

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ghislaine Haustgen
also acting on behalf of Paul Robert Wassermann

in re Account of Gustav Wassermann

Claim Number: 402236/DE

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Ghislaine Haustgen, née Wassermann, (the “Claimant”) to the published account of Gustav Wassermann (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal great-uncle, Dr. Gustav Wassermann, who was born to Moritz Wassermann and Roeschen Therese Wassermann, née Frankel, on 31 March 1885 in Bautzen, Germany, and was married to Marie Wassermann, née Augsburg. According to the Claimant, her great-uncle, who was Jewish, resided in Chemnitz, Germany, and had two children, Wolfgang Wassermann, born on 21 May 1921 in Chemnitz, and Lore Wassermann, born 10 November 1926 in Germany. The Claimant indicated that her great-uncle was a wealthy attorney and notary, and that he may have deposited assets in Switzerland for safekeeping. According to the Claimant, her great-uncle and his family fled Nazi Germany for Uruguay in approximately 1939 or 1940. The Claimant indicated that her great-uncle passed away in Montevideo, Uruguay in 1954.

The Claimant further indicated that her great-uncle had a brother, Willy Leopold Wassermann (the Claimant’s paternal grandfather), who was born on 8 November 1888 in Bautzen, and who was married to Alice Berthe Wassermann, née Rosenstiel, and had a child, Paul Robert Wassermann (the Claimant’s father). The Claimant stated that her grandparents perished in Auschwitz in 1944.

In support of her claim, the Claimant submitted a copy of her parents’ marriage certificate, indicating that Paul Robert Wassermann, the son of Willy Leopold Wassermann and Alice

Berthe Wassermann, née Rosenstiel, married Ruth Lucie Levy on 7 September 1946 in Luxembourg.

The Claimant indicated that she was born on 18 March 1947 in Luxembourg. The Claimant is representing her father, Paul Robert Wassermann, who was born on 13 October 1921 in Frankfurt am Main, Germany.

Information Available in the Bank's Record

The Bank's record consists of a report from 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"). According to this record, the Account Owner was Dr. Gustav Wassermann, who resided in Chemnitz, Germany. The auditor's report indicates that the Account Owner held a numbered custody account, numbered 8964.

The auditor's report indicates that the account was opened on 6 November 1929 and was closed on 17 November 1933. The amount in the account on the date of closure is unknown. There is no evidence in the auditor's report that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name matches the published name of the Account Owner. In addition, the Claimant also identified her great-uncle's professional title and city and country of residence, which matches unpublished information about the Account Owner contained in the auditor's report.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant's relative in 1979 about a person named Dr. Gustav Wassermann, and indicates that he was born on 31 March 1885 in Bautzen, and that he resided in Chemnitz, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that the name Gustav Wassermann appears only once on the List of Account Owners Published in 2005 (the "2005 List"). Finally, the CRT notes that there are no other admissible claims to this account. 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 indicated that the Account Owner was Jewish, and that he fled Nazi Germany for Uruguay between the years 1939 and 1940. In addition, the Claimant stated that the Account Owner's brother and his wife perished in Auschwitz in 1944. As noted above, a person named Gustav Wassermann was included in the CRT's database of victims. Additionally, this database indicates that two persons named Willy and Alice Wassermann, corresponding to the Account Owner's brother and sister-in-law, perished in Auschwitz in 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's great-uncle. The CRT notes that the Claimant indicated that she has other surviving relatives, but because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The CRT further notes that the Claimant identified unpublished information about the Account Owner contained in the auditor's report, including the Account Owner's title and city and country of residence. The CRT further notes that the Claimant submitted a copy of her parents' marriage certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner. 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 Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The auditor's report indicates that the account was closed on 17 November 1933. Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that the Account Owner remained in Nazi Germany until approximately 1939 or 1940, when he fled to Uruguay; that there is no record of the payment of the Account Owner or his heirs; 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 Presumptions (a), (h), and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),¹ 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

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

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 represented party Paul Robert Wassermann. 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 represented party Paul Robert Wassermann's uncle, 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. Further, the CRT notes that represented party Paul Robert Wassermann, as the Account Owner's nephew, has a better entitlement to the account than the Claimant, the Account Owner's great-niece.

Amount of the Award

In this case, the Account Owner held a 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"). 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 162,500.00.

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. In this case, the Claimant is representing her father, Paul Robert Wassermann, the Account Owner's nephew. Accordingly, represented party Paul Robert Wassermann, the nephew of the Account Owner, is entitled to the total amount of the Award. As noted above, the Claimant, as the Account Owner's great-niece, is not entitled to share in the Award.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research 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
12 October 2007