

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3],
and [REDACTED 4],

to Claimants [REDACTED 5],

[REDACTED 6],

and [REDACTED 7],

and to the Estate of Claimant [REDACTED 8]¹

in re Accounts of H. Zeisler, H. Nathan, and B. Wassermann

Claim Numbers: 214157/AV; 300629/AV; 719594/AV; 725705/AV; 754414/AV^{2,3,4}

This Certified Denial is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”), [REDACTED 5] (“Claimant [REDACTED 5]”), [REDACTED 8], née [REDACTED], (“Claimant [REDACTED 8]”), and [REDACTED 6] (“Claimant

¹ According to her sister, [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 8] (“Claimant [REDACTED 8]”) passed away on 15 February 1999.

² Claimant [REDACTED 1] submitted an additional claim to the account of Rahel Zeisler, which is registered under the Claim Number 300650. In a separate decision, the CRT awarded the account of Rahel Zeisler to Claimant [REDACTED 1]. See *In re Accounts of Rahel Zeisler* (approved 20 May 2004).

³ [REDACTED 6] (“Claimant [REDACTED 6]”) and [REDACTED 5] (“Claimant [REDACTED 5]”) did not submit Claim Forms to the CRT. However, in 1999 each submitted an Initial Questionnaire (“IQ”), numbered HEB-0227-056 and HEB-0372-059, respectively, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 719594 and 725705, respectively.

⁴ Claimant [REDACTED 8] did not submit a CRT Claim Form. However, in 1998 she submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-TLV-W-80-326-211-654, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). Claimant [REDACTED 8]’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 754414.

[REDACTED 6]”) to accounts of Herman (Hermann) Zeisler, and the claim of [REDACTED 7] (“Claimant [REDACTED 7]”) (together the “Claimants”) to the account of Rahel Zeisler.⁵ This Denial is to the unpublished account of H. Zeisler (“Account Owner Zeisler”) at the Basel branch of the [REDACTED] (the “Bank”).

All denials are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form, identifying Account Owner Zeisler as her father, Hermann Zeisler, who was born on 31 December 1893, and was married to [REDACTED], née [REDACTED], in 1920 in Frankfurt, Germany. According to Claimant [REDACTED 1], her father, who was Jewish, lived in Gailingen, Germany between 1930 and 1939. Claimant [REDACTED 1] stated that her father worked in Switzerland as a sales representative for a Czechoslovakian firm named *Texwa A.G.*, and that he maintained an address in Baden, Switzerland. In addition, Claimant [REDACTED 1] stated that her father owned bank accounts at the Bank and that, after the War, friends of the family in England told her that her father also regularly deposited money and valuables in Switzerland on behalf of his family and friends from Germany, Czechoslovakia and Hungary. Claimant [REDACTED 1] further stated that, in 1940, her parents were ordered to move away from the Swiss border, and that they subsequently relocated to Frankfurt. Claimant [REDACTED 1] also stated that her mother and three of Claimant [REDACTED 1]’s siblings gained entry into Switzerland at the outbreak of the Second World War, but that her father was denied entry, so they all returned to Germany. Claimant [REDACTED 1] indicated that her father was arrested in 1942 and detained in a concentration camp, and that he perished at Auschwitz in 1943. Claimant [REDACTED 1] further indicated that her mother also perished in approximately 1943, and that three of her six siblings were killed in concentration camps.

Claimant [REDACTED 1] stated that, in 1947, she visited the Bank to inquire about her father’s accounts. According to Claimant [REDACTED 1], she received 3,000.00 Swiss Francs (“SF”) from the manager of the Bank during that visit as a gesture of goodwill, but the manager told her that he could not provide her with all assets held by her father at the Bank, because she was unable to specify account numbers. In addition, Claimant [REDACTED 1] indicated that her sister, [REDACTED 8] (Claimant [REDACTED 8]), also received SF 3,000.00 from the Bank in 1950, and that her late brother received SF 6,000.00 in 1951.

Claimant [REDACTED 1] submitted a Page of Testimony that she had previously submitted in 1974 to the Yad Vashem Memorial in Israel, identifying her father as Hermann (Zwi) Zeisler, and her marriage certificate, identifying her father as [REDACTED]. In addition, Claimant

⁵ As noted above, in a decision dated 20 May 2004, the Court approved an Award to Claimant [REDACTED 1] for the account of Rahel Zeisler. See *In re Accounts of Rahel Zeisler*.

[REDACTED 1] submitted several documents relating to accounts at the Bank. These documents include a balance sheet from the Bank for a demand deposit account owned by H. Zeisler; two account summaries for demand deposit accounts belonging to B. Wassermann (“Account Owner Wassermann”) and H. Nathan (“Account Owner Nathan”); and two letters from the Bank, dated 13 January 2000 and 29 February 2000, discussing accounts at the Bank owned by Claimant [REDACTED 1]’s father. These documents are described in greater detail below.

Claimant [REDACTED 1] indicated that she was born on 4 July 1922 in Frankfurt. The Claimant is representing her sister, [REDACTED 2], née [REDACTED], who was born on 12 February 1921 in Frankfurt; her brother, [REDACTED], who was born on 25 November 1925 in Frankfurt; and her brother-in-law, [REDACTED 3], who was married to [REDACTED 8], née [REDACTED], who was born on 5 April 1924.

The Claimant previously submitted two Initial Questionnaires with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Hermann Zeisler.

Claimant [REDACTED 8]

Claimant [REDACTED 8] submitted an ATAG Ernst & Young claim form in 1998, identifying Account Owner Zeisler as her father, Herman [sic] Zeisler, who was born on 31 December 1893, was a Czechoslovakian national, and was married to [REDACTED]. Claimant [REDACTED 8] indicated that her father resided in Gailingen, that he often traveled throughout Switzerland, and that he owned a safe deposit box at a Swiss bank. Claimant [REDACTED 8] stated that her father perished in Auschwitz in August 1942.

Claimant [REDACTED 8] submitted a copy of a letter sent to the Swiss Banking Ombudsman by the Canadian Embassy in 1997, requesting information about bank accounts opened by Hermann Zeisler, and indicating that Hermann Zeisler traveled between Germany and Switzerland to conduct his business as a sales representative. This letter further indicates that [REDACTED] “was able to locate a bank account in Basel with 3000 francs under his father’s name, as well as a few more accounts with different names, but with his father’s right of disposal *Verfuegungsrecht* [right of disposal],” adding, “[u]nfortunately, the bank would not give [REDACTED] any further information about his father’s account, or any others.” Claimant [REDACTED 8] further submitted her birth certificate, indicating that her father was Hermann Zeisler, as well as Hermann Zeisler’s signature sample. Claimant [REDACTED 8] indicated that she was born on 5 April 1924 in Frankfurt.

Claimant [REDACTED 5]

Claimant [REDACTED 5], who is the son of Claimant [REDACTED 8], submitted an Initial Questionnaire with the Court in 1999, identifying Account Owner Zeisler as his maternal grandfather, Hermann Zeisler, who was born on 31 December 1893. Claimant [REDACTED 5] stated that his grandfather, who was Jewish, lived in Gailingen from 1934 until 1939, during which time he worked in Switzerland, where he deposited assets for himself and his relatives. According to Claimant [REDACTED 5], his grandfather wanted to flee Germany to Switzerland,

but was not allowed to enter Switzerland. Claimant [REDACTED 5] stated that his grandfather subsequently returned to Germany with his family, and that he resided at Fichtestrasse 5 in Frankfurt from 1939 until 1941. Claimant [REDACTED 5] indicated that, in 1941, his grandfather was detained at a prison in Zweibrucken, Germany, and was deported in 1942 to Auschwitz, where he perished. Claimant [REDACTED 5] indicated that he was born on 1 February 1960.

Claimant [REDACTED 6]

Claimant [REDACTED 6] submitted an Initial Questionnaire with the Court in 1999, identifying Account Owner Zeisler as his wife's maternal uncle, Hermann-Hershel Zeisler, who was born on 9 January 1925 in Hungary. According to Claimant [REDACTED 6], Hermann Zeisler, who was Jewish, was the brother of [REDACTED], who was the mother of Claimant [REDACTED 6]'s wife, [REDACTED]. Claimant [REDACTED 6] indicated that Hermann Zeisler perished in Auschwitz in 1944 or 1945. Claimant [REDACTED 6] stated that more information could be provided by Claimant [REDACTED 1].⁶ Claimant [REDACTED 6] indicated that he was born on 22 March 1920.

Claimant [REDACTED 7]

Claimant [REDACTED 7] submitted a Claim Form, identifying Account Owner Zeisler as Hermann Zeisler, who was born in 1903, and was married to [REDACTED] in January 1920 in Frankfurt. Claimant [REDACTED 7] stated that Hermann Zeisler, who was Jewish, lived from 1929 to 1939 on Rheinstrasse in Gailingen, where he worked as a sales representative for a Czechoslovakian firm. According to Claimant [REDACTED 7], his grandfather gave Hermann Zeisler 50,000.00 Reichsmark ("RM") to deposit in Switzerland. Claimant [REDACTED 7] indicated that Hermann Zeisler resided at Fichtestrasse 5 in Frankfurt from 1939 to 1942, when he was deported to a concentration camp, where he perished. Claimant [REDACTED 7] indicated that he was born on 19 January 1943 in Amsterdam, the Netherlands.

Claimant [REDACTED 7] previously submitted an ATAG Ernst & Young claim form in 1998 and an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Herman Zeisler or Ludwig Kohn.⁷

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 H. Zeisler during their investigation of the Bank. The Bank's documents were submitted by the Claimant to the CRT.

⁶ The CRT notes that, in a telephone conversation with the CRT on 1 March 2005, Claimant [REDACTED 1] identified Claimant [REDACTED 6] as her father's sister's son-in-law.

⁷ The CRT will treat the claim to the account of Ludwig Kohn in a separate determination.

Account Owner Zeisler

The Bank's records consist of a balance sheet from the Bank and correspondence from the Bank. According to the balance sheet, Account Owner Zeisler was *Herr* (Mr.) H. Zeisler, who used a post office box in Baden, Switzerland as his mailing address. This record indicates that Account Owner Zeisler held a demand deposit account, which was open as of 24 February 1939. The record further indicates that this account was closed on 30 June 1939 to *Frau* (Mrs.) [REDACTED], who resided at Eichenstrasse 27 in Basel, Switzerland. The amount in the account on the date of its closure was SF 2,673.76.

The correspondence from the Bank consists of two letters from the Bank to Claimant [REDACTED 1]'s attorney, dated 13 January 2000 and 29 February 2000, responding to Claimant [REDACTED 1]'s inquiries about accounts at the Bank owned by Hermann Zeisler. In the letter dated 13 January 2000, the Bank acknowledged that Mr. H. Zeisler, who resided in Baden, owned an account, the type of which was not specified. According to this letter, the account was opened on 24 February 1939 and was closed on 15 June 1950. The Bank specifically noted that it could "not explain how the account has been closed." This letter further indicates that Claimant [REDACTED 1] visited the Bank in 1947 to inquire about her father's account at the Bank, and that "she left an amount on the account" after doing so.

In the letter dated 29 February 2000, the Bank specified that its record of the account consisted of a client register card, which indicated that the account of Mr. Zeisler, who lived in Baden, was opened on 24 February 1939 and was closed on 15 June 1950. This letter reiterates that Claimant [REDACTED 1] visited the Bank in 1947 to inquire about her father's account, and indicates that "there is no record of whether [Claimant [REDACTED 1]] actually withdrew money at this time, and if so, how much money she withdrew from the account of her father."

The Bank's records do not show to whom this account was paid, nor do these records indicate the value of this account. There is no evidence in the Bank's records that Account Owner Zeisler's heirs closed the account and received the proceeds themselves.

Account Owner Wassermann and Account Owner Nathan

The Bank's records consist of two account summaries. According to these records, Account Owner Wassermann was B. Wassermann and Account Owner Nathan was H. Nathan, who both resided in Baden. The Bank's records indicate that Account Owner Wassermann held a demand deposit account, numbered 7854, and that Account Owner Nathan held a demand deposit account, numbered 7858, which was opened no later than 15 March 1939. The Bank's records further indicate that Hermann Zeisler, who was a businessman from Baden, was an authorized party for both of these accounts, and that he deposited funds into both of these accounts in 1939. The Bank's records indicate that Account Owner Wassermann's demand deposit account was closed on 28 April 1939 to David Israel Tischauer, who resided in London. The amount in this account on the date of its closure was SF 3,240.47. The Bank's records further indicate that Account Owner Nathan's demand deposit account was closed on 20 May 1939, also to David Israel Tischauer, in London. The amount in this account on the date of its closure was SF 2,431.61.

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 five claims of the Claimants in one proceeding.

Identification of the Account Owners

Account Owner Zeisler

The Claimants have each plausibly identified Account Owner Zeisler. Claimant [REDACTED 1]'s, Claimant [REDACTED 8]'s, Claimant [REDACTED 5]'s and Claimant [REDACTED 6]'s relative's name, as well as the name of the person identified by Claimant [REDACTED 7] as having deposited funds on his grandfather's behalf, matches the name of Account Owner Zeisler as contained in the Bank's documents provided by Claimant [REDACTED 1].⁸ Claimant [REDACTED 1] further identified the city and country in which her father used a mailing address, which match the city and country specified for Account Owner Zeisler in the Bank's documents provided by Claimant [REDACTED 1]. Claimant [REDACTED 8], Claimant [REDACTED 5], and Claimant [REDACTED 7] indicated that Hermann Zeisler worked in Switzerland, which is consistent with information about Account Owner Zeisler contained in the Bank's documents submitted by Claimant [REDACTED 1].

In support of her claim, Claimant [REDACTED 1] submitted a Page of Testimony that she had previously submitted in 1974 to the Yad Vashem Memorial in Israel, identifying her father as Hermann (Zwi) Zeisler, and Claimant [REDACTED 8] submitted her birth certificate, indicating that her father was Hermann Zeisler, providing independent verification that the person who is claimed to be Account Owner Zeisler by Claimant [REDACTED 1] and Claimant [REDACTED 8] had the same name recorded in the Bank's records as the name of Account Owner Zeisler. The CRT notes that there are no other claims to these accounts.

Account Owner Wassermann and Account Owner Nathan

The CRT notes that the Claimants have not identified Account Owner Wassermann or Account Owner Nathan. The CRT further notes, however, that the Claimants have plausibly identified Hermann Zeisler, who was an authorized party for both of these accounts.

⁸ The CRT notes that, although certain information provided by Claimant [REDACTED 6] is inconsistent with information provided by Claimant [REDACTED 1], Claimant [REDACTED 8], and Claimant [REDACTED 5], in a telephone conversation with the CRT on 1 March 2005, Claimant [REDACTED 1] confirmed that the person identified by Claimant [REDACTED 6] as Account Owner Zeisler is the same person identified by Claimant [REDACTED 1], Claimant [REDACTED 8], and Claimant [REDACTED 5] as Account Owner Zeisler. Moreover, the CRT notes that the information submitted by Claimant [REDACTED 7], which is also partially inconsistent with the information submitted by Claimant [REDACTED 1], Claimant [REDACTED 8], and Claimant [REDACTED 5], is, in its entirety, sufficiently similar to that provided by Claimant [REDACTED 1], Claimant [REDACTED 8], and Claimant [REDACTED 5] to indicate that he is identifying the same individual.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that Account Owner Zeisler was a Victim of Nazi Persecution. The Claimants stated that Account Owner Zeisler was Jewish, and that he perished in Auschwitz. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Hermann Zeisler, and indicates that his date of birth was 31 December 1893, which matches the information about Account Owner Zeisler provided by Claimant [REDACTED 1], Claimant [REDACTED 8], and Claimant [REDACTED 5]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT notes that the Claimants have submitted insufficient information to determine whether Account Owner Wassermann and Account Owner Nathan were Victims of Nazi Persecution.

The Claimants' Relationships to Account Owner Zeisler

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to Account Owner Zeisler by submitting specific information and documents demonstrating that Account Owner Zeisler was Claimant [REDACTED 1]'s father. These documents include a Page of Testimony submitted by Claimant [REDACTED 1] to Yad Vashem and Claimant [REDACTED 1]'s marriage certificate, identifying Hermann (Zwi or Tzvi) Zeisler as her father.

Claimant [REDACTED 8]

Claimant [REDACTED 8] has plausibly demonstrated that she is related to Account Owner Zeisler by submitting specific information and documents demonstrating that Account Owner Zeisler was Claimant [REDACTED 8]'s father. These documents include Claimant [REDACTED 8]'s birth certificate, identifying Hermann Zeisler as her father.

Claimant [REDACTED 5]

Claimant [REDACTED 5] has plausibly demonstrated that he is related to Account Owner Zeisler by submitting specific biographical information demonstrating that Account Owner Zeisler was Claimant [REDACTED 5]'s grandfather. The CRT notes that Claimant [REDACTED 5] identified information about Account Owner Zeisler as contained in the Bank's records provided by Claimant [REDACTED 1]. Furthermore, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Zeisler was well known to Claimant [REDACTED 5] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 5] is related to Account Owner Zeisler, as he has asserted in his Claim Form.

Claimant [REDACTED 6]

Claimant [REDACTED 6] has plausibly demonstrated that he is related to Account Owner Zeisler by submitting specific biographical information demonstrating that Account Owner

Zeisler was Claimant [REDACTED 6]'s wife's uncle. The CRT notes that Claimant [REDACTED 1] confirmed that Claimant [REDACTED 6] was a relative of Account Owner Zeisler.

Claimant [REDACTED 7]

The CRT notes that Claimant [REDACTED 7] indicated that he is not related to Account Owner Zeisler.

The Claimants' Relationships to Account Owner Wassermann and Account Owner Nathan

The CRT notes that the Claimants have not demonstrated that they are related to either Account Owner Wassermann or Account Owner Nathan.

The Issue of Who Received the Proceeds

With respect to the demand deposit account owned by Account Owner Zeisler, the Bank's records indicate that the account was paid on 30 June 1939 to [REDACTED]. Therefore, the CRT concludes that Account Owner Zeisler's heir received the proceeds of the claimed demand deposit account.

With respect to the account of unknown type owned by Account Owner Zeisler, the CRT notes that the letter from the Bank, dated 13 January 200, indicates that Claimant [REDACTED 1] visited the Bank in 1947 to inquire about her father's account at the Bank, and that she "left an amount on the account" at that time. The CRT also notes that Claimant [REDACTED 1] also stated that she visited the Bank in 1947, and that she stated that she received SF 3,000.00 from the Bank at that time. The CRT further notes that Claimant [REDACTED 1] stated that her sister, Claimant [REDACTED 8], and her late brother also received money from the Bank in 1950 and 1951, respectively. The CRT notes that Claimant [REDACTED 1] stated that the Bank told her, at the time of her visit, that it could not provide her with all the assets in her father's account, because she did not have the account number. However, it is clear that the Bank allowed Claimant [REDACTED 1] and her siblings to access all or some portion of the account. Moreover, the Bank's records confirm that the account was closed during or around this time. Given that Claimant [REDACTED 1] and her siblings were able to access funds from their father's account after the War, that Claimant [REDACTED 1] acknowledges that she was in contact with the Bank after the War about this account, and that the Bank recognized her and her siblings as heirs to their father's account, the CRT concludes that the Account Owner's heirs had access to the account, closed it, and received the proceeds themselves.

With respect to the accounts owned by Account Owner Wassermann and Account Owner Nathan, the Bank's records indicate that Account Owner Wassermann's demand deposit account was closed on 28 April 1939, and that Account Owner Nathan's demand deposit account was closed on 10 May 1939, both to David Israel Tischauer, who resided in London. Accordingly, the CRT determines that Account Owner Wassermann and Account Owner Nathan, or an individual authorized to act on their behalves, received the proceeds of their accounts. The CRT also notes that the Claimants did not identify Account Owner Wassermann and Account Owner

Nathan as their relatives, and that Hermann Zeisler was not the owner of these accounts, but rather an authorized party only. Accordingly, even if Account Owner Wassermann and Account Owner Nathan, or an individual authorized to act on their behalves, did not receive the proceeds of the claimed accounts, the Claimants would not have been entitled to the accounts, unless there was evidence in the Bank's records that Hermann Zeisler and Account Owner Wassermann and Account Owner Nathan were related. The CRT notes that the Bank's records contain no such evidence.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

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 Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
21 September 2005