

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial on Remand

to Claimant [REDACTED]
represented by Dr. [REDACTED] and Deborah Barall

Claimed Account Owner: Edmond Weil

Claim Number: 702545/MC; 776821/MC

This Certified Denial is to the claim of [REDACTED] (the “Claimant”) to a Swiss bank account potentially owned by the Claimant’s relative, Edmond Weil (the “Claimed Account Owner”).

In a previous decision, the CRT treated the Claimant’s claim to accounts potentially belonging to Jacques Weil, Paula Israel, Ida Fleischhaker, Edmond Weil, and Frieda Neumann. In that decision, the CRT noted that it did not locate accounts belonging to Edmund (Edmond) Weil or Frieda Neumann, née Weil, in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). See *Certified Denial in re Claimed Account Owners Jacques Weil, Paula Israel, Ida Fleischhaker, Edmond Weil and Frieda Neumann* (approved on 31 January 2007).

The Claimant appealed this decision, stating that the names Edmund Weil and Frieda Weil appeared on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”).

In her appellate decision approved on 29 February 2008, Special Master Helen B. Junz wrote, “It is found that, indeed, in the bank documentation there are accounts held by persons, the names of which match those of Claimed Account Owners Edmond (Edmund) Weil and Frieda Neumann by virtue of her maiden name Weil. Accordingly, the claims to the accounts of these Account Owners are remanded to the CRT for reconsideration.”

The Court has since approved a Certified Denial to the Claimant the account of Frieda Neumann, née Weil. See *Certified Denial in re Claimed Account Owner Frieda Neumann* (approved on 23 June 2008). This Denial on Remand is to the published accounts of Edmund Weil (the “Account Owner”) at the [REDACTED] (the “Bank”).¹ All denials are published, where a claimant has

¹ This account was published on the 2001 ICEP List as “Weil, Edmund [Freiburg, Germany] [1]. In support of her claim, the Claimant submitted a copy of two pages of the 2001 ICEP List that include the names of persons named “Weil,” upon which persons whose names possibly matched names of various members of the Claimant’s family were flagged.

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 two Initial Questionnaires (“IQs”), which contained no information regarding her relative, Edmond Weil. In a subsequent telephone conversation regarding the Claimant’s family members, the Claimant stated that Edmond Weil was her mother’s cousin and that he resided in Paris, France, until sometime prior to the outbreak of the Second World War, when he moved to New York City, the United States, where he continued to reside until 1946, at which time he returned to Paris.

According to information contained in her IQs and subsequently submitted to the CRT in support of her claim, the Claimant’s mother, [REDACTED], née [REDACTED], was one of three daughters of [REDACTED] and [REDACTED]. The Claimant explained that her maternal grandfather, [REDACTED], was one of seven children of [REDACTED] and [REDACTED]. According to the Claimant, one of [REDACTED]’s brothers was [REDACTED], who was born on 22 February 1859 in Schmieheim, Germany, was married to [REDACTED], and who died on 25 April 1935 in Paris, France. The Claimant and Dr. [REDACTED], who is the son of [REDACTED] and her representative, initially indicated that [REDACTED] and [REDACTED] had three children: [REDACTED] (who was born in Paris on 27 October 1887); [REDACTED] (who was born in Paris on 23 May 1897); and Edmond (who was born in Paris on 23 June 1903). The Claimant and her representative indicated that they later learned that [REDACTED] and [REDACTED]’s additional children included [REDACTED] (who was born in Paris on 27 September 1888); [REDACTED] (who was born in Paris on 24 December 1891); [REDACTED] (who was born in Paris on 6 April 1894); and [REDACTED] (who was born in Paris on 19 October 1895). The Claimant and Dr. [REDACTED] indicated that [REDACTED] and [REDACTED] had three children: [REDACTED] (who was born in Schmieheim 20 October 1884); [REDACTED] (who was born in Schmieheim on 9 May 1886), and [REDACTED] (who was born in Schmieheim on 27 June 1891 and who was the Claimant’s mother).²

In reply to communication from the CRT, Dr. [REDACTED] provided further information and documents concerning the Claimant’s mother’s cousin, Edmond Weil. According to this information and these documents, Edmond Weil was born in Paris, in the 16th Arrondissement, on 23 June 1903 and was the son of [REDACTED] and [REDACTED]. According to a copy of a death announcement submitted by Dr. [REDACTED], Edmond Weil was an industrialist who resided at 40, rue Scheffer, in the 16th Arrondissement of Paris, and was married to

² In undated correspondence received by the CRT on 5 April 2007, Dr. Gold wrote: “The claimant, [REDACTED], nee [sic] [REDACTED], is herself a victim of the Holocaust. She is the daughter of [REDACTED], nee [REDACTED]. We have provided her birth certificate as well as the birth certificates of her mother and two aunts, providing the family connection. The German family tree (attached), shows that their parents, [REDACTED] and [REDACTED] were related to [REDACTED], [REDACTED] and [REDACTED] are brothers. My mother initially knew her cousins [REDACTED], Edmond and [REDACTED]. We now know there were also cousins [REDACTED], [REDACTED] and [REDACTED] as well as [REDACTED]. These cousins are the children of [REDACTED] and [REDACTED], see their attached family tree.”

[REDACTED], who likewise resided in Paris. Edmond Weil passed away at 5:00 pm on 1 August 1957 in the Hermitage hotel in Escoublac (La Baule, Loire-Atlantique), France. The CRT notes that all official documents submitted by the Claimant and Dr. [REDACTED] clearly show that Edmond Weil's name was spelled "Edmond" and that he resided in Paris, France, specifically in the 16th Arrondissement.³

In undated correspondence received by the CRT on 5 April 2007, Dr. [REDACTED] stated that Edmond Weil had a brother [REDACTED], who was born on 23 May 1897 in Paris, and who was married on 12 June 1936 in Paris to [REDACTED]. Dr. [REDACTED] wrote:

We have the marriage certificate with the signatures of [REDACTED], his wife [REDACTED] and his brother [REDACTED] (witness). His [[REDACTED]'s] profession is listed as "negociant (businessman)" and fur merchant. He died Nov. 29, 1957 in his apt., 19 rue Raynouard, 16ieme Paris. ...

His brother [REDACTED] started a fur business in 1912 with brother [REDACTED]. In 1927, they started the perfume business with [REDACTED] – La maison Weil perfume. [REDACTED] was the Buyer, [REDACTED] the design and creator, and [REDACTED] the salesman. The business was very, very successful. [REDACTED] died in 1933, from pneumonia in Switzerland. [REDACTED] and [REDACTED] fled, along with brothers Edmond and [REDACTED] to the USA, where they lived in NYC, in an apt on Central Park West, while they started Weil perfume America from a building on 5th avenue. He [[REDACTED]] returned after the war and died in 1957.

In the correspondence received by the CRT on 5 April 2007, Dr. [REDACTED] also stated that the CRT's original denial decision was in error because the name "Edmund Weil" appears on the 2001 ICEP List, and that the list indicates that Edmund Weil resided in Freiburg, Germany. With this correspondence, Dr. [REDACTED] submitted an email, dated 20 March 2007, which is addressed to Dr. [REDACTED] and which refers to the results of research conducted by Dr. Christiane Pfanz-Sponagel, an archivist in the Freiburg city archive. In the email, Dr. Pfanz-Sponagel noted:

³ In an undated and unsigned email addressed to "[REDACTED]" and submitted by Dr. [REDACTED] in support of the appeal, the sender of the email reported to Dr. [REDACTED] that, according to information he/she had obtained from unnamed archival sources, in 1938, [REDACTED] and Edmond Weil both resided in the 16th Arrondissement of Paris, where [REDACTED] was listed as "without a profession" and Edmond was listed as an "industrialist." According to this information, Edmond resided at the same address at the time of his death, and [REDACTED] resided just a little further away, in the same arrondissement. The original French reads: "*Cher [REDACTED], Je reviens des archives, et voici ce que j'ai trouve: ... D'après une liste electorale de 1938, [REDACTED] et Edmond sont tous les deux a Paris, dans le 16e, dans les beaux quartiers de Paris. [REDACTED] y est dit "sans profession." Edmond "industriel." [REDACTED] habite rue de la Tour (16e). Edmond rue Scheffer (16e). Au moment de leur mort, Edmond est toujours a cette meme adresse. [REDACTED] est un peu plus loin, rue Raynouard, dans le meme quartier chic.*"

...A “Viehhandler” (= cattle dealer) [REDACTED] and a “Weinhandler” (= wine merchant) Edmund Weil were mentioned in the “Freiburger Adressbucher” (1925 - 1938)... Without [sic] particular details and explanations we are not in a position to say, if they are the persons or enterprises, you are looking for. Maybe Edmond and [REDACTED] lived in Kippenheim, a small town near Freiburg.

Based upon this information, Dr. [REDACTED] then asserted:

We know from the listing of his name (on the ICEP List), that he [Edmond Weil] gave a Freiburg address. His father’s family is from the Freiburg/Schmieheim area, so he had many relatives living there. Also he was an industrialist, who probably traveled extensively and could have had multiple residences, one in Freiburg! Indeed, we now know that he had a wine business in Freiburg and was listed in the “Freiburger Adressbucher” from 1925 to 1938! His brother [REDACTED] is also listed during the same period as a “cattle dealer”...

In the appeal letter, Dr. [REDACTED] also wrote:

Since he [Edmond Weil] lived through the war and died in 1957, the banks should have correspondence from 1946-1957 regarding his accounts. We also know from the Archives in Paris that his estate settlement took more than 2 years and involved millions of French francs. He therefore would have had substantially more than 13,000 swiss francs in his accounts.

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to Edmond Weil. The auditors who carried out the ICEP Investigation reported one account whose owner’s name is substantially similar to that provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Accounts 5027663

The Bank’s records consist of the auditors’ report and a printout from the Bank’s database. According to these records, the Account Owner was Edmund Weil, who resided in Freiburg, Germany. The records indicate that the Account Owner held one account, the type of which is not indicated. The Bank’s records indicate that the account was frozen in the 1945 Swiss Freeze of German Assets (the “1945 Freeze”). The balance of the account on the date it was frozen was 73.00 Swiss Francs (“SF”).

The CRT's Analysis

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although her relative's name is substantially similar to the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank's records. Specifically, the Claimant and her representative stated that their relative was born and resided in Paris, France, that he emigrated to New York at the outbreak of the Second World War, and that in 1946, he returned to France, where he died in 1957. In contrast, the Bank's records indicate that the Account Owner resided in Freiburg, Germany, and strongly suggest that the Account Owner had a different fate. The Bank's records indicate that the account was frozen in the 1945 Swiss Freeze of German Assets. Such assets were generally unfrozen after the War, and owners of such assets were able to apply for the release of such assets. Accordingly, if the Claimant's relative were the owner of the account, there is no explanation as to why he would not have claimed the assets after the War (as Dr. [REDACTED] himself suggests and as discussed in detail below).

The CRT notes that the Claimant's representative has asserted that his relative also resided in Freiburg, Germany, and submitted documents in support of this assertion. However, a careful reading of these documents shows that they do not demonstrate that the person named Edmund Weil who resided in Freiburg was, in fact, the Claimant's relative Edmond Weil. Thus, in the archivist's email of 20 March 2007, Dr. Pfanz-Sponagel clearly stated that she was not able to say whether the Edmund Weil or [REDACTED] in the Freiburg im Breisgau's records were the Claimant's relatives: "Without [sic] particular details and explanations we are not in a position to say, if they are the persons or enterprises, you are looking for."

In fact, neither the Claimant nor Dr. [REDACTED] provided any documentation showing that the persons referred to in the archival documents were, in fact, their relative. Nor did they explain why their relatives, who were born in and resided in France and who were named Edmond and [REDACTED], would use different spellings of their names, namely Edmund and [REDACTED]. All the documentation regarding their relatives clearly shows that they used the names Edmond and [REDACTED].

The documentation submitted by the Claimant and Dr. [REDACTED] also clearly demonstrates that the Claimant's relative Edmond Weil was born in, resided in, and died in Paris, France, not in Freiburg, Germany. In fact, there is no evidence to show that the Claimant even claimed any connection between Edmond Weil and Freiburg, Germany, until *after* the account owner's place of residence was published on the ICEP List in 2001. In Dr. [REDACTED]'s undated letter, received by the CRT on 5 April 2007, he acknowledged: "We know *from the listing of his name (on the ICEP List)*, [emphasis added] that he gave a Freiburg address." Dr. [REDACTED] relies on the email from the Freiburg archivist to argue that the "Viehhandler" (cattle dealer) [REDACTED] and "Weinhandler" (wine merchant) Edmund Weil mentioned in the "Freiburger Adressbuecher" (1925 - 1938) are in fact his relatives, thus explaining the Freiburg address in the Bank's records. Different people may share the same name. In other words, just because the

names that appear in the Freiburg address books are similar to the names of his relatives [REDACTED] and Edmond Weil does not mean that those names refer to his relatives.

The CRT notes that in her appellate decision, Special Master Junz came to the same conclusion with regard to the Claimant's appeal to the denial to an account held by [REDACTED], whom Dr. [REDACTED] identified as Edmond Weil's brother.⁴ Special Master Junz summarized the Claimant's appeal regarding this account as follows:

The Appellant further asserted that a [REDACTED], who was active as a cattle dealer in Freiburg im Breisgau, Germany in the years 1925 – 38 and who might have been resident in Kippenheim, Germany (near Freiburg im Breisgau), was identical to the Appellant's relative [REDACTED]. The Appellant therefore asserted that [REDACTED] was also resident in Germany. The Appellant provided extensive documentation about [REDACTED], including birth, marriage, and death certificates, showing that he was born and died in Paris, and that he was active as a furrier from 1912 onwards and from 1927 as a perfumer, who marketed a number of popular fragrances during the 1920s, 1930s, and 1940s. The Appellant provided documents showing that the Weil family continually resided in the 16th Arrondissement of Paris.

In affirming the original denial to the accounts in question, Special Master Junz' appellate decision noted, among other reasons, that "it is implausible that a person who was a leading perfumer in Paris would at the very same time be active as a cattle trader in Freiburg im Breisgau." The CRT finds it just as implausible that the Claimant's relative, Edmond Weil, who identified himself as an "industrialist" and who, together with his family, continuously resided in Paris, France, would at the very same time be active as a wine merchant in Freiburg, Germany, under the name Edmund Weil.

⁴ The CRT notes that, although the Claimant and Dr. [REDACTED] assert that their relative Edmond Weil was the brother of [REDACTED], not all documents submitted in support of their claim show that Edmond and [REDACTED] were, in fact, brothers. Thus, in a print-out of a web-site detailing [REDACTED]'s career in the perfume industry, [REDACTED] is described as having two brothers, [REDACTED] and [REDACTED]. The article does not mention any person named Edmond. See Scentzilla, entry entitled "House of Weil," available at <http://scentzilla.com/index.php?s=house+of+weil> (last viewed 3 July 2009). Furthermore, based upon the undated statement of Dr. [REDACTED], received by the CRT on 5 April 2007, and as detailed above at note 2, it appears that Dr. [REDACTED] only identified [REDACTED] as one of [REDACTED]'s brother's after the original denial to the account of [REDACTED]. Thus, he writes: "More fascinating is the account of [REDACTED] [REDACTED] of Paris, France. *We now know* that [REDACTED] had a brother [REDACTED], born in Paris, 24.12.1891." [Emphasis added.] Dr. [REDACTED] relied upon this information to assert in an appeal to the original denial that an account published as "[REDACTED] [REDACTED] (Paris, France)" belonged to his relative, arguing "[C]learly this account under the name of '[REDACTED] [REDACTED]' belongs to either [REDACTED], [REDACTED], or most likely is a joint account." Special Master Junz denied the Claimant's appeal to this account, noting, "The documents supplied by the Appellant, including [REDACTED]'s birth certificate, bear no indication that [REDACTED] had a middle name." The CRT notes that, with regard to that account and as detailed in the original denial, the account owner was married to a different person than the person to whom the Claimant's relative was married.

In fact, the name “Weil” is a very common name in France and in the western part of Germany that borders France. The CRT notes that the Central Database of Shoah Victims’ Names compiled by the Yad Vashem Memorial of Israel and available at www.yadvashem.org contains over 645 entries for persons with the last name of “Weil” who lived in France; over 1,000 entries for persons with the last name of “Weil” who lived in Germany; and 27 entries for persons with the last name of “Weil” who lived in Freiburg, Germany. Of these latter 27 entries, one entry refers to a [REDACTED], who resided in Freiburg. This entry, compiled from a Page of Testimony submitted to Yad Vashem by [REDACTED]’s nephew on 20 April 1958, indicates that [REDACTED] was born in 1870, that he was married to [REDACTED], and that he was a cattle trader. According to this entry and the Page of Testimony, [REDACTED] was deported to Theresienstadt, where he perished. In his appeal, Dr. [REDACTED] asserted that the [REDACTED] described in the archivist’s email of 20 March 2007 refers to the brother of his relative Edmond Weil: “Indeed, we now know that he [Edmund Weil] had a wine business in Freiburg and was listed in the “Freiburger Adressbucher” from 1925 to 1938! His brother [REDACTED] is also listed during the same period as a ‘cattle dealer.’” However, the information from Yad Vashem clearly demonstrates that it is much more plausible that the person referred to in the archivist’s email was the person whose name is entered in the Central Database of Shoah Victims’ Names with Yad Vashem, *not* Dr. [REDACTED]’s relative. Dr. [REDACTED]’s central piece of information purporting to show his relative’s connection to Freiburg is therefore unsupported. There is no evidence suggesting that the Claimant’s relatives Edmond and [REDACTED] resided in Freiburg other than Dr. [REDACTED]’s assertions.

The CRT also notes that neither the Claimant nor Dr. [REDACTED] has provided any logical explanation as to why their relative Edmond Weil, who was Jewish, resided in Paris, and who emigrated to New York at the outbreak of the Second World War, would maintain an account at a Swiss bank using a German address. Even if the Claimant’s relative had opened an account using an address in Freiburg, Germany, the CRT finds it implausible that he would have kept the account registered with a German address after the Nazis assumed power in Germany in 1933 and began targeting Jewish-owned assets for confiscation. The Claimant’s representative stated that his relative emigrated to the United States at the outbreak of the Second World War, that is, in 1939. Surely at that time, his relative would have provided the Bank with a new address in New York in an attempt to safeguard his assets – if the assets in question were, in fact, his. The records reflect no such contact by the Account Owner. Instead, as noted above, the assets were frozen in the 1945 Swiss Freeze of German Assets.

In his appeal to the original denial, Dr. [REDACTED] noted that his relative survived the War and died in 1957, and stated that the banks should have correspondence from 1946 through 1957 regarding the accounts. The CRT notes that, if the Claimant’s relative Edmond Weil did own a Swiss bank account that he was able to access in such a fashion after the War, the Claimant would not be eligible to receive an award for such accounts, as her relative, as she and Dr. [REDACTED] both admit, would have retained control over his assets and accessed them after the War. In fact, however, the Bank’s records regarding the account at issue contain no indication that the Account Owner ever contacted the Bank after the War in an attempt to retrieve the assets, even though the assets remained at the Bank (pursuant to the 1945 Swiss Freeze of German Assets) until after the end of the War. This strongly suggests that the actual Account Owner perished during the War, unlike the Claimant’s relative, who survived.

Finally, the CRT notes that, in the Certified Denial addressing the Claimant's relative [REDACTED], née [REDACTED], the CRT acknowledged that the Claimant established that her maternal aunt, [REDACTED], née [REDACTED], resided in Germany. *See Certified Denial in re Claimed Account Owner [REDACTED]* (approved on 23 June 2008). Specifically, the CRT, in that denial, stated:

In support of her claim, the Claimant submitted correspondence she received from the Mannheim City Archive (Stadtarchiv Mannheim), dated 16 March 2007. In that correspondence, the Mannheim City Archive informed the Claimant that it had located the registration form ("Meldekarte") for [REDACTED], who was born on 9 May 1887 in Schmieheim. According to the information on the registration card, on 1 May 1935 [REDACTED] moved from Schmieheim to Mannheim, where she resided at C 8, 15. ...

The CRT notes that the information provided by the Mannheim City Archive, which includes the registration form of the Claimant's relative, demonstrates that the Claimant's relative lived in Schmieheim and Mannheim, and does not indicate that she ever resided in Donaueschingen [the account owner's city of residence].

Dr. [REDACTED] relies upon this familial connection to bolster his assertion that Edmond Weil may have used an address in Germany. Indeed, the Claimant's submissions indicate that Edmond Weil's father, [REDACTED], was born in Schmieheim, Germany. However, these submissions also clearly indicate that [REDACTED] re-located to Paris some time before 1887, when his first child, [REDACTED], was born there. As detailed above, the information submitted by the Claimant and Dr. [REDACTED] clearly indicates that [REDACTED] and the other six children of [REDACTED] and [REDACTED] were born in Paris between 1887 and 1903. In contrast, [REDACTED] and [REDACTED]'s three children were all born in Schmieheim between 1884 and 1891. The information provided by the Claimant indicates that the [REDACTED] and [REDACTED] branch of the family remained in Schmieheim, whereas [REDACTED] relocated to Paris as of 1887 at the latest. Thus, as detailed above, [REDACTED], née [REDACTED], who was the daughter of [REDACTED] and [REDACTED], remained in Schmieheim until 1 May 1935, when she moved to Mannheim. However, there is no evidence whatsoever that the [REDACTED] and [REDACTED] branch of the family (including their sons Edmond and [REDACTED]) ever resided in Germany anytime after 1887, almost fifty years prior to 1933, when the Nazis assumed power in Germany. All the documents submitted by the Claimant regarding the [REDACTED] and [REDACTED] branch of the family show that the family continuously resided in Paris after that date. The CRT therefore does not consider it plausible that Edmond Weil would use an address in Nazi Germany for the purposes of maintaining a Swiss bank account during the period from 1933 to 1945, after his family had moved from Germany to Paris almost fifty years prior to 1933, even if his cousins (the children of his father's brothers) continued to reside there.

Based upon the above considerations, the CRT concludes that the Claimant has not identified the account owner as her relative. The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules Governing the Claims Resolution Process, as amended (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.

Scope of the Denial

The CRT now considers the Claimant's claim to the accounts of Edmond Weil closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
29 September 2009