

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and to the Estate of Claimant [REDACTED 2]<sup>1</sup>

## **in re Account of B. Sonnenschein**

Claim Numbers: 207371/MI/AC; 207981/MI/AC

Award Amount: 196,140.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”), and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the unpublished account of B. Sonnenschein (the “Account Owner”) at the [REDACTED] (the “Bank”).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 Claimants**

The Claimants, who are siblings, submitted Claim Forms identifying the Account Owner as their father, Bernat Sonnenschein, who was born in 1899 in Czechoslovakia, and was married to [REDACTED], née [REDACTED], on 1 June 1925 in Michalovce, Czechoslovakia (now Slovakia). The Claimants indicated that their father, who was Jewish, was a wholesale animal feed importer, and lived in Bratislava, Czechoslovakia (now Slovakia) until March 1939, when he fled to Switzerland to try to withdraw his assets from the Bank. According to the Claimants, their father was deported from Switzerland within a few days, before he could access his account at the Bank. The Claimants indicated that their family then fled to Paris, France, and that in June 1940, they fled to London, England, where they remained until 1946, when they emigrated to the United States, where their father died on 19 January 1953, and their mother died on 20 August 1980. The Claimants indicated that their father attempted to access his account after the Second World War, but was told by the Bank that no such account existed.

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<sup>1</sup> Claimant [REDACTED 2]'s wife, [REDACTED], informed the CRT that her husband passed away in 2001, and forwarded the CRT a copy of his will and death certificate.

The Claimants submitted copies of documents in support of their claims, including: (1) Claimant [REDACTED 1]'s birth certificate, indicating that [REDACTED] was born on 8 August 1927 in Michalovce, and that her parents are Bernard Sonnenschein and [REDACTED]; (2) a letter from the Czechoslovakian consulate in Paris to Bernat Sonnenschein, dated 22 May 1940, indicating that Bernat Sonnenschein was married to [REDACTED], and that their children were [REDACTED] and [REDACTED]; (3) a letter from [REDACTED] in Zurich to [REDACTED 2], dated 4 May 1998, in response to his inquiries regarding the account of his father, Bernat Sonnenschein, indicating that the Bank was acquired by [REDACTED] in 1950, which was further acquired by [REDACTED] on 1 January 1981, that it neither maintained an account in the Account Owner's name, nor was able to trace any evidence of the existence and history of such an account, in particular of its closure; and (4) bank records, which are discussed more fully below.

Claimant [REDACTED 1] indicated that she was born on 8 August 1927, and Claimant [REDACTED 2] indicated that he was born on 6 September 1929, both in Michalovce.

The Claimants previously submitted Initial Questionnaires ("IQs") with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Bernat Sonnenschein. Claimant [REDACTED 2] also submitted an ATAG Ernst & Young claim form in 1998, asserting his entitlement to a Swiss bank account owned by Bernat Sonnenschein.

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

The CRT notes that 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 report an account belonging to Bernat Sonnenschein during their investigation of the Bank. The Bank's documents were obtained by the Claimants and forwarded to the CRT.

The Bank's records consist of excerpts from the Bank's ledgers and bank statements. According to these records, the Account Owner was B. Sonnenschein, who held his assets under the code name "Bratislava." The Bank's records indicate that the Account Owner held one account, which was used for numerous transactions. The Bank's records also indicate that the Account Owner deposited gold with the Bank and instructed the Bank to exchange the gold into cash. The Bank's records indicate that the proceeds from the sale of gold in the amount of 15,659.20 Swiss Francs ("SF"), plus the previous balance of SF 32.00, for a total of SF 15,691.20, were sent to the Account Owner on 21 March 1939, and that the account was closed on the same date. There is no evidence in the Bank's records whether the Account Owner or his heirs received the proceeds of the account.

## **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 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. The Claimants' father's name and city of residence match the name of the Account Owner and the account code name contained in the Bank's records provided by the Claimants.

In support of their claims, the Claimants submitted documents, including Claimant [REDACTED 1]'s birth certificate, letters from the Czechoslovakian consulate in Paris and [REDACTED], and Bank records demonstrating account ownership, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name of the Account Owner and the code name of the account.

The CRT notes that the Claimants filed IQs with the Court in 1999, and that Claimant [REDACTED 2] filed an ATAG Ernst & Young claim form in 1998 and contacted [REDACTED] in 1998, asserting their entitlement to a Swiss bank account owned by Bernat Sonnenschein, 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 Claimants have based their present claims not simply on the fact that an ICEP List was published, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants. The CRT notes that there are no other claims to this account.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, that he was deported from Switzerland, and that he fled from Paris to London in June 1940.

### The Claimants' Relationship 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 the Claimants' father. These documents include Claimant [REDACTED 1]'s birth certificate, correspondence from the Czechoslovakian consulate to Bernat Sonnenschein, and

correspondence from [REDACTED] to Claimant [REDACTED 2]. There is no information to indicate that the Account Owner has other surviving heirs.

Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that the account was closed on 21 March 1939, at which time, according to information provided by the Claimants, the Account Owner may have been outside Nazi-dominated territory. However, given that there is no indication that the Account Owner received the proceeds of his account; that the Account Owner fled his country of origin due to Nazi persecution; that the Account Owner may have had relatives remaining in his country of origin and that he may therefore have yielded to Nazi pressure to turn over his accounts to ensure their safety; that the Account Owner was deported from Switzerland before being able to access his accounts; that the Account Owner fled to Paris, and then to London, where he remained until after the Second World War; 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 Presumption (h) 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 claim is 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 account.

#### Amount of the Award

In this case, the Account Owner held one account at the Bank. The Bank's records indicate that the value of the Account Owner's assets at the Bank as of 21 March 1939 was SF 15,691.20. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 196,140.00.

### 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. In this case, the Claimants, who are siblings, are the children of the Account Owner. Accordingly, Claimant [REDACTED 1] is entitled to half of the total award amount, and Claimant [REDACTED 2] is entitled to 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  
9 November 2006