

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Gad Levi-Minzi

in re Accounts of Anna Levi-Minzi and Frida Ceccon

Claim Number: 212631/AY

Award Amount: 211,875.00 Swiss Francs

This Certified Award is based upon the claim of Gad (also known as Guido or Guiseppe) Levi-Minzi (the “Claimant”) to the account of Anna Levi-Minzi.¹ This Award is to the accounts of Anna Levi-Minzi and Frida Ceccon (the “Account Owners”) 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 one of the Account Owners as his mother, Anna Levi-Minzi, née Marx, who was born on 3 January 1895 in Milan, Italy, and was married to Giacomo Levi-Minzi on 30 July 1924 in Milan. The Claimant stated that the family lived at Via Elba 21 in Milan. The Claimant further stated that during the First World War, because his mother’s family was of German origin, they were forced to leave Italy and moved to Zurich, Switzerland, where his mother attended the university. The Claimant indicated his mother’s family later returned to Italy, and that his father died on 11 February 1931 in Milan. The Claimant stated that, after his father’s death, his mother worked as an accountant at her brother’s firm *W. Marx*. The Claimant further indicated that in 1934 the Claimant’s mother resided on Via Olmetto in Milan, and in 1938 on Via Petrarca in Milan. The Claimant stated that in 1938, after fascist Italy issued an anti-Jewish law modeled on German anti-Semitic racial legislation, he and his mother fled Italy to Palestine, while her brother fled via Switzerland and France to the United States. The Claimant further indicated that in 1945, after the invasion of southern Italy by the Allied Forces, his mother returned to Italy as part of the Psychological Warfare Branch of the British Army and served in Bari, Rome and Milan. According to the Claimant, in 1951 his mother returned to Israel, where she died in 1952.

¹ In a separate decision, the CRT awarded the Claimant an account belonging to Giuseppe Levi-Minzi, whom the Claimant also identified in his Claim Form.

The Claimant identified the other Account Owner as Frida Ceccon, née Marx, his maternal aunt, who was born in 1900 in Milan and was married in the early 1930s. The Claimant stated that his aunt met her husband while studying law at Milan University, and because her husband came from a religious Christian family, she converted to Christianity.

The Claimant indicated that the Levi-Minzi family is a small family, and that they are all descended from Rabbi Abraham Levi, who moved from Mainz, Germany, to Padova, Italy, in the early fifteenth century. The Claimant explained that successive generations of the family were named Levi-Minzi, to identify them as descendants of Rabbi Abraham Levi from Mainz. In support of his claim, the Claimant provided a copy of his mother's Italian passport and a copy of a declaration of belonging to the Jewish faith, issued by the Italian authorities to his mother and himself. The Claimant indicated that he was born on 15 May 1928 in Milan, and submitted an extract from the Italian registry of birth, issued in his name and indicating that he is the son of Anna Levi-Minzi, née Marx.

Information Available in the Bank's Records

The Bank's records consist of two printouts from the Bank's database. According to these records, the Account Owners were Anna Levi-Minzi, née Marx, and Frida Ceccon, née Marx, who both resided in Milan, Italy. The Bank's records indicate that Anna Levi-Minzi resided at Via Elba 21 in Milan. The Bank's records indicate that the Account Owners jointly held an account of unknown type, which was opened in 1932 and was closed unknown by whom in 1950. The Bank's records further indicate that an additional custody account was held solely by Frida Ceccon, née Marx, in which Anna Levi-Minzi, née Marx, was the Power of Attorney Holder. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that an additional place of residence of Frida Ceccon was Tel Aviv, Israel. There is however no indication in the Bank's records that the Account Owner Frida Ceccon successfully accessed the account from Israel, and the auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owners, the Power of Attorney Holder or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owners. His mother's name and his aunt's name match the published names of the Account Owners and the Power of Attorney Holder. The Claimant identified his mother's exact address, which matches unpublished information about Account Owner Anna Levi-Minzi contained in the Bank's records. In support of his claim, the Claimant submitted documents, including a copy of his mother's Italian passport dated

1949 in Milan, issued by the Italian authorities to his mother and himself. The Claimant also submitted extract of the Italian registry of birth, issued in his name and indicating that he was the son of Anna Levi-Minzi, née Marx, and a copy of the will of Anna Levi-Minzi, indicating that the Claimant was her only child. Furthermore, the CRT notes that there are no other claims to these accounts.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Anna Levi-Minzi was a Victim of Nazi Persecution. The Claimant stated that Account Owner Anna Levi-Minzi was Jewish and fled Europe with her brother and the Claimant to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting documents demonstrating that Account Owner Anna Levi-Minzi was his mother. The Claimant submitted the Account Owner Anna Levi-Minzi's will which indicates that he was her only child. The Claimant stated that Account Owner Frida Ceccon had one daughter who died many years ago. There is no information to indicate that either of the Account Owners has other surviving heirs.

The Issue of Who Received the Proceeds

With respect to the custody account, which was closed on an unknown date, given that there is no record of the payment of the Account Owners' account to them; given that the Account Owners and their heirs would not have been able to obtain information about the accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquires by account owners because of the Banks' concern regarding double liability; given the application of Presumptions (h) 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 her heirs.

With respect to the account of unknown type, which was closed in 1950, given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their heirs. 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. Second, the Claimant has plausibly demonstrated that Account Owner Anna Levi-Minzi was his mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that

neither the Account Owners, the Power of Attorney Holder, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held one account of unknown type and one 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. Consequently, the total value of the demand deposit account and of the custody account was 16,950.00 Swiss Francs. 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 211,875.00 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 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
July 15, 2003