

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Thomas Schlesinger

**in re Accounts of Peter A. Silbermann and
Eva Silbermann**

Claim Number: 500477/LV

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of Thomas Schlesinger (the “Claimant”) to the published account of Eva Silbermann. This award is to the published accounts of Peter A. Silbermann (“Account Owner Peter Silbermann”) and Eva Silbermann (“Account Owner Eva Silbermann”) (together the “Account Owners”) at the Basel branch of the [REDACTED] (the “Bank”).¹

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Eva Silbermann as his maternal aunt, Eva Silbermann, née Kornfeld, who was born on 3 October 1893 in Berlin, Germany. Although the Claimant stated that his aunt was married, the Claimant could not identify her husband and stated that she was divorced. The Claimant stated that the couple had one son, Michael Silbermann, who was born in 1925. The Claimant further stated that his aunt was Jewish, and that she was a family therapist and psychologist. The Claimant stated that his aunt left Berlin in 1934 and went to Rome, Italy, where she resided until 1938. The Claimant stated that from 1938 until 1963 his aunt lived in Turkey and that she moved to Glendale, California, the United States in 1963. The Claimant submitted his mother’s German passport, which states that Charlotte Schlesinger, née Kornfeld, was born on 13 October 1896 in Berlin; a family mourning album in memory of the Claimant’s late grandfather, which identifies Eugen Kornfeld's children as Eva and Lotte; and a detailed family tree.

¹ The CRT notes that on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Peter A. Silbermann and Eva Silbermann are indicated as owning one account each. Upon careful review, the CRT has concluded that the Bank’s records evidenced the existence of two accounts, which were jointly held by Peter A. Silbermann and Eva Silbermann.

The Claimant indicated that he was born on 11 June 1925 in Berlin.

Information Obtained from the CRT's Research

According to a biography of Peter Adalbert Silbermann found on the Internet,² Peter Silbermann was a renowned German teacher from Berlin, who was appointed the director of a not yet established German school in Adana, Turkey, at the age of 35. The website also stated that Peter Silbermann left Germany with his wife, Eva, in 1933 for Rome, Italy, where he worked as a German lecturer at the university. The website further stated that in 1935 under the pseudonym of Peter Olman, Peter Silbermann published several books for Italian students of German. The website finally stated that Peter Silbermann and his wife left Europe for the United States in 1938, and that he passed away in 1944 in Hollywood, California, the United States.

Information Available in the Bank's Records

The Bank's records consist of an account opening contract, an acknowledgement of receipt of general terms and conditions applying to custody accounts, and a request to send bank correspondence to Via San Marino 30, Rome, Italy. According to these records, the Account Owners were *Prof. Dr.* Peter A. Silbermann and *Frau* (Mrs.) Eva Silbermann, née Kornfeld, both of whom resided at Landshuter Strasse 28 in Berlin, Germany.

The Bank's records indicate that the Account Owners jointly held a demand deposit account and a custody account under the account number 3587. The accounts were opened on 15 July 1930. The Bank's records further indicate that on 27 February 1937 the Account Owners requested that the Bank send all correspondence to Via San Marino 30, Rome, Italy. The Bank's records do not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts.

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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945.

The CRT's Analysis

Identification of the Account Owners

The Claimant's aunt's name and city and country of residence match the published name and city and country of residence of Account Owner Eva Silbermann. The Claimant stated that Account Owner Eva Silbermann's maiden name was Kornfeld, which matches published

² <http://www.abendgymnasium.de/intern/silbermann.htm>

information about Account Owner Eva Silbermann contained in the Bank's records. The Claimant also stated that Account Owner Eva Silbermann resided in Rome, Italy, which matches unpublished information about Account Owner Eva Silbermann contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including his mother's German passport, which states that Charlotte Schlesinger, née Kornfeld, was born on 13 October 1896 in Berlin, and a family album in memory of the Claimant's late grandfather, which identifies Eugen Kornfeld's children as Eva and Lotte, providing independent verification that the person who is claimed to be Account Owner Eva Silbermann had the same name recorded in the Bank's records as the name of Account Owner Eva Silbermann.

The CRT further notes that although the Claimant did not identify his aunt's husband, the information contained in the web biography of Peter Silbermann stated that his wife's name was Eva and that they resided in Berlin, Germany, Rome, Italy, Turkey and the United States, which matches the information provided by the Claimant about his aunt's cities and countries of residence.³ The CRT notes that the web biography also stated that Peter Silbermann was a German teacher, which corroborates information contained in the Bank's record about Account Owner Peter Silbermann's professional title of *Prof. Dr.*

The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owners. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owners.

Status of the Account Owners as a Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Eva Silbermann was a Victim of Nazi Persecution. The Claimant stated that Account Owner Eva Silbermann was Jewish, and that she fled from Germany and Italy to Turkey and eventually to the United States. The CRT notes that the web-biography of Peter Silbermann stated that he was Jewish and that he fled with his wife, Eva, from Germany and Italy to the United States.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to Account Owner Eva Silbermann by submitting specific information and documents, demonstrating that Account Owner Eva Silbermann was the Claimant's aunt. These documents include the Claimant's mother's German passport, which states that Charlotte Schlesinger, née Kornfeld, was born on 13 October 1896 in Berlin; and a family mourning album in memory of the Claimant's late grandfather, which identifies Eugen Kornfeld's children as Eva and Lotte. The CRT notes that the web biography of Peter Silbermann stated that his wife was named Eva, thereby plausibly confirming that Account

³ The CRT notes that the Claimant indicated that his aunt was divorced, but that this is not indicated in the web-biography of Peter A. Silbermann. However, given that the Claimant identified information about his aunt that matched information contained in the web-biography and unpublished information in the Bank's records, the CRT finds that this discrepancy is not material to the Claimant's identification of the Account Owners.

Owner Peter Silbermann was the Claimant's aunt's husband. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owners fled Germany in 1933 or 1934 after the Nazi rise to power; that there is no record of the payment of the Account Owners' accounts to them nor any record of a date of closure of the accounts; that the Account Owners and their heirs would not have been able to obtain information about their 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 (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 accounts' 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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that Account Owner Eva Silbermann was the Claimant's aunt and the CRT's research has plausibly confirmed that the Claimant's aunt was married to Account Owner Peter Silbermann. The CRT, therefore, concludes that 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, the Account Owner held one custody account and one demand deposit account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF") and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 a total award amount of SF 189,250.00.

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 his claim to determine whether there are additional Swiss bank accounts to

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

Certification of the Award

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

Claims Resolution Tribunal
13 October 2004