

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]¹

in re Account of Gábor Hiller

Claim Number: 211706/PY

Award Amount: 556,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Gábor Hiller. This Award is to the unpublished account of Gábor Hiller (the “Account Owner”) at [REDACTED] (the “Bank”).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 owners, and the banks have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her maternal grandfather, Gábor Hiller, who was born on 31 December 1877 in Lutshki, Hungary (now Slovakia), and was married to [REDACTED], née [REDACTED] in 1909. The Claimant indicated that her grandfather had two children: [REDACTED], née [REDACTED], the Claimant's mother, who was born on 7 September 1910 and died on 26 February 2002; and [REDACTED], who was born on 19 April 1918 and died in the summer of 2003. The Claimant further indicated that her grandfather's parents were [REDACTED] and [REDACTED], who died in Hungary in 1892 and 1928, respectively. The Claimant stated that her grandfather was Jewish, that he resided at Somlói ut 50 in Budapest between 1930 and 1944, and that he was the director of an aircraft factory, *Weiss Manfred Trust*, which was located in Csepel, Hungary. The Claimant indicated that her grandfather was deported to a concentration camp in 1944, where he perished. In support of her claim, the Claimant submitted her grandfather's death certificate, identifying him as Gábor Hiller; her mother's

¹ The Claimant's mother, [REDACTED], née [REDACTED], originally filed a claim to the account of her father, Gábor Hiller. [REDACTED] passed away on 26 February 2002. Her daughter, [REDACTED], née [REDACTED], has assumed this claim and in the Award is referred to as the Claimant. The Claimant submitted [REDACTED]'s death certificate, as well as the Delivery of Estate Order by the Notary Public in Budapest, Hungary, showing that she is her mother's sole heir.

Hungarian passport, identifying her as [REDACTED], née [REDACTED] and her father as Gábor Hiller; her mother's death certificate, identifying her as [REDACTED]; and the Delivery of Estate Order of the Claimant's mother, which identifies Gábor Hiller as her father and the Claimant as her daughter.

In addition, the Claimant submitted a letter, dated 14 August 1946, from [REDACTED] to [REDACTED], Gábor Hiller's wife, informing her that she was obligated to report 890 shares owned by her late husband in a company known as *Bauxit Trust AG*, which were held in a blocked deposit held by *Dr. Jozsef Hiller Group* at the Bank pursuant to a decree, numbered 8400/1946 K.E., issued by the Hungarian government. The Claimant also submitted a letter, dated 22 September 1949, from the *National Bank of Hungary* to [REDACTED], instructing her to deposit the aforementioned shares, which had a nominal value of 50.00 Swiss Francs each, at the Hungarian embassy in Berne, Switzerland, or at the embassy's designated bank, in accordance with another decree, numbered 4.246/1949./195/M.T. The Claimant submitted a form signed by [REDACTED] on 28 September 1949, declaring that she held 890 blocked shares of *Syndicate Bauxit* at the Bank, and authorizing the securities department of the *Hungarian Finance Center* to deposit the shares at the Hungarian embassy in Bern or its designated bank on her behalf.

The Claimant indicated that she was born on 19 November 1934 in Budapest.

The Claimant's mother previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Gábor Hiller.

Information Available in the Banks' Records

The auditors who carried out the investigation of the 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 to the CRT any accounts belonging to Gábor Hiller.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant submitted letters that indicate her grandfather owned an account at the Bank into which he deposited certain shares, which his widow was forced to sign over to the Hungarian government. This account was not found by the auditors during the ICEP Investigation and was not published on the February 2001 list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The Claimant also submitted her grandfather's death certificate, identifying him as Gábor Hiller; her mother's passport, identifying her as [REDACTED], née

[REDACTED], and her father as Gábor Hiller; her mother's death certificate, identifying her as [REDACTED]; and her mother's Delivery of Estate Order by Notary Public in Budapest, identifying the Claimant as her mother's sole heir and her mother's father as Gábor Hiller. The CRT notes that there are no other claims to this account. Taking all of these factors into consideration, 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 he was deported to a concentration camp in 1944, where he was killed.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her grandfather's death certificate, her mother's identification card, and her mother's death certificate and Delivery of Estate Order, demonstrating that she is the Account Owner's grandchild. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the letter from the National Bank of Hungary indicates that on 14 August 1946, the Account Owner's wife reported her late husband's shares held at the Bank to the Hungarian government; that on 22 September 1949 the Account Owner's wife was instructed to deposit her late husband's shares at the Hungarian embassy in Berne; that the Account Owner's wife complied with this demand on 28 September 1949 and authorized the securities department of the *Hungarian Finance Center* to deposit the shares at the Hungarian embassy in Berne; that the Account Owner died in 1944; that the Account Owner's heirs resided in Hungary after the War, when it became a communist country in Eastern Europe and the Account Owner's heirs would therefore not have been able to access the account; that there is no record of the payment of the account to the Account Owner or his heirs; and given the application of Presumptions (h), (i) 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 his heirs. Moreover, it is important to emphasize, as noted above, that the Account Owner was killed by the Nazis in 1944 and as such a victim of Nazi persecution, did not have access to his account; nor did the Account Owner's wife, as a resident of Nazi-occupied Hungary and communist Hungary. As such a resident, the Bank knew or should have known that the transfer to the *Hungarian Finance Center* was coerced, as in fact it appears that it was, and that the Account Owner's wife would not receive the proceeds of the Account Owner's account. 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her grandfather, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account. The Claimant has submitted credible information regarding the value of this account. As stated above, the Claimant submitted two letters, dated 14 August 1946, and 22 September 1949, and a form, signed on 28 September 1949, by Account Owner Gábor Hiller's wife. Each document indicates that her late husband's account held 890 shares with a nominal value of 50.00 Swiss Francs each, which amounts to a total nominal value of 44,500.00 Swiss Francs. The CRT accepts the nominal value of the shares as the historical value of the account, as the blockage of the account by the Hungarian government prevented the Account Owner's wife from realizing the value of the shares at a time when they could have been sold. The current value of the amount in the account is determined by multiplying the account value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 556,250.00 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
6 February 2004