

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimants [REDACTED 1],

[REDACTED 2]

and [REDACTED 3]

all represented by Denis Delcros and Christophe Aubrun

## **in re Accounts of Max Silbermann<sup>1</sup> and Account of Max Silberman**

Claim Numbers: 221853/SB; 221854/SB; 221855/SB<sup>2</sup>

This Certified Denial is based on the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of Motel (Max) Silbermann (Silberman).<sup>3</sup> This Denial is to the published accounts of two individuals named Max Silbermann (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”), and to the published account of Max Silberman (“Account Owner 3”) at the [REDACTED] (“Bank 2”).

All denials 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.

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<sup>1</sup> 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”), three individuals are listed under the name Max Silbermann owning a total of four accounts. Upon careful review, the CRT has concluded that the bank’s records evidence the existence of only two individuals named Max Silbermann owning the four accounts referenced above.

<sup>2</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

<sup>3</sup> The CRT did not locate an account belonging to Motel Silbermann (Silberman) in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons ( ICEP or ICEP Investigation ), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

## **Information Provided by the Claimants**

The Claimants, who are siblings, each submitted a Claim Form asserting that their paternal grandfather, Max Silbermann, who was born on 13 May 1877 in Poland, and was married to [REDACTED], owned a Swiss bank account. The Claimants further stated that their grandfather, who was Jewish, resided in Paris, France (where the Claimants father, [REDACTED], was born in 1902), until his deportation in 1944 to Auschwitz, where he perished. Claimant [REDACTED 1] indicated that he was born on 21 September 1941 in Paris, Claimant [REDACTED 2] indicated that he was born on 12 January 1944 in Aix Les Bains, France and Claimant [REDACTED 3] indicated that she was born on 18 March 1947 in Paris.

## **Information Available in the Bank's Records**

The CRT notes that the Claimants each submitted a claim to an account belonging to their relative, Max Silbermann. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported five accounts whose owners' names match that provided by the Claimants. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

### Accounts 1011195, 1011196 and 1013239

Bank 1's records indicate that Account Owner 1 was Max Silbermann, who resided in Germany. Bank 1's records also indicate Account Owner 1's city of residence and the name of an individual whom jointly owned two of the accounts at issue. Furthermore, Bank 1's records indicate the dates of closing of the accounts at issue.

### Account 1013238

Bank 1's records indicate that Account Owner 2 was Max Silbermann, who resided in Germany. Bank 1's records also indicate Account Owner 2's city of residence and the date of closing of the account at issue.

### Account 4019967

Bank 2's records indicate that Account Owner 3 was Max Silberman, who resided in Paris, France. Bank 2's records also indicate Account Owner 3's second city and country of residence and the date of opening of the account at issue.

## **The CRT's Analysis**

### Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

### Identification of the Account Owners

As for Accounts 1011195, 1011196 and 1013239, the CRT concludes that the Claimants have not identified Account Owner 1 as their relative. Although the name of their grandfather matches the published name of Account Owner 1, the information provided by the Claimants differs materially from the published information about Account Owner 1 available in Bank 1's records. Specifically, the Claimants stated that their grandfather resided in Paris, France until his deportation in 1944 to Auschwitz, where he perished. In contrast, Bank 1's records show that Account Owner 1 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimants' grandfather are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant, who plausibly identified Account Owner 1 as her relative. All decisions are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

As for Account 1013238, the CRT concludes that the Claimants have not identified Account Owner 2 as their relative. Although the name of their grandfather matches the published name of Account Owner 2, the information provided by the Claimants differs materially from the published information about Account Owner 2 available in Bank 1's records. Specifically, the Claimants stated that their grandfather resided in Paris, France until his deportation in 1944 to Auschwitz, where he perished. In contrast, Bank 1's records show that Account Owner 2 resided in Germany. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimants' grandfather are the same person. Moreover, it should be noted that the CRT has awarded the account to another claimant, who plausibly identified Account Owner 2 as her relative. All decisions are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

As for Account 4019967, the CRT concludes that the Claimants have not identified Account Owner 3 as their relative. Although the name of their grandfather matches the published name of Account Owner 3, the information provided by the Claimants differs materially from the unpublished information about Account Owner 3 available in Bank 2's records. Specifically, the Claimants stated that their grandfather resided in Paris, France until his deportation in 1944 to Auschwitz, where he perished. In contrast, Bank 2's records show that after 1944 Account Owner 2 resided in Paris and in another country, which the Claimants did not identify. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimants' grandfather are the same person.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision.

Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimants should identify the Account Identification Number, which forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
8 August 2006