

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Accounts of Simon Sonabend

Claim Numbers: 211654/MW; 707067/MW¹

Award Amount: 98,750.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the unpublished accounts of Simon Sonabend (the “Account Owner”) at the Biel branch of the [REDACTED] (“Bank I”) and to an unpublished account at an unknown bank in Switzerland (“Bank II”) (together, the “Banks”).

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

Claimant [REDACTED 1] submitted a Claim Form and two Initial Questionnaires and Claimant [REDACTED 2] submitted an Initial Questionnaire, which indicate that the Claimants are siblings and identify the Account Owner as their father, Simon Sonabend. Claimant [REDACTED 1] stated that his father was born on 15 November 1899 in Warsaw, Poland, and was married to [REDACTED] née [REDACTED] on 26 May 1926 in London, England. The Claimants stated that their father, who was Jewish, worked as a watch importer and wholesaler and lived with his family in Brussels, Belgium, from 1940 to 1942. Claimant [REDACTED 1] explained that his father left Brussels with his family on 9 August 1942 and crossed into Switzerland. Claimant [REDACTED 1] further explained that his family arrived in Biel, Switzerland, on 13 August 1942, and that his parents stayed with Mr. Ernst Schneeberger, a watch manufacturer, who advised the Swiss authorities of the family’s arrival. According to

¹ [REDACTED 2] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered FRE-0001-032, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 707067.

Claimant [REDACTED 1], he and his sister, [REDACTED 2], stayed with Mr. Jacques Wollman, a watch manufacturer. Claimant [REDACTED 1] added that his father was apprehended and taken to the prison of Porrentruy (*Pruntrut*) in Switzerland. Claimant [REDACTED 1] stated that, a few days later, he and his family were deported by the Swiss police via the Swiss border with occupied France. Claimant [REDACTED 1] further stated that upon crossing the border they were immediately captured by the Nazis. Claimant [REDACTED 1] indicated that he and his sister were then separated from their parents and that their parents were detained in the Drancy concentration camp, from which they were deported to Auschwitz. According to documents submitted by Claimant [REDACTED 1], his parents perished in Auschwitz in August 1942.

In support of his claim, Claimant [REDACTED 1] submitted a statement, dated 16 August 1942, made by the Claimants' father to the Swiss police, in which he details the family's flight to Switzerland and explains that he had worked with Swiss watchmakers since 1925, and that he thought he had enough money to pay the costs of his internment in Switzerland. Mr. Sonabend further stated that he had brought with him 5,000.00 U.S. Dollars in banknotes, 65,000.00 French Francs, jewelry worth approximately 3,000.00 Swiss Francs, and a check for 7,000.00 U.S. Dollars. Additionally, Claimant [REDACTED 1] also submitted a report from the local police authorities to the District Chief of the Cantonal Police in Porrentruy, dated 22 August 1942, stating that the Claimants' family left a suitcase behind upon deportation and that the suitcase, supposedly containing clothes, was to be handed over to a local schoolteacher. This report bears a notation by the office of the Cantonal office stating that the suitcase was locked and its content unknown. According to the report, Mr. Sonabend stated that he also left a suitcase containing money and foreign currency with Mr. Jacques Wollmann.

Additionally, Claimant [REDACTED 1] submitted a report from the Bern Cantonal Police, dated 9 February 1963, which was transmitted to the Federal Department of Justice on 11 February 1963. The report indicates that on 1 February 1963, the Federal Department of Justice requested that the police investigate the fate of the goods that Simon and [REDACTED] Sonabend left in Biel when they were expelled in 1942. The report further indicates that these belongings included two suitcases, one of which was given to Mr. Schneeburger and the other to Mr. Jacques Wollman. According to the report, the first suitcase, given to Mr. Schneeburger, contained unspecified goods and clothing. The report indicates that the second suitcase, given to Mr. Wollmann, director of a watch manufacturer in Biel, was opened by him on 11 October 1942 and found to contain 1,400.00 U.S. Dollars in banknotes. The report further indicates that Mr. Wollman exchanged 1,200.00 U.S. Dollars for 3,057.00 Swiss Francs to cover a loan of 3,000.00 Swiss Francs the Claimant's father owed him and that Mr. Wollman deposited the balance of 200.00 U.S. Dollars at the Biel branch of Bank I in the name of Sonabend.³ According to the report, the latter amount is believed to have been seized by the watch manufacturer *Langendorf*

³ The CRT notes that the report also indicates that Mr. Wollman received an additional 200.00 U.S. Dollars from Mr. Sonabend while he was at the prison of Porrentruy and that Mr. Wollman kept the money in lieu of the interest due on a loan of 3,000.00 Swiss Francs.

Watch Co., shortly thereafter.⁴ Claimant [REDACTED 1] also submitted a letter from the *Langendorf Watch Co.*, dated 24 November 1959, which indicates that the Claimant's father conducted business with the company from 1936 to 1941.

In support of his claim, Claimant [REDACTED 1] submitted the translation of a letter from the company *Frey & Co* to the Cantonal Police Headquarters in Biel, dated 2 September 1942, indicating that the company sought to safeguard the interests of their customer, Mr. Sonabend, and therefore requested that a small suitcase and any other items left by him be released to them. According to the letter, the company would ensure that Mr. Sonabend's effects would be deposited with a bank.

Furthermore, in support of his claim, Claimant [REDACTED 1] submitted his marriage certificate which indicates his father's name; his birth certificate, which indicates his parents' names; his parents' marriage certificate, which indicates the Claimants' parents' names; his sister's birth certificate, which indicates her parents' names; a report from the cantonal police of Bern, dated 18 August 1942, which identifies the Claimants and their parents, and states that they were deported to occupied France on 17 August 1942; and certificates issued on 14 March 1947 by the French Ministry of Veterans and Victims of the War, which indicate that the Claimants' parents were deported to Auschwitz on 24 August 1942 and were declared missing.

Claimant [REDACTED 1] indicated that he was born on 2 February 1931 in Brussels. Claimant [REDACTED 2] indicated that she was born on 3 October 1927 in Brussels.⁵

Information Available in the Banks' Records

The auditors who carried out the investigation of these banks 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 any bank records belonging to these accounts in the Banks' system of accounts.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) 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

⁴ The CRT notes that the language in the report reads "*Cette somme aurait été saisie peu après par la fabrique d'horlogerie 'Langendorf Watch' à Langendorf, maison représentée par l'information horlogère suisse à La Chaux-de-Fonds.*"

⁵ The CRT notes that Claimant [REDACTED 1] indicated in his Claim Form that he is representing his sister in these proceedings. The CRT further notes that as the CRT does not have a signed Power of Attorney form from Claimant [REDACTED 2] and because Claimant [REDACTED 2] submitted an Initial Questionnaire to the Court in 1999, the CRT is treating the Claimant [REDACTED 2] as a claimant in her own right without representation.

CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their father's name matches the unpublished name of the Account Owner. In support of his claim, Claimant [REDACTED 1] submitted documents, including his marriage certificate, which indicates his father's name; his birth certificate, which indicates his parents' names; his parents' marriage certificate, which indicates the Claimants' parents' names; his sister's birth certificate, which indicates her parents' names; and a report from the cantonal police of Bern, dated 18 August 1942, which identifies the Claimants and their parents. The CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a clear showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he fled with his family from Belgium to Switzerland in 1942, where he was apprehended, briefly jailed and that, despite a longstanding business association with the Swiss watch industry and sufficient financial means to cover the family's support, the Swiss authorities deported the Account Owner and his family to occupied France, where they were immediately captured by German border guards. Claimant [REDACTED 1] stated further that his parents, the Account Owner and his wife, subsequently perished in Auschwitz. Claimant [REDACTED 1] also submitted a report, dated 22 August 1942, from the Swiss Military Police to the District Chief of the Cantonal Police in Porrentruy, which shows the date of the family's deportation from Switzerland to France to have been 17 August 1942, as well as certificates issued on 14 March 1947 by the Ministry of Veterans and Victims of the War, which indicate that the Claimants' parents were deported to Auschwitz on 24 August 1942, and were declared missing.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was their father. These documents include the Claimants' birth certificates and Claimant [REDACTED 1]'s marriage certificate, which all indicate their relationships to the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in Auschwitz and was declared missing; given that the police report submitted indicates that the funds that Mr. Wollman deposited into an account in the name of Sonabend were seized by the *Langendorf Watch* company; that Claimant [REDACTED 1] submitted two police reports indicating that the Account Owner had foreign currency with him when he arrived in Switzerland and that the Account Owner left behind possessions upon his deportation to France; that Claimant [REDACTED 1] submitted a translation of a letter from the *Frey & Co.* company who requested that the Account Owner's

valuables be handed over to them in order to ensure their deposit in a bank; that there is no record of the payment of any account to the Account Owner, nor any record of a date of closure of any account; that the Account Owner and his heirs would not have been able to obtain information about his 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 (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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their father, 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 accounts.

Amount of the Award

In this case, the CRT finds that the Account Owner held two accounts of unknown type. The CRT finds that it is plausible that the Account Owner held the first account of unknown type because Claimant [REDACTED 1] submitted a police report indicating that Mr. Wollman deposited 200.00 U.S. Dollars into an account in the name of Sonabend. Furthermore, the CRT finds that it is plausible that the Account Owner held a second account of unknown type because Claimant [REDACTED 1] submitted documents indicating that the Account Owner had funds with him when he was in Switzerland, that he left possessions behind upon his deportation, and that a company with whom he had business dealings requested the possessions in order to deposit them in a bank. The CRT notes that while Claimant [REDACTED 1] submitted documentation indicating the possible amounts that could have been deposited to his father's accounts and the amounts on the Account Owner's person, the CRT has no evidence to determine the exact amounts deposited in Swiss banks or the balances in the accounts. Accordingly, 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 accounts being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 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 98,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted

a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
8 June 2004