

# CLAIMS RESOLUTION TRIBUNAL

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<sup>1</sup>In re Holocaust Victim Assets Litigation  
Case No. CV96-4849

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Grete Sonnenschein**

Claim Number: 200881/IG

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED]<sup>1</sup>. This Award is to the account of Grete Sonnenschein (the “Account Owner”) at the Zurich branch of 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 Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her paternal aunt, Grete Sonnenschein, née [REDACTED], who was born to [REDACTED] and to [REDACTED], née [REDACTED], and who was married to [REDACTED]. The Claimant stated that her aunt, who was Jewish, resided in Vienna, Austria, and that she was forced to flee Austria in 1938 to Santo Domingo, the Dominican Republic, where she died in 1944. The Claimant submitted her own birth certificate; her parents’ marriage certificate; her father’s German Reich *Arbeitsbuch* (work permit book); his work permit, issued in Vienna on 23 January 1944; and his birth certificate. The Claimant indicated that she was born on 15 March 1936 in Vienna.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Grete Sonnenschein.

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

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

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Grete Sonnenschein, who resided in Vienna, Austria, and in Holland. The Bank's record indicates that the Account Owner held a demand deposit account.

The account was closed on 20 May 1942 unknown by whom. The Bank's record does not show to whom the account was paid, nor does this record indicate the value of this account. There is no evidence in the Bank's record 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 aunt's name matches the published name of the Account Owner. The Claimant identified her aunt's city of residence, Vienna, which matches unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Grete Sonnenschein, prior to the publication in February 2001 of the list of accounts determined by Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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 Bank's record indicates The Netherlands as the Account Owner's additional country of residence, and that that country of residence was not identified by the Claimant. However, the CRT finds it plausible that the Account Owner could have used The Netherlands as her temporary country of residence during her flight from Austria to the Dominican Republic. The CRT also notes that the only other claim to this account was disconfirmed because that claimant provided a different country of residence than the countries of residence of the Account Owner. Taking all of 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 that she was forced to flee Austria in 1938.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by stating that she was her paternal aunt. 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 was closed on 20 May 1942 after the *Anschluss*, which occurred on 13 March 1938; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred after the *Anschluss*; that Nazi confiscatory legislation was in effect at the time the accounts were closed; that the account was closed after the imposition of Swiss visa requirements on January 20, 1939; that there is no record of the payment of the Account Owner's accounts to her; that the Account Owner or her heirs would not have been able to obtain information about the Account after the Second World War from the Swiss bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by Account Owners and heirs because of the banks' concerns regarding double liability; and given the application of Presumptions (a), (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 her aunt, 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 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 demand deposit account was 2,140.00 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 26,750.00 Swiss Francs.

### **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 her claim to determine whether there are additional Swiss bank accounts to which she 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  
19 November 2003