



# Report to the Public on the Work of the Commission in 2012



*Decree No. 99-778 of 10 September 1999 establishing a commission for the compensation of victims of spoliations resulting from the anti-Semitic legislation in force during the Occupation*

Article I

“A commission shall be set up under the Prime Minister charged with examining individual applications presented by the victims or their heirs to make reparations for damage resulting from the plundering of property that occurred due to anti-Semitic laws passed during the Occupation, both by the occupant and by the Vichy authorities.

The Committee is responsible for seeking and proposing appropriate means of reparation, restitution or compensation.”





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## Introduction

- ▶ **Informing** victims of their right to compensation;
- ▶ **Searching for and identifying** recipients of reserved portions.

These were the two principal avenues of exploration that the CIVS targeted upon the publication of its previous annual report. They therefore constituted prominent themes for the activities that will be related in this twelfth annual report, covering the year 2012.

As a result, today:

- ▶ the development and gradual deployment of appropriate IT tools, and the cross-analysis of the internal database with those of the *Office National des Anciens Combattants et Victimes de Guerre* (ONACVG, national office of veterans and war victims) and the book *French Children of the Holocaust: A Memorial*, should in the near future permit better understanding of the recipients of compensation provided for by Decree No. 99-778 of 10 September 1999, which established the CIVS;
- ▶ extensive in-house research, in particular concerning civil status, has allowed the stabilisation, in number and value, of the value of reserved portions.

The year 2012 saw, also and above all, an international context that remained, despite the passage of time, quite attentive concerning compensation for spoliations of any kind caused by anti-Semitism. This was substantiated by the CIVS's active participation in various conferences and symposia focussing on compensation for property – particularly cultural items – that currently remain escheated.

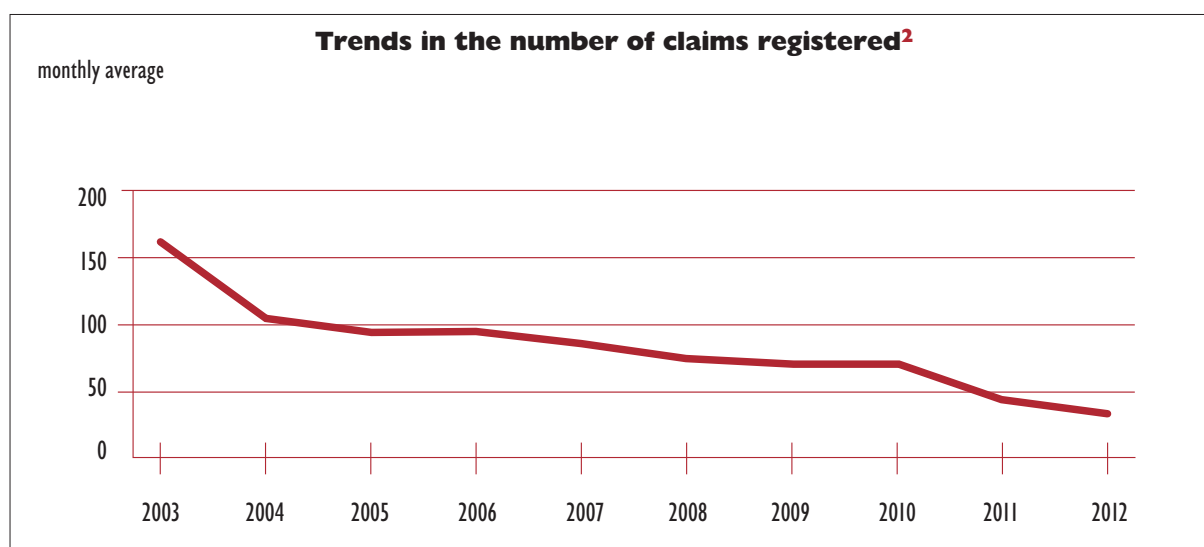
## Part One: The CIVS's Activities

### A confirmed decrease in the number of claims

From the beginning of its work in 2000 until 31 December 2012, the Commission registered 28,194 claims. 18,747 relate to material spoliations, as defined in Decree No. 99-778 of 10 September 1999<sup>1</sup>; 9,447 relate to bank-related spoliations. 884 were closed because a duly-completed questionnaire had not been received ; 890 were closed because they were withdrawn, the Commission lacked competence, or the applicants provided incomplete information during the investigation.

In 2012, the CIVS registered 396 claims (286 material, 110 bank-related, including 34 created internally), against 532 in 2011. This decrease is part of a natural long-term process that began in 2007, as shown by the following graph.

<sup>1</sup> - Losses can concern looting of apartments, commercial and industrial businesses, business assets, confiscation of property in internment camps and the payment of fees for smuggling.



## Material claims

The number of material claims registered in 2012 decreased by 23% compared to 2011 (286 against 373).

During 2012, the number of case files awaiting a response from the Control and Investigation Network, the department that handles research at the archive centres, decreased significantly, from 169 in January to 128 in December.

Finally, 325 material claims were forwarded to the Principal Rapporteur for investigation.

## Bank-related claims

132 case files were investigated by the bank-related claims search team in 2012, against 186 in 2011, a decrease of 29%. They are categorised as follows:

- ▶ 34 claims relating to Fund B, of which 31 were rejected because of that Fund's foreclosure date.
- ▶ The remaining 98 case files had positive research results that certify the existence of 233 bank accounts. The latter are likely to be eligible for compensation charged to the Fund A escrow account or the State budget with, if necessary, supplementary compensation under the Washington Agreement.

### Fund A and Fund B

The Washington Agreement (Decree of 30 March 2001) ratified the establishment of two separate funds by financial institutions to handle bank-related compensation recommended by the CIVS. The first, known as the "Deposit" (Fund A), with 50,000,000 USD, is intended to compensate victims whose assets have been identified. The second, known as the "Fund" (Fund B), with 22,500,000 USD, provides for a lump sum compensation awarded in view of evidence or the filing of a signed affidavit prior to 2 February 2005 by the victims or their heirs.

<sup>2</sup> - 335 claims were received on average each month in 2002, 161 in 2003, 104 in 2004, 93 in 2005, 95 in 2006, 84 in 2007, 74 in 2008, 70 in 2009, 70 in 2010, 44 in 2011 and 33 in 2012.



The breakdown of bank accounts by banking establishment is as follows:

### Breakdown by banking establishment of accounts certified in 2012

| Banking Establishment          | Percentage |
|--------------------------------|------------|
| Groupe La Poste                | 28.4       |
| Groupe Crédit Agricole S.A.    | 13.8       |
| Groupe BNP Paribas             | 10.4       |
| Groupe Société Générale        | 8.6        |
| Groupe CIC                     | 7.7        |
| Banks (not identified by name) | 7.7        |
| Groupe BPCE                    | 7.3        |
| Banque de France               | 4.2        |
| Groupe ING Banque              | 3.8        |
| Groupe HSBC                    | 3.5        |
| Other establishments*          | 2.0        |
| Axa Banque                     | 1.8        |
| Crédit du Nord                 | 0.8        |

\* This category combines banks representing less than 0.4% of identified accounts

Investigations of 154 case files were concluded in 2012. 98 were forwarded to the Principal Rapporteur to be investigated by a rapporteur. The remaining 56 were processed following the simplified procedure under which the Chairman of the Commission rules alone<sup>3</sup>.

As of 31 December, the case files remaining to be submitted to the Deliberative Panel sitting in subcommittee or with the Chairman ruling alone concern 432 bank accounts eligible for compensation under the Washington Agreement.

Finally, it should be noted that reports relating to the management of the bank-related claims and the use of Funds A and B were drafted on a semi-annual basis: 15 June and 15 December, 2012. In particular, they are addressed to the attention of the United States State Department and the organisations representing the plaintiffs.

## A growing number of plenary sessions

In 2012, 27 plenary sessions<sup>4</sup> were called, 30% more than in 2011. They allowed the examination of 193 case files, an average of 7 per session.

64 sessions were held in subcommittee<sup>5</sup>, 25% fewer than in 2011, during which 619 case files were examined, for an average of 10 per session.

<sup>3</sup> - See box on page 6.

<sup>4</sup> - The plenary session, which includes all ten members of the Commission, with a quorum of six members, is devoted to matters of principle and those raising the most complex issues related to historical situations and facts. Since 2001, it also hears requests for re-examination. The number of case files presented varies depending on the difficulty and the importance of the matters considered.

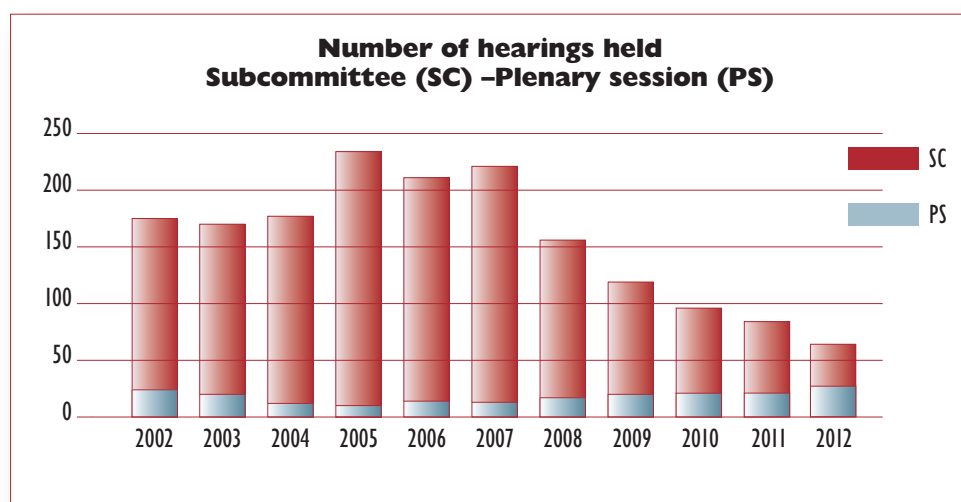
<sup>5</sup> - The Commission is most frequently convened as a subcommittee. Claims that it examines present no difficulties with regard to matters of principle. Article 3 of Decree No. 2000-932 of 25 September 2000, amending the original text, limits the quorum to three members and stipulates that the individual chairing the subcommittees shall be a "member appointed by the Chairman of the Commission." Each member thereby has a turn at chairing these hearings.





Finally, 369 case files were examined under the procedure known as “Chairman ruling alone.”

The significant increase in the number of plenary sessions compared to 2011 is due to an increase in the number of requests for reconsideration (42, against eight in 2011) and in the number of case files that require particularly complex processing.



## The recommendations

In 2012, 1,220 recommendations were issued. 987 related to material spoliation and 233 to bank-related spoliation, yielding a total compensation of 10,387,657 euros for which the French government is responsible, including 423,968 euros for bank-related spoliation<sup>6</sup>. Of these, 430 were issued with the Chairman ruling alone.

### The «Chairman ruling alone» procedure

The Decree of 20 June 2001 amending the original Decree of 10 September 1999 gave the Chairman the opportunity to rule alone. Claims examined in this fashion are selected based on the urgency of the personal circumstances of the claimant when the claim does not present particular difficulties.

In 2002, the procedure was extended to bank-related claims for which the banks concerned had agreed in principle to accord any compensation the Commission may grant.

This procedure is also used to establish recommendations for collection of reserved portions for heirs that are identified but not associated with the initial claim, and also as a result of the review of certain additional claims (e.g. fees for being smuggled to Unoccupied France, looted refugee shelters, money confiscated during arrest, internment in French camps).

<sup>6</sup> - The annual amount charged to the bank funds cannot be broken down between charges to Fund A and Fund B; the Commission does not have access to that data.



Amongst the 1,220 recommendations were 353 recommendations for rejection: 284 for material claims and 69 bank-related claims, 20 of which concerned the foreclosure date<sup>7</sup> for Fund B. Finally, 384 recommendations were issued for collection of reserved portions (306 material and 78 bank-related claims).

## The specific nature of claims

The passage of time since these events, combined with generational change<sup>8</sup>, makes the investigation of claims more complex, and in particular those relating to spoliations that took place in Tunisia. In 2012, 357 case files were referred to the Principal Rapporteur for investigation (against 683 in 2011), of which 32, or 9%, were for spoliations in Tunisia.

The Commission must also consider a large number of requests over and above those for “typical” claims : re-examination, collection of reserved portions (384 in 2012 against 392 in 2011), works of art, etc.

## Prospective issues

The Commission still registers an average of 30 claims each month, as compared to 40 in 2011. While this decline is likely to continue in 2013, it could take a different turn.

The CIVS has not yet undertaken a public information campaign to encourage applications from victims or their heirs. Some actions in this regard could give rise to the filing of new claims<sup>9</sup>.

In addition, compensation has been sought for 40,000 victims, whereas 300,000 Jews lived in France in 1940; 76,000 of them were deported, of whom only 2,000 survived.

Even if, for personal reasons, some victims and their heirs do not wish to contact the CIVS, others may decide to file a claim with the Commission to request compensation.

<sup>7</sup> - On 2 February 2005.

<sup>8</sup> - In 2000, 11% of compensation recipients were the direct victims of spoliations, while they now account for less than 2%. Similarly, sons and daughters of direct victims now only represent 38% of recipients, down from 69% in 2000.

<sup>9</sup> - See pages 13 and 14.





## Part Two: The International Dimension of the CIVS's Activities

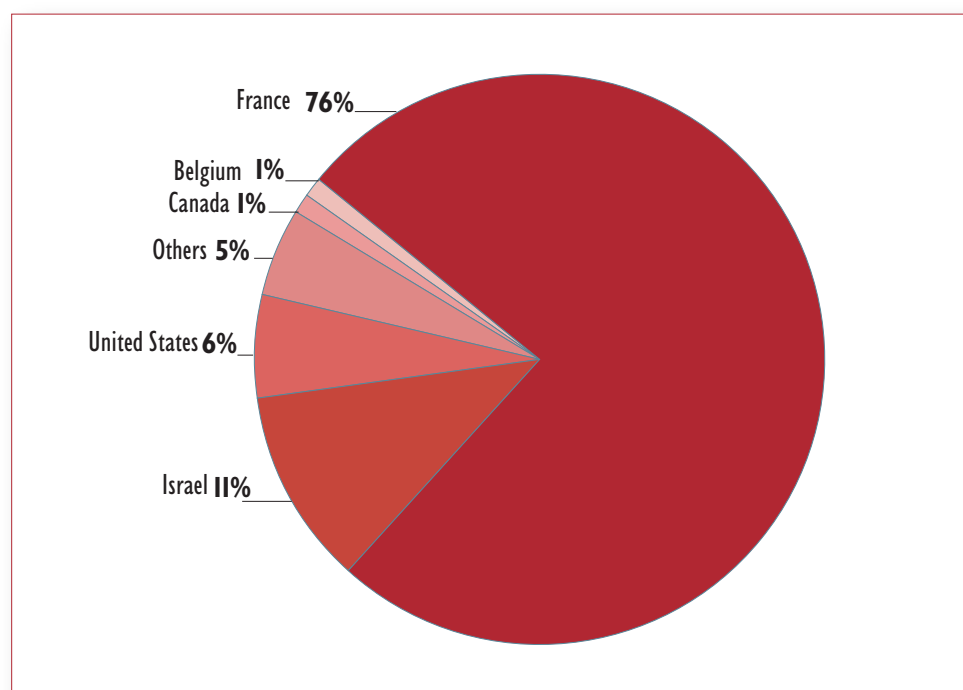
### Background

Compensation concerns all Jews, **WHATEVER THEIR NATIONALITY**, who were victims of spoliations in a territory where French sovereignty was exercised. The geographical location of the spoliation is therefore the criterion for determining jurisdiction.

### A quarter of the claimants do not live in France.

As of 31 December 2012, 49,896 people (claimants, heirs) had been in direct contact with the CIVS. Of these, 38,084 live in France and 11,812 elsewhere.

**Geographical origin of claimants and heirs**



### The Prague Conference and its extensions

In June 2009, a conference was held in Prague, Czech Republic, on the treatment of Holocaust victims' property. The objective of this meeting was to speed up the process of compensating European Jews. The Prague Conference concluded with the Terezin Declaration, wherein 47 countries endorsed the moral commitment to continue the reparations process for spoliation of Jewish property during the Holocaust. During the various meetings held in conjunction with the Conference, the CIVS was able to acquaint participants with France's policies and actions in terms of reparations.



In view of the Terezin Declaration, 39 of these countries met in Prague the following year to subscribe to a “Guide to Best Practices governing restitution and compensation for real property looted or wrongfully seized by the Nazis, fascists and their collaborators during the Holocaust, i.e. between 1933 and 1945, and in particular during the Second World War.”<sup>10</sup>

Finally, in line with previous meetings, a new conference on the spoliation of real property under the Occupation (“*Immovable Property Review Conference*”) was held in Prague from 26 to 28 November 2012. Mr David Ruzié, as a member of the CIVS Deliberative Panel, participated in this symposium, organised by the ESLI (*European Shoah Legacy Institute*). Its theme was to measure progress in terms of compensation and to consider future actions.

## Missions, travel, conferences

The Commission, in the course of its missions abroad, regularly meets with representatives of principal Jewish institutions and local government partners.

### Israel

The first half of 2012 was marked by the visit to Israel by the Principal Rapporteur, Mr Pierre-Alain Weill. In addition to journalists and members of the scientific community, he met in Jerusalem and Tel Aviv with representatives of:

- chancelleries, and in particular France’s ambassador to Israel, Mr Christophe Bigot, and the Consul General of France in Jerusalem, Mr Frédéric Desagneaux;
- the Jewish community;
- Israeli authorities (Ministry of Foreign Affairs, Municipality of Jerusalem, Yad Vashem Memorial);
- elected members of the Knesset;
- the claimants.

These meetings helped to inform the CIVS’s interlocutors in Israel about issues facing the Commission, in particular the processing of compensation for spoliations that took place in Tunisia.

### Spoliations in Tunisia

Tunisia’s Jewish population was 90,000 in 1939. They suffered the effects of anti-Semitic laws from 1940 to 1943. Spoliations occurred mainly between November 1942 and May 1943 during the German Occupation. Half of Tunisia’s Jewish population settled in Israel after Tunisia became independent on March 20, 1956; the other half settled in France.

### Germany

From 20 to 22 June 2012, the Commission’s Chairman, Vice Chairman, Director, Principal Rapporteur and several staff members went to Berlin to meet with leaders of the two German archive

<sup>10</sup> - «Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II.»





centres consulted regularly by the CIVS Berlin archives search team:

- the BADV (federal office for central services and unresolved issues of spoliation);
- the Landesarchiv Berlin (Berlin state archives).

As part of this mission, other meetings were held with the French Ambassador to Germany, with Mr Kurt Bley, director of restitution services at the German Finance Ministry, Ms Halina Wawzyniak, MP and vice-president of the justice committee of the Bundestag, and Mr Hermann Simon, director of the Centrum Judaicum. This mission demonstrated the permanency of compensation for anti-Semitic spoliation, especially with regard to the *Länder* (German states) of the former GDR, and the need in that regard to evolve from individual to collective compensation by the intermediary of representative Jewish institutions, in particular the *Claims Conference*<sup>11</sup>.

## The Netherlands

On 26 and 27 November 2012, a CIVS delegation<sup>12</sup> traveled to The Hague to participate in a symposium on the spoliation of art in Europe during World War II, organised by the Commission's Dutch counterpart<sup>13</sup>.

Additionally, in the symposium “1942, from El-Alamein to Operation Torch”, held from 6 to 8 November 2012 at the Shoah Memorial in Paris, M<sup>s</sup> Anne Grynberg, member of the Deliberative Panel, spoke on the theme: “The confiscation of gold from the Jews of Djerba: a specific spoliation.”

<sup>11</sup> - Conference on Jewish Material Claims Against Germany.

<sup>12</sup> - Composed of Mr Michel Jeannoutot, Mr Jean-Pierre Bady, Mr Jean-Pierre Le Ridant, Mr Pierre-Alain Weill and Ms Muriel de Bastier.

<sup>13</sup> - See page 13.





## Part Three: Prospects for 2013

### Personnel

For 12 years, the number of reporters and staff are regularly adjusted in response to activity levels (redeployment, temporary recruitment, eliminating positions after departure). As of 31 December 2012, 27 staff members<sup>14</sup> contribute to the work of the Commission. This compares to 41 staff members in 2007. The number of rapporteurs decreased from 30 to 18 between 2007 and 2012.

Redeployment aims to maintain the high level of staff competence, and above all to prepare staff members for functional change, either internally or externally, as part of their personal career path. Thus, departments were reorganised to compensate for the departure of one of three secretaries responsible for meetings and the manager of administrative and financial affairs.

These policies are necessary to ensure the continuation of effective, high-quality processing for claims from victims and their heirs.

### Communicating and informing

During 2012<sup>15</sup>, the CIVS website, available in four languages (French, English, German and Hebrew) logged 31,048 connections<sup>16</sup>. Via this tool, the Commission continues to regularly inform site visitors of its missions (especially abroad) and achievements (activity reports). The most frequently visited sections of the website are “Headlines”(49%), “Questions/Answers”(17%) and pages that describe how the CIVS functions (16%).

The geographical localisation of website visitors has changed little since 2011. The percentage of visitors from France increased slightly (74% against 71%) ; the percentage from North America remained virtually the same (8.8% against 8.7%). In France, visitors are mostly from the Paris region (44%, against 54% in 2011) followed by Provence-Alpes-Côte d’Azur (4.1% against 3.5% in 2011), Rhône-Alpes (3.8% against 3.1% in 2011) and Picardie (2.2% against 1.5% in 2011).

It should be noted that since the beginning of 2012, the French government, via the portal **data.gouv.fr**, provides free access to more than 300,000 public databases from government ministries, local authorities or administrative authorities, including key data from the CIVS. In the future, this portal could also be used to make other statistics available.

### The active search for heirs and potential recipients

The investigation and examination of a case file can reveal the existence of heirs who are not involved in the current procedure, either because they did not wish to give power of representation to the original claimants, or because their identity or contact details were not known or provided. The Commission will then “expressly” reserve, in the form of reserved portions(s), portions of the compensation they are due, for their beneficiaries to claim the allocation later. As of 31 December 2012, 3,962 recommendations were issued for collection of reserved portions, of which 699 relate to bank-related claims.

<sup>14</sup> - 24 staff members have budgetary posts under the CIVS Paris office; 3 are engaged under contracts governed by local law in Berlin.

<sup>15</sup> - With the exception of the months of February and March and the first half of April, when the CIVS website was under maintenance.

<sup>16</sup> - Number of page views.



The reserved portions whose collection has not been requested are kept indefinitely pending the appearance of the heirs who are beneficiaries.

When the CIVS finally completes its work, the fate of unclaimed portions must be determined. Two situations will be considered:

- portions reserved for the benefit of heirs identified in the claimants' families;
- portions reserved for the benefit of heirs whose identity and number are not known.

The Commission has undertaken, since September 2008, an exhaustive inventory of the number and amount of compensation represented by effective and reserved portions granted in the recommendations issued to date. As of 31 December 2012, the total value of reserved portions that have not been collected, for material claims only, is 26,194,715 euros<sup>17</sup>. As part of this inventory, a procedure is followed to mail out reminders. The Commission thereby expects to enable the widest possible distribution of the amount of money reserved for recipients.

In addition, the CIVS asked the *Commission nationale de l'informatique et des libertés* (CNIL, national commission on information technology and liberties) about the possibility of cross analysing CIVS files with those held by the ONACVG. This operation aims to find a way to reach victims or their heirs, who receive a pension from the ONACVG, and who remain unaware of the measures adopted by the State regarding compensation for anti-Semitic spoliation. This proposal to perform a single cross analysis of the files received authorisation from the CNIL in October 2012. The system is currently being implemented.

## Works of art

The CIVS participates in France's efforts to return works of art looted by the Nazi occupant to their owners, or to compensate them.

In November 2012, the Commission therefore recommended the return of six paintings from the Neumann collection identified in the MNR list (Musées Nationaux Récupération) of spoliated works of art that were entrusted to museums in France.

### The history of the Neumann family

Before the war, Richard Neumann, PhD (1879-1961), a Viennese industrialist, owned an important collection of paintings, with over 200 works. Because of their Jewish faith, Mr Neumann and his wife Alice left Vienna for Paris when Germany invaded Austria in March 1938. In return for a payment, the couple received permission to leave with a certain number of works from Austria; the remainder were requisitioned for the public collections of Austria. Mr and M<sup>rs</sup> Neumann left Paris in 1941 and their apartment was requisitioned and emptied in May 1942. To finance their trip, they hurriedly sold a number of paintings. The couple was stopped when entering Unoccupied France, but finally obtained permission to leave France for Spain. From there, the couple made it to Havana, where they remained until the end of the war, before finally settling in the United States. In September 1949, Mr Neumann filed a complaint with the *Office des Biens et Intérêts Privés* (OBIP, office for personal property and interests), which resulted in some property being returned to him. In January 1965, the family received compensation for property that disappeared from the Paris apartment, under the BRÜG law of July 19, 1957 promulgated by the Federal German government. Mr Neumann's heir submitted the case to the CIVS, which helped, along with other government departments and foreign researchers, to research and identify six paintings that have been returned to him.

<sup>17</sup> - For bank-related claims, the amount reported by the Unified Jewish Social Fund (FSJU) is 1,619,135 USD.



In addition, during 2012, the CIVS participated in various conferences in France and abroad:

- ▶ the commission's activities were presented on 28 March 2012 as part of a workshop held in Angers by Université Rennes 2 themed around : "Artistic spoliations in France under the Occupation and the problems of returning the works after the Second World War";
- ▶ several CIVS members spoke alongside other similar institutions<sup>18</sup> at a symposium held in The Hague on 26 and 27 November 2012, organised by the Netherlands restitution committee on the topic: "Fair and just solutions? Alternatives to litigation concerning works of art looted by the Nazis: status quo and new developments"<sup>19</sup>.

As a result of this work, all participating countries are checking the provenance of their public collections in order to rid their museums of works of dubious origin.

### An international network

Concerned about the task that lies ahead regarding provenance research for works of art, the CIVS is strengthening its ties with other European committees and seeking to forge new partnerships in order to promote the exchange of data and information on cultural escheats. The Commission therefore considers it essential to centralise databases and harmonise practices at European level.

The CIVS, in a report to the French Prime Minister, proposed that research for the rightful heirs of MNR art now be undertaken by the curators themselves. A working group has therefore been set up, composed of experts from the Musées de France (museums of France) and the CIVS to study the methodology required for this project and launch the first useful research. This proposal was included in a report by Ms Corinne Bouchoux, Senator from Maine-et-Loire.

### The History Committee

Created by a decree of the French Prime Minister dated 3 August 2007, the work of the CIVS History Committee,— whose scientific leadership is provided by Ms Anne Grynberg, university professor of contemporary history, —has been extended until 1 July 2013. At that time, it will present the results of its work on the genesis of the CIVS, the conditions under which it was established and under which it operates, its activities and its role, viewing its history in the context of French compensation policy from the immediate post-war period to the present day.

Additionally, in the framework of the exhibition *Spoliation of Jews: a State Policy (1940-1944)* presented by the Shoah Memorial from 30 January to 29 September 2013, the History Committee will organise a workshop on 14 April 2013 on the theme : *Restitution of spoliated "Jewish property", compensation, "reparation(s)"*.

<sup>18</sup> - Beirat – Kommission für Provenienzforschung (Austrian art restitution council – Austrian art provenance research commission) ; Spoliation Advisory Panel, UK ; Adviescommissie Restitutieverzoeken Cultuurogoederen en Tweede Wereldoorlog – Restitutiecommissie (advisory committee on the evaluation of applications for restitution of cultural property lost during the Second World War, refund committee, The Netherlands) ; Beratende Kommission im Zusammenhang mit der Rückgabe NS-verfolgungsbedingt entzogener Kulturgüter, insbesondere aus jüdischem Besitz (advisory committee on the return of cultural property seized as a result of Nazi persecution, particularly concerning Jews, Germany).

<sup>19</sup> - "Fair and Just Solutions ? Alternatives to litigation in Nazi looted art disputes, status quo and new developments."





Finally, the book *L'Irréparable. Itinéraires d'artistes et d'amateurs d'art juifs, réfugiés du « Troisième Reich » en France* (*The Irreparable. Itineraries of Jewish artists and art lovers, refugees from the «Third Reich»*)<sup>20</sup> will be published in a French-German bilingual edition and presented on June 4 at the Archives of Paris and on June 20 at the Holocaust Memorial. Co-published with the Koordinierungsstelle Magdeburg, an institution created in 1994 by the German federal government and authorities of all the German Länder (states) to conduct research on spoliated works of art and cultural property, this book retraces the itineraries of seven artists from Germany or Austria who fled to France in 1933 or who, already present in France, decided to remain there after the rise of Hitler. They were victims of spoliation in both their country of origin and the country to which they fled.

## Conclusion

For the CIVS, the beginning of 2013 saw a decline in activity, which is stabilising at approximately 35 new claims received each month, and a significant acceleration of the liquidation of reserved portions<sup>21</sup>. The “core” mission that public authorities entrusted to the CIVS remains its primary activity. However, today, the Commission has other projects as well.

Internal deliberations throughout this year, together with findings obtained from international meetings, are now compelling the CIVS to take on challenges in new fields in 2013:

- research and identification of recipients who currently remain unknown. The results will be a function of the human and IT resources deployed;
- the working group for original research on escheated MNR artwork. Following the initiative of the Commission, the government has now decided to set up this group.

These actions are part of the preparation for a final assessment the Commission will inevitably be brought to carry out, in view of the prospect of winding down its operations; that decision, of course, is in the hands of the public authorities.

<sup>20</sup> - In German: *Irreparabel. Lebenswege jüdischer Künstlerinnen, Künstler und Kunstkenner auf der Flucht aus dem „Dritten Reich“ in Frankreich*

<sup>21</sup> - In 2012, the Commission issued 384 recommendations for collection of reserved portions by 656 recipients, totalling 1, 974, 063 euros charged to the State.



## Memento

### *Executive Board of the Commission:*

Chairman: **Mr Michel JEANNOUTOT**, Honorary Advisor to the Court of Cassation, former Chief Justice of the Court of Appeal  
 Vice Chairman: **François BERNARD**, Honorary State Counsellor  
 Director: **Mr Jean-Pierre LE RIDANT**, former member of Parliament  
 Principal Rapporteur: **Mr Pierre-Alain WEILL**, Honorary President of Chamber at the Paris Court of Appeals

### *Decision-making members*

**Mr François BERNARD**, Honorary State Counsellor, Vice Chairman of the Commission  
**Mr Jean-Pierre BADY**, Honorary Counsellor of the Court of Accounts (Cour des Comptes)  
**Mr Bernard BOUBLI**, Honorary Senior Counsellor at the Court of Cassation  
**Mr Michel JEANNOUTOT**, Honorary Advisor to the Court of Cassation, Chairman of the Commission  
**Ms Anne GRYNBERG**, Professor at the National Institute of Oriental Languages and Civilisations (INALCO) and researcher at the Institute of Contemporary History (IHTP)  
**Mr Gérard ISRAËL**, philosopher, writer and member of the steering committee of the Representative Council of Jewish Institutions in France (CRIF)  
**Mr Pierre KAUFFMANN**, Secretary General of the Shoah Memorial in Paris  
**Mr Pierre PARTHONNAUD**, Honorary Master of the Court of Accounts (Cour des Comptes)  
**Mr David RUZIÉ**, Honorary Dean and Professor Emeritus  
**Mr Henri TOUTÉE**, President of the Finance Section of the State Council

### *Government Commissariat*

**Mr Bertrand DACOSTA**, *Maître des requêtes* (Master in Chambers) at the Conseil d'Etat

### *Rapporteurs*

**Ms Monique ABITTAN**, Magistrate of the regular court system  
**Mr Jean-Michel AUGUSTIN**, Magistrate of the regular court system  
**Mr Christophe BACONNIER**, Magistrate of the regular court system  
**Ms Françoise CHANDELON**, Magistrate of the regular court system  
**Mr Brice CHARLES**, Magistrate of the administrative court system  
**Mr Claude COHEN**, Magistrate of the regular court system  
**Ms Rosine CUSSET**, Magistrate of the regular court system  
**Ms Chantal DESCOURS-GATIN**, Magistrate of the administrative court system  
**Ms Marie FRANCESCHINI**, Magistrate of the regular court system  
**Mr François GAYET**, Magistrate of the administrative court system  
**Ms Nicole JULIENNE-SAURIN**, Magistrate of the regular court system  
**Ms France LEGUELTEL**, Magistrate of the regular court system  
**Mr Ivan LUBEN**, Magistrate of the administrative court system  
**Mr Jean-Pierre MARCUS**, Magistrate of the regular court system  
**Ms Éliane MARY**, Magistrate of the regular court system  
**Mr Michel MOREL**, Magistrate of the regular court system  
**Ms Marie-Hélène VALENSI**, Magistrate of the regular court system  
**Ms Sophie ZAGURY**, Magistrate of the regular court system



### *Claims registered: 28,194*

#### **Divided amongst:**

- ▶ 18,747 material claims, including 750 closed due to withdrawal, lack of competence of the Commission for the claim or incomplete information from the applicants.
- ▶ 9,447 bank-related claims, including 140 closed due to withdrawal, lack of competence of the Commission for the claim or incomplete information from the applicants.

### *Frequency of hearings:*

- ▶ Subcommittees: **4 per month**
- ▶ Plenary sessions: **2 per month**

### *Hearings organised in 2012: 91*

- ▶ Subcommittees: 64
- ▶ Plenary sessions: 27

### *Average number of case files examined per session:*

- ▶ Subcommittees : **10**
- ▶ Plenary sessions : **7**

### *Recommendations adopted<sup>22</sup>: 32,339*

- ▶ 20,402 material recommendations
- ▶ 11,937 bank-related recommendations  
including 11,259 recommendations issued under the procedure of the Chairman ruling alone (35% of the recommendations adopted).

### *Case files examined by the commission<sup>23</sup> or presented to the Chairman ruling alone: 32,360*

### *Recommendations for rejection: 3,893 (12.03% of the recommendations issued)*

- ▶ Concerning material spoliations: 1,651
- ▶ Concerning bank-related spoliations: 2,242

### *Requests for re-examination heard by the commission: 638*

### *Case files being processed as of 1 January 2013: 553*

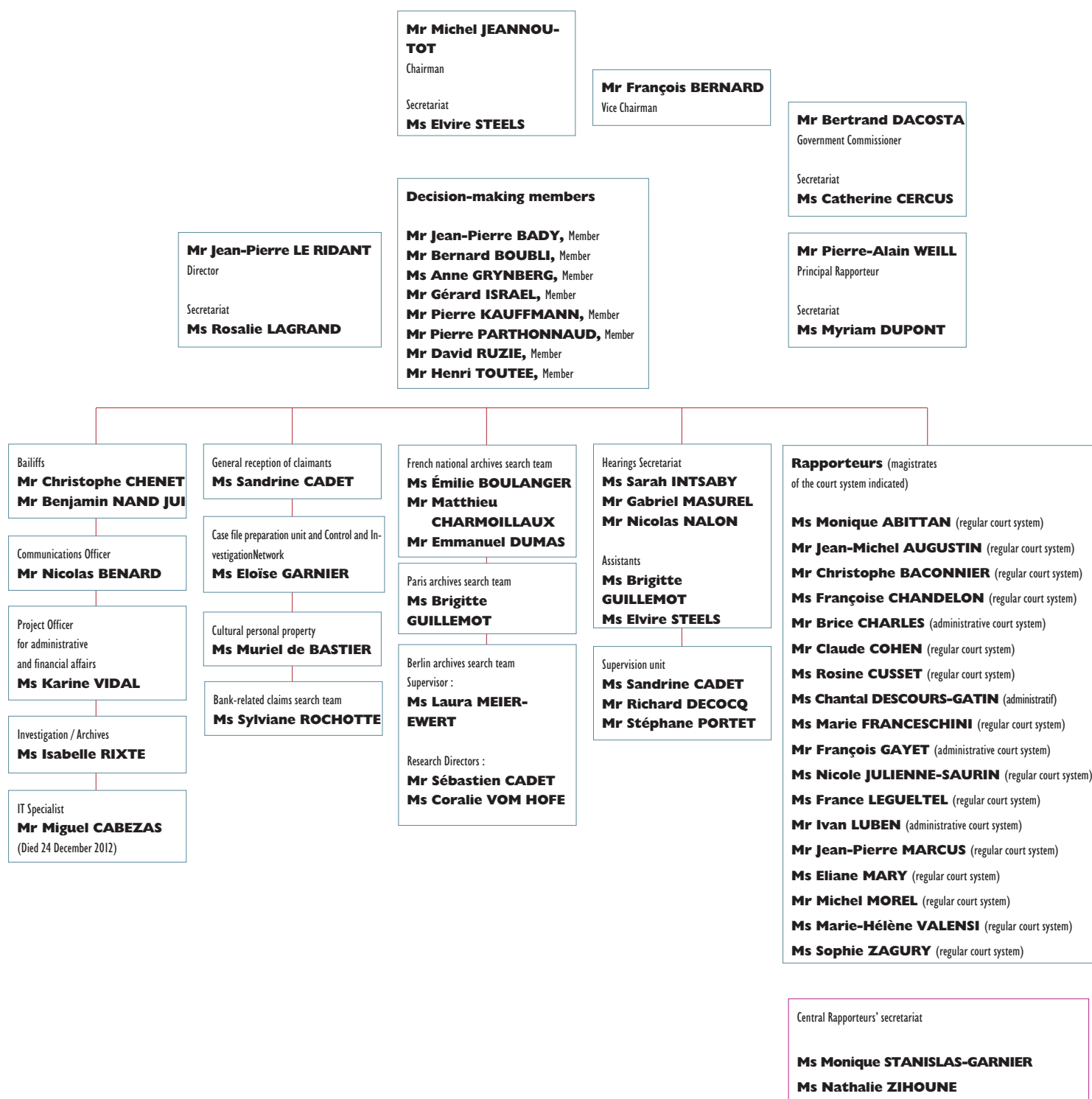
- ▶ Material claims: 434
- ▶ Bank-related claims: 119

<sup>22</sup> - All losses combined, including rejected claims. A single case file may be the object of multiple recommendations.

<sup>23</sup> - A single case file may give rise to multiple hearings.

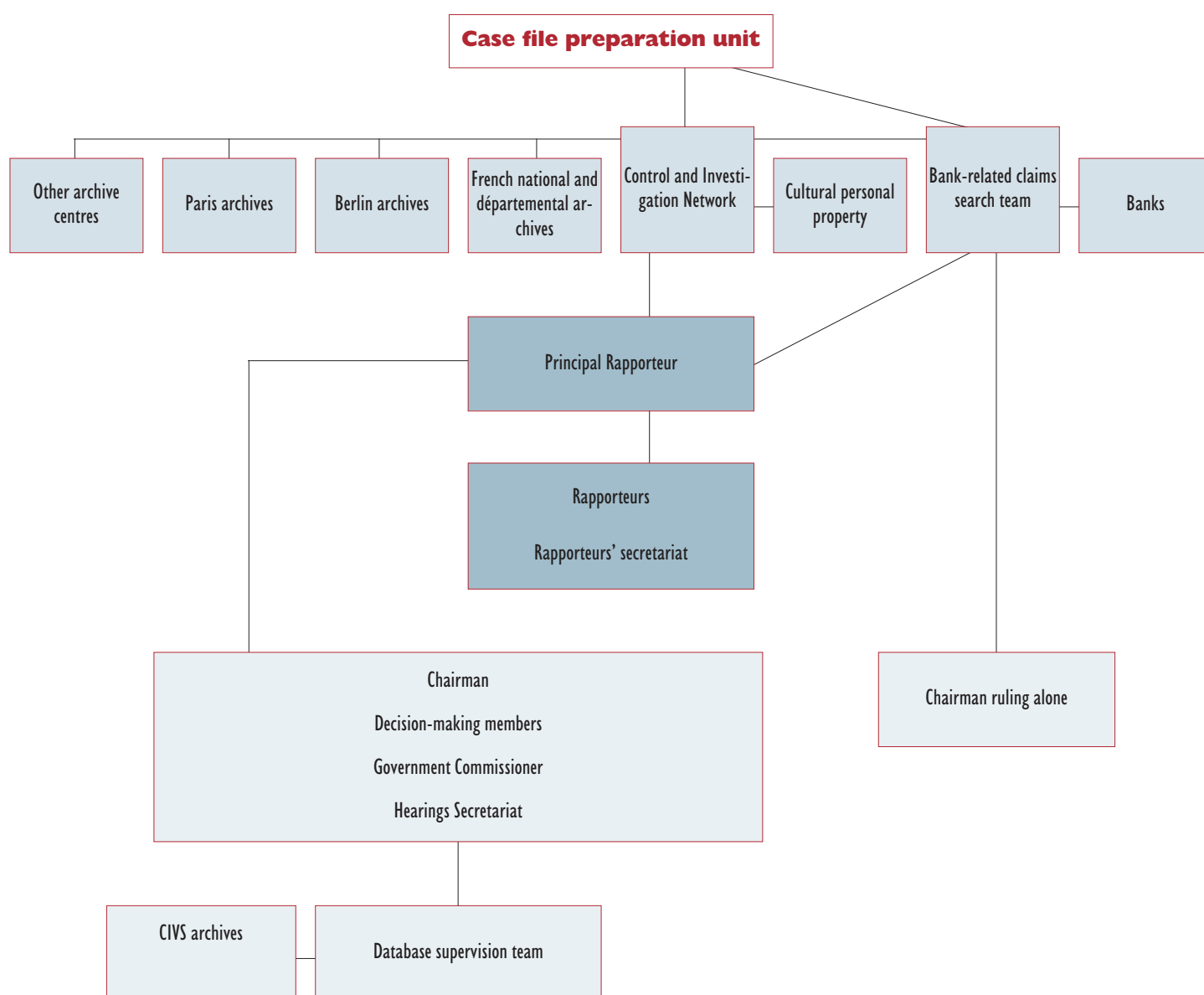


## Organisation Chart





## Diagram of case file processing







## Search teams and archive centres consulted by the Control and Investigation Network (RCI) and Cultural Personal Property Unit

|  |   |  |
|--|---|--|
| <b>Berlin archives search team</b><br><br>French Embassy in Germany<br>Pariser Platz 5<br>10117 BERLIN   | <b>CIVS French national archives search team</b><br><br>Section XX <sup>e</sup> siècle<br>60, rue des Francs-Bourgeois<br>75003 PARIS | <b>CIVS Paris archives search team</b><br><br>18, boulevard Sérurier<br>75019 PARIS  |
|  | <b>Départemental Archives</b>   |  |
| <b>Contemporary Jewish Documentation Centre</b><br><br>17 rue Geoffroy L'Asnier<br>75004 PARIS   | <b>Préfecture de Police de Paris</b><br><br>1 bis, rue des Carmes<br>75005 PARIS  | <b>Caisse des Dépôts et Consignations</b><br><br>DBRP2. Cellule des biens spoliés<br>15, quai Anatole France<br>DBRAS-Pôle 4<br>75356 PARIS 07 SP                  |
| <b>Ministry of Foreign Affairs</b><br><br>Fonds d'archives de la Récupération artistique (art recovery archives)<br>3, rue Suzanne Masson<br>93126 LA COURNEUVE CEDEX  | <b>Ministry of Foreign Affairs</b><br><br>Centre des Archives diplomatiques<br>17, rue Casterneau<br>B.P. 43605<br>44036 NANTES       | <b>Ministry of Culture and Communication</b><br><br>Direction générale des patrimoines<br>Service des musées de France<br>6, rue Pyramides<br>75041 PARIS CEDEX 01 |
| <b>The Central Archives for the History of the Jewish People</b><br><br>(for consulting archives of the personal property spoliations unit of the FSJU)<br><br><i>Hebrew University of Jerusalem</i><br>46 rehov Jabotinsky<br>JERUSALEM | <b>Fédération Française des Sociétés d'Assurance (F.F.S.A.)</b><br><br>26, boulevard Haussmann<br>75311 PARIS CEDEX 09                | <b>Minister for the Budget</b><br><br>Direction Générale des Finances Publiques<br>Bureau GF3B<br>86, allée de Bercy<br>75572 PARIS CEDEX 12                       |
|  | <b>Centre des Archives d'Outre-mer</b><br><br>(For «Algeria» case files)<br>29, chemin du moulin de Testa<br>13090 AIX-EN-PROVENCE    |  |



## Total amounts allocated from the start of the Commission's work until 31 December 2010

*Total amount of compensation awarded for all types of losses:*

This amount is broken down as follows:

**469,207,956€**

*Total amount of compensation paid for bank-related spoliations:*

**50,010,159€**

This amount is broken down as follows:

- ▀ Escrow account – Fund A: 14,747,758 € + 2,439,273 € (concerning Fund B since October 2008)<sup>24</sup>
- ▀ Fund B: 24,080,820 € (terminated in October 2008)

**Total 41,267,851 €**

To which should be added the amount allocated by the State for bank-related spoliations: **8,742,308 €**

<sup>24</sup> - Data provided by the *Caisse des dépôts et consignations* – USD exchange rate as of 31 December 2012: 1.3194 €.



## Measures relative to the Washington Agreement

The following measures were set out in the various exchanges of diplomatic letters:

### 2001: 7-10 August 2001:

- ▶ introduction of a supplement of up to 1,500 USD charged to Fund B for compensations of less than 1,500 USD relating to Fund A;
- ▶ implementation of a second round of compensation totalling 1,500 USD for Fund A claims for which the balance of compensation is under 1,500 USD and for Fund B claims submitted before the foreclosure date of 18 July 2002. This yields a total compensation of 3,000 USD.

### 2002: 30-31 May 2002:

- ▶ the foreclosure date for claims relating exclusively to Fund B is extended from July 18, 2002 to January 18, 2003.

### 2005: 02 February 2005:

- ▶ compensation for debtor accounts: debit balances are no longer deducted from total compensation granted ;
- ▶ compensation supplement totalling up to 3,000 USD charged to Fund B for accounts managed by a provisional administrator if under this amount. Proven amounts, however, are still charged to the State budget;
- ▶ compensation for unproven accounts held by individuals residing outside of France during 1940-1944.

### 2006: 21 February 2006:

- ▶ a lump sum compensation of 15,000 USD charged to Fund A is awarded to survivors of the Shoah who meet four criteria;
- ▶ the granting of an additional sum of up to 10,000 USD charged to Fund A for personal or business accounts with a proven, compensated balance exceeding 3,000 USD;
- ▶ a fixed indemnity of 1,000 USD drawn from Fund B for proven personal or business accounts with a proven, compensated balance less than 3,000 USD;
- ▶ postponement of the foreclosure date for Fund B from 18 January 2003 to 2 February 2005;
- ▶ substitution of Fund A for Fund B if the latter is depleted;
- ▶ reduction of the Fund A escrow account to 10,000,000 USD.

### 12 April 2006:

Interpretative joint letter in the form of an exchange of diplomatic letters of 21 February 2006.

The year 2006 was marked by the signing of a final exchange of diplomatic letters that constitute a definitive and comprehensive rule for settlement of the Washington Agreement.

**THE FRENCH PRIME MINISTER**

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The Commission for the Compensation  
of Victims of Spoliation  
Resulting from the Anti-Semitic Legislation  
in Force during the Occupation  
– CIVS –

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1, rue de la Manutention - 75 116 PARIS

Telephone: +33 (0)1 56 52 85 00 – Fax: +33 (0)1 56 52 85 73

[webmestre@civs.gouv.fr](mailto:webmestre@civs.gouv.fr)  
[www.civs.gouv.fr](http://www.civs.gouv.fr)