deposits (prior to 1960) II.
[150] Cf. February 23, 2024 Research Report, margin no. 75 f.

Hugo and Martha Nathan at the latest from 1913 until at least April 26, 1941 (cf. margin nos. 43, 118 f.).

161 Hugo and Martha Nathan were the owners of the work (cf. margin nos. 22–32, 120). Upon Hugo Nathan's death, his wife Martha became his sole heir.

162 The legal successors involved in the proceedings have demonstrated their status as heirs through the requisite documents (cf. margin 121 f.).

163 The available documents support the sale of the work (cf. margin 139 f.). It is at least highly likely that the art dealer Fritz Nathan sold the work *Thunersee mit Blüemlisalp und Niesen* by Ferdinand Hodler on July 24, 1941 (cf. margin nos. 36, 73–76, 126 f., 141, 144).

164 Martha Nathan was collectively and individually persecuted by the Nazi regime (cf. margin nos. 45–70, 130–133).

165 All evidence points towards Martha Nathan selling the work to secure her livelihood and her resident status in Switzerland (cf. margin nos. 77–82, 143).

166 It thus follows that the sale of Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen* was due to Nazi persecution (cf. margin nos. 145–147).

167 To date, Martha Nathan and her legal successors have not received any compensation for the work (cf. margin nos. 89–94, 151–155).

IV. Settlement Negotiation Preparation

168 Based on the above, the Commission concludes that the parties to the proceedings are to be invited to a settlement negotiation as per Article 15 Paragraph 1 of the Rules of Procedure.

169 With regard to the settlement negotiation, the Commission informs the parties to the proceedings of its assessment for – in its view – a just and fair solution as per Article 1 Paragraph 1 of the Rules of Procedure, Section 4 of the Washington Conference Principles of 1998, as well as Letter B. of the Best Practices 2024: The benchmark for the Commission is the return of the cultural good.

170 As part of the settlement negotiation, the Commission invites the parties to the proceedings to offer a statement on its assessment, to work towards an agreement (Art. 15 UK-SKKG RoP), and to define the details of such an agreement.

Addendum dated March 22, 2026, to the Commission's report of October 28, 2025:

V. Settlement Negotiation

171 The Commission's report of October 28, 2025 was submitted to the parties to the proceedings on November 7, 2025.

172 In letters dated November 25, 2025, and December 15, 2025, the parties to the proceedings issued statements on the Commission's report of October 28, 2025, and expressed their agreement with the Commission's assessment of the facts as well as with the return of the cultural good.

173 On February 18, 2026, the Commission submitted a draft agreement to the parties to the proceedings and invited them to comment on it. Their responses were received on March 2, 2026, and March 4 and 5, 2026, respectively.

174 At the settlement hearing held on March 10, 2026, in Zurich, the parties to the proceedings, under the guidance of the Commission, reached an amicable resolution and signed an agreement that essentially covers the following three points: the SKKG will return Ferdinand Hodler's *Thunersee mit Blüemlisalp und Niesen* (SKKG Inventory No. 1859) to the legal successors of Martha Nathan. In accordance with the wish of all parties to the proceedings to keep the memory alive, the painting is to be displayed at the exhibition "Jewish Collectors in Germany" at the Bucerius Kunst Forum in Hamburg (September 11, 2026 to March 28, 2027). In addition, the SKKG plans to honor the history of the artwork and Martha Nathan's family in a publication.

VI. Decision

175 Once the agreement, which must be notarized, has been signed, the proceedings before the Unabhängige Kommission SKKG shall be closed in accordance with Art. 15, Para. 2, of the Rules of Procedure.

Appendix

This examination schedule is a tool used by the Unabhängige Kommission SKKG. It may be further developed and adapted based on the experience gained by the UK-SKKG in the course of its activities.

Please note this is an indicative translation of the original German text «Prüfschema der Unabhängigen Kommission SKKG für die Klärung und den Entscheid betreffend Kulturgüter der Stiftung SKKG, die zwischen 1933 und 1945 den Eigentümer:innen NS-verfolgungsbedingt entzogen wurden (verabschiedet am 21. September 2023)». In case of divergence in the translated version, the original German text prevails.

Examination schedule of the Unabhängige Kommission SKKG (UK-SKKG) used to clarify and decide on cultural goods owned by the SKKG foundation, which were lost by previous owners between 1933 and 1945 due to Nazi persecution

(adopted September 21, 2023)

Based on the 1998 Washington Conference Guidelines on Works of Art Confiscated by the Nazis (WP98) and the 2009 Terezín Declaration.

1. Which cultural good is the subject of this examination?
    - Title / artist / dimensions / material / technology
    - Object description (painting: front) with image(s)
    - Signature
    - Description of reverse (provenance characteristics) with image(s)
    - References in literature, exhibition catalogs, magazines or other documents

2. Was the cultural good in question owned by the presumed previous owners or their legal predecessors?
    - Information about the identity of the collector(s)
    - Proof of previous ownership
    - Elimination of other potential claimants
    - Identification of the cultural good in question (in comparison with the cultural property in the foundation's collection)
    - Lost Art search reports
    - All available provenance from catalogs and literature
    - Breakdown of any provenance characteristics (if possible)
    - Referenced in:
        - victim and perpetrator files

- reparations and compensation files
- poss. adversarial proceedings / tax files

⇨ If Question 2 (identification of cultural good / identity of previous owners) can be answered in the affirmative, move on to Question 3.

3. Was the previous owner persecuted by the Nazi regime between January 30, 1933, and May 8, 1945?
   - Collective persecution:
     - classification into a persecuted group
     - presentation of prosecution measures
   - Individual persecution:
     - introductory biographical information about the family and the person in question
     - information on the person as a collector and, if applicable, the collection itself
     - relevant sources and their transmissions:
       - files on foreign exchange control and emigration/escape
       - tax files
       - sources on *Feindvermögen* [enemy assets] and confiscation through the German Reich
       - company archives
       - files on companies / banks, etc., insofar as there are infringements on assets
       - files on reparations and compensation proceedings
       - files from lawyers
       - files on residences

   - Put information within the context of external events:
     - changes in the legal or actual situation for the persecuted group to which the owner belonged
     - general circumstances such as the development of war, the status of the person, with criteria for their existence, tax obligations
     - situation in transit countries and countries of residence
       - political situation in transit countries and countries of residence
       - requirements for residence in transit countries and countries of residence (e.g. economic independence, risk of deportation)
       - earning options and work permissions in transit countries and countries of residence
       - parallel developments in Germany and associated potential threats in the event of return / expansion of war

   Special attention to escape/situation in so-called “safe third country”

4. Did the loss of asset occur during the relevant period as a result of forced sale, expropriation, or other means?
    - Distinguish between 1933-1935 and 1935-1945 (Nuremberg Laws)[151]
    - Documents on change of ownership from sources relating to Articles 1-3
    - Research results for buyers / dealers / auction houses / museums and art galleries
    - Appearances (and disappearances) on asset statements and lists

5. What evidence is there regarding the persecution-related nature of the loss?
    - WP98, Article 4: "…consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era", therefore evidence of this kind is often no longer in the possession of the applicants.
    - Assumptions based on collective persecution
    - Time-wise: Put changes in living conditions (Article 3 above) into a context of group or individual persecution
    - Contextually
        - general material living conditions until 1933 and thereafter
        - circumstances relating to income and capital before and after 1933
        - behavior as a collector (especially with regard to sales before and after 1933)
        - whereabouts of other assets
        - earning options after 1933

6. What information is available regarding the purchase price, its appropriateness, and "free disposal"?
    - Documents with purchase price details, including proof of payment
    - Market situation or comparable sales of similar works in free markets
    - For other sales: comparative information on the appropriateness of those sales
    - Set "free disposal" in relation to pressure to pay, discriminatory payments, attempts to rescue relatives, access to account (no blocked account), etc.

7. Are there reasons for exclusion from restitution?
    - Relationship between buyer and seller (background/follow-up)
    - Special support for the buyer, help with escape, transfer of proceeds to a safe country abroad.

8. Were there any claims and subsequent compensation payments/equivalent payments (including proceedings for restitution/compensation after 1945)?
    - Files from research for Article 3 above

[151] With regard to the relationship between individual and collective persecution, it should be noted that this date is the result of a political compromise between the Allies on the issue of restitution and not a historical assessment of the expropriation process. Background: A fixed date was necessary for the reversal of the burden of proof to be applicable. The Nuremberg Laws were considered a turning point for the "segregation of legal entities."

- Results of such proceedings
- Contextualization of procedural actions:
    - prospects for success
    - requirements for successful claims
    - situation of claimants
    - balance of power between the parties
    - burden of proof

9. Have any decisions or recommendations been made regarding the same collection or collector?
    - Research court proceedings and commission decisions or recommendations
    - Post-war timeframes / from 1965 to 1990 (Germany) or 1998 (WP98)
    - Determination of the grounds for the decision: material or formal
    - Classification into country-specific decision-making processes according to local material and procedural requirements

    Filter out the elements relevant to the present case that the UK-SKKG must address.