

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of Julius Knöpfmacher

Claim Number: 501094/KG

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Julius Knöpfmacher (the “Account Owner”) at the [REDACTED] (the “Bank”).

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

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal grandfather, Dr. Julius Knöpfmacher, who was born on 4 March 1870 in Nikolsburg, Austria and was married to [REDACTED], from whom he later separated. The Claimant indicated that her grandfather, who was Jewish, was a successful lawyer in Vienna, Austria, who was well-known and respected in legal and business circles. The Claimant further stated that her grandfather’s work required him to travel throughout the financial centres of Europe, including to Zurich, Switzerland. The Claimant indicated that her grandfather may have opened an account in Switzerland on one of his trips there. The Claimant stated that in 1939 her grandfather’s assets were liquidated and he fled Austria for Argentina, where he joined his son and his family, including the Claimant and her twin sister, who had fled Austria in 1938. The Claimant stated that her grandfather died on 24 December 1940 in Buenos Aires, Argentina.

The Claimant submitted the following documents in support of her claim: Julius Knöpfmacher’s birth certificate showing that he was born on 4 March 1870 in Nikolsburg, Austria; Julium (Julius) Knöpfmacher’s Doctor of Laws degree dated 1894; forms submitted by Dr. Julius Knöpfmacher’s pursuant to a 26 April 1938 decree requiring all Jews who resided within the Reich, and/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”), dated 28 June 1938, which lists, *inter alia*, his profession as attorney (“*Rechtsanwalt*”), his date of birth as 4 March 1870 and his domicile as Vienna I, Esslinggasse, nr. 15/1; Julius Knöpfmacher’s death

certificate showing that he died on 24 December 1940 in Buenos Aires; the birth certificate of [REDACTED] (also known as [REDACTED]) showing that he was born to Dr. Julius Knöpfmacher and [REDACTED] on 14 January 1910 in Vienna; legal name change document dated 27 March 1946, noting the Claimant's father's name change from [REDACTED] to [REDACTED]; the Claimant's birth certificate which documents that she was born on 24 October 1934 in Vienna to [REDACTED] and [REDACTED], née [REDACTED]; [REDACTED]'s will dated 8 November 1995 in which he bequeathed all his holdings, stocks, bonds and any other form of cash that he owned in an account at the Bank to his daughters, [REDACTED 1] and [REDACTED 2] in equal shares; [REDACTED]'s further testamentary statement dated 18 July 2001, in which he bequeathed all assets that should become available or which are paid into his estate after his death (specifically his claims against the Austrian and/or German governments) to his daughters, to be divided in equal parts; [REDACTED]'s death certificate, which shows that he died on 23 July 2002; and a family tree.

The Claimant stated that she was born on 24 October 1934 in Vienna. The Claimant represents her twin sister, [REDACTED 2], who was born on 24 October 1934 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of an extract from a closing register of numbered bank accounts dated 1938. According to this record, the Account Owner was Dr. Julius Knöpfmacher who resided in Vienna, Austria. 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") indicated that the Account Owner resided at Esslingstrasse 15. The Bank's records indicate that the Account Owner held a numbered account, the type of which is not indicated, that was held under a designation 61841. The Bank's records further indicate that the account was closed on 6 October 1938, and that the Account Owner's assets were transferred to the Bank's branch in London. The amount in the account on the date of its closure is unknown. The auditors who carried out the ICEP Investigation did not provide any information about the fate of the account in London. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archive

In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Julius Knöpfmacher, numbered 10331. These records show that Dr. Knöpfmacher was born on 4 March 1870, that he was an attorney who practised law at Esslinggasse 15, Vienna and that he was legally separated from his wife, who is not named in the records. These records further show that, as of 27 April 1938, Dr. Knöpfmacher estimated the worth of his legal practice at 5,596.91 Reichsmark ("RM"). In addition, these records show that Julius Knöpfmacher held various securities valued at approximately RM 620.00, and various valuable objects worth RM 1,059.34. These records make no mention of assets in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant also identified the Account Owner's street address in Vienna and title, which matches unpublished information about the Account Owner provided by the auditors who carried out the ICEP Investigation or contained in the Bank's records.

In support of her claim, the Claimant submitted various documents, including her grandfather's birth and death certificates; his Doctor of Laws degree dated 1894; records submitted by her grandfather for the 1938 Census, dated 28 June 1938, which lists, *inter alia*, his profession as attorney ("*Rechtsanwalt*"), and his domicile as Vienna 1, Esslinggasse, nr. 15/1; and her father's birth certificate showing that he was born to Dr. Julius Knöpfmacher and [REDACTED] on 14 January 1910 in Vienna.

These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and title and resided at the same address recorded in the Bank's records as the name, title and address of the Account Owner.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different street address than the street address of the Account Owner and did not identify the Account Owner's title.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he fled Austria for Argentina in 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's paternal grandfather. These documents include her father's, [REDACTED], birth certificate which shows that he was born to Dr. Julius Knöpfmacher and [REDACTED] on 14 January 1910, and her own birth certificate which shows that she was the daughter of [REDACTED] (also known as [REDACTED]) and [REDACTED]. There is no information to indicate that the Account Owner has surviving heirs other than her twin sister, [REDACTED 2], whom the Claimant represents.

The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

Division of the Award

The Claimant submitted the will of her father, [REDACTED], together with his further testamentary statement. However, she has not submitted any testamentary documents of her grandfather, the Account Owner, Dr. Julius Knöpfmacher. According to Article 23(2)(c) of the Rules, if a claimant bases a claim of entitlement on a chain of inheritance but has not submitted an unbroken chain of wills or other inheritance documents, the CRT may use the general principles of distribution established in Article 23(1) to make allowance for any missing links in the chain, consistent with principles of fairness and equity. Article 23(1)(c) provides that, if the Account Owner's spouse has not submitted a claim, the award shall be in favour of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant represents her twin sister, [REDACTED 2]. Accordingly, the Claimant is entitled to one half of the total award amount and her sister is entitled to the other half.

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
9 March 2005