

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]
represented by [REDACTED]

in re Accounts of Hugo Vasen and Hede Vasen

Claim Numbers: 220820/KG; 221142/KG

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Hugo Vasen (“Account Owner Hugo Vasen”) and Hede Vasen (“Account Owner Hede Vasen”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).¹

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

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owners as her maternal great-grandfather’s cousin, Hugo Vasen, who was born on 11 October 1876 in Ruhrort, Germany, and his wife, Hedwig Ranschof, who was born on 20 August 1885. Claimant [REDACTED 1] indicated that Hugo and Hedwig Vasen, who were Jewish, were married on 16 January 1909 in Kassel, Germany, and that their marriage was childless. According to Claimant [REDACTED 1], her relatives had homes in Frankfurt am Main, Germany and Krefeld, Germany, were part-time residents of St. Moritz, Switzerland, and often traveled to Zurich,

¹ 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”), Mrs. Herta Vasen is indicated as holding power of attorney over the accounts of Hugo Vasen. Upon careful review, the CRT has concluded that the name of this individual was in fact Hede Vasen, that she did not hold power of attorney over the accounts, and that she was the individual to whom the accounts of Hugo Vasen were transferred.

Switzerland. Claimant [REDACTED 1] further stated that her relative was an investor and financier and was an early target of Nazi persecution, as his estate was confiscated around 1933. Claimant [REDACTED 1] explained that the archives located in Dusseldorf, Germany contain a dossier from the Gestapo in excess of 100 pages concerning the forfeiture of Hugo Vasen's estate. According to Claimant [REDACTED 1], her relative Hugo Vasen died on 3 July 1933 in Frankfurt am Main, and his wife fled Germany to Liechtenstein in approximately 1941 before emigrating to the United States, where she died on an unknown date.

In support of her claim, Claimant [REDACTED 1] submitted various documents, including:

- Hugo Vasen's birth certificate, indicating that he was born on 11 October 1876 in Ruhrort, Germany, and that his father was [REDACTED];
- Hugo Vasen's death certificate, indicating that he died on 3 July 1933;
- Claimant [REDACTED 1]'s birth certificate, showing that her mother was [REDACTED];
- [REDACTED]'s death certificate, showing that her mother was [REDACTED];
- [REDACTED]'s death certificate, showing that her father was [REDACTED];
- [REDACTED]'s death certificate, indicating that his father was [REDACTED]; and
- a birth register entry of [REDACTED] and [REDACTED], showing that the two were brothers.

Claimant [REDACTED 1] indicated that she was born on 19 June 1949 in Chicago, Illinois, the United States.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her paternal uncle, Hugo Vasen, and his wife Hedwig (Hede) Ranschoff, who were married in Kassel. Claimant [REDACTED 2] indicated that her uncle, who was Jewish, was born on 5 October 1876 in Ruhrort. Claimant [REDACTED 2] further stated that her uncle was a banker, and that he lived in Krefeld until 1930, in Zurich for one year from 1930, and then in Frankfurt am Main. According to Claimant [REDACTED 2], her uncle died in 1932, his marriage having remained childless. Claimant [REDACTED 2] indicated that, to the best of her recollection, following Hugo Vasen's death, Hede Vasen lived in Zurich until 1934, at which time she emigrated to the United States, where she lived until her death in 1977. In support of her claim, Claimant [REDACTED 2] submitted a family tree, which indicates that she is Hugo Vasen's niece, and a photograph of the Vasen family, including Hugo Vasen, his wife, Hede Vasen, and Claimant [REDACTED 2]'s now deceased older sister, [REDACTED].

Claimant [REDACTED 2] indicated that she was born on 26 August 1913 in Duisberg, Germany.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, Account Owner Hugo Vasen was Hugo Vasen, who resided in Krefeld, Germany. The Bank's record indicates that Account Owner Hugo Vasen held two accounts: one demand deposit account and one custody account, numbered L42480. The Bank's record further indicates that the Bank was informed of Account Owner Hugo Vasen's death, and that the accounts were held in the name of the Estate of Hugo Vasen as of July 1933. The Bank's record also indicates that the accounts were transferred to *Frau* (Mrs.) Hede Vasen some time in 1940. The value of the accounts on the date of the transfer is not known.

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 provide any information about the accounts of Account Owner Hede Vasen, so their disposition is not known.

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 Owners

The Claimants, who are related, have plausibly identified the Account Owners. The Claimants' relatives' names and country of residence match the published names and country of residence of the Account Owners. The Claimants also each identified one of the Account Owners' cities of residence, namely Krefeld, which matches unpublished information about the Account Owners contained in the Bank's record.

In support of her claim, Claimant [REDACTED 1] submitted documents, including Hugo Vasen's birth and death certificates, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that there are discrepancies in the information about the Account Owners provided by each of the Claimants. However, given that both Claimants identified unpublished information about the Account Owners, and that the information provided by each Claimant otherwise corresponds with the information given by the other Claimant, the CRT finds that these discrepancies do not materially affect the Claimants' identification of the Account Owners as their mutual relatives.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish. According to Claimant [REDACTED 1], Account Owner Hugo Vasen resided in Nazi Germany until his death in July 1933, after which his estate was confiscated by the Nazis. The Claimants also stated that Account Owner Hedwig Vasen fled Germany to Lichtenstein and/or Switzerland before eventually emigrating to the United States.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to Account Owner Hugo Vasen by submitting specific information and documents, demonstrating that Account Owner Hugo Vasen was Claimant [REDACTED 1]'s great-grandfather's cousin. These documents include:

- Hugo Vasen's birth certificate, indicating that his father was [REDACTED];
- Claimant [REDACTED 1]'s birth certificate, showing that her mother was [REDACTED];
- [REDACTED]'s death certificate, showing that her mother was [REDACTED];
- [REDACTED]'s death certificate, showing that her father was [REDACTED];
- [REDACTED]'s death certificate, indicating that his father was [REDACTED]; and
- A birth register entry of [REDACTED] and [REDACTED], showing that the two were brothers.

Claimant [REDACTED 2] has also plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owners were her aunt and uncle. The CRT notes that Claimant [REDACTED 2] identified unpublished information about the Account Owners as contained in the Bank's record. The CRT notes that Claimant [REDACTED 2] submitted a photograph of the Vasen family, showing the Account Owners and Claimant [REDACTED 2]'s older sister, the late [REDACTED], which is an item which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to Claimant [REDACTED 2] as family members, and all this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owners, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's record indicates that the accounts were transferred to Account Owner Hede Vasen in 1940 and closed on a later, unknown date, at which time, according to information provided by Claimant [REDACTED 2], Account Owner Hede Vasen was outside Nazi-dominated territory. However, given that Account Owner Hede Vasen fled her country of origin due to Nazi persecution; that Account Owner Hede Vasen may have had relatives

remaining in her country of origin and that she may therefore have yielded to Nazi pressure to turn over her accounts to ensure their safety; that other assets belonging to Account Owner Hugo Vasen's estate's were confiscated by the Nazi regime; that there is no record of the payment of the accounts to Account Owner Hede Vasen subsequent to the transfer of these accounts to her, nor any record of a date of closure of the accounts; that Account Owner Hede Vasen, her heirs, as well as the heirs of Account Owner Hugo Vasen would not have been able to obtain information about their 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 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 Account Owner Hede Vasen, her heirs or the heirs of Account Owner Hugo Vasen.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that the Account Owners were her paternal uncle and his spouse, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither Account Owner Hede Vasen nor her heirs received the proceeds of the claimed accounts.

Further, the CRT notes that Claimant [REDACTED 2], as the Account Owners' niece and a descendant of Account Owner Hugo Vasen's parents, has a better entitlement to the accounts than Claimant [REDACTED 1], a descendant of Account Owner Hugo Vasen's grandparents.

Amount of the Award

In this case, the Account Owners held one demand deposit and 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 current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF") and the average value of a demand deposit account was SF 2,140.00. Thus, the total 1945 average value of the accounts at issue is SF 15,140.00. 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 SF 189,250.00.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. As indicated above, Claimant [REDACTED 2] has a better entitlement to the Award than Claimant [REDACTED 1]. Accordingly, Claimant [REDACTED 2] is solely entitled to 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
29 December 2005