

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]  
represented by von Trott zu Solz Lammek

## **in re Accounts of Alice von Wassermann**

Claim Numbers: 400777/MC; 402014/MC; 501421/MC<sup>1</sup>

This Certified Denial is based upon the claims of [REDACTED] (the “Claimant”) to the published account of Alice (von) Wassermann (the “Account Owner”) at the Zurich branch of the [REDACTED] (“Bank I”) and at the [REDACTED] (“Bank II”) (together the “Banks”).<sup>2</sup>

All denials 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 three Claim Forms identifying the Account Owner as his paternal grandmother, Alice von Wassermann (later Verheyden), née von Taussig, who was born on 16 September 1874 in Vienna, Austria, and was married to [REDACTED] on 3 December 1895 in Berlin, Germany. The Claimant stated that his grandmother was a daughter of [REDACTED], who was a director of *Wiener Bodenkreditanstalt* bank in Vienna.

According to the Claimant, his grandparents, who were Jewish, had two sons, [REDACTED] (the Claimant’s father) and [REDACTED]. The Claimant stated that his grandparents resided at Rauchstrasse 7 in Berlin until 1908, when they moved to Rauchstrasse 26 in Berlin. The

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<sup>1</sup> In separate decisions, the CRT treated the claims of [REDACTED] (the “Claimant”) to the accounts of A. Taussig and A.E. Wassermann Bankgeschäft. See *In re Account of Alice Taussig* (approved 8 August 2007), *In re A.E. Wassermann Bankgeschäft* (approved on 12 May 2006), and *In re A.E. Wassermann Bankgeschäft* (approved on 26 November 2008).

<sup>2</sup> 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”), Alice Wassermann of Berlin, Germany is indicated as holding one account. This entry refers to the account at Bank I. Upon careful review, the CRT has concluded that Bank I’s records indicate that the account owner’s full name was Alice von Wassermann. The CRT further notes that the Account Owner’s name was published on the List of Account Owners Published in 2005 (the “2005 List”) with regard to the accounts at Bank II as Alice von Wassermann.

Claimant stated that [REDACTED] died on 16 March 1925, and that Alice von Wassermann moved to Vienna in 1928.

According to the Claimant, in 1938, his grandmother fled Vienna to Brussels, Belgium, where her son [REDACTED] resided. The Claimant explained that on 21 January 1942, his grandmother, in an attempt to avoid Nazi persecution, entered into a *pro forma* marriage with [REDACTED], who was not Jewish. The Claimant stated that on 1 February 1943, his grandmother was arrested by the Gestapo in Brussels, and on 21 April 1943, she was deported to Auschwitz, where she subsequently perished. The Claimant stated that his uncle, [REDACTED], died on 11 February 1956 in Tel Aviv, Israel; that his father died on 11 March 1977 in Brussels; and that he is his grandmother's only heir.

In support of his claim, the Claimant submitted copies of numerous documents, including an extract from a book about the history of the Wassermann family, entitled *Vom Salzfaktor zum Bankier*, which indicates that Alice von Taussig, who was Jewish, was born on 16 September 1874 in Vienna; was the daughter of [REDACTED], who was a director of a *Wiener Bodenkreditanstalt* Bank in Vienna; that she married [REDACTED] on 3 December 1895; and that together they had two sons, [REDACTED], who resided in Brussels, and [REDACTED], who fled from Austria in 1938 and died in Tel-Aviv in 1956.

The Claimant also submitted copies of:

- (1) his father's birth certificate, which indicates that [REDACTED] was born on 9 February 1897 in Berlin, and that [REDACTED] and Alice von Wassermann were his parents;
- (2) his grandfather's certificate of inheritance (*Erbschein*), issued by the District Court of Berlin (*Amtsgericht Berlin*) on 5 March 1938, which indicates that [REDACTED] died on 16 March 1925 in Berlin, and that his wife, Alice von Wassermann, and his son, [REDACTED], were his heirs;
- (3) his parents' marriage certificate, which indicates that [REDACTED] and [REDACTED] were married on 8 April 1942, and that Alice von Wassermann was [REDACTED]'s mother;
- (4) his own birth certificate, which indicates that [REDACTED] was born on 18 March 1940 in Uccle, Belgium, and that [REDACTED] and [REDACTED] were his parents;
- (5) his father's death certificate and obituary, which indicate that [REDACTED] died on 11 March 1977 in Brussels;
- (6) his mother's death certificate, which indicates that [REDACTED], a widow of [REDACTED], died on 26 July 2003 in Woluwe-Saint-Lambert, Belgium; and
- (7) a sheet of personal information about his grandmother, submitted by the Claimant's father to a compensation office (*Entschädigungsamt*) in Berlin on 18 September 1957, which states that Alice Verheygen was born on 16 September 1874 in Vienna and married [REDACTED] on 3 December 1895; that they resided in Berlin and together had two sons, [REDACTED] and [REDACTED]; that on 21 January 1942 she entered into a *pro forma* marriage with [REDACTED], with whom she resided at Avenue Louise 235 in Brussels; and that she perished in Auschwitz in 1943.

The Claimant indicated that he was born on 18 March 1940 in Uccle, Belgium.

## **Information Available in the Banks' Records**

### Bank I

Bank I's records consist 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 report, the Account Owner was Alice Wassermann, who resided in Berlin, Germany. The auditor's report indicates that the Account Owner held one custody account, numbered 3149, which was opened on 19 October 1921 and was closed on 22 March 1933. The amount in the account on the date of its closure is unknown.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of Bank I to obtain additional information about this account ("Voluntary Assistance"). Bank I provided the CRT with additional documents. These documents consist of three extracts of lists of archived custody accounts, indicating that the Account Owner was *Frau* (Mrs.) Alice von Wassermann, who resided in Berlin, and who held a custody account numbered 3149, which was opened on 19 October 1921 and closed on 22 March 1933.

### Bank II

Bank II's records consist of a customer card and a printout from the Bank's database. According to this record, the Account Owner was *Frau* (Mrs.) Alice von Wassermann, who resided in Paris, France, and at Avenue Luise 235 in Brussels, Belgium. Bank II's records indicate that the Account Owner held three demand deposit accounts, one account of unknown type, and one custody account numbered 47258.

The record further indicates that one demand deposit account, which was held in French Francs, was opened on an unknown date, and its proceeds were transferred on 31 December 1935 to a second demand deposit account, which was held in Swiss Francs ("SF").

This record also indicates that the second demand deposit was opened on 20 May 1932 and transferred on 30 September 1940 to the account of unknown type. The proceeds of this account were transferred on 31 December 1948 to the third demand deposit account, which was closed on 20 April 1950.

Finally, this record indicates that custody account numbered 47258 was closed on 3 April 1950.

Pursuant to Article 6 of the Rules, the CRT requested the Voluntary Assistance of Bank II regarding these accounts. Bank II provided the CRT with additional documents. These documents consist of voluminous correspondence between the Account Owner's heirs, [REDACTED] and [REDACTED], their notarial representative, and Bank II; internal bank correspondence; and a division plan ("*Teilungsplan*") for the Account Owner's assets at Bank II.

These documents indicate that the Account Owner perished in Auschwitz in 1943, and that [REDACTED] and [REDACTED] were the sons and heirs of the Account Owner. They further indicate that the Account Owner was also known as Alice Verheyden, that she was the widow of [REDACTED], and that her maiden name was von Taussig.

The division plan, dated 25 March 1950, indicates that the proceeds of the Account Owner's custody account and third demand deposit account at Bank II were divided between the Account Owner's heirs, [REDACTED] and [REDACTED]. The records indicate that that plan was prepared by Bank II and was approved and signed by both [REDACTED] and [REDACTED]. These documents further indicate that the proceeds of the Account Owner's custody account and third demand deposit account were transferred in exactly equal shares on or about 30 March 1950 to the Account Owner's heirs, [REDACTED] and [REDACTED].

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Alice Wassermann, numbered 60051. The records consist of a confiscation document (*Beschlagnahmeverfügung*), dated 13 February 1941, and issued by the Gestapo, indicating that all of the assets of Alice Wassermann, née Taussig, who was born on 16 September 1874 in Vienna, and whose last place of residence was at Kärntnerring 1, *Hotel Imperial* in Vienna, had been seized (*beschlagahmt*) by the Reich. These records make no mention of assets held in a Swiss bank account.

### **The CRT's Analysis**

#### Joinder of Claims

According to Article 37(1) of 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 three claims of the Claimant in one proceeding.

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandmother's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant identified the Account Owner's marital status, street address, second city of residence, husbands' names, and the names and cities of residence of the Account Owner's sons, which match unpublished information about the Account Owner contained in Bank II's records.

In support of his claims, the Claimant submitted documents, including an extract from a book about the history of the Wassermann family, his father's birth certificate, his grandfather's certificate of inheritance, his parents' marriage certificate and sheet containing personal information about his grandmother submitted in support of a claim for compensation, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same towns recorded in the Banks' records as the name and cities of residence of the Account Owner.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different marital status and city and country of residence than the marital status and city and country of residence of 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, that she fled from Vienna, Austria, to Brussels, Belgium, in 1938; that on 21 January 1942, in order to avoid Nazi persecution, she entered into a *pro forma* marriage with a non-Jewish man; and that she perished in Auschwitz in 1943.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was the Claimant's paternal grandmother. These documents include his grandfather's inheritance documents and his father's birth certificate, indicating that [REDACTED] was Alice von Wassermann's son; as well as his own birth certificate, indicating that [REDACTED] was [REDACTED]'s father. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

With regard to the custody account numbered 3149 held by the Account Owner at Bank I, Bank I's records indicate that that account was closed on 22 March 1933. The CRT notes that the Claimant stated that his grandmother moved from Berlin to Vienna in 1928, following the death of her husband in 1925. The CRT notes that this account was closed approximately five years prior to the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*"). The CRT also notes that the Account Owner continued to maintain accounts in Switzerland at Bank II after this date, as detailed below, and that she actively managed those accounts, which indicates that the Account Owner remained in control of her assets well after the date of the closure of this account. Therefore the CRT concludes that the Account Owner had access to the account until the date of its closure, and received the proceeds of this account herself.

With regard to the three demand deposit accounts and the account of unknown type held by the Account Owner at Bank II, the records indicate that the proceeds of the first demand deposit account denominated in French Francs were transferred to another demand deposit account held by the Account Owner that was denominated in Swiss Francs on 31 December 1935, and that the

proceeds of this demand deposit account were subsequently transferred on 30 September 1940 to the Account Owner's account of unknown type. The proceeds of the account of unknown type were transferred on 31 December 1948 to another demand deposit account held by the Account Owner, which in turn was closed on 20 April 1950 by the Account Owner's heirs, [REDACTED] and [REDACTED]. Thus, the records indicate that the heirs received the proceeds of the three demand deposit accounts and the account of unknown type.

With regard to custody account numbered 47258, Bank II's records indicate that that account was closed on 20 March 1950 by the Account Owner's heirs, [REDACTED] and [REDACTED]. The records clearly indicate that her heirs received all of the proceeds of that account.

Therefore, the CRT concludes that the Account Owner and her heirs received the proceeds of all of the claimed accounts.

#### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

#### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
30 August 2010