



**PREMIÈRE
MINISTRE**

*Liberté
Égalité
Fraternité*

REPORT TO
THE PUBLIC
ON THE WORK
OF THE CIVS
COMPENSATION
RESTITUTION
REMEMBRANCE
2021

Commission pour l'indemnisation des victimes de spoliations
intervenues du fait des législations antisémites en vigueur pendant l'Occupation

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Foreword

After a year disrupted by the effects of the health crisis, 2021 saw a clear resumption of the Commission's work. This can be seen from the number of sessions held: 25, including 14 plenary sessions, compared to 17 in 2020. The recommended restitutions also illustrate this, with a record of ten MNR works in cases presented by the Ministry of Culture's Mission for Research and Restitution and examined by the CIVS Deliberative Panel.

The treatment of spoliated cultural property provided another reason for satisfaction, when the CIVS observed that its appeal to the public authorities to legislate for the restitution of property from public collections had been heard. On 3 November 2021, the Council of Ministers examined a bill to this effect, which was passed three months later by the National Assembly and the Senate. The unanimity expressed by the national representation on this occasion testifies to the consensus reached on these issues; it also demonstrates the trust in the work we are carrying out (most of the works concerned by the law stem from the CIVS' recommendations).

The bill was introduced in August 2021 and the Council of State recommended in its opinion that a general law be studied to avoid the multiplication of case-specific laws and facilitate restitutions. This may be the answer for the cases that will undoubtedly arise in the future. Indeed, national museums have begun to verify the origin of works acquired since 1933. And even if the resources, human in particular, devoted to this review are not equal to the task, it could reveal new positions.



Michel Jeannotot, Chairman of the CIVS

However, spoliations of cultural property, which are the most visible, must not mask other losses - material, professional, banking - that the Commission continues to investigate, and which still represent three-quarters of the compensation that it recommends. In her remarkable opening speech, most of which we reproduce here, Rosine Cusset, judge and rapporteur for the CIVS, points out the limits and meaning of compensation. Based on her experience, she says that "compensation is not just about numbers" and that "the basis for payment is more important than the amount".

In November 2021, judges Rosine Cusset and Monique Abittan left the CIVS, as did Pierre-Alain Weill, after ten years as Principal Rapporteur to the Commission. Ms Claude Bitter took over his duties and since then other staff and judges have joined us to strengthen the service and give it the means to meet the challenges of the future.

THE CIVS

The CIVS is an advisory commission reporting to the Prime Minister. Its mission is to examine the claims of victims of anti-Semitic spoliation that occurred during the Occupation, and those of their heirs. The Commission investigates these cases, in particular on the basis of the research it conducts in various archive collections in France and abroad. It makes recommendations for compensation and restitution to the Prime Minister.

Since 2019, it has received the support of the Ministry of Culture's Mission for Research and Restitution for cases of spoliated cultural property. Very significant results were achieved in this area in 2021.

The mission that the CIVS has been conducting for over twenty years also contributes to the work of remembrance. In order to carry it out, the CIVS is always mindful of adapting and modernising its resources.

Speech delivered by President Jacques Chirac on 16 July 1995, at the commemoration of the Vel' d'Hiv' Roundup (16 July 1942).

Extracts

« In the life of a nation, there are times that are painful for the memory and for one's conception of one's country.

It is hard to speak of these times because we sometimes struggle to find the right words to recall the horror and express the sorrow of those who lived through this tragedy: they are forever marked in their soul and in their flesh by the memory of those days of tears and shame. [...]

France, land of Enlightenment and of Human Rights, land of hospitality and asylum, France, on that day, committed an irreparable act. It failed to keep its word and delivered those under its protection to their executioners. [...]

Our debt to them is inalienable. [...]

In passing on the memory of the Jewish people and of their suffering, and of the camps; in bearing witness again and again, in acknowledging the errors of the past, and the errors committed by the State; in concealing nothing about the dark hours of our history, we are simply defending an idea of humanity, of human liberty and dignity. We are struggling against the forces of darkness which are constantly at work. [...]

Let us learn the lessons of History. Let us refuse to be passive onlookers, or accomplices, of the unacceptable. »

Ministerial Decree No. 99-778 of 10 September 1999 establishing a Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation.

Article 1^{er}

The Prime Minister shall establish a commission charged with examining individual claims presented by the victims or their heirs to make reparations for damages resulting from spoliations of property that occurred due to anti-Semitic laws passed during the Occupation, both by the occupant and by the Vichy authorities.

The Commission is responsible for conceiving and recommending appropriate reparations or compensation.

Article 1-1

The Commission also holds the authority to recommend to the Prime Minister, on its own initiative or at the request of any interested party, any necessary restitution measures or, failing that, compensation measures, in cases of spoliation of cultural property arising from anti-Semitic laws adopted during the Occupation, in particular where said property has been integrated in public collections or recovered by France after World War II and since entrusted to the custody of national museums.

COMPENSATION

For more than twenty years, the CIVS has been compensating material and financial spoliations that occurred as a result of anti-Semitic legislation during the Occupation. This may include a seized apartment, business assets, confiscated art or furniture, money or jewellery. In such cases, the victims are compensated by the State upon the Commission's recommendation.

Spoilation may also be the work of banking and financial institutions (blocked accounts, unreturned assets, unclaimed life insurance policies, etc.). For these specific cases, compensation is awarded through funds provided by the banks.

Any person whose family was a victim of spoliation in France may submit a claim to the Commission, regardless of their nationality and current country of residence. The CIVS carries out research to establish the content and extent of the spoliations.

The procedure is completely free of charge and the assistance of a lawyer is not required. As the Commission is not a court of law, it operates in a pragmatic rather than a legal way.

The statute of limitations does not apply to the applications it considers.

COMPENSATION FIGURES

29,914

This is the number of cases recorded by the Commission since its creation until 31 December 2021.

19,790

for material spoliations

10,020

for bank-related spoliation

104

for spoliations of cultural property since May 2019

PROCEDURE WHERE THE CHAIRMAN CAN RULE ALONE

The Decree of 20 June 2001 authorised the CIVS Chairman to issue rulings alone, depending on the urgency of the case, the claimant's personal situation and whether the case poses any particular difficulty. This procedure has been extended to include applications for which banks have agreed in principle, and for collections of reserved portions.

Recommendations are made by the CIVS Deliberative Panel, meeting in plenary or sub-committee sessions, or in accordance with the procedure under which the Chairman can rule alone.

In 2021

- > 36 cases were examined in plenary sessions
- > 66 cases were examined in sub-committees
- > 71 cases were examined under the procedure of the Chairman ruling alone

102 recommendations were issued

- > 63 concerned material spoliations
- > 22 for bank-related spoliation
- > 17 spoliations of cultural property.

Of the 102 recommendations issued, 14 resulted in rejections (primarily due to lack of evidence of spoliation): 6 cases of material spoliation, 6 cases of bank-related spoliation and 2 cases of cultural property spoliation.

Recommended compensation of €4,299,977

borne by the State, including €50,134 for bank-related spoliation

THE SCALE OF THE SPOILIATIONS, THE EXTENT OF THE COMPENSATION

While damages for mental anguish, such as psychological trauma and deportation conditions, do not fall within its scope of compensation, the French system does allow for an extended definition of losses eligible for compensation:

Looting of apartments and shelters

As from May 1940, German occupying forces removed furniture to fill office, apartment and home requisitions. They also looted homes, including shelters, abandoned by Jews who fled persecution or were deported (an operation conducted by Nazi looting organisation "Möbel Aktion"). Nearly 72,000 apartments were emptied of their possessions in occupied France, including 38,000 apartments in Paris. This "civil theft" by Nazi Germany covered all types of in-home property: clothing, furniture, silver, office equipment, pianos, etc. Most of these items were transferred to Germany.

€1,005,420
recommended in 2021

€163,862,257
since 1999
(including jewellery, excluding shelters)

€1,051,142

recommended in 2021

€175,138,081

since 1999

(excluding shelters)

€1,242,994

recommended in 2021

€55,295,809

since 1999

Business and real estate spoliation

The objectives of this economic “aryanisation” policy, first conducted by the Germans in the occupied zone (orders and instructions of 20 May 1940, 27 September 1940 and 12 November 1940) and then by the Vichy government across the entire country (Act of 22 July 1941), were to confiscate property belonging to Jews and to ban them from the majority of professional activities. Under the authority of the CGQJ (Commissariat-General for Jewish Affairs), 50,000 businesses and buildings were “aryanised” between March 1941 and June 1944. These sales and liquidation operations were carried out by temporary administrators. Economic “aryanisation” gave rise to spoliations valued at more than €450 million. Moreover, numerous business assets were spoliated outside the scope of this procedure. Indeed, because they were prohibited from doing business, merchants, craftsmen and independent professionals were forced to flee and go into hiding after abandoning the businesses stolen from them.

Theft or forced sale of cultural personal property

Looting of artwork began immediately after the occupation of Paris. From autumn 1940, this activity was assigned to a German organisation, the *ERR* (*Einsatzstab Reichsleiter Rosenberg für die besetzten Gebiete*, or *Reichsleiter Rosenberg Taskforce*, in the occupied territories). The *ERR* seized works over a period of four years, targeting 200 prominent collectors. Many cultural and religious items were also stolen from homes, and safes sometimes containing artwork were opened or broken into by the *Devisenschutzkommando*. In total, 100,000 artworks and several million books were looted.

Payment of fees for smuggling to unoccupied France or across borders

From June 1940 to November 1942, a 1,200 km border separated occupied France from “free” France. Clandestine networks of smugglers formed to help people cross this “border”. Some smugglers charged fees for their services; others seized all the assets, cash, jewellery and silverware belonging to the people they transported. During this period, several thousand Jews had to call on the services of smugglers to flee persecution, often leaving behind cash and valuables. Lump-sum compensation is allocated to each person having used a smuggler.

Confiscation of valuables during internment in a camp

About 75,000 Jews were deported from France to foreign extermination camps. 67,000 passed through the Drancy camp. Others were interned in other camps scattered across France (in particular Pithiviers, Beaune-la-Rolande, Gurs, Compiègne, Les Milles and Rivesaltes). All the assets they possessed were confiscated and the money was deposited with Caisse des Dépôts et Consignations. The spoliation totalled more than €750 million.

€84,007
recommended in 2021

€22,156,498
since 1999

€255,938

recommended for insurance policies since 1999

€50,134

borne by the State and

€157,962

to be paid by the banks, recommended for bank assets in 2021

€10,774,882

to be borne by the State and

€45,351,236

to be paid by the banks, recommended for bank assets since 1999

(source: Caisse des dépôts et consignations and the FSJU (United Jewish Welfare Fund))

€30,621

recommended in 2021

€90,242,356

since 1999

Consignment of insurance policies and confiscation of bank assets

A German order dated 28 May 1941 read as follows: "Jews and Jewish businesses, for which an administrator has not been appointed, shall not dispose of payment instruments, receivables and securities or transfer them to another location without the approval of the Temporary Administrators Oversight Department". The Act of 22 July 1941 went even further, stating that "the balances of deposit accounts, and in general all sums belonging to Jewish people shall be transferred to Caisse des Dépôts et Consignations". During the war, 80,000 bank accounts and 6,000 safe deposit boxes were blocked. Financial spoliation (insurance policies, bank assets and capital market holdings) amounted to €520 million.

Supplements to previous compensation

The aforementioned compensation should be considered together with the supplementary compensation allocated after World War II by the French authorities (French War Damages Act) and German authorities (Brüg Act), where the Commission deemed these reparation measures to have only partially compensated the victims for the losses incurred. This supplementary compensation relates to the looting of homes, the "aryanisation" of businesses, looting of businesses and pillaging of cultural personal property, given that German compensation was most of the time limited to 50% of the value of the property in question.

TWENTY YEARS OF REPARATION OF BANK SPOILIATIONS

Since its creation, the CIVS has been able to assess losses in banking matters and ascertain unjust enrichment resulting from financial assets illegally obtained or left with public or private institutions. However, it could not recommend reparation measures since the identified spoliations involved public or private financial institutions.

The signing of the Washington Agreement between the governments of France and the United States of America on 18 January 2001 established the conditions for bank reparation in terms of referral, research, investigation, decision, authorisation and payment.

In 2001, the Commission set up a dedicated service for this category of cases. In 2021, it integrated banking investigations into the Research Coordination Unit, making it a single unit for all categories of spoliation, whether material, banking or specifically for cultural assets. This single unit has not changed the way in which research is carried out, but has consolidated the knowledge available, which provides additional insight into the archive services searched.

24 cases were reviewed or further researched in 2021, bringing the total number of cases processed to 10,020:

- > in 14 cases, 66 cash accounts, securities accounts or safe deposit boxes were identified
- > the research into the remaining 10 cases did not turn up anything

If the Commission recommends compensation for the spoliation of a personal account, it is to be paid by the banks. However, if the personal or business account was managed by a temporary administrator, the compensation is paid from the budget of the French State; in addition, supplementary compensation provided for under the Washington Agreement may be awarded.

9,252

This is the number of claims submitted to the CIVS since its creation.

768

additional cases were created on the Commission's initiative, when its investigation revealed the existence of bank assets in the names of spoliated persons or their companies.

Since 2001, the research conducted has proven the existence of

12,246

cash accounts, securities accounts, or safe deposit boxes. For most of these cases, the CIVS questioned the banking institutions concerned by the possible reparation to be made, in accordance with the adversarial principle.

SEARCHING FOR VICTIMS' HEIRS

€25.13 m

C'est le montant total des parts réservées à la charge de l'État au 31 décembre 2021.

\$1.87 m

Total des parts réservées sur fonds bancaires. (source : Fonds Social Juif Unifié)

107

nouvelles recommandations de levées de parts ont été émises en 2021.

The digitisation of a large number of archives pertaining to vital statistics, coupled with the development of online tools, makes it easier to now reconstruct genealogy. However, identifying heirs of spoliation victims is still complex and often time-consuming work.

To that end, the CIVS benefits in particular from a partnership agreement entered into in 2016 with the CGJ (Jewish Genealogy Society), which has been renewed each year. On 9 November 2021, a new cooperation agreement was signed, taking into account the recommendations of the European Parliament's Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR). Four meetings in 2021 provided the opportunity to review 23 cases and draw on the CGJ's expertise, particularly regarding the analysis of inheritance documents and old vital statistics records. The CGJ's contribution is also invaluable when it comes to rebuilding family histories, and particularly in obtaining foreign-language documents on rights arising from Polish branches. Through this cooperation, beneficiaries have been identified and recommendations issued for the collection of reserved portions in six complex cases.

The Commission is also increasingly making use of online genealogy sites: *Filae* (www.filae.com), *ancestry* (www.ancestry.fr) and *Geneanet* (www.geneanet.org).

(excerpts from a speech given on 10 November 2021 by Rosine Cusset, judge, and rapporteur at the CIVS)

« I have always been obsessed by the thought of what we now call the Holocaust, even at a time when it was not spoken of, when the event did not even have a name. The reason for this is undoubtedly that my date of birth, combined with my maternal lineage, made me a potential victim; this potentiality was very likely to become a reality when my mother, sister and I were arrested in March 1943 (my father was a prisoner); but this arrest did not have the terrible consequences that so many others experienced, and this was due to a miracle that I have not attempted to unravel.

This is why Chirac's speech at the commemoration of the Vel' d'Hiv' Roundup [...] provoked a strong emotion in me. This is why I jumped at the call for applications for the position of rapporteur at the CIVS, which I found one day in my pigeonhole.

However, it was not without concern that I approached this role that would bring me into the presence of these mostly tragic fates. Indeed, how can one speak of that in the presence of which all possibility of speaking ceases, and how can one not speak of it when the wish of all those who survived was to tell their endless story, as if only an infinite conversation could be commensurate with the infinite destitution that had been their lot.

And it wasn't just about listening, it was about offering compensation. But how to compensate for the irreparable, because even if compensation is limited to spoliation, there was unlimited spoliation, which was at the heart of the extermination process; it was the social and economic death of the Jews that resulted from the confiscation of all their property; which preceded their physical death and made it inevitable, because their organised destitution deprived the families of the resources that would have allowed them to flee.

Some people only ask for symbolic reparation; others want it to be as fair as possible; but reparation is not just about numbers; there is an

added value behind every request; it is the basis of the payment that is more important than its amount, the monetary sign must be preceded by a word that gives it meaning.

It is poignant to find the traces, the imprints of life, the involuntary evidence of their passage through this world that these anonymous people, doomed to be definitively erased, have left behind, even if there is nothing left of them but a Drancy search form mentioning FRF 85 for deposit, crossed out with a red line signifying their departure to the East. There may also be a sewing machine that will remind us of a man or woman tailor in the room and, like a memorial, will link the past and the present. There are also those who had the good fortune to escape this departure to the East, who were hidden children, whose name was not the name, whose father was only a shadow among millions of shadows. They lived, with death at their side under aliases.

[...] Numerous testimonies attest to the importance for these applicants of their visit to the commission and their meeting with the rapporteur, and I shall cite as an emblematic example the extracts from a long letter addressed to Claude Cohen, to whom I would like to pay tribute: "When I heard you, in the attentive silence of the Commission, explain each point with such precision and accuracy, as if you had lived through these periods of war with me and my family, I was moved to relive all that remained more or less in my subconscious."

[...] Of course there were those who were unhappy; this is normal because, as Hannah Arendt would have said: "We have no way of punishing a guilt that is beyond crime, as we have no way of repairing an innocence that is beyond virtue." Nonetheless, within the commission's limited yet immense objective, what has been accomplished belatedly is exceptional as a work of justice and truth, and will remain a high point in remembrance efforts that France has dared to undertake... »

RESTITUTION

A particular form of reparation, restitution may seem to be the most successful form, by handing over to families the object taken by force and returning it to the heritage that was looted.

However, there are difficulties with restitution. The first of these is its delivery when several beneficiaries are identified. In these situations, it is the Commission's task to help find a solution between the people concerned.

Another difficulty arises when a public entity is the owner of the work that has been looted. These situations, fortunately not very frequent, raise legal difficulties which, for the time being, are settled on a case-by-case basis.

RECOMMENDED RESTITUTIONS



Constantin Guys,
Jeune femme et sa duègne, watercolour,
26.5 x 22 cm © RMN-Grand Palais
(Musée d'Orsay) – Michel Urtado



Constantin Guys,
La présentation du visiteur, pen and wash,
22.8 x 36 cm © RMN-Grand Palais
(Musée d'Orsay) – Michel Urtado



Constantin Guys,
Cavaliers et amazones, pen and watercolour,
23.2 x 31 cm © RMN-Grand Palais
(Musée d'Orsay) – Michel Urtado



Constantin Guys,
La loge de l'Empereur, pen and watercolour,
21.6 x 34 cm © RMN-Grand Palais
(Musée d'Orsay) – Michel Urtado

The return of the twelve works of Armand Dorville (recommendation of 17 May 2021)

The facts

When Armand Dorville, a French Jewish lawyer who had taken refuge in his property in Cubjac (Dordogne), died in July 1941, his collection and furniture were put up for sale by his executor, in agreement with the heirs. On the first day of the sale of the art in Nice, on 24 June 1942, a temporary administrator was appointed by the Vichy authorities to “aryanise” the sale, i.e. to confiscate the proceeds. The sale exceeded FRF 8 million. Among the buyers, the national museums acquired twelve works. In July 1943, the temporary administrator obtained an exemption for the family from the temporary administration measures. The proceeds from the sales were then sent in the form of government debt obligations to the family’s notary, and the family members scattered to the south of France, most likely preventing them from actually collecting them.

In March 1944, five members of the family, including three of Armand Dorville’s heirs and two children, were arrested, deported and murdered.

After the war, the surviving heirs received the proceeds from the sales, which were included in the settlement of Armand Dorville’s estate in 1947. The cancellation of the sales, which the notary knew could be sought, was not requested.

The procedure

On 13 November 2019, the descendants of Armand Dorville's legatees referred a request to the CIVS seeking the cancellation of the auction sales on the basis of the provisions of the Order of 21 April 1945, and the restitution of 20 works.

This complex case gave rise to extensive research to establish the facts, both by the Ministry of Culture (Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945) and by the CIVS. Several hundred pages of archives were examined, and the investigation was exceptionally entrusted to two judge-rapporteurs from the CIVS.

The case review, originally scheduled for January 2021, had to be postponed due to the health crisis. In order to bring together in complete safety the 24 participants expected at the rescheduled hearing on 9 April, the CIVS used the auditorium at 20 Avenue de Ségur. It also received logistical support from the Prime Minister's Administrative and Financial Services Division. The recommendation to the Prime Minister was issued on 17 May.

The Commission's opinion

The CIVS considered that it could not examine the request to cancel the sale based on the Order of 21 April 1945, as only the judge could rule on the application of this text.

On the basis of the evidence gathered, it also considered that the sale itself was not a spoliation:

- > ni dans son organisation : décidée par les héritiers et organisée par l'exécuteur testamentaire, ami et confrère d'Armand Dorville ;
- > nor in its procedure: the appointment of the temporary administrator had no impact on the continuation of the sales; the heirs were able to freely exercise their right of withdrawal for 46 of these works; the proceeds of the sale were well above the estimates.



Constantin Guys,
Une revue aux Invalides, pen and watercolour,
20 x 33.9 cm © RMN-Grand Palais
(Musée d'Orsay) – Michel Urtado



Henry Bonaventure Monnier,
*Portraits de Joseph Prudhomme
et de Henry Monnier*, watercolour,
28.7 x 22.5 cm © RMN-Grand Palais
(Musée du Louvre) – Michel Urtado



Henry Bonaventure Monnier,
Les trois matrones, watercolour,
18.8 x 25 cm © RMN-Grand Palais
(Musée du Louvre) – Michel Urtado



Henry Bonaventure Monnier,
Les visiteurs, watercolour,
15 x 16.7 cm © RMN-Grand Palais
(Musée du Louvre) – Michel Urtado



Henry Bonaventure Monnier,
Une soirée chez Madame X, gouache pen,
23.7 x 31 cm © RMN-Grand Palais
(Musée du Louvre) – Michel Urtado



Jean-Louis Forain,
Jeune femme debout sur un balcon, contemplant des toits parisiens, watercolour,
29 x 22.7 cm © RMN-Grand Palais
(Musée d'Orsay) – Michel Urtado



Pierre-Jules Mène,
L'amazone présumée être Sa Majesté l'impératrice Eugénie, original wax © France 3 Picardie



Camille Roqueplan,
La diligence en danger, watercolour,
19.3 x 31.5 cm © RMN-Grand Palais
(Musée du Louvre) – Michel Urtado

However:

- > the sale under temporary administration had the effect of making the proceeds from the sale unavailable. This Aryanisation measure, decided on and implemented in application of the Law of 22 July 1941 on companies and property that had belonged to Jews, was considered to be spoliation of an anti-Semitic nature within the meaning of the decree governing the CIVS. The deportation and extermination of some of Armand Dorville's legatees, and the scattering of the other heirs, which occurred as a result of anti-Semitic persecution, further delayed payment of the proceeds from the sale. This situation gives rise to a specific financial loss for which compensation is payable;
- > during the sales in June 1942, the Administration, which was aware that these sales were subject to the Law of 22 July 1941, acquired twelve works, five of which were kept in the Louvre, six in the Musée d'Orsay and one in Compiègne. The CIVS considered that these works should not be kept in public collections.



The auditorium refurbished to host the hearing on 9 April 2021 © CIVS

Works sold by par Gabrielle Bénard Le Pontois

(recommendation of
6 September 2021)

The facts

Gabrielle Bénard Le Pontois had a collection of master paintings and antique furniture. After her death at her Paris home on 23 December 1941, seals were affixed so that bailiffs could make an inventory of the contents of her apartment, which was drawn up on 25 February 1942. However, in August 1942, agents of the *Einsatzstab Reichsleiters Rosenberg* (ERR) looted the house. Most of the property there was transferred to Germany.

The procedure

The Mission for Research and Restitution of Cultural Property Spoliated (Ministry of Culture) referred two works to the CIVS on 3 June 2020, although they were not included in the inventory drawn up in February 1942:

- > "Portrait de femme", oil on canvas;
- > "Tenture des mois de Lucas", tapestry by Bernard van Orley.

Shortly before the death of Gabrielle Bénard Le Pontois, Walter Bornheim acquired these two works on behalf of Hermann Göring. Brought back from Germany after the war, these works have since acquired the status of MNR ("*Musées nationaux récupération*" [National Museum Recovery]).

The hearing, held on 2 July 2021, resulted in a recommendation on 6 September and a decision by the Prime Minister on 22 November.

The Commission's opinion

Although the conditions of their sale could not be specified, the CIVS considered that these works were sold under duress and that they should be returned to the heirs of Gabrielle Bénard Le Pontois.



Anonymous,
Portrait de femme,
oil on canvas, 127 x 86 cm
© RMN – Franck Raux



D'après Bernard van Orley,
*Tenture des mois de Lucas :
le mois d'avril ou le signe du taureau*,
tapestry, 376 x 338 cm
© Musée du Louvre

The four MNR of the Levi de Benzion collection (recommendation of 4 October 2021)



Georges Michel,
Paysage, watercolour, 10.5 x 17.3 cm
© Musée du Louvre



Paul Delaroche,
Portrait de femme, drawing,
18.3 x 15.5 cm
© Musée du Louvre



Auguste Hesse,
Portrait de femme,
drawing, 18.7 x 15 cm
© Musée du Louvre



Jules-Jacques Veyrassat,
Marée basse à Grandcamp,
watercolour, 16.3 x 34 cm
© Musée du Louvre

The facts

The businessman Moïse Levi de Benzion was a big enthusiast and collector of Egyptian art and antiques. He had divided his collections between his properties in Egypt and his château in Draveil (Essone). From 1940, the Einsatzstab Reichsleiters Rosenberg (ERR) looted the château. Most of the property there was transferred to Germany, including:

- > "Paysage", a watercolour by Georges Michel;
- > "Portrait de femme", a drawing by Paul Delaroche;
- > "Portrait de femme", a drawing by Auguste Hesse;
- > "Marée basse à Grandcamp", a watercolour by Jules-Jacques Veyrassat.

Brought back from Germany after the war, these works have since acquired MNR status.

The procedure

The Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (Ministry of Culture) referred the matter to the CIVS on 17 July 2020. While there was little doubt that spoliation had occurred, the CIVS had to identify the heirs and determine the rights of each of them to these works. It drew on previous research.

Based in particular on the summary note of the Ministry of Culture's Mission, the CIVS judge investigated this case and submitted a report on 26 May 2021. The hearing, held on 2 July, resulted in a recommendation on 4 October and a decision by the Prime Minister on 22 November to return the works.

The Commission's opinion

The CIVS recognised the spoliation of these four works and recommended their restitution to the eight heirs of Moïse Levi de Benzion.

The journey of the Bargeboer painting (recommendation of 4 November 2021)

The facts

Abraham and Minna Bargeboer, Dutch nationals who had settled in Nice before the war, took in Ruth Kirchheimer, Minna's niece, in 1942 after she had fled anti-Semitic persecution in Germany. As they had no children, they also appointed her as universal legatee of their property. However, the couple were arrested in early 1944. Abraham died in prison in Nice at the end of January, and Minna was deported to Auschwitz on 31 July 1944. Ruth, hidden by the Sainte-Thérèse Catholic Institute, escaped.

The Bargeboers' apartment at 53 Boulevard Victor Hugo in Nice, was looted by the ERR. Among the looted goods was a painting, which was then transferred to Kögl Castle (Austria). After the war, the work was registered at the Central Collecting Point in Munich. It was brought back to France on 25 September 1947. Listed as an MNR, it is kept at the Château-Musée de Dieppe.

The procedure

The Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (Ministry of Culture) referred the matter to the CIVS on 5 March 2020. While the reconstruction of the work's history has benefited fully from the research carried out in recent years, the main difficulty was identifying the rightful owners. A CIVS judge investigated this case and submitted their report on 18 May 2021. The hearing held on 2 July, resulted in the recommendation of 4 November, which established the spoliation, proposed the restitution of the MNR and listed the beneficiaries. On 28 December 2021, the Prime Minister decided to return the painting in accordance with this recommendation.



Anonymous, *Bateaux sur une mer agitée près d'une côte rocheuse*, oil on canvas, 65 x 81 cm © Musée du Dieppe
– Bertrand Legros

The works seized at 5 boulevard de la Tour-Maubourg (recommendation of 15 November 2021)

The facts

On 19 January 1944, four works inventoried by the ERR were seized by the Dienststelle Westen at 5 Boulevard de la Tour-Maubourg in Paris. Initially left at the Jeu de Paume until May 1944, they seem to have been found at Nikolsburg castle (Czechoslovakia) where the Germans had left many stolen works. They were among the few items that escaped the fire at the castle in 1945. The paintings, which undoubtedly transited through the Altaussee storage site, were recorded at the Munich Central Collecting Point before being repatriated to France from Munich in the 14th transport on 30 October 1946. However, the research carried out by the Artwork Recovery Commission [*Commission de Récupération Artistique*] has not made it possible to return them. Two of the four paintings were allocated to the Louvre, which has kept these two MNR since 1951. More recent research, in particular that carried out by the MNR working group, has established the owners of the works.



Flooris van Schooten,
Nature morte au jambon,
oil on wood, 62 x 83 cm
© Musée du Louvre



Pieter Binoit,
Mets, fruits et verres sur une table,
oil on wood, 56 x 77 cm
© Musée du Louvre

The procedure

On 7 September 2020, the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred the matter to the CIVS. The rapporteur submitted their report on 24 June 2021 and the Panel, meeting in a plenary session, examined the case on 10 September

The Commission's opinion

In its recommendation of 15 November 2021, the CIVS considered that these works were part of the spoliated property of the Javal family at 5 Boulevard de la Tour-Maubourg, and that they should be returned. Following the Commission's opinion, the Prime Minister decided on 12 January 2022 that the two MNR works should be returned.

The Czechoslovak ambassador's Utrillo found

(recommendation of 15 November 2021)

The facts

Stefan Osusky (1899-1973) was Czechoslovakia's ambassador to Paris from 1921 to 1940. Between 15 and 18 March 1939, he transferred his paintings and other valuable objects and possessions, including Maurice Utrillo's painting *Eglise de Pont-Saint-Martin*, to the property of James de Rothschild. The whole set was seized by the *Geheime Feldpolizei* acting on behalf of the German Embassy in Paris. In 1951, the painting was found in an attic at Tentschach castle, near Klagenfurt (Austria), and brought back to France. However, the research carried out by the Artwork Recovery Commission and then by the Mattéoli Mission could not establish the origin of the work.

Nevertheless, in 2016, research by the Ministry of Culture and the National Museum of Modern Art, assisted by an independent researcher, was able to clarify the Osusky's trail.

The procedure

On 30 March 2021, the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred the matter to the CIVS. The work carried out by the judge appointed to investigate this case made it possible to identify all of Stefan Osusky's beneficiaries, and the Deliberative Panel, meeting in a plenary session, examined the case on 9 July. In its recommendation of 5 October, the CIVS considered that Maurice Utrillo's *Eglise de Pont-Saint-Martin* should be returned to the identified beneficiaries. Although not Jewish, Stefan Osusky lost his painting due to the anti-Semitic laws in force. On the basis of this recommendation, the Prime Minister decided on the restitution of this MNR on 22 November 2021.



Maurice Utrillo,
Eglise de Pont-Saint-Martin,
oil painting, 60 x 81 cm
© RMN – Grand Palais



The director of the CIVS and one of Stefan Osusky's beneficiaries during the restitution at the Centre Pompidou, on 3 February 2022
© Hervé Veronese

The looted library of Georges Mandel (recommendation of 21 February 2021)

Georges Mandel

Born on 6 June 1885 in Chatou, Georges Mandel was a minister on several occasions in the 1930s. Born into a modest Jewish family, he started out as a journalist. At *L'Aurore*, he met the director of the newspaper, Georges Clemenceau, whom he followed to the Presidency of the Council. Elected as an MP for Gironde from 1919, then minister, Georges Mandel committed himself to the service of a strong Republic. Uncompromising against fascism, and refusing any capitulation to Nazi Germany, he remained convinced of the need to continue the fight. However, he was arrested in September 1940 and interned. Stripped of his office as an MP under the Law of 2 June 1941 on the status of the Jews, he was sentenced to life imprisonment. Deported to Orianenburg, then to Buchenwald, he was finally handed over to the Militia. On 7 July 1944, he was shot by a burst of machine gun fire in Fontainebleau forest.

The facts

In August 1940, the ambassador of the Third Reich in France ordered the looting of Georges Mandel's apartment at 67 Avenue Victor Hugo in Paris. In January 1941, 45 boxes of unidentified objects were removed from the apartment which, on 9 April 1941, became the headquarters of the *Rassemblement National Populaire* [National Popular Rally] led by Marcel Déat. The remaining contents of the apartment was all moved out in December 1942.

After the war, Georges Mandel's daughter filed a claim for War Damage with the French authorities and a BrüG compensation claim with Germany for the looting of the apartment. A detailed inventory of the spoliated property was drawn up on 31 October 1944.



The procedure

In the summer of 2019, the *Staatsbibliothek zu Berlin* and the University Library of Dresden (SLUB) contacted the CIVS office in Berlin. Both libraries are involved in a research project called “NS-Raubgut nach 1945: Die Rolle der Zentralstelle für wissenschaftliche Altbestände (ZwA)” funded by the *Deutsches Zentrum Kulturgutverluste* (DZK). This project is supported by several public libraries operating in a network and sharing their information and research results. During the course of this project, three books belonging to Georges Mandel were identified: two books had been assigned to the *Staatsbibliothek zu Berlin* at the time of the German Democratic Republic, in 1960 and in 1979/1980 via the ZwA. The SLUB copy was acquired in 1973 via the *Zentralantiquariat* der DDR.

On 22 July 2020, the Berlin office sent a report to the CIVS director. At that time, a case was just being processed by the Commission to complete the partial compensation paid after the war. The case of the spoliated books was attached and the judge in charge of the investigation was to submit their report on 4 January 2021. On 12 February 2021, the Commission, sitting in plenary session, invited the applicants and the *Stiftung Preußischer Kulturbesitz cultural foundation* to contact each other in order to return the books. Two further books from Georges Mandel’s spoliated library (which contained more than 15,000 books) were identified in between times.

In order to pay tribute to Georges Mandel’s memory, and on the eve of the 80th anniversary of the Vél’ d’Hiv roundup, the Prime Minister Elizabeth Borne decided to preside over the restitution of the five books. The ceremony took place at the Hôtel de Matignon on 15 July 2022, in the presence of the German Ambassador to France (see box).



Photos of the July 15 ceremony

Hôtel de Matignon, 15 July 2022

CEREMONY FOR GERMANY'S RESTITUTION OF FIVE SPOLIATED WORKS TO GEORGES MANDEL'S HEIRS

On Friday 15 July, Prime Minister Elisabeth Borne presided over the ceremony for Germany's restitution of five works that belonged to the former Minister of the Republic Georges Mandel, who was spoliated as a Jew and died for France on 7 July 1944.

At this ceremony in the presence of His Excellency Hans Dieter Lucas, Ambassador of the Federal Republic of Germany to France, the Prime Minister reiterated the Government's desire to continue the action undertaken to return spoliated works, but also for the work on remembrance. She also highlighted the gesture of the German institutions, a sign of Franco-German friendship, trust and reconciliation.

The spoliated books came from the looting of Georges Mandel's apartment by German soldiers in 1940. They were kept by the Berlin State Library and the Dresden University Library which, in 2019, in an exemplary gesture, contacted the Commission for the Compensation of Victims of Spoliation (CIVS) so that these books could be returned to Georges Mandel's beneficiaries.

The restitution of cultural property spoliated by the Nazis is a requirement shared by France and Germany. In France, the action carried out by the CIVS for over twenty years has led to the restitution of many spoliated assets. Under the impetus of Prime Minister Édouard Philippe, the CIVS saw its powers strengthened in this

area in 2018, and since 2019 it has been assisted in its work by the Ministry of Culture's Mission for Research and Restitution. The Law of 21 February 2022 is another example of this proactive approach: adopted unanimously by Parliament, it made it possible to return to victims' families fifteen works from public collections that had been spoliated.

Georges Mandel's library included more than 15,000 books. Born into a modest Jewish family in Paris, Georges Mandel stood uncompromisingly against fascism. First as a journalist, then as an MP for Gironde and several times as a minister, he committed himself to the service of a strong and demanding Republic. Convinced of the need to continue the fight, he refused to surrender to Nazi Germany. Lifetime imprisonment then began for him, until his murder by the Militia in Fontainebleau forest on 7 July 1944.

As the 80th anniversary of the Vél'd'Hiv round-up is commemorated this week, the work on remembrance and reparation must continue. The Government is fully committed to this through its strong support for the CIVS and by supporting the work carried out to bring about restitution.

PRESS RELEASE

A LAW FOR SPOILIATED WORKS FROM PUBLIC COLLECTIONS

When they concern artworks belonging to the public domain, the restitution measures recommended by the CIVS to the Prime Minister come up against the current state of heritage law, which does not allow them to be removed, even if spoliation is proven, due to the inalienable nature of public collections.

Amending the French Heritage Code

The French Heritage Code lacks a legislative provision allowing the removal of spoliated works from national and regional collections.

Law No. 2022-218 of 21 February 2022 proposed another solution by departing from the principle of inalienability for a list of fifteen named works. One of the advantages of adopting a specific law (or case-specific law), in this case dictated by scheduling considerations at the end of the parliamentary term, is that restitution cases are always submitted to national representation. However, the public authorities may wish to consider the possibility of a framework law, as recommended by the Council of State in its bill.

This new provision would give the public entity the possibility of parting with the work or of cancelling its inclusion in collections in case of proven spoliation. It would fill the main gap in French reparation policy and meet the requirement for remembrance and justice reiterated on 22 July 2018 by the Prime Minister.

5 JUNE 2020

The CIVS recommended to the Prime Minister that a provision be introduced into the Heritage Code allowing the removal of a work from public collections in the event of proven spoliation. The Ministry of Culture was responsible for preparing a draft to this effect.

9 AUGUST 2021

The Council of State was referred a bill aimed at returning or handing over certain cultural assets to the heirs of victims of anti-Semitic persecution.

3 NOVEMBER 2021

The Council of Ministers examined the bill that would allow the removal from public collections of the twelve works belonging to Armand Dorville (CIVS recommendation of 17 May 2021), *Carrefour à Sannois* (recommendation of 16 February 2018) and *Rosiers sous les arbres* (Klimt).

15 FEBRUARY 2022

The Senate adopted the bill unanimously, after the National Assembly voted on the same wording on 25 January.

An issue to be dissociated from that of works from the colonial period

The issue of the removal of works from the colonial period from national collections is also raised. However, the two issues must be treated separately:

- While the reparation of anti-Semitic spoliations is a public policy that is no longer debated (consider the unanimous vote of the law in January and February 2022), the issue of the restitution of colonial property, raised more recently, is still discussed everywhere.
- The restitution of property stolen from Jews during the Occupation is a measure of justice for private individuals; that of colonial property is more a diplomatic issue, as they are mainly claimed by States.
- The restitution of works from the colonial period is subject to other complex and specific considerations, linked for example to the (very diverse) conditions of appropriation of this property or to the (sometimes uncertain) conditions of conservation and preservation of the works to be returned.

CIVS/M2RS, DIFFERENT AREAS

The CIVS is responsible for any property spoliated as a result of anti-Semitic legislation in the territories where French sovereignty was exercised during the Occupation.

The Mission for Research and Restitution (Ministry of Culture) is responsible for any cultural property (artwork, book, etc.) spoliated by the Nazis between 1933 and 1945, even if it was outside France, which is now on French territory.



Carrefour à Sannois
by Maurice Utrillo, one of the fifteen works
concerned by the Law of 21 February 2022
© Musée Utrillo-Valadon

Principles for the development of such legislation

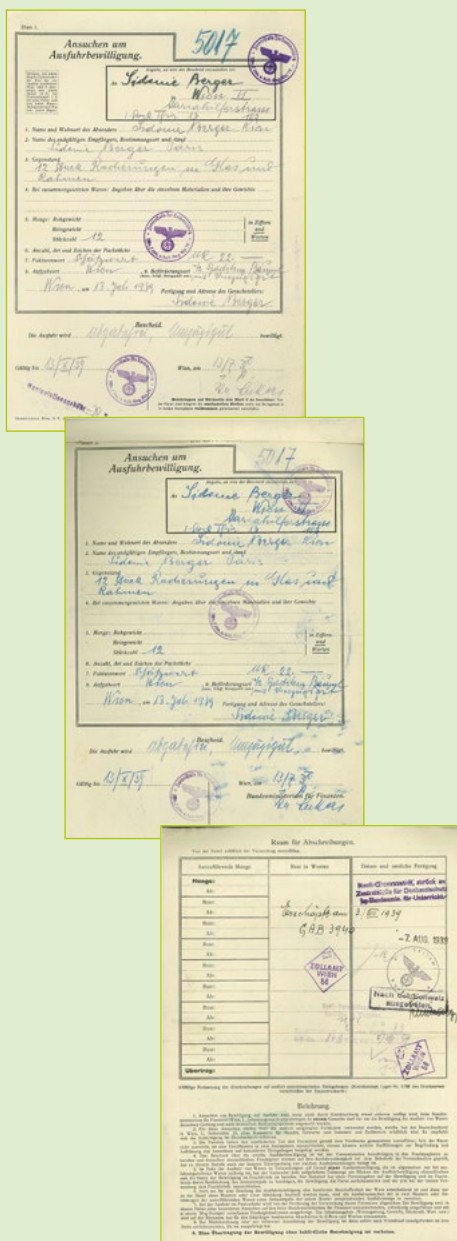
- Establishing a coherent geographic/temporal scope: the scope covering the losses suffered by the victims of National Socialism between 1933 and 1945 corresponds to the scope of the Law of 21 February 2022, and to that of the Ministry of Culture's Mission for Research and Restitution.
- Distinguishing the body recognising spoliation and recommending restitution from the body authorising the removal of the work. Expertise and legitimacy in this field should determine the choice of the first body. The second body will be the public owner, State or authority, as appropriate after advice from the Ministry of Culture

REMEMBRANCE

The Commission's legal action on behalf of victims cannot be dissociated from the memory of spoliations, persecutions in France and the Holocaust. This is why the reparation, compensation and restitution measures recommended by the CIVS are extended to projects that pursue the same ambition, that of *"finding the right words to recall the horror, to express the grief of those who experienced the tragedy"*.

For several years now, the Commission has been carrying out this action at the Franco-German level, in various ways, such as support for research, memorial events, or participation in restitution initiatives.

RESEARCH INTO THE AUSTRIAN ARCHIVES



Application forms for export from Austria © CIVS

After the war, the Central Collecting Points were set up by the US forces mainly in southern Germany and Austria. With its new authority in the field of spoliated cultural property, the CIVS naturally turned to sources that might exist in Austria. In 2021, it entrusted a pilot project to a Vienna-based provenance researcher, Ms Delphine Telesio di Toritto.

The research in the Austrian archives particularly focused on applications for the export of cultural property submitted from 1938 onwards by Jewish people, or those considered to be Jewish, who were persecuted as a result of the anti-Semitic legislation in force at the time. Ms Telesio di Toritto has compiled a *table of export applications from Austria to France made between 1938 and 1940* based on research she conducted from April to November 2021 in the archives of the *Bundesdenkmalamt* (Federal Office for Historical Monuments) in Vienna. They have enabled the creation of a genuine database that includes inventories, references to artworks and biographical information that may help the research into the origin of property spoliated in France during the Occupation. This is why this new database is to be handed over to the Ministry of Culture's Mission for Research and Restitution. Beyond that, the CIVS intends to make it available to as many people as possible, especially researchers.

THE RETURN OF BOOKS TO FRANCE

As they are true vehicles for remembrance, the CIVS pays particular attention to the books taken in France by the occupiers. Its cooperation with several German public libraries such as the *Zentral- und Landesbibliothek Berlin* (ZLB), the University Library of Dresden and the *Staatsbibliothek zu Berlin* means the Berlin CIVS office becomes aware of stolen works.

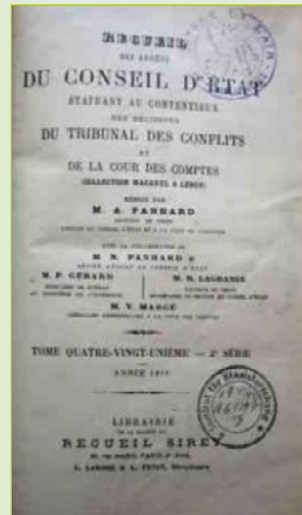
Supporting the growing number of initiatives of these institutions, in 2021, the Commission helped with the restitution of several books, either at the research stage or as a mediation body.

The return of a work to the Ministry of the Armed Forces

The ZLB identified a work in its collections looted during the Occupation from the former Air Ministry. This is a Sirey Collection of the decisions of the Council of State ruling on litigation and the decisions of the Court of Conflicts and the Court of Accounts. It dates back to 1911.

In all probability, the work was seized by the occupying forces in 1941-1942 in the building of the former Ministry of Air, located at 24 Boulevard Victor (Paris 15th arrondissement) and taken to Germany, to the collections of the *Institut für Staatsforschung*, a propaganda body under Himmler's supervision, responsible for responding to requests for expert opinions. After its dissolution in 1947, a large part of its property was transferred to the ZLB.

The handover ceremony, on 25 June 2021, brought together the library's management, the provenance researchers, CIVS representatives and a member of the Defence Mission of the French Embassy in Berlin, representing the Ministry of the Armed Forces.



The spoliated books of Pontlevoy secondary school



© Nouvelle République, Sébastien Gaudard



The headmaster of the Pontlevoy secondary school receives one of the books from a Commission official
© CIVS

By assisting the research and providing mediation, the CIVS enabled the handover of two looted books to the catholic secondary school in Pontlevoy on 7 December 2021.

Le *Fond de la mer* (Louis Joubin) and *Flore de Loiret-Cher* (Adrien Franchet) were in the collections of the Berlin Technical Museum and the library of the Berlin Botanical Garden, but they came from the looting of the library of the Pontlevoy girls' school. Their paths in Germany remain uncertain, but stamps attest to their place of origin. *Le Fond de la mer* was donated in 1941 by the German military administration to the Institute and Museum of Oceanography in Berlin. Founded in 1900, this institute had a large specialist library, the collections of which were distributed after the war to various institutions.

The handover of the books by the director of the Berlin Technical Museum, in the presence of the Commission's representatives, gave rise to a ceremony in front of more than 200 young people from the Pontlevoy secondary school, thus fulfilling the wish of the CIVS directors and the secondary school to use these books as educational and remembrance aids. Since then, they have been displayed in a window in the school building and have been the starting point for history work.

Thanks to the *Deutsches Zentrum Kulturgutverluste* (DZK, the German centre for research into spoliated cultural property) which supported the research into these books, the Technical Museum in Berlin was able to make the first restitution in its history.

The return of an 18th century bible to the Saint-Jean-de-Jérusalem Masonic Lodge (Nancy)

In cooperation with the *Zentral- und Landesbibliothek Berlin*, the CIVS enabled the restitution of an 18th century bible to the Masonic Lodge of Saint-Jean-de-Jérusalem in Nancy.

Although it contained more than 2,700 books and documents before the war, the library of the lodge in Nancy was completely looted by the occupying forces. This is only the second book that the lodge has since found.

Shortly after the end of the war, the book was handed over by the "Mission for the Rescue of Scientific Libraries" to the Berlin City Library. It was part of salvage lot no. 161 entitled "Inventory of the Margarine Bunker" located in southern Berlin, a collection and sorting point for books looted by bodies of the Nazi regime, and obviously intended to fill the shelves of the "Enemy Forces Library" (*Feindbibliothek*) that the regime planned to create in Berlin.

Presided over by the French Ambassador to Germany, the restitution ceremony on 20 November 2021 was an opportunity to remember the systematic persecution of Freemasons under National Socialism. A dozen members of the lodge had travelled from Nancy to experience this moment described as "unique and historic" by the Master of the lodge.



The origin was determined by a stamp on the first page of the Bible.

THE FRANCO-GERMAN MEMORY OF THE HOLOCAUST AND DEPORTATION

The story of spoliation, the Holocaust and deportation sheds light on the context of the individual and family tragedies that come before the Commission, but the collective memory is also enriched by these particular stories. This is why the CIVS' contribution, with 30,000 cases examined, is unique.

The presence of its Berlin office gives it a privileged position to place the memorial issue at the Franco-German level. In 2021, it made many contributions in this respect.

Cooperation with the Arolsen Archives

The Arolsen Archives are an internationally renowned research and documentation centre, which hold several million deportation archives in Germany. Their primary mission is to respond to requests from families concerning the deportation of their relatives. They also develop innovative communication and awareness-raising campaigns, aimed at young people, to highlight the deportation archives, for democracy and against discrimination. In 2021, the CIVS was a partner of the Arolsen Archives' major events.

The Commission first supported the *#everynamecounts* project, an international crowdsourcing operation. The documentation centre of the Arolsen Archives invites volunteers to index archive documents already scanned in its database. Its aim is to make millions of pieces of data relating to the journeys of the deportees of World War II available online.



© Arolsen Archives



Minister Monika Grütters
during the indexing work.
© Arolsen Archives

In January 2021, the CIVS co-organised, in partnership with the Arolsen Archives and the French Embassy in Berlin, a large-scale event, the originality of which met the need to renew the methods and formats attached to remembrance initiatives. Every evening from 21 to 27 January, a specially designed artistic sound and light creation was projected onto the façade of the Embassy, right next to the Brandenburg Gate. It was well attended despite the health restrictions in force at the time.

The inauguration of the multimedia installation was attended by the French Ambassador to Germany, the Minister of State for Culture Monika Grütters and Ambassador Michaela Küchler, Special Representative for relations with Jewish organisations, anti-Semitism and anti-Gypsyism.

The CIVS also supported the #Stolenmemory project, where objects seized during deportation were presented to the public.

Giving a voice to the last witnesses

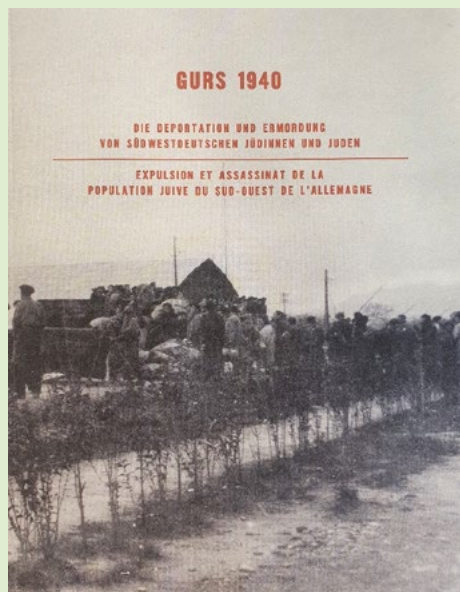
Giving a voice to witnesses, already less strong with their successive departures over time, was a specific challenge in 2021 when public events could not be held and memories could not be passed on due to the health situation. This is why the CIVS took the initiative of organising online lectures with two major witnesses of the Holocaust, Esther Senot and Raphaël Esrail (1925-2022).

In close cooperation with the Auschwitz Deportees Union and the French Institute in Bonn, four lectures were organised in 2021, mainly for schools. Raphaël Esrail and Esther Senot gave a video conference to several German and Franco-German classes in North Rhine-Westphalia, and answered questions prepared by the pupils and their teachers who had been organising their lessons and educational projects around the stories of the key witnesses for several weeks.



Raphaël Esrail (1925-2022)
© French Embassy in Germany

Support for the “Gurs 1940” exhibition



© House of the Wannsee Conference memorial

The CIVS supported the presentation and circulation, in France and Germany, of the mobile exhibition “Gurs 1940” devoted to the little-known story of the German Jews from Baden and the Palatinate deported in 1940 to the Gurs camp, near the town of Pau. Held there in inhumane conditions by the French authorities, many Jews, including children, were then sent to the Drancy camp, before deportation and death.

Since 2019, the CIVS Berlin office has participated in the meetings of the scientific committee of the exhibition inaugurated on 11 April 2021 in the premises of the French Embassy in Germany. The health crisis prompted the Commission to promote the exhibition on the Internet, including its online preview in cooperation with the House of the Wannsee Conference memorial.

Support for the “*Filmer les procès*” exhibition



© National archives

In 2021, the Commission also supported the “*Filmer les procès*” (Filming the trials) exhibition, in cooperation with the National Archives, a historical partner of the CIVS, the French Institute in Berlin and the Marc Bloch Centre, specialised in research in the humanities and social sciences in Berlin.

Initially shown in France at the National Archives, the “*Filmer les procès*” exhibition reflects on the filmographic and documentary material from the major trials of the 20th century, in particular certain major Nazi trials (Nuremberg, Eichmann).

In order to raise public awareness about these issues, but also in order to pass on a fundamental chapter of history, the CIVS contributed to the financing of this exhibition in Germany and to the organisation of its online preview on 3 March 2021 in the reception rooms of the French Institute in Berlin.

The round table on the “Ascq Massacre”

In cooperation with the Gustav-Streeseemann-Institut in Bonn, the CIVS organised and moderated an online round table on 26 June 2021 on the “Ascq Massacre”. It was attended by journalists Julian Feldmann and Robert Bongen, winners of the Franco-German Journalism Prize 2020 for their report on the execution of 86 inhabitants of the town of Ascq on 1 and 2 April 1944 in retaliation for action by the Resistance. The historians specialising in National Socialism, Andrea Erkenbrecher and Christian Kuchler, and the Director of the Arolsen Archives, Floriane Azoulay, were also present.

In particular, the discussions focused on the role of the archive in the construction of the collective memory, the testimony of former Nazis, and the role of remembrance in reconciliation processes.

Screening of the film “Les Eaux du Boug” and discussion on remembrance issues

Directed by author and documentary filmmaker Marc Sagnol, the film “*Les Eaux du Boug*” is an account of both the life of Paul Celan, whose poetry is inextricably linked to the Holocaust, and the history of the deportation of Jews from Transnistria. The event was a contribution of the French authorities to the cultural events dedicated to the jubilee of 1700 years of Jewish life in Germany in 2021.

Organised by the CIVS, the screening was attended by the French Ambassador to Germany and the Minister-President of Thuringia, then President of the *Landtag*.

The discussion that took place after the screening between the director and the Minister-President made it possible to situate the memory of the Holocaust in German political culture, and to remember that Jewish life had, at the heart of the European basin, contributed for several centuries to forging deep cultural links between France and Germany. Paul Celan’s poetry, understood as a reaction to the Holocaust but



also as a result of European cultural and linguistic crossroads, appeared as a common denominator in an evening with the theme of remembrance initiatives through art.

The evening for “75 Years of Peace in Europe”

On 28 October 2021, the evening for “75 Years of Peace in Europe” was held in Berlin, organised by the CIVS in cooperation with the French Embassy in Germany. Aimed at young people, the event was intended to stimulate thinking on the future of remembrance initiatives.

During the official reception of the Franco-German Youth Orchestra at the Embassy, the CIVS and its partners presented the podcast “Les voix françaises de Flossenbürg” produced by students of the Franco-German course at the University of Regensburg.

Under the direction of professor and novelist Isabella von Treskow, a team of young musicians and students read testimonies of former deportees on stage, before answering questions from Sonia Combe, historian at the Marc Bloch Centre and specialist in the history of concentration camps. The exchanges highlighted the keen interest of the young participants in remembrance initiatives.

The evening was also dedicated to the former deportees and their families, as the guest of honour of the CIVS was Fabrice Hernandez, President of the French association of former deportees from the Flossenbürg camp.

The evening for “75 Years of Peace in Europe” was supported by the European Commission.

Music in the Gurs camp“ concert

As an extension of the partnership established in 2018 by the CIVS with the House of the Wannsee Conference memorial, the Commission organised a concert entitled “Music in the Gurs camp” on 3 November 2021 in the reception rooms of the French Embassy in Germany.

Conceived by the pianist and historian Méлина Burlaud, in cooperation with the soprano Claire Beaudoin, the concert illustrated the links between art and remembrance.

By playing pieces composed and performed by Jewish deportees from the Gurs camp, as well as some musical pieces banned by the Nazi regime for anti-Semitic reasons, the musicians paid tribute to the memory of the deportees while inviting the public to reflect on this little-known chapter in the history of the Holocaust.

This original approach moved and captivated the audience including experts and students on the Franco-German course of the Sophie Scholl Secondary School in Berlin.

Support for the series of presentations proposed by Frédéric Brun about his novel *Perla*

From 9 to 12 November 2021, in cooperation with the French Institute, the CIVS supported a series of presentations given by the author Frédéric Brun in Saxony about his novel *Perla*, which recounts the life of his mother, an Auschwitz survivor.

The critically acclaimed novel deals with the intergenerational transmission of the trauma of deportation. It is also a powerful testimony of the Holocaust and a reflection on the impact of deportation on family and societal relations in post-war France.

Thanks in particular to the support of the CIVS, Frédéric Brun has successively presented his work in Leipzig, Dresden and Chemnitz.



CONFÉRENCE & CONCERT
La musique au camp de Gurs
Un ultime refuge
Mercredi 3 novembre à 17h30
AMBASSADE DE FRANCE EN ALLEMAGNE



KONFERENZ & KONZERT
Musik im Lager Gurs:
Der Glaube an das Schöne
hinter Stacheldraht
Mittwoch den 3. November um 17.30
FRANZÖSISCHE BOTSCHAFT IN BERLIN



© French Institute in Germany

Representations and support in Germany of French associations of former deportees

In 2021, the CIVS once again helped support the families of former deportees on their trips to Germany. The Commission thus welcomed the French associations of Ravensbrück and Sachsenhausen to the French Embassy in Germany.

Although most of the ceremonies were cancelled in 2021 due to the health situation, the CIVS was present to represent the State at the commemorations of Bois de Below (Death March in the Below Forest), in Sachsenhausen on 13 October, for the liberation of the Berlin-Lichterfelde concentration camp, and with the French Ambassador on 8 May in Potsdam to commemorate the end of World War II.

ADDITIONAL RESOURCES ALLOCATED TO THE PROCESSING OF APPLICATIONS

116

is the number of new cases
recorded by the Commission in 2021.

46

for material spoliations

26

pour des spoliations bancaires

44

for bank-related spoliation

More than twenty years after its creation, the Commission continues to record almost 10 new cases per month. These cases are often more complex than those it examined in its first decades of existence:

- > The cases specifically related to cultural property require the CIVS and Ministry of Culture to carry out extensive research on these stolen objects.
- > The time spent further complicates the work of identifying heirs.

To cope with these developments, the CIVS has allocated new resources to the processing of applications.

A public contract for archival research

When a case is opened at the CIVS, the first step is to carry out archival research to try to find out what was stolen and what compensation has already been awarded.

In 2021, the Commission entered into an innovative contract for conducting these searches in the collections of the National Archives and the Paris Archives. It is a multi-awarded contract: there are three independent researchers.

This is a partial outsourcing - Commission staff continue to conduct this research - but because of the importance of this phase, the CIVS has been particularly careful in selecting service providers and in monitoring their performance throughout the contract, which also includes very strict confidentiality clauses. The CIVS would like to thank the directors of the National Archives and Paris Archives for the facilities made available to the researchers since the beginning of the contract. A further contract is planned for 2022.

Reinforcement of the Research Coordination Department

The Research Coordination Department is responsible for recording and analysing applications sent to the CIVS. It determines and coordinates the required research and initiates the identification of heirs. Since 2021, it has also been responsible for bank investigations. The development of the activity has led to the creation of two posts within this service: one for the management of cases, the other for research in the archives.

A NEW PRINCIPAL RAPPORTEUR TO THE COMMISSION

By order of the Minister of Justice, dated 20 September 2021, Ms Claude Bitter, Prosecutor at the Paris Court of Appeal, was appointed to the position of Principal Rapporteur for the CIVS. This appointment came at the end of her predecessor's ten-year term.

Remit of the Principal Rapporteur

Article 3 of Decree no. 99-778 establishing the CIVS states that the Principal Rapporteur, like the rapporteurs, is appointed from among the judges of the regular court system and members of the administrative court system. While Articles 1-2, 1-3, 4, 5 and 6 of the Decree specify the remit of the rapporteurs, who investigate the cases, carry out the necessary verifications and all investigative measures, formulate reasoned proposals in a report, and report on their work to the Principal Rapporteur, the text does not define the Principal Rapporteur's remit, except to mention that she decides, in the same way as the President, whether to refer cases to the plenary session when she considers it appropriate (Article 8-1). This lack of definition has made it possible through practice to outline the Principal Rapporteur's remit and develop it to meet the Commission's needs and new missions in terms of cultural property resulting from Decree No. 2018-829 of 1 October 2018.



The Principal Rapporteur visits
the German archive centres
© CIVS

It is easy to understand from the aforementioned provisions of the decree that the Principal Rapporteur coordinates and supervises the work of the rapporteurs with whom she is appointed. However, since the Principal Rapporteur is in contact with several departments, she has to be involved at other stages of the procedure.

The central place that the Principal Rapporteur occupies in the system means that she is involved in the Commission's strategic choices.

Organisation of the Rapporteurs' Department

As guarantor of the quality of the content of reports and the coherence of the proposals, the Principal Rapporteur is also responsible for the length of time it takes to investigate cases so that the Commission can make a decision within a reasonable time frame.

The more stringent requirements for a statement of reasons associated with the development of the adversarial principle, the application of rules concerning the devolution of estate, which have become more prevalent over the years, as well as the new issues relating to cultural personal property, are important challenges that the Principal Rapporteur must address. Her support for the rapporteurs is essential at a time when the cases are becoming more complex: the Principal Rapporteur must encourage exchanges, identify avenues for reflection likely to feed the discussion before the Panel, share the recommendations in principle made by the Commission, and provide information on the outcome of any appeals before the administrative court, etc. The appointment of two rapporteurs for the same case for the most complex cases is also a means at her disposal to enhance the proposals.

More generally, the power of appointment that belongs to the Principal Rapporteur allows her to adjust the workload of each rapporteur in the light of the difficulties of the cases and the time required for their investigation



With the French Ambassador to Germany.
© CIVS

The departments' contact person

Very early in the investigation phase, the Principal Rapporteur, consulted by the Research Coordination Department (SCR), may have to rule on the admissibility of a referral in the light of the jurisdictional criteria set out in the Decree of 10 September 1999. Exchanges with the SCR leader may also take place to discuss research priorities and their direction. Consultation with the Hearings Secretariat makes it possible to match the scheduling of hearings with the expected submission of reports.

With the Decree of 1 October 2018, the Principal Rapporteur has become the main contact of the Ministry of Culture's Mission for Research and Restitution: she proposes the appointment of rapporteurs to the Head of this Mission, is present at the handover of the Mission's summary notes and participates in the quarterly interdepartmental meetings.

In direct contact with the various departments, the Principal Rapporteur has interdepartmental knowledge of the Commission's work. She is involved in department decisions, together with the Chairman and the Director. She also represents the Commission in France and abroad.

NEW TOOLS, NEW METHODS

Teleworking at CIVS

The health crisis in spring 2020 provided an opportunity to consider the possibilities of carrying out certain functions remotely. For the CIVS, the difficulty was mainly reconciling them with the security and confidentiality requirements attached to processing the personal files entrusted to us.

With this in mind, the Commission committed to the implementation of permanent teleworking in autumn 2021, in accordance with the circular of the Minister of Public Sector Transformation and the Civil Service dated 26 May 2021. Each staff member concerned was thus able to consider with their line manager the possibility of performing their duties remotely, and the limits and consequences in terms of the department's organisation.

At the end of the annual campaign, four teleworking authorisations were issued for a one-year period: two for regular teleworking of one fixed day per week; two others for one-off teleworking corresponding to floating days, up to a limit of 46 days per year.

The results of this initial implementation of teleworking at the CIVS will determine the authorisations that will be given at the end of the 2022 annual campaign.

A Commission accessible to the deaf and hard of hearing

Since 21 June 2021, the CIVS has been connected to the inter-ministerial system for access to government telephone services for the deaf and hard of hearing, in accordance with Article 105 of the law for a digital Republic. Since that date, a claimant who is deaf or hard of hearing can reach the CIVS telephone reception desk via the Acceo service <https://www.acce-o.fr/client/civs>

Developed thanks to the information systems division of the Prime Minister's office and the service provider Acceo, this solution had already been adopted in the Prime Minister's departments by the Matignon standard and by the compensation committee for victims of nuclear testing (CIVEN). Two Commission staff members responsible for telephone reception received training from the service provider.

CIVS RESOURCES IN 2021

16 permanent staff members

68 %

of the Commission's staff are on civil service contracts

46 years

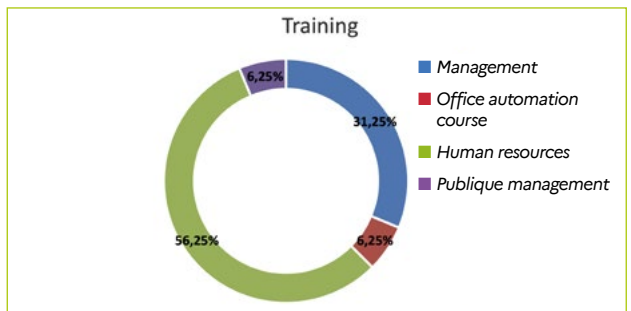
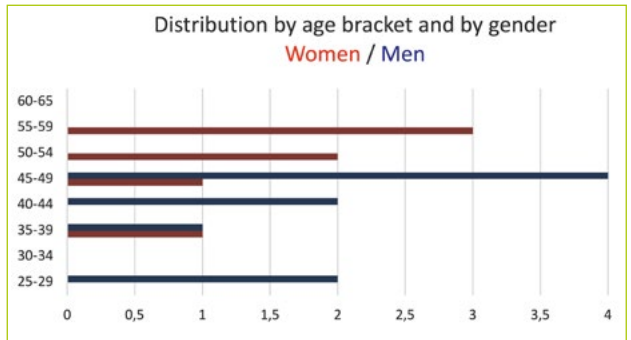
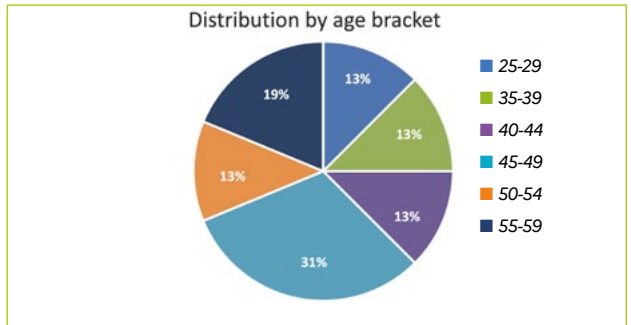
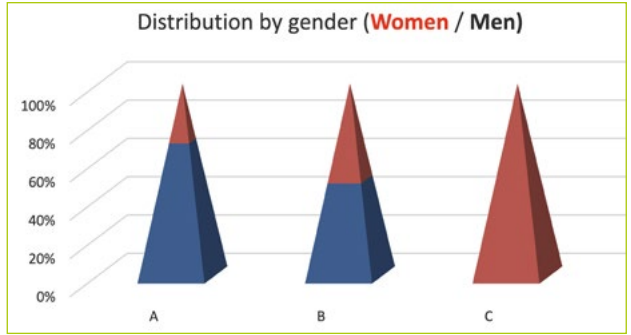
is the average age of the workforce

44%

of CIVS staff are women

16 training sessions

provided to CIVS staff in 2021



The Commission's rapporteurs

In 2021, nine judge-rapporteurs were placed under the authority of the Principal Rapporteur:

- > 4 women
- > 5 men

Six from the regular court system and three from the administrative court system.

Deliberative Panel members

There are 14:

- > 7 men
- > 7 women

Since the Decree of 1 October 2018, the Deliberative Panel, initially made up of ten members, with equal representation of men and women since 2017, has been enhanced with four experts in the fields of art history, the art market, history of World War II and heritage law. They were reappointed by decree of the Prime Minister on 8 April 2022.

CIVS budget

STAFF EXPENSES		
	Budget allocation	€1.48 m
	Budget used	€1.24 m
	<i>in Paris</i>	€1.12 m
	<i>in Berlin</i>	€0.12 m
	Employment ceiling	16 FTE
OPERATING EXPENSES		
	Budget allocation	€0.32 m
	Budget used	€0.3 m
INTERVENTION EXPENDITURE (COMPENSATION APPROPRIATIONS)		
	Budget allocation	€6 m
	Budget used	€5.2 m

APPENDICES

APPENDIX 1

Report on the amounts recommended from the creation of CIVS to 31 December 2021

COMPENSATION FOR MATERIAL SPOLIATION:

€530,435,744

COMPENSATION FOR BANK-RELATED SPOLIATION:

€56,126,118

This amount can be broken down as follows:

> Escrow Account – Fund A: €15,660,139 + €3,962,954 (in respect of Fund B since October 2008)
= €19,623,093€

> Fund B: €24,080,820 (October 2008 official figure)

i.e. **€43,703,913** charged to banks, plus **€1,647,323** for reserved portions not yet paid out (source: Caisse des dépôts et consignations and the FSJU (United Jewish Welfare Fund))

Plus the amounts allocated by the State for bank-related spoliation: **€10,774,882**

THE TOTAL COMPENSATION PAID OR TO BE PAID THEREFORE AMOUNTS TO:

€541,210,626 by the State

€45,351,236 by the banks

APPENDIX 2

Organisation of the CIVS as of 31 December 2021

EXECUTIVE BRANCH OF THE COMMISSION:

- > Chairman: **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: **Jérôme BÉNÉZECH**, Senior State Officer
- > Principal Rapporteur: **Ms Claude BITTER**, Honorary Prosecutor at the Paris Court of Appeal

MEMBERS OF THE DELIBERATIVE PANEL

- > **Claire ANDRIEU**, University Professor at the Paris Institute of Political Studies
- > **Jean-Pierre BADY**, Honorary Master Auditor of the Court of Accounts
- > **François BERNARD**, Honorary State Counsellor, Vice-Chairman of the Commission
- > **Janine DRAI**, Qualified Expert
- > **Frédérique DREIFUSS-NETTER**, Counsellor at the Court of Cassation
- > **Anne GRYNBERG**, University Professor
- > **Michel JEANNOUTOT**, Honorary Advisor to the Court of Cassation, Chairman of the Commission
- > **Catherine PÉRIN**, Master Auditor at the Court of Accounts
- > **Xavier PERROT**, University Professor at the Limoges Faculty of Law and Economics
- > **Dominique RIBEYRE**, Auctioneer
- > **Ines ROTERMUND-REYNARD**, Art Historian
- > **David RUZIÉ**, University Professor Emeritus
- > **Laurence SIGAL**, Qualified Expert
- > **Henri TOUTÉE**, Council of State Division President

GOVERNMENT COMMISSIONER

- > **Bertrand DACOSTA**, State Counsellor

JUDGE-RAPPORTEURS

- > Jean-Pierre MARCUS, Judge of the regular court system
- > Christophe BACONNIER, Judge of the regular court system
- > Chantal DESCOURS-GATIN, Judge of the administrative court system
- > François GAYET, Judge of the administrative court system
- > France LEGUELTEL, Judge of the regular court system
- > Ivan LUBEN, Judge of the administrative court system
- > Jean-Pierre MARCUS, Judge of the regular court system
- > Marie-Hélène VALENSI, Judge of the regular court system
- > Sophie ZAGURY, Judge of the regular court system

DEPARTMENT STAFF

Administrative and Financial Manager

- > Nathalie LECLERCQ

Claims Examination and Review

Research Coordination Department

- > Clément CANDON (manager)
- > Isabelle RIXTE
- > Clément MARAL

Hearings Secretariat

- > Sylviane ROCHOTTE (manager)
- > Emmanuel DUMAS
- > Matthieu CHARMOILLAUX
- > Catherine CERCUS
- > Myriam DUPONT

Supervision Unit

- > Richard DECOCQ
- > Stéphane PORTET

Claimant Communication and Support

Claimant Support

- > Myriam DUPONT
- > Nathalie ZIHOUNE

Digital communications

- > Richard DECOCQ

Secretary's Office

Chair

> **Catherine CERCUS**

Director

> **N.A.**

Principal Rapporteur

> **Myriam DUPONT**

Rapporteurs

> **Nathalie ZIHOUNE**

Government Commissioner

> **Catherine CERCUS**

Archive Search Units

National Archives

> **Matthieu CHARMOILLAUX**

Berlin Archives

> **Julien ACQUATELLA** (manager)

> **Sébastien CADET**

> **Coralie VOM HOFE**

The CIVS would also like to thank the trainees hosted in 2021 for the quality of their work: Héroïse DE BAUDUS and Raphaëlle BRACQ.

APPENDIX 3

Selection of recommendations for 2021

- > Recommendation No. 5446 M-5446 BCM of 12 February 2021
- > Recommendation No. 24582 BCM of 17 May 2021
- > Recommendation No. 24491 BCM of 22 July 2021
- > Recommendation No. 24606 BCM-REST of 6 September 2021
- > Recommendation No. 24613 BCM-REST of 4 October 2021
- > Recommendation No. 24603 BCM-REST of 4 November 2021
- > Recommendation No. 24620 BCM-REST of 15 November 2021
- > Recommendation No. 24649 BCM-REST of 5 October 2021

Recommendation 5446 M – 5446 BCM

THE COMMISSION,

Meeting in plenary session;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3-1 of said Decree;

Having regard to the application, dated 1 April 2001, submitted by Mrs A., born on ... in ..., now deceased, acting in her personal name and as the heir of her father, Georges Mandel, Minister of the Republic, assassinated by the Militia;

Having regard to the letter from the Principal Rapporteur, dated 13 February 2002, by which the Commission provisionally closed this application as it had not received the introductory questionnaire of the application sent to Mrs A.;

Having regard to the reactivation of the application decided on in December 2017, following the request of Mr B., President of the Société des Amis de ..., son of ..., Principal Secretary of Georges Mandel; application taken over by Mrs C. successor to the rights of her mother, Mrs A., who died in 2003;

Having regard to the statutory declaration, dated 23 October 2018, drawn up by Maître

..., Notary and Partner at the Société Civile Professionnelle, ..., with a business address at ..., from which it appears that Mrs A., divorced in the first marriage from ..., wife in the second marriage of Mr D., born on ... in ..., residing at ..., heir to everything of her father, Georges Mandel, left as heirs, with equal shares, her daughter, Mrs C., the claimant and her husband Mr D.;

Having regard to the resumption of this application by Mr D. following the death of Mrs C. on ...;

Mr D. acting as the spouse entitled to succeed, is represented by Maître ..., whose office is at ...Paris;

Having regard to the deed of acceptance of the estate of Mrs C. drawn up on 25 September 2020 by Maître ..., Notary, practising at ..., by which Mr E., born on ... in ..., residing at ..., in his capacity of universal legatee appointed by a notarised will dated 5 November 2019, accepts, with liability for estate debts limited to the net assets (known as benefit of inventory), the estate of Mrs C.;

Having regard to the e-mail dated 21 January 2021, sent to the Commission, in which Mr E., neither assisted nor represented, involved himself in this application;

Having regard to the research undertaken by the Diplomatic Archives of the Ministry for Europe and Foreign Affairs, by the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945, and by the Commission for the Compensation of Victims of Spoliation;

Having regard to the letter dated 24 February 2020 from the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 addressed to the Principal Rapporteur of the Commission for the Compensation of Victims of Spoliation;

Having regard to the last report by Mr AUGUSTIN, Rapporteur, dated 4 January 2021;

Having regard to the statement of Maître ..., dated 10 February 2021, drawn up in the interests of Mr D.;

Having heard the report of Mr AUGUSTIN, Rapporteur, and read the written observations of Mr DACOSTA, Government Commissioner;

Mr E. was informed of the date of this hearing.

Mr D. and his counsel, Maître ..., appeared before the Commission to make their observations known.

Firstly, it should be noted that the Commission was informed by the Stiftung Preußischer Kulturbesitz, a cultural foundation based in Berlin (10785 - Germany), Von der Heydt, Straße 16-18, of the existence in its collections at the Berlin State Library and Dresden University Library of three books that belonged to Georges MANDEL stolen from his library in PARIS when his apartment was looted by German soldiers in August 1940. These are the following works:

- “De l’Alsace à la Flandre. Le mysticisme linguistique” by René GILLOUIN;
- “Syrie terre irrédente. L’histoire secrète du traité franco-syrien” by Marcel HOMET;
- “Air-Afrique. Voie impériale” by Gaston BERGERY;

As the Foundation expressed its unreserved intention to return these works to Georges Mandel’s heirs, the Commission therefore invited the claimants and the Foundation to contact each other in order to mutually agree on the terms and conditions of these restitutions, with the claimants assuming responsibility for sharing these works between them.

Secondly, according to the evidence on file, corroborated by the statements of the claimants and Maître ..., it appears that Georges Mandel was the victim of spoliation as a result of the anti-Semitic legislation in force during the Occupation, namely:

- the looting of personal property with museum value, including the artworks, in the home occupied by Georges Mandel, his partner ... and his daughter Mrs A., at 67 Rue Victor Hugo, Paris (16th arrondissement),
- the looting of basic household effects at the home with the same address,
- the looting of Georges Mandel’s library, which was located there,
- the confiscation of gold bars that Georges Mandel had on him at the time of his arrest,
- the confiscation of the possessions and valuables that Georges Mandel must have had on him at the time of his internment in the Buchenwald camp and then in the Prison de la Santé before being murdered by the Militia in Fontainebleau forest.

It should be clarified that the nature and quality of the spoliated property preclude any distinction between cultural and so-called material property, with the result that the Commission is obliged to give its ruling in one single opinion.

The research carried out and the results of this research, which are on file, reveal that Georges Mandel’s apartment, located at 67 Avenue Victor Hugo, Paris (16th arrondissement), was looted as early as August 1940, at the request of Otto Abetz, the ambassador of the Third Reich in France; in January 1941, 45 boxes of unidentified objects were removed from the apartment; as of 9 April 1941, the Rassemblement National Populaire [National Popular Rally] set up its headquarters there and the rest of the apartment’s contents were entirely moved out in early December 1942;

In particular, 14 paintings were stolen by the occupying troops, transported to the Reich embassy in Paris and most probably sent to Germany, while art objects from Georges Mandel’s collection were listed in the inventories of the Einsatzstab Reichsleiters Rosenberg (E.R.R.).

Mrs A., daughter of Georges Mandel and a minor at the time, represented by her guardian ..., took various steps during the immediate post-war years seeking the restitution of his spoliated property from the French and German authorities. She drew up an inventory on 31 October 1944.

It contained many valuable, even very valuable, objects (antique or period furniture, antique tapestries, sculptures, a library of 15,000 or 17,000 books according to the documents, stamp collections, silverware, jewellery and a Pleyel upright piano) and in particular artworks, some of which were signed by leading artists (BOUCHER, COURBET, UTRILLO, ROSA BONHEUR, PANNINI, TENIERS, RODIN, CANALETTO), as well as a large quantity of documents and archives.

Although some property was returned between 1946 and 1950, the restitutions mainly concerned furniture (two inlaid chests of drawers, a Chinese screen, two tapestries, one from Flanders (18th century) “Enfant cueillant des fleurs” and the other from Aubusson “Animaux et architectes”), around 300 books and various “painted works” (in particular a painting designated as follows: “École flamande XVIIème- La galerie des tableaux” attributed to David TENIERS, two large canvases by PANNINI entitled “Ruines et personnages”, a “portrait de femme assise” by BONVIN, a “portrait d’Astruc” by Carolus Duran, and a seascape by Isabey), as well as boxes of archive papers.

The reality of this looting was recognised after the war by the French authorities, which awarded compensation for war damage of FRF 887,100, and by the German authorities, which, in application of the Brügg Act, awarded compensation of DEM 1,900,000, approved by the German Restitution Offices in June 1960, paid in three instalments between 1961 and 1968, with interest on arrears.

Mrs A. received in total the equivalent of €3,699,110 after conversion to current value.

In her initial application to the German authorities in 1959, she had estimated the replacement value of the looted property at DEM 5,480,000, or €11,481,600 after conversion, but then claimed total compensation of FRF 197,164,000, i.e. DEM 2,366,308, or €4,593,004 after conversion, on the basis of the estimate made by Maître Maurice RHEIMS in 1959 at the earliest.

Regarding the method used to calculate the compensation, it should be noted that the German authorities did not base it either on the lump-sum method that they usually used or on the amount covered by any insurance policy that Georges Mandel might have taken out before the war.

It is highly likely that the German authorities followed the valuation of Maître Maurice RHEIMS for the property in the inventory produced by Mrs A. and the expert’s valuation of the stamp collections. The books belonging to Georges Mandel were not included in these valuations.

Consequently, the Commission considers that the compensation paid did not fully compensate the damage suffered. Since the compensation paid by the German authorities under the Brügg Act necessarily covered a very large proportion of the artworks, the compensation already paid in this respect should be supplemented. The Commission therefore retains the expert valuations as relevant elements for determining the amounts.

However, the amounts for furniture and artworks already returned should be deducted from this compensation, namely:

- Artworks and tapestries, amounting to €223,545 at current value,
- Two chests of drawers, with a current value of €3,830,
- “Portrait d’une jeune femme assise” by Thomas COUTURE, a canvas returned to Mrs C. in 2019, with a current value of €21,290.

It is also necessary to take into account the valuation of Maître Maurice RHEIMS, which includes the works and objects already returned to Mrs A. several years earlier.

The Commission also considers that Georges Mandel’s library has only been partially returned and that additional compensation should be awarded for this.

Mr B. stated before the Commission that although Georges Mandel was indeed in possession of “two bars of gold” on the day of his arrest in Morocco in 1940, a decision by an investigating judge in Algiers in March 1942 ordered the return of the gold to ...; consequently, there is no reason to grant the application in this respect.

Considering the last head of damage, namely the possessions and valuables that Georges Mandel had on him at the time of his arrest, the Commission considers it fair that compensation be awarded, as no compensation has been paid to date.

Consequently, in the light of the Rapporteur’s investigations, which are detailed in his report and developed during the hearing, it is fair to recommend that the claimants be awarded compensation of €250,000 for all causes of loss (additional library items, additional artworks, additional furniture, and possessions and valuables confiscated at the time of the arrest).

THE COMMISSION IS OF THE OPINION,

1° - That Mr E., as universal legatee of Ms C., and Mr D. should be recognised as heirs of a victim of spoliation arising from anti-Semitic legislation during the Occupation;

2° - That total compensation of €250,000 be awarded, with the sum to be distributed as follows:

- ½, i.e. €125,000 to Mr D.,

- ½, i.e. €125,000 to Mr E.;

NOTES that the recommendation will be transmitted, for information, to the Cultural Foundation Stiftung Preußischer Kulturbesitz, located in BERLIN (10785 - GERMANY), Von der Heydt, Straße 16-18, either to:

- Hermann PARZINGER, President of the Foundation,

- Carola THIELECKE, Head of Legal Affairs,

- Jana KOCOUREK, Manuscript Department.

NOTES that the claimants will have to personally handle any sharing of the compensation awarded with any known or future heirs.

NOTES that this recommendation will be transmitted to the Prime Minister's office and notified

- to the claimants,

- to Mr B.,

- to Maître

➤ The Ministry for Europe and Foreign Affairs was represented by Mr CHAUFFOUR,

➤ The Ministry of Culture was represented by Ms CHASTANIER.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr TOUTÉE - Mr BADY - Mr RUZÍÉ - Ms DRAI - Ms ANDRIEU - Ms ROTERMUND-REYNARD - Mr RIBEYRE

Paris, 12 February 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Recommendation 24582 BCM

THE COMMISSION,

Meeting in plenary session on 9 April 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3-1 of said Decree;

I. The facts

Armand DORVILLE, a lawyer, collector and well-known art lover, left his Parisian home on Rue Séguier, Paris (6th arrondissement) at an unknown date to take refuge in his property in Cubjac (Dordogne), where he had brought his collection of paintings and artworks. He died on 28 July 1941. Being single and without any statutory heirs, he had, by a will dated 2 May 1939, appointed as universal legatees:

- of one quarter in usufruct, his brother, Charles DORVILLE, his sister, Valentine LION née DORVILLE, his sister, Jeanne LEVY née DORVILLE (widow) and Elia COUCARDON, his housekeeper,
- of one quarter in bare ownership, his niece, Marie-Louise KAHN née LEVY, daughter of Jeanne LEVY née DORVILLE (widow), his nieces, daughters of Valentine LION née DORVILLE, namely: Marie-Thérèse GRADWOHL née LION, Denyse FALK née LION, and Monique TABET née LION.

The executor of the will, Jacques PFEIFFER, a lawyer, organised the auctions intended to enable the delivery of the legacies and any settlement of inheritance tax. These sales took place between May and November 1942 in Nice and Lyon. The estate-related operations were closed after the Liberation, the heirs giving discharge on 7 November 1947.

II. The procedure

By application dated 13 November 2019, Maître ..., acting on behalf of the firm ..., specialising in inheritance-related genealogy and the search for heirs, the latter himself acting in the capacity of representative for the descendants of Armand DORVILLE' legatees, referred the matter to the CIVS seeking:

- the cancellation of the auctions on the basis of the provisions of the Order of 21 April 1945
- the restitution of the following artworks:
 - Eugène Delacroix, *Tête de Lionne*, REC, Louvre
 - Constantin Guys, *Jeune Femme et sa duègne*, Orsay
 - Constantin Guys, *Présentation du visiteur*, Orsay
 - Constantin Guys, *Cavaliers et amazones*, Orsay
 - Constantin Guys, *La loge de l'Empereur pendant une représentation de Mme Viardot dans « Orphée »*, Orsay
 - Constantin Guys, *Revue aux Invalides par l'empereur Napoléon III*, Orsay
 - Henry Monnier, *Portraits of Joseph Prudhomme and Henry Monnier*, Louvre
 - Henry Monnier, *Les trois matrones*, Louvre
 - Henry Monnier, *Les visiteurs*, Louvre
 - Henry Monnier, *Une soirée chez Mme X*, Louvre
 - Jean-Louis Forain, *Femme à la terrasse Fleurie*, Orsay
 - Pierre-Jules Mène, "L'Amazone/Présumée être S.M l'impératrice Eugénie", Compiègne
 - Camille Roqueplan, *La diligence en danger*, Louvre
 - Constantin Guys, *Le prédicateur*, Troyes
 - Jean-Louis Forain, *L'Anglais au promenoir*, Troyes
 - Émile Cross, *Étude de femme*, Troyes

- Édouard Vuillard, *Le bibliophile / La lecture*, Nice
- Adolphe Hervier, *Drawing of 5 April 1871 / Place à Coutances*, Dijon
- Édouard Vuillard, *Étude diverses partie haut à droite / Fleurs en pot*, Orsay
- Félix Vallotton, *Portrait of Octave Mirbeau*, Grenoble

to the heirs of Armand DORVILLE, claimants, represented by ..., namely:

1/ Branch of Marie-Louise KAHN née LEVY, daughter of the above-named Jeanne LEVY née DORVILLE (widow):

- her daughter, Mrs A., born on ... in ...,
- her daughter-in-law, Mrs B., born on ... in ..., as the spouse entitled to succeed her son, ...,
- her grandchildren, daughter and son of the above, namely:
 - Ms C., born on ... in ...,
 - Mr D. born on ... in ...,

2/ Branch of Félix FALK, widower in the first marriage of the above-mentioned Denyse LION, husband in the second marriage of ...:

- his son, Mr E., born on ... in ...,
- his daughter-in-law, Mrs F., born on ... in ..., as the spouse entitled to succeed his son ...,
- his grandchildren, daughter and son of the above, namely:
 - Ms G., born on ... in ...,
 - Mr H., born on ... in ...,

3/ Branch of Marie-Thérèse GRADWOHL née LION, who had no children and died in 1995, leaving the following heirs, unless there are testamentary provisions that are unknown to this day, namely:

- on her father's side
 - Mr I., born on ... in ...,
 - Ms J., born on ... in ...,
- on her mother's side
 - Mrs A., mentioned above,
 - Mrs B., widow of Mr KAHN, mentioned above,
- Ms C., mentioned above,
- Mr D., mentioned above.

These claimants are acting as beneficiaries of:

- Jeanne LEVY née DORVILLE,
- Marie-Louise LEVY, divorced from Mr KLEIN and then married Mr KAHN,
- Charles DORVILLE,
- Valentine LION, née DORVILLE who died during deportation,
- Marie-Thérèse GRADWOHL née LION,
- Denyse FALK, née LION who died during deportation,
- Dominique FALK, who died during deportation,
- Monique TABET née LION, who died during deportation,
- Marie-France TABET, who died during deportation.

The beneficiaries of two legatees of Armand DORVILLE are absent and not represented, namely:

- ..., universal legatee of Charles DORVILLE, brother of Armand DORVILLE,
- Elia COUCARDON, Armand DORVILLE's housekeeper.

III. The investigation of the case

The investigation of the application gave rise to the investigations set out in:

- the summary note, dated 29 September 2019, drawn up by the Ministry of Culture's Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), accompanied by a list of prices of the works sold,
- the reports of Ms ZAGURY and Mr AUGUSTIN, rapporteurs at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

At the end of the investigation, Maître ... and Mr DACOSTA, Government Commissioner, submitted their written observations.

Informed of the hearing of 9 April, Mrs A., appeared with her representative, Mr X., and his counsel, Maître

The Commission heard the two judge-rapporteurs, the Director of the Diplomatic Archives representing the Ministry for Europe and Foreign Affairs and the Director-General for Heritage and Architecture representing the Ministry of Culture, the Government Commissioner, then the claimant, her representative and his counsel.

The Commission considers the following to be established:

the research carried out and the results on file indicate that Armand DORVILLE, a well-known Parisian lawyer and wealthy collector, died unmarried and without any children in CUBJAC (Dordogne) on 28 July 1941. As part of his estate organised according to his last wishes, steps were taken by his heirs in PARIS and PÉRIGUEUX and resulted in an order giving authority to take possession on 26 November 1941 without any reference to Armand DORVILLE's Jewishness and despite the notaries' obligation to verify this point in relation to the anti-Semitic legislation that was in force.

Jacques PFEIFFER, a long-time colleague and friend of Armand DORVILLE, appointed executor of the will "with seisin" (possession of real property), had an inventory drawn up of the furniture and paintings in CUBJAC (Dordogne) from 3 to 9 April 1942 and organised the auction.

The sale of the DORVILLE collection, comprising 445 works, entitled "Cabinet d'un amateur parisien", was organised mainly in the south, in NICE (Alpes-Maritimes) at the Hôtel SAVOY by an auctioneer, assisted by the expert acting for the sellers, on 26 May and from 24 to 27 June 1942. Two other sales took place on 1 July (book sale) and 5 November 1942 (original manuscripts) in LYON (Rhône). The total sales amounted to FRF 9,051,915, i.e. €3,195,326 after conversion to current value.

A temporary administrator was appointed under the Law of 22 July 1941 and intervened in June 1942 with a certain amount of confusion, as the Commissariat-General for Jewish Affairs (CGQJ) had been notified at the last minute of the Jewish status of Armand DORVILLE and his heirs, with the temporary administrator even pointing out that he did not have his official notice of appointment on the first day of the second sale, 24 June, and that it was necessary to backdate this appointment.

Although he gave notice of the appointment, the temporary administrator did not intervene in the progress of the sales, he let them take their course. He expressly stated that he respected their organisation at the request of the executor of the will.

However, he stopped the "money" from the proceeds of the sales. He kept the amounts which he refrained from depositing with the Caisse des Dépôts et Consignations (CDC), contrary to the usual procedure, and deposited it in two private accounts in the name of the estate. In December 1942, he sent the CGQJ a request for exemption from the Aryanisation procedure for each of the beneficiaries. This exemption, based on the military credentials and patriotic attitude of several family members during the wars of 1870-71, 1914-1918 and 1939-1940, was granted by the CGQJ in July 1943 on condition that the funds be invested in government bonds. The securities were most probably handed over to the notary between October 1943 and May 1944.

At the time of the Liberation, the surviving heirs of Armand DORVILLE gave Jacques PFEIFFER “full and final discharge without any reservations for all that he had done in carrying out his mission”, and the temporary administrator handed over the accounts to him.

In a letter to the Restitutions Department dated 26 September 1947, the notary in charge of settling the estate stated: “It has not yet been requested to invalidate the sales of movable and immovable property made by the temporary administrator.” The legatees who were aware of this option did not make use of it. In addition, they sold CUBJAC château (Dordogne) in 1946. Marie-Thérèse and Roger GRADWOHL enquired with the relevant bodies after the war to obtain compensation for the spoliations suffered by Valentine LION née DORVILLE, her daughters, Denyse FALK née LION and Monique TABET née LION, and her granddaughters, Dominique FALK and Marie-France TABET, at the time of their arrest in March 1944 and their deportation without return, as well as those resulting from the looting of Armand DORVILLE’s Paris home in December 1943 and their own home in August 1942. The reimbursement of the CGQJ’s levies on the sales was also requested.

IV. The Commission’s opinion

It should be noted that only the regular court system has been given jurisdiction to rule on the application of the Order of 21 April 1945. Therefore, the request to cancel the auctions in question, based on the application of this text, is beyond the scope of the CIVS’ assessment and cannot be accepted.

The auctions, which took place between 26 May and 1 July 1942, were decided on and organised by Jacques PFEIFFER, appointed as executor by his friend and colleague Armand DORVILLE. The executor was appointed “with seisin” (possession of real property) and had thus received complete authority without any prior obligation to obtain the consent of the legatees.

Moreover, as the public auction of Armand DORVILLE’s collection was undoubtedly a means of generating sufficient cash to pay the inheritance tax (more than 45% of the net assets) and distribute the legacies, these sales cannot be considered to be an exorbitant measure under ordinary law. The heirs of Armand DORVILLE who were present were also able to exercise their right to withdraw 46 works considered to be of a family nature, under no duress.

Furthermore, the proceeds from these sales were well above the estimates. As a result, the auctions were organised and conducted without any coercion or violence.

Although the appointment of the temporary administrator the day after the second sale in NICE had no significant impact on the continuation of the auctions as settled by the executor, it did however have the immediate consequence of the proceeds being seized, which were thus made unavailable to the legatees. This Aryanisation measure, decided on and executed under the Law of 22 July 1941, must be considered as spoliation of an anti-Semitic nature within the meaning of Article 1 of the Decree of 10 September 1999 which governs the CIVS.

The consequences of the Aryanisation of the proceeds from the sales were exceptionally made worse by the deportation and extermination of three of Armand DORVILLE’s legatees and two children. These murders and the scattering of the other heirs, which occurred due to anti-Semitic persecution, had the direct consequence, after the Liberation, of unusually prolonging the unavailability of the proceeds from the sales. This situation gives rise to a specific financial loss for which compensation is payable. In the light of the facts of the case, this amount can be set at €350,000.

It is in this troubled context that the State Secretariat for National Education and Youth (Fine Arts, National Museums Directorate) knowingly acquired the following twelve artworks during these sales:

- 1) Constantin Guys, *Jeune femme et sa duègne*, watercolour, for FRF 31,000, recorded under number RF 29334 and the same title;
- 2) Constantin Guys, *La présentation du visiteur*, pen and wash, for FRF 32,000, recorded under number RF 29335 and the title *Présentation de visiteur*;
- 3) Constantin Guys, *Cavaliers et amazones*, pen and watercolour, for FRF 30,000, recorded under number RF 29336 and the same title;

- 4) Constantin Guys, La loge de l'Empereur pendant une représentation de Madame Viardot dans "Orphée", pen and watercolour, for FRF 26,300, recorded under number RF 29337 and the title La loge de l'Empereur;
- 5) Constantin Guys, Revue aux Invalides par l'empereur Napoléon III, pen and watercolour, for FRF 24,000, recorded under number RF 29338 and the title Une revue aux Invalides;
- 6) Henry Bonaventure Monnier, Portraits of Joseph Prudhomme and Henry Monnier, watercolour, for FRF 28,000, recorded under number RF 29339 and the same title;
- 7) Henry Bonaventure Monnier, Les trois matrones, watercolour, for FRF 24,000, recorded under number RF 29340 and the same title;
- 8) Henry Bonaventure Monnier, Les visiteurs, watercolour, for FRF 6,000, recorded under number RF 29341 and the same title;
- 9) Henry Bonaventure Monnier, Une soirée chez Madame X, gouache pen, for FRF 11,500, recorded under number RF 29341 bis and the same title;
- 10) Jean-Louis Forain, Femme à la terrasse fleurie, watercolour, for FRF 40,000, recorded under number RF 29342 and the title Jeune femme debout sur un balcon, contemplant des toits parisiens;
- 11) Pierre-Jules Mène, L'amazone présumée être Sa Majesté l'impératrice Eugénie, original wax, for FRF 12,000, recorded under number C 42.064 and the same title;
- 12) Camille Roqueplan, La diligence en danger, watercolour, for FRF 5,000, recorded under number RF 29333 and the same title.

The Administration knew that these sales were subject to the Law of 22 July 1941, and even intervened directly with the temporary administrator seeking the distribution of the legacies to the museums.

The Commission therefore considers, on the basis of fairness, that these twelve works of art, acquired under the conditions set out above, should not be kept in public collections. However, as the law currently stands, the return of these twelve works to the claimants conflicts with the principle of the inalienability of public property, laid down by the French Heritage Code (Art. L 451-5).

If this obstacle were removed, the Commission would recommend the reimbursement of the sale price received by Armand DORVILLE's heirs for these twelve works, a total amount of FRF 269,800, i.e. €79,294 after conversion, if necessary, by offsetting it with the proposed compensation.

With regard to the other artworks claimed, it is not established whether their buyers knew that the provisions of the Law of 22 July 1941 applied to these sales. There is therefore no reason, in fairness, to allow the claim on this point.

Consequently, in the light of the rapporteurs' investigations, which are detailed in their reports and which were developed during the hearing, it seems fair to award the claimants, the beneficiaries of ... and those of Elia COUCARDON, for the Aryanisation of the proceeds from the sales of the artworks, compensation of €350,000, or €270,706 if the twelve works of art are returned (Constantin Guys, Jeune femme et sa duègne, watercolour, recorded under number RF 29334; Constantin Guys, Présentation du visiteur, pen and wash, recorded under number RF 29335; Constantin Guys, Cavaliers et amazones, pen and watercolour, recorded under number RF 29336; Constantin Guys, La loge de l'Empereur, pen and watercolour, recorded under number RF 29337; Constantin Guys, Une revue aux Invalides, pen and watercolour, recorded under number RF 29338; Henry Bonaventure Monnier, Portraits of Joseph Prudhomme and Henry Monnier, watercolour, recorded under number RF 29339; Henry Bonaventure Monnier, Les trois matrones, watercolour, recorded under number RF 29340; Henry Bonaventure Monnier, Les visiteurs, watercolour, recorded under number RF 29341; Henry Bonaventure Monnier, Une soirée chez Madame X, gouache pen, recorded under number RF 29341 bis; Jean-Louis Forain, Jeune femme debout sur un balcon, contemplant des toits parisiens, watercolour, recorded under number RF 29342; Pierre-Jules Mène, L'amazone présumée être Sa Majesté l'impératrice Eugénie, original wax, recorded under number C 42.064; Camille Roqueplan, La diligence en danger, watercolour, recorded under number RF 29333).

V. Allocation of compensation

It follows from the notarised deeds relating to the account, settlement and division of Armand DORVILLE's estate, drawn up in 1947 and 1950, that the beneficiaries of this estate were:

- Marie-Thérèse GRADWOHL née LION,
- Marie-Louise KAHN née LÉVY,
- Felix FALK,
- Charles DORVILLE,
- Jeanne LÉVY née DORVILLE (widow),
- Elia COUCARDON.

The entitlements of each were set as follows:

- 15/32nds in bare ownership and 5/32nds in full ownership to Marie-Thérèse GRADWOHL née LION,
- 6/32nds in bare ownership and 2/32nds in full ownership to Marie-Louise KAHN née LÉVY,
- 3/32nds in bare ownership and 1/32nd in full ownership to Félix FALK
- 8/32nds in usufruct to Charles DORVILLE
- 8/32nds in usufruct to Jeanne LÉVY née DORVILLE (widow)
- 8/32nds in usufruct to Elia COUCARDON.

For the Commission, the right to compensation is deemed to have been acquired on the day of the spoliation and that, consequently, the compensation awarded is distributed taking into account the rights of each of the above-mentioned beneficiaries.

As the fourth usufructuary, Valentine LION née DORVILLE, was deceased on the day of the estate operations, her rights as usufructuary were extinguished, which resulted in particular in the conversion of the bare ownership rights that her heirs (or their heirs) had derived from Armand DORVILLE's will into full ownership rights.

The heirs of ... TABET, who died in 1946, husband of Monique LION, universal legatee in bare ownership of Armand DORVILLE and who died during deportation, relinquished their rights in the estate.

In this case, the three usufructuaries were all between 50 and 60 years old in 1941, the date their rights as usufructuaries came into being, and the usufruct valuation rate is 50%.

The rights of each of these three usufructuaries reduced to all of the assets bequeathed universally is 8/64ths. The total of their shares is 24/64ths, i.e. 3/8ths of the assets bequeathed universally, which left the other three universal legatees with 5/8ths of the assets bequeathed universally to share in the following proportions: 5/8ths for Marie-Thérèse GRADWOHL née LION, 2/8ths for Marie-Louise KAHN née LEVY and 1/8th for Félix FALK.

Thus the rights of these three other legatees to the assets bequeathed universally were distributed as follows:

- Marie-Thérèse GRADWOHL née LION, was to receive 25/64ths of these assets,
- Marie-Louise KAHN was to receive 10/64ths of the same assets,
- Félix FALK was to receive 5/64ths of these assets.

Marie-Louise KAHN née LEVY was the only daughter of Jeanne LEVY née DORVILLE. Also, as Jeanne LEVY née DORVILLE is deceased, their shares are combined and the total represents 18/64ths.

Based on the rights acquired by the six beneficiaries of the DORVILLE estate appointed in the 1947-1950 deeds, and taking into account the death of Jeanne LEVY née DORVILLE (widow) in 1972, the compensation awarded by the Commission is distributed as follows:

- 1°/ for the branch of Charles DORVILLE (1/8th or 32/256ths of everything), the beneficiaries are the heirs of ... whom he had appointed as his universal legatee,

- 2°/ for the branch of Marie-Louise KAHN née LEVY (18/64ths), the beneficiaries are as follows:
 - Ms A., with 36/256ths,
 - Ms B., whose usufruct is valued at 70% for the time at which her right arose, with 25.2/256ths,
 - Ms C., with 5.4/256ths,
 - Mr D., with 5.4/256ths,
- 3°/ for the branch of Félix FALK (5/64ths), the beneficiaries are as follows:
 - Mr E., with 10/256ths,
 - Ms F., with 6/256ths,
 - Ms G., with 2/256ths,
 - Mr H., with 2/256ths,
- 4°/ for the branch of Marie-Thérèse GRADWOHL née LION (25/64ths) who died in 1995 without any children, the beneficiaries are her heirs who, unless there are testamentary provisions that are unknown to this day, are:
 - on her father's side (25/128ths):
 - Mr I., with 25/256ths,
 - Ms J., with 25/256ths,
 - on her mother's side (25/128ths), the above-mentioned beneficiaries of the branch of Marie-Louise KAHN, namely:
 - Ms A., with 25/256ths,
 - Ms B., with 17.5/256ths,
 - Ms C., with 3.75/256ths,
 - Mr D., with 3.75/256ths.

These latter portions are in addition to the portions fixed above which these beneficiaries derive directly from their own branch, which brings their total shares to:

- 61/256ths for Ms A.,
- 42.7/256ths for Ms B.,
- 9.15/256ths for Ms C.,
- 9.15/256ths for Mr D.,
- 5°/ for the heirs of Elia COUCARDON, 32/256ths.

THE COMMISSION IS OF THE OPINION,

1° - That Ms A., Ms B., Ms C., Mr D., Mr E., Ms F., Ms G., Mr H., Mr I., and Ms J. should be recognised as heirs of victims of spoliation arising from anti-semitic legislation in force during the Occupation;

2° - That compensation of €350,000 (€270,706 if the twelve works are returned) be awarded, with this amount to be distributed as follows:

- 10/256ths to Mr E.,
- 6/256ths to Ms F.,
- 2/256ths to Ms G.,
- 2/256ths to Mr H.,
- 25/256ths to Mr I.,
- 25/256ths to Ms J.,
- 61/256ths to Ms A.,
- 42.7/256ths to Ms B.,

- 9.15/256ths to Ms C.,
- 9.15/256ths, to Mr D.,
- 32/256ths to the beneficiaries of ..., this share being expressly reserved,
- 32/256ths to the beneficiaries of Elia COUCARDON, this share being expressly reserved;

3° - That the twelve works purchased by the National Museums at the June 1942 sale be returned to Armand DORVILLE's beneficiaries, if their inalienability is terminated.

NOTES that the claimants will have to personally handle any sharing of the compensation awarded with any known or future heirs.

REMINDS the parties that this recommendation will be transmitted to the Prime Minister's office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended, and notified to:

- Ms A., residing at ...,
- Ms B., residing at ...,
- Ms C., residing at ...,
- Mr D., residing at ...,
- Mr E., residing at ...,
- Ms F., residing at ...,
- Ms G., residing at ...,
- Mr H., residing at ...,
- Mr I., residing at ...,
- Ms J., residing at ...,
- Mr X., law firm ..., residing at ...,
- Maître ..., residing at ...,

And provided for information to:

- the Director-General for Heritage, Ministry of Culture,
182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs,
3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex,
- the Director of the Musée des Beaux-Arts Jules Chéret,
33 Avenue des Baumettes, 06000 NICE,
- the Director of the Grenoble Museum,
Place Lavalette, 38000 GRENOBLE,
- the Director of the Dijon Musée des beaux-arts,
1 Place du Théâtre, La Nef, 21000 DIJON.

- The Ministry for Europe and Foreign Affairs was represented by Mr CHIBAEFF,
- The Ministry of Culture was represented by Mr HÉBERT.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Mr TOUTÉE - Ms DREIFUSS-NETTER - Mr BADY - Ms SIGAL - Ms DRAI - Ms ROTERMUND-REYNARD - Ms ANDRIEU - Mr RIBEYRE - Mr PERROT.

Paris, 17 May 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Recommendation 24491 BCM

THE COMMISSION,

Meeting in plenary session on 18 June 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3-1 of said Decree;

I. The facts

Anna AFTALION née MODIANO (widow), was in a comfortable financial situation in the Plaine-de-Monceaux district, due to the position of her husband, a former jewellery dealer, and the income from his business, the “Jessane” lingerie shop, located in the Arcades du Lido, near the Champs-Élysées. She had a collection of master paintings and antique furniture.

At an unknown date, she left her Parisian home at 35 Bis, Rue Jouffroy in PARIS (17th arrondissement), to take refuge in NICE in the southern zone with her two children, René and Régine. Agents of the Einsatzstab Reichsleiters Rosenberg (E.R.R.) looted their home in 1943.

II. The procedure

By application dated 20 July 2018, Ms A., born on ... in ..., residing at ..., and acting on her own behalf, applied to the CIVS for compensation for the following works of art:

- an 18th century royal tapestry from Beauvais, 2.40 x 1.80 m, representing a hunting scene based on the model of a famous Flemish painter,
- a library of 450 books consisting of rare works and beautiful editions of art books with lithographs and colour prints,
- an oil on canvas by Paul SIGNAC, “Paysage Champêtre”, 66 x 36 cm, 1907
- an oil on canvas by Paul SIGNAC, “Jardin de St. Raphael”, 48 x 34 cm, 1907,
- four watercolours by Paul SIGNAC,
- an oil on canvas by Camille PISSARO, “Sous-Bois à Fréjus”, 58 x 42 cm, 1896,
- an oil on canvas by Camille PISSARO, “Pastel”, 50 x 40 cm, 1896,
- an oil on canvas by Alfred SISLEY, “Bords de rivière”, 62 x 46 cm,
- two watercolours by Johan Barthold JONGKIND
- an oil on canvas by Raoul DUFY, “l’hôtel de la gare” 55 x 32 cm, 1906,
- an oil on canvas by Maurice de VLAMINCK, “Fleurs”, 46 x 36 cm,
- two Qianlong-period porcelain horses, height 26 cm,
- five coral objects, height approx. 26 cm

for herself and the descendants of Anna AFTALION née MODIANO (widow), the claimants, whom she represents by virtue of the powers given for this purpose, namely:

- her father, Mr B., born on ... in ..., residing at ...,
- her sisters:
 - Ms C., born on ... in ..., residing at ...,
 - Ms D., born on ... in ..., residing at ...,
 - Ms E., born on ... in ..., residing at ...

All five are entitled to the rights of their wife and mother, ..., daughter of Régine ... née AFTALION, herself the daughter of the aforementioned Anna AFTALION née MODIANO (widow),

- her first cousin, Ms F., born on ... in ..., residing with her mother, Ms X., also representing her in the procedure. Ms F. is the successor to her father, ..., the adopted son of René AFTALION, himself the son of the aforementioned Anna AFTALION née MODIANO (widow).

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the study of the sale prices of the artworks, dated 21 January 2019, drawn up by the former Cultural Personal Property Department of the CIVS,
- research undertaken by the Diplomatic Archives of the Ministry for Europe and Foreign Affairs and by the Commission for the Compensation of Victims of Spoliation,
- the observations dated 31 March 2021, of the Ministry of Culture's Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur of the CIVS,
- the report of Ms ZAGURY, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture,
- the observations of Mr DACOSTA, Government Commissioner.

At the end of the investigation, Ms A. submitted her written observations dated 26 April 2021.

The claimants were informed of the hearing of 18 June.

Ms A. and her sister Ms C. appeared before the Commission to make their observations known.

The Commission heard the judge-rapporteur, the representative of the Diplomatic Archives of the Ministry for Europe and Foreign Affairs and the representative of the Ministry of Culture, the Head of the M2RS, the Government Commissioner, and then the claimants.

The Commission considers the following to be established:

The research conducted and its results on file indicate that most of the property in the home located at 35 bis, Rue Joffroy, PARIS (17th arrondissement), occupied by Anna AFTALION and her two children, René and Régine, was looted in 1943 by the Occupation authorities and transferred to Germany.

Anna AFTALION and her children René and Régine AFTALION took various steps after the war with the German authorities under the Brügg Act in order to obtain compensation for the furniture for everyday use, the library and the works of art. No approaches were made to the French authorities, namely the Artwork Recovery Commission (C.R.A.) and the Office for Private Property and Interests (O.B.I.P.). An initial proposal by the German authorities of DEM 30,497.60, i.e. €59,501 after conversion to current value, was rejected as it did not include the paintings and works of art in this compensation.

The AFTALION family's representative, Maître FEHER, then filed a supplementary claim including the aforementioned works of art for a total amount of DEM 1,121,000, i.e. €2,187,071 after conversion to current value. This claim was accompanied by a certificate from the Galerie de l'Élysée, located at 69 Faubourg Saint-Honoré, Paris (8th arrondissement), which sold a large proportion of the paintings in 1936-1937, and a number of testimonies confirming the existence of valuable furniture, oriental rugs and numerous master paintings in the looted house.

The Federal German Offices for Restitution commissioned two expert reports.

In 1962, the expert Kurt WITTKOWSKI carried out a valuation of all the looted property on the basis of the detailed inventory of a total amount of DEM 578,235. In 1964, a second expert, Hans PAPPENHEIM, estimated the replacement value of these works of art at DEM 550,000 plus DEM 75,000 for the Raoul Dufy painting and the Beauvais tapestry, a total amount of DEM 625,000, without however taking into account the porcelain horses and coral objects which were outside his field of expertise and specialisation.

The Federal German Offices for Restitution used this second expert opinion as a basis for determining the amount of loss, which was approved on 9 September 1964 after agreement between the parties. Compensation of DEM 330,497.60, i.e. €644,801 after conversion, was paid to René and Régine AFTALION, as Anna AFTALION died during the proceedings.

The compensation was broken down as follows:

- DEM 30,497.60 for movable property,
- DEM 300,000 for the artworks and objects detailed above, corresponding to 50% of their assessed value.

IV. The Commission's opinion

At the time, René and Régine AFTALION did not challenge the previous compensation. The Commission considers, however, that since the full amount of the damage suffered has not been compensated, additional compensation should be awarded, i.e. the remaining 50% in respect of the artworks and art objects, on the basis of DEM 300,000, i.e. €585,300 after conversion to current value.

The overall estimated replacement value of the paintings and art objects is therefore broken down as follows:

- an 18th century royal tapestry from Beauvais, 2.40 x 1.80 m, representing a hunting scene based on the model of a famous Flemish painter, at €14,632.50
- two oils on canvas by Paul SIGNAC, "Paysage Champêtre", 66 x 36 cm, 1907 and "Jardin de St. Raphael", 48 x 34 cm, 1907, and four watercolours, at €185,345,
- two oils on canvas by Camille PISSARO, "Sous-Bois à Fréjus", 58 x 42 cm, 1896, and "Pastel", 50 x 40 cm, 1896, at €146,325,
- an oil on canvas by Alfred SISLEY, "Bords de rivière", 62 x 46 cm, at €146,325,
- two watercolours by Johan Barthold JONGKIND, at €19,510,
- an oil on canvas by Raoul DUFY, "l'hôtel de la gare" 55 x 32 cm, 1906, at €58,530,
- an oil on canvas by Maurice de VLAMINCK, "Fleurs", 46 x 36 cm, at €39,020.

It is noted that two Qianlong-period porcelain horses, with a height of 26 cm, and five coral objects, height approximately 26 cm, were not compensated under the Brügg Act. The Commission therefore considers that, in the absence of other information, compensation should be awarded on the basis of the valuation made by the AFTALION family's representative, Maître FEHER, at the beginning of the procedure:

- two Qianlong-period porcelain horses, at €39,020,
- five coral objects, at €29,265.

In addition, compensation for the spoliation of the library should also be awarded.

Consequently, in the light of the rapporteur's investigations, which are detailed in her report and which were developed during the hearing, it seems fair to award the claimants overall compensation of €680,000 for all causes of loss (Brügg supplement for artworks and objects, two Qianlong-period porcelain horses and five coral objects).

V. Allocation of compensation

Half of the compensation goes to Ms F. as the sole beneficiary of ..., René AFTALION's adopted son.

The other half of the compensation is to be divided between Mr B. and his four daughters, Ms A., Ms C., Ms D., and Ms E. as heirs of ..., daughter of Régine ... née AFTALION.

The compensation awarded by the Commission is considered as separate property which should initially be returned to As ... is deceased, it should be specified that in view of the documents on file concerning her estate and in accordance with Article 669-1 of the French General Tax Code, the surviving spouse is entitled to receive one quarter in usufruct of the estate. In view of Mr B.'s age at the time formalities were started to pass on the estate, the tax value of the usufruct to which he is entitled should be set at 70%.

THE COMMISSION IS OF THE OPINION,

1° - That Ms A., Mr B., Ms C., Ms D., Ms E. and Ms F. should be recognised as heirs of victims of spoliation arising from anti-Semitic legislation in force during the Occupation;

2. - That total compensation of €680,000 be awarded and that it be distributed as follows:

- €340,000 to Ms F.,
- €59,500 to Mr B.,
- €70,125 to Ms A.,
- €70,125 to Ms D.,
- €70,125 to Ms E.,
- €70,125 to Ms C.;

ACKNOWLEDGES the commitments, dated 3, 5, 9, 19 and 20 July 2021, made to the Commission by Ms A., Mr B., Ms C., Ms D., Ms E. and Ms F., to repay the French State the sum or part of the sum awarded as compensation for the damage suffered by Anna AFTALION, due to the spoliation of an 18th century Beauvais Royal tapestry, representing a hunting scene, two oil on canvases by Paul SIGNAC, “Paysage Champêtre”, and “Jardin de St. Raphael”, four watercolours by Paul SIGNAC, two oil on canvases by Camille PISSARO, “Sous-Bois à Fréjus” and “Pastel”, an oil on canvas by Alfred SISLEY, “Bords de rivière”, two watercolours by Johan Barthold JONGKIND, an oil painting by Raoul DUFY, “l’hôtel de la gare”, and an oil on canvas by Maurice de VLAMINCK, “Fleurs”.

NOTES that the claimants will have to personally handle any sharing of the compensation awarded with any known or future heirs.

REMINDS the parties that this recommendation will be transmitted to the Prime Minister’s office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended, and notified to the claimants.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Ms DREIFUSS-NETTER - Mr TOUTÉE - Mr BADY - Ms PERIN - Mr RUZIÉ - Ms GRYNBERG - Ms SIGAL - Ms DRAI - Ms ROTERMUND-REYNARD - Mr RIBEYRE - Ms ANDRIEU - Mr PERROT.

-The Ministry for Europe and Foreign Affairs was represented by Mr CHAUFFOUR,

- The Ministry of Culture was represented by Ms CHASTANIER.

Paris, 22 July 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Recommendation 24606 BCM-REST

THE COMMISSION,

Meeting in plenary session on 2 July 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3-1 of said Decree;

I. The facts

Gabrielle PHILIPPSON, divorced from Robert GOLDSCHMIDT, and widow of her second husband Charles BÉNARD LE PONTOIS, died at her home in PARIS (8th arrondissement) 62 Rue Pierre Charon on 23 December 1941. She was in a comfortable financial situation and had a collection of master paintings and antique furniture. Seals were affixed so that the bailiffs could make an inventory of the contents of her apartment. It was drawn up on 25 February 1942 as part of her estate.

A few months later, in August 1942, agents of the Einsatzstab Reichsleiters Rosenberg (E.R.R.) completely looted the apartment, resulting in the spoliation of her heirs.

The children of Gabrielle BÉNARD LE PONTOIS, namely Stéphanie GOTTSCHALK née GOLDSCHMIDT, Benedict GOLDSCHMIDT and Antoinette DERVAUX née GOLDSCHMIDT (divorced from her first husband Mr MAY, and widow of her second husband), through their representatives, took various steps post-war with the French authorities, namely the Artwork Recovery Commission (C.R.A.) and the Office for Private Property and Interests (O.B.I.P.) seeking the restitution of spoliated works.

II. The procedure

Under the provisions of Article 1-2 of Decree no. 99-778 of 10 September 1999, as amended, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred a restitution case to the CIVS on 3 June 2020 concerning two works that belonged to Gabrielle PHILIPPSON, widow of BÉNARD LE PONTOIS, listed as MNR (National Museum Recovery) or OAR (objet d'art récupération [art object recovery]), repatriated to France after World War II, then retained by the Commission for the Selection of Works of Artistic Recovery [commission de choix des œuvres de récupération artistique] before being allocated to the Louvre by the O.B.I.P.:

- a painting, MNR 32, Portrait de femme, anonymous, Italian school, 17th century, previously attributed to Simon Vouet under the title "Portrait de Madame de Longueville", kept in the Louvre Museum, paintings department,
- a tapestry, OAR 64, from the manufacture des Gobelins, entitled "Tenture des mois de Lucas: le mois d'avril ou le signe du taureau", 18th century, wool and silk, kept in the Louvre Museum, Art Objects Department.

The following beneficiaries have joined together in this restitution application, namely:

- Mr A., born on ... in ..., residing at ... and his sister, Ms B., born on ... in ..., residing at ..., both of them successors to the rights of their father, ..., son of ..., herself the daughter of the aforementioned Gabrielle BÉNARD LE PONTOIS,
- Ms C., born on ..., residing at ..., by virtue of the will, drawn up on ... established for her benefit, as regards movable property, by her spouse ..., who died on ..., son of the aforementioned

Mr A. and Ms B. are acting in the capacity of the beneficiaries of:

- their great-grandmother Gabrielle BÉNARD LE PONTOIS née PHILIPPSON (widow) mentioned above,
- their great-uncle, Benedict GOLDSCHMIDT mentioned above,
- their aforementioned great-aunt, Antoinette DERVAUX, by virtue of a statutory declaration drawn up by Maître ..., Notary and partner in the Société Civile Professionnelle ..., holder of a Notary Office at

Ms C. is acting as the spouse entitled to succeed.

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 3 June 2020, of the Head of the Ministry of Culture's Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur of the CIVS,
- the report of Ms DESCOURS-GATIN, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

At the end of the investigation, Mr A. and Ms C. submitted their written observations dated 7 June 2021.

The claimants were informed of the hearing of 2 July 2021.

The Commission heard the Head of the M2RS, the Judge-Rapporteur, the representative of the Diplomatic Archives of the Ministry for Europe and Foreign Affairs, the representative of the Ministry of Culture, and the Government Commissioner.

The Commission considers the following to be established:

The research conducted and its results on file indicate that most of the property in the home located at 62 Rue Charon, PARIS (8th arrondissement), occupied by Gabrielle BÉNARD LE PONTOIS née PHILIPPSON (widow), was looted in August 1942 by the Occupation authorities and transferred to Germany.

After the War, the executor of the estate of Gabrielle BÉNARD LE PONTOIS née PHILIPPSON (widow), sent a declaration to the French authorities, namely the Artwork Recovery Commission (C.R.A.) and the Office for Private Property and Interests (O.B.I.P.) on 13 March 1945, reporting this spoliation in order to protect the interests of the heirs, all of whom were outside Europe in 1942.

He attached to his declaration the list of the various items of furniture and objects looted, resulting from the inventory drawn up in February 1942.

As a result, three paintings were returned by the French authorities to the heirs of Gabrielle BÉNARD LE PONTOIS: a portrait of a man, la main droite au gilet, attributed to FRAGONARD, a Portrait of a woman, T. LAWRENCE school, and a portrait of a man, Dutch school, as well as objects of art and furniture.

The two works claimed are not mentioned in the inventory drawn up on 25 February 1942. They were acquired in August and September 1941 by Walter BORNHEIM of the Munich gallery "Für Alte Kunst" on behalf of Hermann GÖRING for his Carinhall residence, a few months before the death of Gabrielle BÉNARD LE PONTOIS and the looting of her collection.

IV. The Commission's opinion

The two works MNR 32 and OAR 64 were not among the works stolen from the Paris apartment by the E.R.R.

No trace of an actual payment by Hermann GOERING's partner was found.

It is certain that the last legitimate owner of these two works was Gabrielle BÉNARD LE PONTOIS.

Although the conditions of their sale are unknown, the Commission considers that, in view of their destination and the status of the buyer, the freedom of disposal of Gabrielle BÉNARD LE PONTOIS' property was hindered by anti-Semitic legislation and that this sale was therefore made under duress.

Consequently, in view of the information on file and the opinion expressed by the competent administrative authorities, there is call to return to the heirs of Gabrielle BÉNARD LE PONTOIS née PHILIPPSON (widow), a painting representing a portrait of a woman, anonymous, Italian school, 17th century, previously attributed to Simon Vouet under the title "Portrait de Madame de Longueville", listed in the Louvre's inventory under number MNR 32, as well as a tapestry from the manufacture des Gobelins, entitled "Tenture des mois de Lucas : le mois d'avril ou le signe du taureau", 18th century, wool and silk, listed in the Louvre's inventory under number OAR 64.

THE COMMISSION IS OF THE OPINION,

- 1° - That Mr A., Ms B. and Ms C. be recognised as heirs of a victim of spoliation arising from anti-Semitic legislation in force during the Occupation;
- 2° - That a painting representing a portrait of a woman, anonymous, Italian school, 17th century, previously attributed to Simon Vouet under the title "Portrait de Madame de Longueville", listed in the Louvre's inventory under number MNR 32, as well as a tapestry from the manufacture des Gobelins, entitled "Tenture des mois de Lucas : le mois d'avril ou le signe du taureau", 18th century, wool and silk, listed in the Louvre's inventory under number OAR 64, should be returned to them;

REMINDS the parties that the claimants will be informed of this recommendation.

REMINDS Mr A., Ms B. and Ms C. to make it their personal business to resolve any disputes arising over the ownership of the artworks that may be returned to them by the French State in accordance with this recommendation.

REMINDS the parties that this recommendation will be transmitted to the Prime Minister's office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended,

And, for information purposes:

- to the Director-General for Heritage, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
 - to the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex,
 - to Ms Connie WALSH, Deputy Director at the Holocaust Claims Processing Office (HCPO), New York State, Department of Financial Services, 1 State Street, NEW YORK (NY - 10004 - 1511 - USA).
- The Ministry for Europe and Foreign Affairs was represented by Mr CHAUFFOUR,
- The Ministry of Culture was represented by Ms CHASTANIER.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Ms DREIFUSS-NETTER - Mr TOUTÉE - Mr BADY - Ms PERIN - Mr RUZIÉ - Ms GRYNBERG - Ms ROTERMUND-REYNARD - Mr RIBEYRE - Ms ANDRIEU - Mr PERROT.

Paris, 6 September 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Recommendation 24613 BCM-REST

THE COMMISSION,

Meeting in plenary session on 2 July 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3 of that Decree;

I. The facts

Moïse LÉVI de BENZION was a businessman whose main activity was in Cairo, Egypt. He was a partner in a company that operated the “BENZION Department Store” in Cairo. He owned a large amount of real estate and land in Cairo and elsewhere in Egypt and he also owned a château called “La Folie” in Draveil (Essonne), France. A big enthusiast and collector of Egyptian art and antiquities, he divided his collections between his properties in Egypt and his château in Draveil.

As from 1940, the Einsatzstab Reichsleiters Rosenberg (E.R.R.) looted this château.

Moïse LÉVI de BENZION had a will drawn up on 25 April 1941. From this will, it follows that, firstly, a large number of legacies were made to members of Moïse Levi de Benzion’s family in the broad sense and to third parties and that, secondly, Moïse LÉVI de BENZION clearly expressed his wish to “bequeath the minimum portion fixed by law” to his daughter Sarah STREITZ née LÉVI de BENZION, and his son Lucien LEVI DE BENZION.

He listed in his will his various real and personal property in Egypt and in France. In France, it only concerned the Château in Draveil and the movable property it contained, including the collections of artwork and antiquities, particularly Egyptian ones, that he had built up. For each item listed, with regard to the two parts of the will applying to the Château in Draveil and its contents, he made the following statement in his will:

“Unfortunately, the property was looted and ransacked from top to bottom in June 1940 during the war, and it seems that nothing remains of all the beautiful things I had gathered there [...] If therefore I could one day retrieve all or part of what I owned at the Château de la Folie, I gift it in full with effect from today as regards the bare ownership and one hour before my death as regards the usufruct..... to my wife Paule née Rebrasser[...]”.

Still concerning the artworks and collections, Moïse LÉVI de BENZION added: “I would, however, be pleased if, in her will or even during her lifetime, if she thought it appropriate, she would leave (in the event that she could recover all or part of the Draveil collections) as a gift from me:

- 1 / Egyptian antiquities to the Louvre
- 2 / paintings, watercolours, drawings and etchings to the Louvre and Luxembourg museums. This in whole or even in part[...].”

Moïse LÉVI de BENZION died on 26 September 1943 in ROCHE-CANILLAC (CORRÈZE).

His heirs took various steps after the war to seek the restitution of the spoliated works. Two works that belonged to Moïse LÉVI de BENZION have been returned, namely:

- a painting by Corot entitled “Moine assis lisant” which had been stolen from Draveil and then bought by Emil Bührle in Zurich in 1942, was returned to the heirs of Moïse LÉVI de BENZION by decision of a Swiss court in 1948,
- a pastel, listed as REC 163, was returned in 1996 by the Ministry for Foreign Affairs.

II. The procedure

Under the provisions of Article 1-2 of Decree no. 99-778 of 10 September 1999, as amended, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred a restitution case to the CIVS on 17 July 2020 concerning four works that belonged to Moïse LEVI de BENZION, listed as REC (Recovery of Old Graphic Art), repatriated to France after World War II, and then allocated to the Louvre Museum by the Office for Private Property and Interests (O.B.I.P.):

- a watercolour, REC 95, “Paysage” by Georges MICHEL,
- a drawing, REC 99, “Portait de femme” by Paul DELAROCHE,
- a drawing, REC 115, “Portait de femme” by Auguste HESSE,
- a watercolour, REC 117, “Marée basse à Grandcamp” by Jules-Jacques VEYRASSAT.

The following beneficiaries are combined in this referral, namely:

- Mr A., born on ... in ..., residing at ...,
- Mr B., born on ... in ..., residing at ..., both of whom are successors to their mother’s rights,
- Ms C., born on ... in ..., residing at ...,
- Mr D., born on ... in ..., residing at ..., both of whom are successors to their mother’s rights,
- Mr E., born on ... in ..., residing at ...,
- Mr F., born on ... in ..., residing at ..., living with his brother Mr E., mentioned above,
- Mr G., born on ... in ..., residing at ..., all three of whom are successors to their father’s rights,
- Mr H., born on ... in ..., residing at ..., as successor to his mother’s rights,

Mr A., Mr B., Ms C., Mr D., Mr E., Mr F. and Mr G. are acting as beneficiaries of their grandmother and great-grandmother, ..., by virtue of a will drawn up on 25 April 1941 by Moïse LEVI de BENZION, mentioned above.

Mr H. is acting as the beneficiary of his grandfather, Moïse LEVI de BENZION.

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 17 July 2020, of the Head of the Ministry of Culture’s Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur of the CIVS,
- the report of Mr AUGUSTIN, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

At the end of the investigation, Ms C., Mr H. and Mr B. submitted their written observations dated 31 March, and 6 and 20 June 2021, respectively.

The claimants were informed of the hearing of 2 July 2021.

Mr H., Mr B. and Mr E. appeared before the Commission.

The Commission heard the Head of the M2RS, the Judge-Rapporteur, the representative of the Diplomatic Archives of the Ministry for Europe and Foreign Affairs, the representative of the Ministry of Culture, and the Government Commissioner.

Mr H., Mr B. and Mr E. made their observations known.

The Commission considers the following to be established:

The research conducted and its results on file indicate that most of the property in the Château in Draveil was looted in 1940 by the Occupation authorities and transferred to Germany.

The information provided by the M2RS shows that the four RECs were attached to the collection of artworks in Moïse LÉVI de BENZION's possession at the Château in Draveil at the beginning of World War II.

Moïse LÉVI de BENZION bought his four works at the 9th Beurdeley sale, organised as part of the estate of Alfred Louis Emmanuel Beurdeley, by the Georges Petit gallery in Paris from 30 November to 2 December 1920.

Among the works declared spoliated by the beneficiaries of Moïse LÉVI de BENZION at the Château in Draveil were a watercolour by Georges Michel, another by Jules-Jacques Veyrassat, a drawing by Paul Delaroche and another by Auguste Hesse.

Although objects looted from the Château in Draveil were returned to the beneficiaries of Moïse LÉVI de BENZION after the war, none of the restitutions released and drawn up between 1945 and 1955 mention a work by Georges Michel, Jules-Jacques Veyrassat, Paul Delaroche, or Auguste Hesse.

IV. The Commission's opinion

The four works, named REC 95, REC 99, REC 115 and REC 117 were among the works stolen from the Château in Draveil by the E.R.R.

It is certain that the last legitimate owner of these four works was Moïse LEVI de BENZION and that these were taken under the anti-Semitic legislation in force in France during the Occupation.

Consequently, in view of the information on file and the opinion expressed by the competent administrative authorities, according to French inheritance law concerning spoliated works kept in France, there is call to return to the beneficiaries of Moïse LEVI de BENZION, a watercolour, "Paysage" by Georges MICHEL, listed in the Louvre's inventory under number REC 95, a drawing, "Portait de femme" by Paul DELAROCHE, listed in the Louvre's inventory under number REC 99, a drawing, "Portait de femme" by Auguste HESSE, listed in the Louvre's inventory under number REC 115, and a watercolour, "Marée basse à Grandcamp" by Jules-Jacques VEYRASSAT, listed in the Louvre's inventory under number REC 117.

At the end of the hearing, the claimants present verbally informed the Panel of their intention to reserve the right of finding an amicable agreement for the return of the four works REC 95, REC 99, REC 115 and REC 117 at a later date, which should be acknowledged.

THE COMMISSION IS OF THE OPINION,

- 1° - That Mr A., Mr B., Ms C., Mr D., Mr E., Mr F., Mr G. and Mr H. be recognised as the beneficiaries of a victim of spoliation arising from anti-Semitic legislation during the Occupation;
- 2° - That a watercolour, "Paysage" by Georges MICHEL, listed in the Louvre's inventory under number REC 95, a drawing, "Portait de femme" by Paul DELAROCHE, listed in the Louvre's inventory under number REC 99, a drawing, "Portait de femme" by Auguste HESSE, listed in the Louvre's inventory under number REC 115, and a watercolour, "Marée basse à Grandcamp" by Jules-Jacques VEYRASSAT, listed in the Louvre's inventory under number REC 117 should be returned.
- 3° - That it should be noted that Mr H., Mr B. and Mr E. reserve the right to find an amicable agreement for the restitution of the four works in question.

REMINDS Mr A., Mr B., Ms C., Mr D., Mr E., Mr F., Mr G. and Mr H. to make it their personal business to resolve any disputes arising over the ownership of the artworks that may be returned to them by the French State in accordance with this recommendation.

REMINDS the parties that the claimants will be informed of this recommendation.

REMINDS the parties that this recommendation will be transmitted to the Prime Minister's office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended,

And, for information purposes:

- to the Director-General for Heritage, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex.

-The Ministry for Europe and Foreign Affairs was represented by Mr CHAUFFOUR,

- The Ministry of Culture was represented by Ms CHASTANIER.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Ms DREIFUSS-NETTER - Mr TOUTÉE - Mr BADY - Ms PERIN - Mr RUZIÉ - Ms GRYNBERG - Ms ROTERMUND - REYNARD - Mr RIBEYRE - Ms ANDRIEU - Mr PERROT.

Paris, 4 October 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Recommendation 24603 BCM-REST

THE COMMISSION,

Meeting in plenary session on 10 September 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3 of that Decree;

I. The facts

Abraham BARGEBOER and his wife, Minna KIRCHHEIMER, Dutch nationals, settled in Nice (Alpes-Maritimes) before the war, where they last lived at 53 Boulevard Victor Hugo.

Fleeing Germany, where the KIRCHHEIMER family came from, due to the persecution of the Jews, Ruth KIRCHHEIMER was taken in by her paternal aunt, Minna KIRCHHEIMER, in 1942.

Having no children, Mr and Mrs BARGEBOER appointed their niece, Ruth KIRCHHEIMER, as universal legatee of their property under certain conditions, in a joint will dated 16 December 1943.

The couple were arrested at the beginning of 1944. Abraham BARGEBOER died in Nice prison at the end of January 1944. Minna BARGEBOER died during deportation a few months later. The Einsatzstab Reichsleiters Rosenberg (E.R.R.) looted their apartment as part of the “Furniture Action” shortly after their arrest.

At the same time, Ruth KIRCHHEIMER was hidden by the Sainte-Thérèse Catholic Institute, which was part of the network organised to protect Jews and hide children. She was entrusted to the Maison de la Sainte-Enfance in Digne-les-Bains (Alpes-de-Haute-Provence) and then converted to Catholicism. She entered the order under the name of Sister Marie-Thérèse.

Mr and Mrs BARGEBOER's will was read, pursuant to an order issued by the Presiding Judge of the Civil Court of Nice, dated 14 February 1947.

However, Ruth KIRCHHEIMER, the named legatee, took no interest in this bequest and made no request for it to be distributed. No steps were taken with the French and German authorities to recover the BARGEBOERS' property after the war.

Ruth KIRCHHEIMER died in 2003 in La Roche-sur-Foron (Haute-Savoie) in a house belonging to the Congregation of the Sisters of Charity, to which she had retired.

II. The procedure

Under the provisions of Article 1-2 of Decree no. 99-778 of 10 September 1999, as amended, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred a restitution case to the CIVS on 5 March 2020 concerning a work that belonged to Mr and Mrs BARGEBOER, listed as an MNR (National Museum Recovery), repatriated to France after World War II, then retained by the Commission for the Selection of Works of Artistic Recovery before being allocated in 1951 to the Louvre Museum (Paintings Department) by the Office for Private Property and Interests (O.B.I.P.).

It concerns the painting, MNR 645, “bateaux sur mer agitée près d'une côte rocheuse”, 17th century Dutch school, 80 x 65 cm, currently kept at the Château-musée de Dieppe.

The following beneficiaries are combined in this referral, namely:

- The Congregation of the Sisters of Charity, represented by Sister N..., born on ... in ..., residing at ..., as successor to the rights of Ruth KIRCHHEIMER, in religion Sister Marie-Thérèse, daughter of ..., brother of Minna KIRCHHEIMER, wife of Abraham BARGEBOER, by virtue of a holographic will of ..., by which she bequeathed her property to ..., since then absorbed by the above-mentioned congregation.

- Mr A., born on ... and residing at ...,
- Mr B., born on ... and residing at,
- Mr C., born on ... and residing at,

All three are successors to the rights of their mother, ..., previously named ... in her first marriage, previously named ... in her second marriage and named ... in her third marriage, the daughter of ..., himself the son of ..., née ..., who died during deportation and who was the sister of Abraham BARGEBOER.

- Ms D., born on ... in ... residing at ...,
- Mr E., born on ... in ... residing at ...,

Both successors to the rights of their father, ..., son of ...

- Mr F., born on ... in ... residing at ...,
- Mr G., born on ... in ... residing at ...,
- Ms H., born on ... in ... residing at ...,

All three are successors to the rights of their mother, ..., daughter of ..., herself daughter of ..., mentioned above.

- Ms I., born on ... residing at, succeeding to the rights of her mother ..., mentioned above.
- Ms J., born on ... in ..., residing at ..., succeeding to the rights of her mother ..., daughter of ..., mentioned above.
- Mr K., born on ... in ..., residing at ..., succeeding to the rights of his mother ..., daughter of ..., who died in deportation.
- Mr L., born on ... residing at ...,
- Mr M., born on ... residing at ...,

Both are successors to the rights of their mother ..., daughter of ..., mentioned above.

- Mr N., born on ... residing at ...,
- Mr O., born on ... residing at ...,

Both are successors to the rights of their father ..., son of ..., who died during deportation, the sister of the aforementioned Minna KIRCHHEIMER, wife of Abraham BARGEBOER.

Mr A., Mr B., Mr C., Ms D., Mr E., Mr F., Mr G., Ms H., Ms I. and Ms J. are acting as the beneficiaries of their great-uncle and great-great-uncle, Abraham BARGEBOER.

Mr K., Mr L., Mr M., Mr N. and Mr O. are acting as the beneficiaries of their great-aunt and great-great-aunt, Minna BARGEBOER née KIRCHHEIMER.

The Congregation of the Sisters of Charity, represented by Sister N..., is acting as the universal legatee of Ruth KIRCHHEIMER.

The following beneficiaries are absent from the procedure:

1/ the other beneficiaries of Abraham BARGEBOER, in particular:

- any beneficiaries of his brother, ... BARGEBOER,
- any beneficiaries of his brother, ... BARGEBOER,
- any beneficiaries of his nephews, ... and ..., sons of ... née BARGEBOER,
- any beneficiaries of his nephew, ..., the son of ... née BARGEBOER,
- Mr ..., son of ... mentioned above,
- Ms ... née ..., daughter of ... née ... mentioned above,

2/ the other beneficiaries of Minna KIRCHHEIMER, the wife of Abraham BARGEBOER, in particular:

- any beneficiaries of her sister, ... née KIRCHHEIMER,
- any beneficiaries of her great-nieces, ... and ..., the daughters of ... née KIRCHHEIMER, herself the daughter of ... KIRCHHEIMER,
- Ms ... née ... daughter of ..., himself son of ... KIRCHHEIMER, mentioned above.

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 5 March 2020, of the Head of the Ministry of Culture's Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur of the CIVS,

- the report and additional note by Mr MARCUS, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs, the Ministry of Culture, and the Holocaust Claims Processing Office (HCPO),
- the searches for beneficiaries carried out by the CIVS and HCPO services.

At the end of the investigation, the Congregation of the Sisters of Charity, represented by Sister N..., submitted its observations in writing on 24 May 2021.

The claimants were informed of the hearing of 10 September 2021.

The Commission heard the Head of the M2RS, the Judge-Rapporteur, the representatives of the Ministry for Europe and Foreign Affairs and the Ministry of Culture, and the Government Commissioner.

The Commission considers the following to be established:

The research conducted and its results on file indicate that most of the property in the home at 53 Boulevard Victor Hugo, Nice was looted in 1944 by the Occupation authorities and transferred to Germany.

Three paintings belonging to Mr and Mrs BARGEBOER are thus described in the lists drawn up by the E.R.R., corresponding to the looting of artworks in Nice in June 1944:

- “trois pêcheurs”, 22 x 27 cm,
- “plage avec bateau”, 80 x 64 cm,
- copy of Jan Steen, 60 x 65 cm.

Investigations carried out by the M2RS indicate that a “seascape” was indeed seized in June 1944, at the aforementioned home, as part of the “Furniture Action” conducted on the Côte d’Azur by the E.R.R. This work was transferred to Kögl Castle in Austria. On 15 March 1946, it was recorded at the Central Collecting Point in Munich and issued a “property card”. It was returned to France on 25 September 1947.

It has been established that this work, which now bears the number MNR 645, was seized at Mr and Mrs BARGEBOER’s home in Nice. It corresponds to the painting entitled “plage avec bateau”, which is listed as one of the “three BARGEBOER works” and is now called “bateaux sur une mer agitée près d’une côte rocheuse, XVIIe siècle”.

IV. The Commission’s opinion

The work called “plage avec bateau” by the Occupation authorities, currently numbered MNR 645, was among the works stolen by the E.R.R. in Nice (Alpes-Maritimes) in 1944. The evidence is consistent as to the location of the spoliation and the owner of the painting.

It is certain that the last legitimate owners of this work were Abraham BARGEBOER and his wife Minna KIRCHHEIMER and that this work was taken under the anti-Semitic legislation in force in France during the Occupation.

With regard to the beneficiaries of Abraham BARGEBOER and his wife Minna KIRCHHEIMER, it is noted that a joint will is not valid under French or Dutch law.

The Commission considers, however, that although the will was not contested at the time, the bequest was also not distributed, and Ruth KIRCHHEIMER was entitled to dispose of it.

The Commission therefore considers that all the beneficiaries of Abraham BARGEBOER and his wife Minna KIRCHHEIMER should be taken into account according to their respective rights in Mr and Mrs BARGEBOER’s joint ownership.

Consequently, in view of the information on file and the opinion expressed by the competent administrative authorities, the painting “bateaux sur une mer agitée près d’une côte rocheuse”, listed in the Louvre’s inventory under number MNR 645 and kept at the Dieppe château-musée (Seine-Maritime), should be returned to the beneficiaries of Abraham BARGEBOER and his wife Minna KIRCHHEIMER.

However, the number of beneficiaries, who are not present in the proceedings, impedes the actual handover of the work to the rightful claimants of Mr and Mrs BARGEBOER.

The Commission was informed by the M2RS that it was proposed to the beneficiaries involved of Abraham BARGEBOER and his wife Minna KIRCHHEIMER to leave the work in question at the Museum of Jewish Art and History.

At the end of the hearing, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 noted that the State cannot, nor does it wish to, keep a spoliated work, the restitution of which is recommended by the CIVS.

THE COMMISSION IS OF THE OPINION,

- 1° - That the Congregation of the Sisters of Charity, Mr A., Mr B., Mr C., Ms D., Mr E., Mr F., Mr G., Ms H., Ms I., Ms J., Mr K., Mr L., Mr M., Mr N. and Mr O. be recognised as beneficiaries of victims of spoliation arising from anti-Semitic laws adopted during the Occupation;
- 2° - That the painting, “bateaux sur une mer agitée près d’une côte rocheuse”, listed in the Louvre Museum’s inventory under number MNR 645 and kept at the Dieppe château-musée (Seine-Maritime), should be returned to the beneficiaries of Abraham BARGEBOER and Minna KIRCHHEIMER;
- 3° - That if the work is not actually returned, it may be left with the Museum of Jewish Art and History, in accordance with the proposal of the M2RS.

REMINDS the parties that the claimants will be informed of this recommendation.

REMINDS the parties that this recommendation will be transmitted to the Prime Minister’s office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended,

And, for information purposes:

- to the Director-General for Heritage, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex,
- to Ms Connie WALSH, Deputy Director, the Holocaust Claims Processing Office (HCPO), One State Street, NEW YORK (NY 10004 1511 UNITED STATES).
- The Ministry for Europe and Foreign Affairs was represented by Ms CLINET,
- The Ministry of Culture was represented by Ms CHASTANIER.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Ms DREIFUSS-NETTER - Mr TOUTÉE - Mr BADY - Ms PERIN - Mr RUZIÉ - Ms GRYNBERG - Ms SIGAL - Ms ROTERMUND-REYNARD - Mr RIBEYRE - Ms ANDRIEU - Mr PERROT.

Paris, 4 November 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Recommendation 24620 BCM-REST

THE COMMISSION,

Meeting in plenary session on 10 September 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3 of that Decree;

I. The facts

Four works inventoried by the Einsatzstab Reichsleiters Rosenberg (E.R.R.) were seized on 19 January 1944 by the Dienststelle Westen from a certain JURALIDES at 5 Rue Maubourg in Paris:

- JUR 1: “Mets, fruits et verres sur une table” by Pieter BINOIT, originally attributed to Floris van SCHOOTEN, 17th century, German school, oil on wood (56 x 77 cm),
- JUR 2: “Nature morte au jambon”, by Floris van SCHOOTEN, 17th century, Dutch school, oil on wood (62 x 83 cm),
- JUR 3: “Agriculteur travaillant dans le verger” by Léonard JARRAUD, 19th century, oil on canvas (38.5 x 46 cm),
- JUR 4: “vue d’un port avec la ville en arrière- plan” by Willem van DE VELDE III, late 17th century oil on canvas (48.5 x 57 cm);

These works appear to have been found in Nikolsburg Castle in the Czech Republic where they escaped a fire. They were recorded at the Central Collecting Point in Munich and repatriated to France on 30 October 1946.

The research carried out by the Commission for Artistic Recovery (C.R.A.) on behalf of JURALIDES did not make it possible to return these paintings post-war. Therefore, on 25 October 1950, during a commission meeting to select works for artistic recovery, only two of the four paintings, henceforth called MNR 708 and 709, were entrusted to the Louvre Museum (Department of Paintings) by the Office for Private Property and Interests (O.B.I.P.).

II. The procedure

Under the provisions of Article 1-2 of Decree no. 99-778 of 10 September 1999, as amended, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred a restitution case to the CIVS on 7 September 2020 concerning two works that belonged to Maria ELISSEN, widow of Louis JAVAL. They were listed as MNR (National Museum Recovery), repatriated to France after World War II, then retained by the Commission for the Selection of Works of Artistic Recovery before being allocated in 1950 to the Louvre Museum (Paintings Department) by the Office for Private Property and Interests (O.B.I.P.):

- MNR 708, an oil on wood, Nature morte au jambon, by Floris van SHOOTEN (62 x 83 cm).
- MNR 709, an oil on wood, Mets, fruits et verres sur une table, by Pieter BINOIT (56 x 77 cm).

The following beneficiaries are combined in this referral, namely:

A/ Branch of Jeanne WEISS née JAVAL

1/ Descendants of her daughter, ... née ..., namely:

- her grandchildren, daughters and sons of her son ...:
 - Ms A., born on ... in ..., residing at ...,

- Ms B., born on ... in ..., residing at ...,
- Mr C., born on ... in ..., residing at ...,
- her daughter, Ms D., born on ... in ..., residing at ...,
- her son, Mr E., born on ... in ..., residing at ...,
- her son, Mr F., born on ... in ..., residing at ...,
- her daughter-in-law, Ms G., born on ... in ..., residing at ..., as the spouse entitled to succeed her son, ...,
- her grandchildren, daughter and son of the above, namely:
 - Mr H., born on ... in ..., residing at ...,
 - Ms I., born on ... in ..., residing at ...,

2/ Descendants of her daughter, ... née ..., namely:

- her son, Mr J., born on ... in ..., residing at ...,
- her daughter, Ms K., born on ... in ..., residing at ...,
- her grandchildren, successors to the rights of their father, ..., namely:
 - Ms L., born on ... in ..., residing at ...,
 - Ms M., born on ... in ..., residing at ...,
 - Ms N., born on ... in ..., residing at ...,
- her great-grandson, Mr O., born on ... in ..., residing at ..., successor to the rights of his mother, ... née ..., herself the daughter of ... mentioned above,

3/ Descendants of her son, ..., including:

- his daughter, Ms P., born on ... in ..., residing at ...,
- his daughter-in-law, Ms Q., born on ... in ..., residing at ..., as the spouse entitled to succeed his son, ...,
- his grandson, son of the above, Mr R., born on ... in ..., residing at ...,
- his daughter-in-law, Ms S., born on ... in ..., residing at ..., as the spouse entitled to succeed his son, ...,
- his grandchildren, son and daughter of the above, namely:
 - Mr T., born on ... in ..., residing at ...,
 - Ms U., born on ... in ..., residing at ...,

B/ Branch of Alice WEILLER née JAVAL

1/ Descendants of her daughter, ..., namely:

a) Descendants of her granddaughter, ..., namely:

- her son, Mr AA., born on ... in ..., residing at ...,
- her grandchildren, successors to the rights of their father, ..., namely:
 - Mr AB., born on ... in ..., residing at ...,
 - Mr AC., born on ... in ..., residing at ...,

both of whom have given their mother, ..., power of attorney to represent them.

b) Descendants of her granddaughter, ..., namely:

- her daughter, Ms AD., born on ... in ..., residing at ...,
- her daughter, Ms AE., born on ... in ..., residing at ...,
- her son, Mr AF., born on ... in ..., residing at ...,
- her son, Mr AG., born on ... in ..., residing at ...,

c) Descendants of her grandson, ..., namely:

- his daughter, Ms AH., born on ... in ..., residing at ...,
- his son, Mr AJ., born on ... in ..., residing at ...,
- his daughter, Ms AK., born on ... in ..., residing at ...,
- his daughter, Ms AL., born on ... in ..., residing at ...,

d) Descendants of her grandson, ..., namely:

- Mr AM., born on ... in ..., residing at ...,
- Ms AN., born on ... in ..., residing at ...,
- Mr AO., born on ... in ..., residing at ...,

2/ Descendants of her son, ..., namely:

a) Descendants of his granddaughter, ... née ..., namely:

- her daughter, Ms AP., born on ... in ..., residing at ...,
- her daughter, Ms AQ., born on ... in ..., residing at ...,

b) Descendants of his grandson, ..., namely:

- his widow, Ms AR., born on ... in ..., residing at ..., as his spouse entitled to succeed,
- his daughter, Ms AS., born on ... in ..., residing at ...,
- his daughter, Ms AT., born on ... in ..., residing at ...,
- his daughter, Ms AU., born on ... in ..., residing at ...,
- his daughter, Ms AV., born on ... in ..., residing at ...,

All five are assisted by their counsel, Maître ..., of ..., located in ...,

The applicants are acting as beneficiaries of Maria JAVAL née ELISSEN (widow).

The following beneficiaries are absent and not represented in the proceedings:

- Ms BA., widow of ..., himself the son of ... mentioned above, residing at ...,
- Mr BB., son of ... née ... mentioned above, residing at ...,
- Ms BC., as universal legatee of ... wife of ..., himself the son of Alice WEILLER née JAVAL, residing at ...,
- Mr BD., son of ... née ..., herself the daughter of ..., himself the son of the aforementioned Jeanne WEISS née JAVAL, residing at ...,
- the daughters of ..., himself the son of ... mentioned above, namely:
 - Ms BE., born on ... in ..., residing at ...,
 - Ms BF., born on ... in ..., residing at ...,

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 7 September 2020, of the Head of the Ministry of Culture's Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur of the CIVS,
- the report of Ms LEGUELTEL, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

The claimants were informed of the hearing of 10 September 2021.

Ms A. appeared before the Commission.

The Commission heard the Head of the M2RS, the Judge-Rapporteur, the representatives of the Ministry for Europe and Foreign Affairs and the Ministry of Culture, and the Government Commissioner.

Ms A. made her observations known.

The Commission considers the following to be established:

Searches conducted in the various directories and indexes to try to find a "JURALIDES" family proved futile, as this name does not appear anywhere.

In addition, the address “5 Rue Maubourg” on the E.R.R. inventory appears to be incorrect. As there is no Rue Maubourg in Paris, the address “5 Rue Maubourg” undoubtedly corresponds to 5 Boulevard de la Tour-Maubourg. It was also felt that the name “JURALIDES” was probably poorly written, leading to a misreading of the word “Invalides”, as this monument is close to the Boulevard de la Tour-Maubourg.

The search results on file indicate that at 5 Boulevard de la Tour-Maubourg, there was a private mansion belonging to Émile JAVAL and his wife Maria ELLISSEN. Émile JAVAL died in 1907 and Maria ELLISSEN, widow of Mr JAVAL, died there on 13 January 1933, leaving her daughter Mathilde JAVAL.

During the Occupation, the building was Aryanised and provided with a temporary administrator who granted a lease to the Deutsche Akademie. After the war, Mathilde JAVAL indicated in a letter sent on 28 November 1945 to the President of the Artwork Recovery Commission (C.R.A) that this private mansion had been emptied of its contents on 13 or 14 January 1944.

Mathilde JAVAL lived in the premises, which were jointly owned with her brother Louis-Adolphe JAVAL and her two sisters, Alice WEILER née JAVAL and Jeanne WEISS née JAVAL. Mathilde JAVAL died in 1947 leaving no descendants and appointed her grand-nephews and grand-nieces as universal legatees in a holographic will dated 28 April 1946 recorded before a notary. Nevertheless, it was the JAVAL family as a whole who sold the mansion by mutual agreement on 16 December 1948 to the Société civile du 5 boulevard de la Tour-Maubourg.

The information provided by the M2RS shows that the two MNR are attached to the collection of artworks held by the JAVAL family before World War II in the private mansion located at 5 Boulevard de la Tour-Maubourg, PARIS (7th arrondissement).

Indeed, the presence of Dutch paintings in this private mansion is mentioned in a note dated 27 January 1933 from the curator of the Paintings Department at the Louvre to the Director of the National Museums, relating the planned visit to this address with Louis-Adolphe JAVAL, son of Maria ELLISSEN and Émile JAVAL.

In addition, the dates that the contents were taken indicated by Mathilde JAVAL and that of the E.R.R. inventory are close.

Finally, one of the other paintings in the E.R.R. inventory, JUR 3, *Agriculteur travaillant dans le verger* by Léonard JARRAUD, was returned at her request on 15 July 1950 to Paul-Louis WEILLER, grandson of Mrs Maria JAVAL née ELLISSEN (widow) and son of Alice WEILER née JAVAL, who died during deportation, and Lazare WEILLER. The latter was close to this artist.

IV. The Commission’s opinion

The two works, designated MNR 708 and MNR 709, were among the works stolen by the E.R.R. during World War II.

In the absence of evidence to the contrary, the Commission considers that both these works belonged to the JAVAL family and that they were spoliated under the anti-Semitic laws in force in France during the Occupation.

Consequently, in view of the evidence on file and the opinion expressed by the competent administrative authorities, an oil on wood, “*Nature morte au jambon*” by Floris van SHOOTEN, listed in the Louvre’s inventory under number MNR 708 and an oil on wood, “*Mets, fruits et verres sur une table*” by Pieter BINOIT, listed in the Louvre’s inventory under number MNR 709, should be returned to the jointly-interested JAVAL parties.

THE COMMISSION IS OF THE OPINION,

1° - That Ms A., Mr AB., Mr AC., Mr AA., Ms AD., Ms AE., Mr AF., Mr AG., Ms AH., Mr AJ., Ms AK., Ms AL., Mr AM., Ms AN., Mr AO., Ms AP., Ms AQ., Ms AR., Ms AS., Ms AT., Ms AU., Ms AV., Ms P., Mr R., Ms Q., Ms S., Mr T., Ms U., Mr J., Mr O., Ms L., Ms M., Ms N., Ms K., Ms B., Mr C., Ms D., Mr E., Mr H., Ms I., Ms G. and Mr F. be recognised as beneficiaries of victims of spoliation arising from anti-Semitic legislation during the Occupation;

2° - That an oil on wood, “Nature morte au jambon” by Floris van SHOOTEN, listed in the Louvre’s inventory under number MNR 708 and an oil on wood, “Mets, fruits et verres sur une table” by Pieter BINOIT, listed in the Louvre’s inventory under number MNR 709, should be returned.

Reminds Ms A., Mr AB., Mr AC., Mr AA., Ms AD., Ms AE., Mr AF., Mr AG., Ms AH., Mr AJ., Ms AK., Ms AL., Mr AM., Ms AN., Mr AO., Ms AP., Ms AQ., Ms AR., Ms AS., Ms AT., Ms AU., Ms AV., Ms P., Mr R., Ms Q., Ms S., Mr T., Ms U., Mr J., Mr O., Ms L., Ms M., Ms N., Ms K., Ms B., Mr C., Ms D., Mr E., Mr H., Ms I., Ms G. and Mr F. to make it their personal business to resolve any disputes concerning the ownership of the artworks that may be returned to them by the French State in accordance with this recommendation.

REMINDS the parties that this recommendation will be notified:

- to the claimants,
- to Maître

REMINDS the parties that this recommendation will be transmitted to the Prime Minister’s office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended,

And, for information purposes:

- to the Director-General for Heritage, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex.

During the hearing, the Ministry for Europe and Foreign Affairs was represented by Ms CLINET and the Ministry of Culture by Ms CHASTANIER.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Ms DREIFUSS-NETTER - Mr TOUTÉE - Mr BADY - Ms PERIN - Mr RUZIÉ - Ms GRYNBERG - Ms SIGAL - Ms ROTERMUND-REYNARD - Mr RIBEYRE - Ms ANDRIEU - Mr PERROT.

Paris, 15 November 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Recommendation 24649 BCM-REST

THE COMMISSION,

Meeting in plenary session on 9 July 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3 of that Decree;

I. The facts

Stefan OSUSKY was the Czechoslovakian ambassador to France from 1921 to 1940. He lived in Paris (7th arrondissement), at 17 Avenue Charles Floquet. Disapproving of the Munich Agreement and after the occupation of Czechoslovakia in March 1939, he refused to close the embassy and organised the Czechoslovak resistance abroad, returning to London on 17 November 1939.

At the time of the Occupation of Prague between 15 and 18 March 1939, Stefan OSUSKY transferred his paintings and other valuable objects to the home of James Armand de Rothschild at 14 Rue Leroux, Paris (16th arrondissement).

The property deemed to belong to James Armand de Rothschild, located at 14 Rue Leroux in Paris (16th arrondissement), was seized on 29 August 1940 by the “Geheime Feldpolizei Gruppe 540” on the orders of the German Embassy in Paris. The seized goods were placed in 43 boxes and transported by the Maison S.A de transport Jonemann to the German Embassy in Paris, at Rue de Lille, and then transferred to the Ministry for Foreign Affairs in Berlin.

Joachim Von Ribbentrop, Minister for Foreign Affairs between 1938 and 1945 under the Third Reich, converted Tentschach Castle (Austria) into a rest home for the staff of the Foreign Ministry during the war. He later shipped part of his paintings collection there.

After the war, Stefan OSUSKY took various steps with the French authorities, namely the Artwork Recovery Commission (C.R.A.) and the Office for Private Property and Interests (O.B.I.P.) seeking the restitution of the spoliated works. 89 paintings were recovered.

II. The procedure

Under the provisions of Article 1-2 of Decree no. 99-778 of 10 September 1999, as amended, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred a restitution case to the CIVS on 30 March 2021 concerning a work that belonged to Stefan OSUSKY, listed as MNR (National Museum Recovery), repatriated to France after World War II, then retained by the Commission for the Selection of Works of Artistic Recovery before being allocated in 1954 to the Musée national d’art moderne by the O.B.I.P.:

- a painting, MNR R24P, Église de Pont-Saint-Martin (Loire Atlantique) by Maurice Utrillo, paper pasted on canvas, oil painting 60 x 81 cm.

The following beneficiaries are combined in this referral, namely:

- Ms A. born on ... in ..., residing at ..., successor to the rights of her father ..., son of Stefan OSUSKY and Pavla VACHEK, having appointed Maître ... on ..., residing at ..., herself represented by Ms E. ..., residing at ..., to whom she gave power of attorney on ...,
 - Mr B., born on ... in ..., residing at ...,
 - Ms C., born on ... in ..., residing at ...,
 - Ms D., born on ... in ..., residing at ...,

All three of them, neither assisted nor represented, and successors to the rights of ..., daughter of Stefan OSUSKY and Pavla VACHEK, mentioned above.

Ms A. is acting as the beneficiary of her paternal grandparents, Stefan OSUSKY and Pavla VACHEK, mentioned above,

Mr B., Ms C. and Ms D. are acting as universal legatees of ..., by virtue of a statutory declaration drawn up on ... by Maître..., Notary and Partner in the Société Civile Professionnelle ..., holder of a Notary Office at ..., and with authority to take possession of the universal legacy on

For the record, a fourth universal legatee, Ms F., was mentioned on the statutory declaration but she disclaimed the inheritance on....

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the summary note and its appendices, highlighting the research carried out by the MNR unit of the Service des Musées de France, the Musée National d'Art Moderne and the independent researcher Ms Elizabeth ROYER-GRIMBLAT, dated 30 March 2021, by the Head of the Ministry of Culture's Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur at the CIVS,
- the report of Ms VALENSI, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

The claimants were informed of the hearing of 9 July 2021.

Ms C., Ms D., and Ms E. appeared before the Commission.

The Commission heard the Head of the M2RS, the Judge-Rapporteur, the representative of the Diplomatic Archives of the Ministry for Europe and Foreign Affairs and the Government Commissioner.

Ms C., Ms D., and Ms E. made their observations known.

The Commission considers the following to be established:

The research carried out and the results on file indicate that most of the property in the home of James Armand de Rothschild at 14 Rue Leroux in Paris (16th arrondissement), owned by his brother Edmond de Rothschild, was looted in August 1940 by the Occupation authorities and transferred to Germany and then some to Austria.

The seizure of the paintings confiscated on 29 August 1940 from James Armand de Rothschild was recorded on the so-called "Baldass list", named after Ludwig von Baldass, dated 1940 and found after the war in the archives of the Foreign Office in Berlin. This list mentions a painting by Maurice Utrillo entitled "Dorfansicht mit Kirche, signiert : Maurice Utrillo V., Leinwand, Höhe 60 cm, Breite 81 cm" [=Village view with church, signed: Maurice Utrillo V. (Canvas, height 60 cm, width 81 cm)] presumed to belong to Stefan OSUSKY.

The German ambassador in Paris, Otto Abetz, indicated on 1 February 1941 in a document attached to the protocol on the safekeeping of artworks belonging to Jews and kept by the embassy in agreement with the Einsatzstab Reichsleiter Rosenberg (E.R.R.) that the confiscated works were not mentioned in the inventory of the Paris embassy as they were not intended to be kept on its premises. They were intended to decorate the Foreign Office in Berlin and the hôtel du ministre des Affaires étrangères. Among others, two Utrillo paintings are mentioned: Église de village, oil and Rue de village, oil.

The work MNR R24P was discovered among others at Tentschach Castle (Austria) at the time of the mission carried out by the High Commission of the French Republic in 1951 to inspect the paintings in the Ribbentrop collection. This discovery confirmed the validity of Rose Valland's post-war research into the whereabouts of this painting, which was said to have been part of a consignment of artworks sent by the German Embassy in Paris to the Reich Foreign Office in Berlin, which then moved it to Austria.

The work MNR R24P is not included in the list of claims submitted to the Artistic Recovery Commission by the OSUSKY family or in the list of claims submitted by James Armand de Rothschild. It is, however, mentioned in three different lists (Baldass list in 1940, German claims list, OSUSKY collection stored with

James de Rothschild's collection dated 25 November 1959, letter dated 18 November 1960 from the German Claims Office), with the same title and dimensions.

Therefore, due to the correspondence between the Baldass list in the Diplomatic Archives and the documents in the Federal Archives in Koblenz, and by process of elimination based on the paintings returned and the themes of the paintings kept, the researchers and the administration have concluded that MNR R24P, entitled "Église de Pont-Saint-Martin" certainly corresponds to "Vue du village avec une église".

IV. The Commission's opinion

MNR R24P was one of the works stolen from the Paris apartment at 14 Rue Leroux by the "Geheime Feldpolizei Gruppe 540" on 29 August 1940, on the orders of the German Embassy in Paris.

It is certain that the last legitimate owner of this work was Stefan OSUSKI, who had placed this work with others in the Paris apartment of James Armand de ROTHSCHILD and that he was spoliated in the same way as the latter as a result of the anti-Semitic laws in force in France during the Occupation.

Consequently, in view of the evidence on file and the opinion expressed by the competent administrative authorities, the painting representing the Eglise de Pont-Saint-Martin (Loire Atlantique), by Maurice Utrillo, paper mounted on canvas, oil painting 60 x 81 cm, listed in the inventory of the Musée National d'Art Moderne under number MNR R24P, should be returned to Ms A., Mr B., Ms C. and Ms D.

THE COMMISSION IS OF THE OPINION,

- 1° - That Ms A., Mr B., Ms C., and Ms D. be recognised as beneficiaries of a victim of spoliation arising from anti-Semitic legislation in force during the Occupation;
- 2° - That the painting representing the Eglise de Pont-Saint-Martin (Loire Atlantique), by Maurice Utrillo, paper mounted on canvas, oil painting 60 x 81 cm, listed in the inventory of the Musée National d'Art Moderne under number MNR R24P, should be returned to them;

REMINDS Ms A., Mr B., Ms C. and Ms D. to make it their personal business to resolve any disputes concerning the ownership of the artwork that may be returned to them by the French State in accordance with this recommendation.

REMINDS the parties that this recommendation will be notified:

- to the claimants,
- to Maître ...,
- to Ms E.

REMINDS the parties that this recommendation will be transmitted to the Prime Minister's office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended,

And, for information purposes:

- to the Director-General for Heritage, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex.

-The Ministry for Europe and Foreign Affairs was represented by Mr CHAUFFOUR,

-The Ministry of Culture was informed of the date of this hearing.

During the deliberation, the Commission was composed of Mr JEANNOTOT - Mr BERNARD - Mr TOUTÉE - Mr RUZIÉ - Ms GRYNBERG - Ms SIGAL - Ms DRAI - Mr PERROT.

Paris, 5 October 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOTOT

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