

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Account of Richard Knoll

Claim Number: 222595/AY¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Richard Knoll (the “Account Owner”) at the Diessenhofen branch of the [REDACTED] (the “Bank”).

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

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal uncle, Richard Knoll, who was born to [REDACTED] and [REDACTED] in Poland. The Claimant stated that her uncle, who was Jewish, moved to Germany a considerable period of time before the onset of the Second World War. The Claimant stated that the Knoll family were owners of banks in Poland, and that they transferred money and other assets to Switzerland. The Claimant indicated that her uncle was deported by the Nazis during the Second World War, was never heard from again, and that although she could not indicate his exact date of birth, he was probably in his late thirties when the Second World War began. The Claimant further stated that she and other relatives were deported to Auschwitz, that she was later deported to Bergen-Belsen, and that she was forced to perform slave labor until she was liberated on 15 April 1945, when she was sent to a hospital in Sweden. The Claimant stated that most of her relatives perished during the Holocaust.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999 asserting her entitlement to a Swiss bank account owned by the Knoll family.

¹ The Claimant submitted four additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED] and [REDACTED], which are registered under the Claim Numbers 222591, 222592, 222593, and 222594. The CRT will treat the claims to these accounts in separate decisions.

The Claimant stated that she was born on 2 July 1918 in Yasina, Czechoslovakia, to [REDACTED], the brother of Richard Knoll, and [REDACTED], née [REDACTED]. The Claimant is representing [REDACTED], née [REDACTED], her sister, who was born in May 1920 in Yasina, and [REDACTED], her brother, who was born in June 1916 in Yasina.

Information Available in the Bank's Records

The Bank's records consist of an account balance document and an excerpt from an account list. According to these records, the Account Owner was Richard Knoll, an engineer residing at Dresdnerstrasse 24 in Leipzig, Germany. The Bank's records indicate that the Account Owner held a demand deposit account whose value was 253.75 Swiss Francs on 12 December 1934. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name and country of residence match the published name of the Account Owner. The Claimant stated that the Knoll family were owners of banks in Poland and that her uncle moved to Germany a considerable period of time before the onset of the Second World War. The Claimant also indicated that her uncle was deported by the Nazis during the Second World War and was never heard from again. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by the Knoll family, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a family relationship that was known to her before the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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, was deported during the Second World War, and was never heard from again.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting biographical data and a family tree demonstrating that the Account owner is her paternal uncle. There is no information to indicate that the Account Owner has other surviving heirs, other than the claimant and her siblings, whom the claimant is representing.

The Issue of Who Received the Proceeds

Given the deportation and death of the Account Owner as a result of Nazi persecution; given that there is no record of the payment of the Account Owner's account to him; given 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 uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 12 December 1934 was 253.75 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her two siblings, [REDACTED] and [REDACTED]. Accordingly, the Claimant and her two siblings are each entitled to one-third of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on 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
July 15, 2003