

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Ilona Illes

Claim Numbers: 214949/MO^{1 2}

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of [REDACTED] and [REDACTED], née [REDACTED].³ This Award is to the account of Ilona Illes (the “Account Owner”) at the [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 owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his second cousin, Ilona (Helene) Illés, née Dan, who was born in 1920 and resided in Budapest, Hungary. The Claimant indicated that Ilona Illés was the first daughter of [REDACTED], née [REDACTED], who was the daughter of [REDACTED], née [REDACTED], and the sister of the Claimant’s maternal grandfather. According to the Claimant, his second cousin had one sister, [REDACTED], who was born in 1925. The Claimant further asserted that Ilona Illés, who was Jewish and did not have any children, was shot and killed by members of the fascist Arrow Cross Party in 1944.⁴ The Claimant indicated that her sister died at the age of 19, without any children,

¹ The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 214949 and 222763. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 214949.

² The Claimant submitted additional claims to the accounts of Emil Weiss, Therese Weiss and Franz Karl Weiss, which are registered under the claim numbers 214946, 214947, 214948, 222760, 222761 and 222763. The CRT will treat the claims to these accounts in separate decisions.

³ The CRT will treat the claim to these accounts in separate decisions.

⁴ The fascist Arrow Cross Party (*Nyilaskeresztes Part*) was a pro-German anti-Semitic fascist party led by Ferenc Szalasi that ruled Hungary from 15 October 1944 to January 1945. During its short rule, 80,000 Jews, mostly women, were deported from Hungary to their deaths. After the Second World War, Szalasi and other Arrow Cross leaders were tried as war criminals by Hungarian courts.

in Budapest as a result of bombing during the German military operation in Hungary in March 1944. During a phone conversation, the Claimant stated that the husband of Ilona Illés was taken to a forced labor camp from which he did not return. Finally, the Claimant asserted that Ilona's mother passed away in early 1937.

The Claimant indicated that [REDACTED], his second cousin's grandfather, was a very wealthy industrialist. The Claimant submitted excerpts from the Hungarian Jewish Encyclopedia, describing him as a composer and a fur wholesaler, who used the pseudonym [REDACTED]. It is further mentioned, *inter alia*, that [REDACTED] was nominated President of the National Association of Hungarian Industrialists, which played an important role in the Jewish public life. According to the Claimant, [REDACTED] died in 1944 on the way to Auschwitz.

The Claimant indicated that his second cousin's grandmother, [REDACTED], née [REDACTED], survived the Second World War and lived in Hungary, where she became ill and lost her eyesight. According to the Claimant, the political circumstances in Hungary at the time made it impossible to acquire any information about her assets in Switzerland. The Claimant's mother, [REDACTED], took care of her aunt until she died in 1957, and his mother became her sole heir. The Claimant indicated that he was born on 28 July 1950 in Budapest. The Claimant submitted a contract of inheritance executed by his mother in 1980 that proves that he is his mother's sole heir. His mother passed away in 1996.

The Claimant submitted an ATAG claim on 2 September 1997 asserting his entitlement to a Swiss bank account owned by his grandfather, Emil H. Weiss, whose name was included in the list of dormant accounts published by the Swiss Bankers Association in July 1997. A Final Award was rendered by the CRT in an arbitration concluded on 30 November 2000 (the "Arbitration").⁵ In the Arbitration, the information before the CRT indicated that Helene Illés, née Dan, was a Power of Attorney Holder of the Claimant's grandfather safe deposit box at the Zurich branch of the [REDACTED]. The CRT determined that the Claimant had a valid claim and ordered the Bank to deliver to the Claimant the contents of the safe deposit box.

Information Available in the Bank Records

The bank records consist of a list of dormant accounts that were transferred by the Bank to a suspense account. According to these records, the Account Owner was Ilona Illes. The bank records indicate that the Account Owner held an account of unknown type, numbered 23437. The account was transferred to a suspense account on 7 May 1958 and remains open today. The amount in the account on the date of its transfer was 52.20 Swiss Francs. 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") indicated that there was no evidence of activity on this account after 1945.

⁵ Claims Resolution Tribunal for Dormant Accounts in Switzerland, Docket No. 3155/0598/JN/WN.

The CRT's Analysis

Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (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 Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His second cousin's name matches the unpublished name of the Account Owner. In support of his claim, the Claimant submitted the Account Owner's grandfather's birth certificate and marriage certificate as well as the birth certificate of the Account Owner's mother. The CRT notes that the bank records do not contain any specific information about the Account Owner other than her name. Thus, the additional information provided by the Claimant cannot be compared with the bank information. However, the bank documents available in the Arbitration showed that the Account Owner was related to the Claimant's grandfather. These documents contained a letter from the [REDACTED] dated 18 April 1939, acknowledging the receipt of a deposit from his grandfather Emil Weiss, and identifying the Account Owner Helene Illés, née Dan, as well as the Account Owner's grandfather and grandmother, the Claimant's grandmother [REDACTED], and the Claimant's uncle [REDACTED], as Power of Attorney Holders of that account. The CRT therefore concludes that it is plausible that the Claimant's second cousin was 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 in 1944 the Account Owner was shot and killed by members of the Arrow-Cross Party.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that the Account Owner's grandmother is his great-aunt. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that the account remains open and dormant.

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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his second cousin, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the account as of 7 May 1958 was 52.20 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 210.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 7 May 1958. Consequently, the adjusted balance of the account at issue is 262.20 Swiss Francs. According to Article 35 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 35% of the total award amount is 16,590.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he 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