

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Oskar Silberknopf and Hans Silberknopf

Claim Number: 400321/WM/AC¹

Award Amount: 129,625.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the "Claimant") to the published accounts of Oskar Silberknopf. This Award is to the unpublished accounts of Hans Silberknopf ("Account Owner Hans Silberknopf") at the [REDACTED] (the "Bank") and to the published account of Oskar Silberknopf ("Account Owner Oskar Silberknopf") (together the "Account Owners") at the Amsterdam branch of the [REDACTED], which was a subsidiary (the "Subsidiary") of the Bank.

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a 2005 Claim Form identifying Account Owner Oskar Silberknopf as her mother's maternal cousin, Dr. Oskar Silberknopf, who was born on 21 July 1877 in Vienna, Austria. The Claimant indicated that her relative, who was Jewish, was the unmarried nephew of the Claimant's maternal grandmother, [REDACTED], née [REDACTED]. The Claimant indicated that her relative was a doctor by profession, and that he worked and resided at Rotenturmstrasse 9 in Vienna until 1941, when he was deported to Yugoslavia and subsequently perished.

According to information provided by the Claimant, Account Owner Hans Silberknopf was another of her mother's maternal cousins, Hans Silberknopf, who was born on 25 October 1890

¹ The CRT notes that *N.V. Effecten Maatschappij, Amsterdam*, was a fully-owned subsidiary of the Bank, and that it served the purpose of enabling the Bank to transfer and hold assets abroad. Most of the assets held at this subsidiary were transferred to the United States after the outbreak of the Second World War and the freeze of Dutch assets. The subsidiary itself was liquidated in 1941. See: Jung, Joseph (ed.): *Zwischen Bundeshaus und Paradeplatz - Die Banken der Credit Suisse Group in Zweiten Weltkrieg*, (Between Parliament and Paradeplatz: The Banks of the Credit Suisse Group in the Second World War), Zurich: NZZ Verlag, pp. 435, 436, 483, 524 and 525.

and was married to [REDACTED]. The Claimant indicated that Hans Silberknopf was the son of her grandmother's brother, [REDACTED]. According to information provided by the Claimant, Hans Silberknopf was Jewish, and he and his wife, who resided in Vienna, committed suicide on 13 April 1938, following the incorporation of Austria into the Reich in March 1938 (the "Anschluss").

The Claimant indicated that she is the only surviving heir of her mother's cousins, as the rest of the family perished in the Holocaust or have since died.

In support of her claim, the Claimant submitted a copy of the will of Hans Silberknopf, dated 12 March 1938 in Vienna, indicating that he had decided to commit suicide. In his will, Hans Silberknopf bequeathed the assets of his company to his four "exceptionally upright" employees, Johann Raganitsch, Alfred Racek, Rudolf Mosberg, and Norbert Winternitz, with an instruction to continue operating the company as its shareholders, or to sell it if operating the company would not be possible and then divide the proceeds among themselves. Further in his will, Hans Silberknopf listed the assets of his company, including an account at the Bank, as well as additional accounts at other banks in Europe. The will indicates that Hans Silberknopf's wife was [REDACTED], and lists, among other persons, *Frau* (Mrs.) [REDACTED], *Herr* (Mr.) [REDACTED], *Herr* Dr. Oskar Silberknopf, and *Frau* [REDACTED] among his heirs. Hans Silberknopf's will also indicates that his estate would provide for the upkeep of the graves of [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

The Claimant also submitted other documents, including: (1) excerpts from her relative's asset declarations required under a Nazi decree of 26 April 1938, which are described in detail below; (2) a copy of her grandmother's birth certificate, indicating that [REDACTED] was born on 3 October 1847 in Vienna, and that her parents were [REDACTED] and [REDACTED], née [REDACTED]; (3) a copy of her mother's death certificate, indicating that [REDACTED] was born on 15 May 1882 in Austria, that her parents were [REDACTED] and [REDACTED], and that she had a daughter named [REDACTED]; and (4) a copy of her own birth certificate, indicating that [REDACTED] was born on 25 November 1921 in Vienna, and that her parents were [REDACTED] and [REDACTED], née [REDACTED].

The Claimant indicated that she was born on 25 November 1921 in Vienna.

Information Available in the Bank's Records

The CRT notes that the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report an account belonging to Oskar Silberknopf or Hans Silberknopf during their investigation of the Bank.

With respect to the account of Account Owner Hans Silberknopf, the account is evidenced in the will of Hans Silberknopf, which was submitted to the CRT by the Claimant and described above.

The existence of three demand deposit accounts held by Oskar Silberknopf at the Subsidiary of the Bank is documented in the records obtained from the Austrian State Archive, which are described in detail below.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Oskar Silberknopf, numbered 28146. According to these records, Dr. Oskar Silberknopf, who was born on 21 July 1877, was a doctor with a medical practice at Rotenturmstrasse 9 in Vienna I, where he also resided.

In his original asset declaration, dated 14 July 1938, Dr. Oskar Silberknopf indicated that he owned various assets, including financial assets at the *Länderbank* in Vienna and at the *Postsparkasse*. These records also indicate that Dr. Oskar Silberknopf was to inherit a sum of 50,000.00 Reichsmark ("RM") as a legate from his cousin, Hans Silberknopf.

These records also include a letter from the Bank, on the Bank's letterhead, to Oskar Silberknopf, dated 5 May 1938, indicating that he held three demand deposit accounts, all numbered 1229, at the Subsidiary in Amsterdam. The first demand deposit account was held in Swiss Francs ("SF") and had a balance of SF 486.95 as of 28 April 1938; the second demand deposit account was held in United States Dollars ("US \$") and had a balance of US \$82.41, which was equivalent to SF 357.65 as of 28 April 1938; and the third demand deposit account was held in Pound Sterling ("£"), and had a negative balance of £5.4.9, which was equivalent to SF 113.55 as of 5 May 1938. Thus, the total value of the assets held by Oskar Silberknopf at the Bank's Amsterdam Subsidiary as of 27 April 1938 was SF 731.05. This letter does not contain any information about the disposition of the accounts.

According to a notation in these records, by 21 January 1939, Dr. Oskar Silberknopf's assets deposited at the domestic banks were frozen by the Foreign Exchange Control Authority (*Devisenstelle*) in Vienna. These records also indicate that Dr. Oskar Silberknopf was assessed flight tax (*Reichsfluchtsteuer*) of RM 13,000.00 on 6 September 1938, which was then adjusted to RM 11,350.00 on 10 March 1939, after he filed an updated registration of assets on 21 January 1939.

Finally, these records indicate that by order of the Gestapo, dated 24 August 1941, Dr. Oskar Silberknopf was stripped of his Austrian citizenship and the remainder of his assets was confiscated.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's mother's cousin's name matches the published name of Account Owner Oskar Silberknopf, and the name of another one of the Claimant's mother's cousins matches the name of Account Owner Hans Silberknopf. The Claimant also identified Account Owner Oskar Silberknopf's city and country of residence, profession, professional title and street address of employment and residence, which matches information contained in Oskar Silberknopf's 1938 Census declarations.

In support of her claim, the Claimant submitted documents, including (1) excerpts from Oskar Silberknopf's 1938 Census declaration; and (2) a copy of the will of Hans Silberknopf, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city as the names and city of residence of the Account Owners.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Oskar Silberknopf, and indicates that his date of birth was 21 July 1877, that his place of birth was Vienna, and that during the Second World War, his street address was Rotenturmstrasse 9 in Vienna, which matches the information about Account Owner Oskar Silberknopf provided by the Claimant. This database also includes a person named Hans Silberknopf, and indicates that he was born on 25 October 1890, that he resided in Vienna, and that he died on 13 April 1938, which matches information about Account Owner Hans Silberknopf provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant indicated that the Account Owners were Jewish, that they resided in Nazi-controlled Austria, and that Account Owner Oskar Silberknopf was required to register his assets pursuant to the 1938 Census decree. Furthermore, the Claimant stated that Account Owner Oskar Silberknopf was stripped of his Austrian citizenship, that his assets were confiscated by the Nazis, and that he was deported to Yugoslavia, where he perished. The Claimant stated that Account Owner Hans Silberknopf and his wife committed suicide shortly after the *Anschluss*. As noted above, persons named Oskar and Hans Silberknopf were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's mother's cousins. These documents include: (1) a copy of the will of Hans Silberknopf, and listing *Frau* [REDACTED] among his heirs; (2) a copy of her mother's death

certificate, indicating that [REDACTED]'s parents were [REDACTED] and [REDACTED], and that she had a daughter named [REDACTED]; and (3) a copy of her own birth certificate, indicating that her parents were [REDACTED] and [REDACTED], née [REDACTED].

The CRT further notes that the Claimant identified unpublished information about the Account Owners; and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted copies of her grandmother's birth certificate, her mother's death certificate, her own birth certificate, and the will of Hans Silberknopf. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess, and which provide independent verification that the Claimant's relatives bore the same family name as the Account Owners, and that they resided in Vienna. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The CRT notes that the records from the Austrian State Archive indicate that Account Owner Oskar Silberknopf held three demand deposit accounts at the Subsidiary of the Bank. The CRT further notes that evidence regarding an account belonging to Account Owner Hans Silberknopf is derived from Account Owner Hans Silberknopf's will, which he wrote shortly before committing suicide. This document, submitted by the Claimant, is a contemporaneous testament to the existence of an account. The CRT notes that Account Owner Hans Silberknopf's will was directed to his family and friends, who were to become his heirs, and therefore he would not have had any interest in either adding spurious assets to his estate or exaggerating its size. The CRT therefore considers this contemporaneous document to be sufficient evidence to document the existence of an account of unknown type at the Bank.

With respect to the accounts of Account Owner Oskar Silberknopf, the facts of this case are similar to other cases that have come before the CRT in which Jewish residents or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT's precedent indicates that it is plausible in such situations that the proceeds of the accounts ultimately were confiscated by the Nazi regime; that Account Owner Oskar Silberknopf reported his accounts in the 1938 Census; that Account Owner Oskar Silberknopf lived in Austria until he was deported in 1941, and therefore could not have repatriated the accounts without losing ultimate control over its proceeds; with respect to Account Owner Hans Silberknopf's account, given that Account Owner Hans Silberknopf resided in Austria until his death by suicide on 13 April 1938 and that his heirs had not accepted the terms of his will by November 1938 and could not have repatriated the assets in the accounts without losing ultimate control over their proceeds; and with respect to all of the Account Owners' accounts, given that there is no record of the payment of the Account Owners' accounts to them or their heirs, nor any record of a date of closure of the accounts; that the Account Owners or their heirs would not have been able to obtain information about the Account Owners' accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their

responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (d), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owners were her mother's cousins, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Oskar Silberknopf held three demand deposit accounts, and Account Owner Hans Silberknopf held one account of unknown type. With respect to Account Owner Oskar Silberknopf's demand deposit accounts, the records from the Austrian State Archive indicate that the values of two of the three demand deposit accounts as of 28 April 1938 were SF 486.95 and SF 357.65, and that the third demand deposit account had a negative balance of SF 113.55. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00, for a combined value of SF 6,420.00 for the three demand deposit accounts. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 80,250.00.

With respect to Account Owner Hans Silberknopf's account of unknown type, pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was SF 3,950.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce an award amount of SF 49,375.00.

Consequently, the total award amount is SF 129,625.00.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to

which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
29 March 2006