

# CLAIMS RESOLUTION TRIBUNAL

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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 Elisabeth Schoenfeld**

Claim Number: 000274/ES

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the account of [REDACTED].<sup>1</sup> This Award is to the published account of Elisabeth Schoenfeld<sup>2</sup> (the “Account Owner”) at [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 his paternal grandmother, Elisabeth Schönfeld, née Schiesser. In a telephone conversation with the CRT on 15 July 2002, the Claimant indicated that his grandmother was born in Posnan, Germany, and was married to [REDACTED] in Breslau, Germany, in approximately 1893. The Claimant stated that his grandparents had one son, [REDACTED], the Claimant’s father, who was born on 5 November 1899 in Breslau, and one daughter, [REDACTED], born in 1895 in Breslau. The Claimant indicated that his family had close relatives in Berlin, Germany. The Claimant stated that his father worked as a banker in Breslau, and that his mother’s brother and sister resided in Berlin until 1938. The Claimant further stated that in 1939, his family, including his grandmother, was deported to the Budapest Ghetto in Hungary, and that on 17 August 1944, his father was sent to Buchenwald, where he perished. The Claimant stated that in March 1945, two months after his family’s release from the Budapest Ghetto, his grandmother died. The Claimant stated that before his family’s deportation, his family spoke about money deposited in

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<sup>1</sup> The CRT will treat the claim to this account in a separate decision.

<sup>2</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”), the Account Owner’s name was published as Elisabeth Schoenfeld whereas in the Bank’s records the Account Owner’s name appears as Elisabeth Schönfeld. The CRT also notes that “ö” is the phonetic equivalent of “oe.”

Switzerland. The Claimant added that as he was only a child during the Second World War, he could not provide more details about his family.

The Claimant submitted his Israeli marriage certificate, indicating that his former name was [REDACTED], and his father's German passport, indicating his father was [REDACTED], who was born in Breslau.

The Claimant indicated that he was born on 15 February 1929 in Breslau as [REDACTED 1]. The Claimant is representing his brother, [REDACTED 2], who was born on 17 June 1933 in Breslau, and who later changed his German name to the Hebrew name [REDACTED 2].

The Claimant previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, Richard Schönfeld. In the IQ, the Claimant stated that his father was a German banker and that he knew his paternal relatives had Swiss bank accounts.

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

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Elisabeth Schönfeld from Berlin, Germany. The Bank's records indicate that the Account Owner held a custody account, which was opened in 1936 and was closed in 1937. The Bank's records do not indicate the value of this account on the date of its closure. There is no evidence in the Bank's records that the Account Owner or her heirs closed the account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's paternal grandmother's name matches the published name of the Account Owner. The Claimant identified his grandmother's country of residence, and indicated that although his grandparents lived in Breslau, Germany, they had close relatives living in Berlin, Germany, which is consistent with published information about the Account Owner contained in the Bank's records.

The CRT also notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED], prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his 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 his relative, but rather on his knowledge that a member of his paternal family had a Swiss bank account before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information

provided by the Claimant. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner. Taking all 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, and was deported with her family from Germany to the Budapest Ghetto in 1939, and that her son perished in Buchenwald.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was his paternal grandmother. The CRT further notes that the Claimant submitted a copy of his Israeli marriage certificate indicating that his former name was [REDACTED], and his father's German passport, indicating his father was [REDACTED], who resided in Germany, which provides independent verification that the Claimant's relatives bore the same family name and resided in the same country as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs other than the Claimant and his brother, whom the Claimant is representing.

#### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed in 1937.

Given that after the coming to power in 1933, the Nazi regime embarked upon a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory taxes and other confiscatory measures including confiscation of assets held on Swiss banks; that the account was closed in 1937 and the Account Owner resided in Germany until her deportation to the Budapest Ghetto in Hungary in 1939 and would not have been able to repatriate her accounts to Germany without losing ultimate control over the proceeds; that the Account Owner died in 1945, only two months after her release from the Ghetto; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her 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 her 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 his grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one custody 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 present value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the ICEP (the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs. 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 162,500.00 Swiss Francs.

### Division of the Award

According to Article 23(1)(c) of the Rules, in absence of a will or other inheritance documents, if the Account Owner's spouse has not submitted a claim, an award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his brother, [REDACTED 2]. Accordingly, the Claimant and his brother are each entitled to one-half 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 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  
18 August 2004