



PREMIÈRE
MINISTRE

*Liberté
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REPORT
TO THE PUBLIC
ON THE WORK
OF THE CIVS
COMPENSATION
RESTITUTION
REMEMBRANCE
2022

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

Contents

4 **Foreword**

8 **Compensation**

9 Compensation figures

11 The scale of the spoliations, the extent of the compensation

15 Bank-related spoliation

16 Searching for victims' heirs

17 Managed litigation

18 **Restitution**

19 Self-referral and restitution of cultural property

21 Recommended book returns

25 Restitution, a commitment renewed at the prague conference (3-4 november 2022)

27 An approach supported by international cooperation

30 **Remembrance**

31 German families are reconciling with their past: the example of audierne

33 Memorial sequence in germany (30 june – 2 july 2022)

35 Giving the floor to key witnesses and supporting families

38 How the civs functions and its resources

39 A commission that renews itself

43 Strengthening the research function

45 Developments of www.civs.gouv.fr

48 Civs resources in 2022

50 **Appendices**

51 APPENDIX 1: Report on the amounts recommended from the creation of CIVS to 31 December 2022

52 APPENDIX 2: Organisation of the CIVS as of 31 December 2022

55 APPENDIX 3: Selection of recommendations for 2022

FOREWORD

As was the case in 2022, 2023 will bring profound changes for the CIVS.

Changes in its composition, first of all. In April 2022, the mandate of the Deliberative Panel's qualified experts in the field of cultural property was renewed for a period of three years by decree of the Prime Minister. This renewal allows us to assess the work accomplished in recent years, particularly in terms of restitutions, and establish the additional expertise provided in this respect by these four members. Since its creation, the CIVS has used historical resources and the law to examine cases of spoliation. In 2019, it became a unique place where this knowledge was combined with new cultural expertise to examine spoliated cultural property.

The gradual evolution of the CIVS' action has also affected the team of rapporteurs in charge of investigating the cases. Since April 2022, the CIVS has seen the departure and arrival of rapporteurs within a renewed regulatory framework that sets their term of office at five years. At the same time, there has been substantial changes in the Commission's research staff in order to respond to the new types of cases presented to it.

In 2023, the mandate of the ten members forming the "historic core" of the Deliberative Panel will come to an end. In particular, neither the President nor the Vice-President will seek to renew it. From September onwards, a new Panel will therefore be responsible for continuing the CIVS' mission, following on from twenty-four years of practice and almost 30,000 cases. It will also have to follow the trajectory redefined by the Prime Minister in 2018 and implemented with the Commission's Director. He will step down in March. After eight years spent managing the CIVS and modernising its services, Mr Jérôme Bénézec has decided to pursue his career in other administrative fields.



Michel Jeannotot, Chairman of the CIVS

The treatment of spoliated property of public collections could also impact the remit of the CIVS. As research into museum collections continues, the question of how to return spoliated property is becoming ever more pressing. A special law, such as that of 21 February 2022, cannot be the answer to every new case. The public authorities' thinking on this is now well under way and is moving towards a system in which the "CIVS model", with its research capabilities, its multidisciplinary Panel and its fully independent opinions, could be key.

The CIVS' international action also supports this approach. For years now, the Commission has extended its reach beyond our borders, forged partnerships with its counterparts in Europe, and increased its relations with German institutions. This transcendence of the national framework echoes the scale on which the issue of spoliated cultural property must be addressed. Gustav Klimt's "Roses under the Trees" and Marc Chagall's "The Father" illustrate this well. These two paintings, which were among the works targeted by the Restitution Act of 21 February 2022, and which were held in the collections of the Musée d'Orsay and the Musée National d'Art Moderne, had been spoliated in Austria and Poland.

It is therefore a renewed and modernised CIVS that will continue its work of compensation and its mission of justice and remembrance that the public authorities have entrusted to it, driven by a new ambition.

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 of Spoliated Cultural Property between 1933 and 1945 for cases of spoliated cultural property.

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

"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, a musical instrument or jewellery.

In such cases, the victims are compensated by the State upon the Commission's recommendation.

Spoliation 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

29,961

This is the number of cases recorded by the Commission since its creation until 31 December 2022.

19,812

for material spoliations

10,038

for bank-related spoliation

111

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 posed 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 2022

- > 52 cases were examined in plenary sessions
- > 26 cases were examined in sub-committees
- > 71 cases were examined under the procedure of the Chairman ruling alone

78 recommendations were issued by the Deliberative Panel

- > 49 concerned material spoliations
- > 15 for bank-related spoliation
- > 14 spoliations of cultural property.

Of the 78 recommendations issued, 23 resulted in rejections (primarily due to lack of evidence of spoliation): 8 cases of material spoliation, 8 cases of bank-related spoliation and 7 cases of spoliation of cultural property.

108 recommendations were issued under the procedure of the Chairman ruling alone.

- > 82 reserved portions for material spoliation
- > 19 reserved portions for bank-related spoliation
- > 4 reserved portions for spoliations of cultural property
- > 3 recommendations involving beneficiaries of restitutions

Recommended compensation of €2,012,084

borne by the State, including €76,061 for bank-related spoliation

THE SCALE OF THE SPOILIATIONS, THE EXTENT OF THE COMPENSATION

€365,568
recommended in 2022

€164,112,500
since 1999
(including jewellery, excluding shelters)

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.

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. In addition, a number of 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. In addition, many cultural and religious objects were stolen from homes. The safes opened or broken into by the *Devisenschutzkommando* could also contain artworks. In total, 100,000 artworks and several million books were looted.

Payment of fees for smuggling to unoccupied France or across borders

De juin 1940 à novembre 1942, une ligne de From June 1940 to November 1942, a 1,200km 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

€372,759

recommandés en 2022

€175,464,273

since 1999

(excluding shelters)

€257,531

recommended in 2022

€55,553,340

recommended since 1999

€76,108

recommended in 2022

€22,321,344

since 1999

€255,938

recommended for insurance policies since 1999

€76,061

borne by the State

€112,430

to be paid by the banks, recommended for bank assets in 2022

€10,850,943

to be borne by the State and

€45,545,995

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))

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.

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..

€43,665

recommended in 2022

€90,469,287

since 1999

BANK-RELATED SPOILIATION

9,262

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

776

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

12,305

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.

Since its creation, the CIVS has established unjust enrichment resulting from financial assets illegally obtained or left with public or private institutions, and it has been able to assess losses in banking matters. 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.

18 cases were reviewed or further researched in 2022 by the Research Coordination Department, bringing the total number of cases processed to 10,038:

- in 13 cases, 59 cash accounts, securities accounts or safe deposit boxes were identified
- the research into the remaining 5 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. It is noted that the FSJU (United Jewish Welfare Fund) orders and pays out compensation from the Bank Fund.

In line with the Washington Agreement's recommendations on monitoring and regular information between the parties, the Commission received representatives of the complainants and a representative of the Ministry for Europe and Foreign Affairs in 2022. In the same spirit, under the aegis of the Fédération des Banques Françaises, the Commission took part in two meetings with members who contribute to the bank funds intended to compensate victims. During these discussions, the concern of stakeholders honouring their international commitments and maintaining enhanced dialogue was reaffirmed.

SEARCHING FOR VICTIMS' HEIRS

The issue of reserved portions is not only limited to its accounting aspect. It is also a question of justice. The reserved portions limit the scope of the CIVS' compensation action, since, in practice, they end up not compensating the heirs of victims of spoliation.

Since the spring of 2016, the CIVS has set up a system whose purpose is to seek out the rightful claimants as soon as the case is opened and until the end of the investigation, thereby limiting the creation of new reserved portions and reducing the number of existing reserved portions. However, this situation cannot always be avoided as claims may come from the third or fourth generation and beyond, or from collateral branches. In some cases, the links have disappeared and searches may not be successful.

Nevertheless, in 2022, we saw the system in action, as €932,394 were raised for beneficiaries. This result is the fruit of expertise reinforced by checking with inheritance registration services, by accessing new archives digitised by public authorities and by the consolidated partnerships with the CGJ (Jewish Genealogy Society) within the framework of an agreement renewed each year. The CGJ's assistance is particularly valuable in tracing the genealogy of beneficiaries identified in Eastern Europe, in particular the Polish branches (civil status searches), or with the Holocaust Claims Processing Office, whose involvement makes it possible to trace potential beneficiaries who emigrated to the United States.

Tracing victims' heirs is often a long and complex process. Certain legal difficulties in the area of inheritance law may also hinder the collection of reserved portions. How can a potential beneficiary be compensated if they have disclaimed the inheritance? What consequences does this measure have for the compensation that may be recommended? Responding to the many legal and tax questions that this issue raises is the challenge that the CIVS will have to face in 2023

€24,51m

This is the total amount of the reserved portions to be borne by the State at 31 December 2022.

\$1,84m

Total of reserved portions from bank funds.
(source: FSJU (United Jewish Welfare Fund))

105

new recommendations for the collection of reserved portions were issued in 2022.

RESERVED PORTIONS

These are the portions of compensation for the beneficiaries who are not involved in the proceedings. The CIVS reserves these amounts in order to ensure payment in the event that these rightful claimants come forward at a later date, or if the CIVS manages to identify and contact them.

MANAGED LITIGATION

“Claimants who challenge a recommendation issued by the Commission sitting as a sub-committee may call for their claim to be re-examined in a plenary session. They submit this request to the Commission Chairman along with the new evidence, by indicating the new facts on which their challenge is founded, or by specifying the points on which the recommendation is thought to contain material errors. The Chairman grants the request for reconsideration, except where the supporting evidence provides clearly insufficient grounds for challenging the recommendation. [...]”.

Article 8-1-1 of Ministerial Decree No. 99-778.

The CIVS is a consultative body and issues opinions in the form of recommendations to the Prime Minister. Article 8-1-1 of the decree establishing the Commission, as amended by Decree No. 2001-530 of 20 June 2001, provides that this opinion may be challenged and re-examined by the Commission.

Since the beginning of its work, the Commission has ruled on 635 requests for review (553 material and 82 banking-related). In 2022, the Commission’s Chairman received two new requests for review.

Furthermore, the decision to award compensation made by the Prime Minister on the Commission’s recommendation may, like any administrative decision, be appealed before the administrative courts (administrative court with an appeal before the administrative court of appeal, and an appeal on a point of law before the *Conseil d’Etat*, France’s highest administrative court). Similarly, a recommendation to dismiss a claim issued by the Commission can also be appealed before the administrative court as a grievance.

In 2022, the Commission acquired new tools to monitor all litigation procedures. At 31 December 2022, there were no cases pending before the administrative courts.

The nature of the disputes, regarding 43 appeals recorded since the Commission began its work, concerns loss of income and loss of profit (losses that are not compensated by the Commission), assessing the loss of clientele and intangible elements, or assessing the harm suffered. In general, the claims are based on an obvious error in assessing the harm, which impairs the decision of the Prime Minister who adopts the reasons of the Commission’s recommendation.

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 concerns the handover of the property 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.

SELF-REFERRAL AND RESTITUTION OF CULTURAL PROPERTY

“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.”

Article 1-1 of Ministerial Decree No. 99-778, as amended by Ministerial Decree No. 2018-829 of 1 October 2018.

7

décisions d'autosaisine au 31/12/2022

Self-referral practices

Whereas since 1999, the CIVS' work has been based exclusively on the filing of individual claims (or applications), Decree No. 2018-829 introduced the possibility for the Commission to refer cases to itself. This regulatory innovation reserved solely for cultural property, has made it possible to receive reports of cases in Germany where, for some years now, institutions and individuals have been expressing the wish to “return to France” property brought back by parents or grandparents.

Since 2020, these reports have led to self-referral decisions. They have also led to the return of three paintings in public collections, the restitution of five looted books to the heirs of Georges Mandel following successful cooperation with German libraries, and the identification and restitution (pending) of two canvas paintings listed in the Directory of Spoliated Property.

Conditions for self-referral

The Commission may refer cases to itself if the following five conditions are met:

- > it is an anti-Semitic spoliation
- > it occurred on French territory
- > during the Occupation
- > it concerns cultural property
- > this spoliation must not have already been the subject of an application

The Ministry of Culture's Mission for Research and Restitution is consulted on a proposed self-referral, and it is informed of the decisions taken.

The self-referral aims to propose a restitution measure to the Prime Minister. However, sometimes the looted property is held by a German institution, or by a private individual, who cannot be ordered to return it. In such cases, the CIVS intervenes at the express request of the person holding the property in order to make an official decision on the spoliation and identify the individual(s) to whom it should be returned.

Specific characteristics of the restitutions of books

On 16 September 2022, the CIVS' Deliberative Panel examined for the first time, a case involving the restitution of works following self-referral.

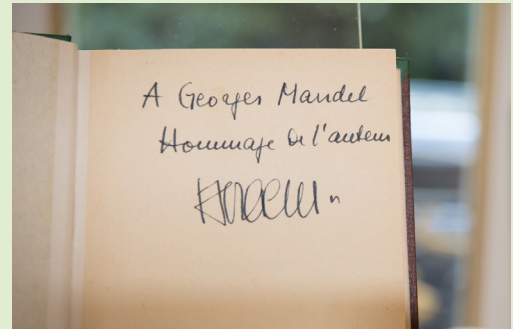
Since beginning its work, the CIVS has recommended compensation for spoliated libraries on several occasions but has never issued an opinion in favour of returning works, except in the Mandel case.

The first characteristic of this category of property is that, over time, other books from the same spoliated library may appear. The Commission will then have to determine how it will deal with these *repeated discoveries of property to be returned*: new searches? simplified examination? The Commission will have to determine the practice to follow in these situations.

Another characteristic is that, except in exceptional cases, books have a much lower market value than works of art. They will therefore not be sold, and the proceeds of their sale will not be distributed among the beneficiaries. Under these conditions, their distribution could be problematic, especially if they have a high sentimental value.



The works returned on 15 July 2022
© CIVS



Dedicated by the author to Georges Mandel
© Services du Premier ministre

RECOMMENDED BOOK RETURNS

THE BOOKS CONCERNED:

1. *Heilen und Bilden: Grundlagen der Erziehungskunst für Ärzte und Pädagogen* (Alfred Adler, Carl Furtmüller, Erwin Wexberg, 1922)
2. *Psychopathologische Dokumente: Selbstbekenntnisse und Fremdzeugnisse aus dem seelischen Grenzlande* (Karl Birnbaum, 1920)
3. *Die Herkunft des Menschengeschlechtes in den Anschauungen verschiedener Zeiten* (Hans Bluntschi, 1911)
4. *Sadismus und Masochismus* (A. Eulenberg, 1911)
5. *Der Hypnotismus oder die Suggestion und die Psychotherapie: Ihre psychologische, psychophysiologische und medizinische Bedeutung mit Einschluss der Psychoanalyse, sowie der Telepathiefrage* (August Forel, 1918)
6. *Elemente der analytischen Geometrie* (Johann Otto Gandtner, Emil Gruhl, 1901)
7. *Die romantische Schule : ein Beitrag zur Geschichte des deutschen Geistes* (Rudolf Haym, 1920)
8. *Allgemeine Psychopathologie : ein Leitfaden für Studierende, Ärzte und Psychologen* (Karl Jaspers, 1913)
9. *Naturrecht und Soziologie* (Adolf Menzel, 1912)

Dr Stern's library

(recommendation of 28 October 2022)

The facts

Erich Stern was a renowned German psychiatrist and psychologist who was dismissed in 1933 because of his Jewish origins and forced into exile in Paris with his wife and daughter. In Paris, Dr Stern returned to his profession. Due to the invasion of France by German troops, he had to take refuge in Salagnac (Dordogne), where he practised at the Clairvivre health centre. They remained there until 1948.

During the Occupation, the Stern family's flat in Boulogne-Billancourt was completely emptied of its contents. Their library of over 6,000 books was seized and transported to Germany.

After the war, Erich Stern initiated several procedures with the French and German authorities seeking the restitution of his library and compensation for his household effects.

In 2020 and 2021, Berlin's State Library (*Zentral- und Landesbibliothek Berlin*) identified 19 medical and psychological works from Erich Stern's library in its collections and expressed its wish to return them to his heirs.

The procedure

By decisions of its Chairman dated 14 May 2020 and 10 July 2021, the CIVS referred this spoliation case to itself. The Ministry of Culture's Mission for Research and Restitution of Spoliated Cultural Property was consulted and submitted a summary of its work on 31 August 2021. At the same time, the CIVS searched for Dr Stern's beneficiaries.

Erich Stern had only one daughter who did not marry and died leaving no children. She appointed the FSJU (United Jewish Welfare Fund) as universal legatee and several persons entitled to specific legacies, including the association "Groupe toulousain de la société psychanalytique de Paris" to which she bequeathed all the books and journals on psychiatry and psychoanalysis that she owned.

Ms Descours-Gatin, a rapporteur with the CIVS, examined the case and submitted her report on 13 May 2022.

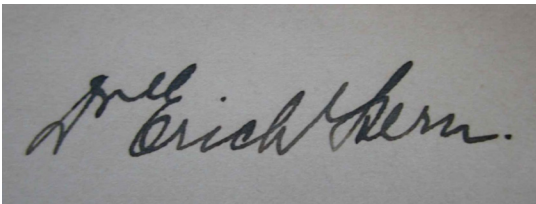
The CIVS' Deliberative Panel met on 16 September 2022 to decide on whether to return these works.

The Commission's opinion

Provenance research carried out by the *Zentral- und Landesbibliothek Berlin* (ZLB) established that these books came from the library of Dr Stern's home in Boulogne-Billancourt. Their covers include handwritten entries by the owner: "Stern", "Dr Stern", "Dr Erich Stern", "Erich Stern" or "Stern Giessen". Moreover, these books correspond to the description of Dr Stern's library that he gave to the Office for Private Property and Interests (O.B.I.P) after the war.

Consequently, the CIVS invited the ZLB to contact the association "Groupe toulousain de la société psychanalytique de Paris" with a view to agreeing on the return of these works.

Following the self-referral decisions of 2020 and 2021, further works by Dr Stern were identified in the collections of the ZLB and the Library of the Free University of Berlin (*Freie Universität Berlin*).



On one of the books was Dr Stern's signature

THE BOOKS CONCERNED (CONTINUED):

10. *Intentionalität, Reaktivität und Schwachsinn*
(Heinrich Nöll, 1926)
11. *Technische Rundschau:
Wochenbeilage zum Berliner Tageblatt*
(H. Rupprecht, 1908)
12. *Zur Phänomenologie und Theorie
der Sympathiegefühle und von Liebe und Has :
mit einem Anhang über den Grund
zur Annahme der Existenz des fremden Ich*
(Max Scheler, 1913)
13. *Lebensanschauung : vier metaphysische Kapitel*
(Georg Simmel, 1918)
14. *Kopernikus und das neue Weltssystem*
(Leonhard Stahl, 1908)
15. *Erinnerung, Aussage und Lüge
in der ersten Kindheit*
(Clara Stern, William Stern, 1920)
16. *Die Kindersprache: eine psychologische
und sprachtheoretische Untersuchung*
(Clara Stern, William Stern, 1920)
17. *Prolegomena zu einer wissenschaftlichen
Psychologie*
(Anna Tumarkin, 1923)
18. *Allgemeine Physiologie :
ein Grundriss der Lehre vom Leben*
(Max Verworn, 1915)
19. *Zur Psychologie der primitiven Kunst :
ein Vortrag*
(Max Verworn, 1917)

HENRY TORRÈS' BOOKS:

Preserved by the Staatsbibliothek zu Berlin:

1. *Le drame de la Méditerranée*
(Camille Aymard, 1939)
2. *La vie dangereuse*
(Blaise Cendrars, 1938)
3. *Les défricheurs d'empire*
(Jean d'Esme, 1937)
4. *L'inconnue d'Arras*
(Armand Salacrou, 1936)
6. *La Belgique et l'équilibre européen*
(J. Wullus-Rudiger, 1935)
7. *Crime et châtement : vingt tableaux adaptés et mis en scène d'après F.-M. Dostoïevsky*
(Gaston Baty, 1933)
8. *Le Siège de Paris*
(Pierre Dominique, 1932)
9. *Pipe-en-bois : témoin de la Commune*
(Léon Deffoux, 1932)
10. *Les derniers jours de Shylock*
(Ludwig Lewisohn, 1932)
11. *La clef anglaise*
(Pierre Daye, 1931)
12. *Les attentats anarchistes sous la Troisième République*
(Marius Boisson, 1931)
13. *La vie d'Ivan le Terrible*
(André Beucler, 1931)
14. *Israël 1931*
(Pierre Paraf, 1931)
15. *Benjamin Constant : l'homme et l'œuvre*
(Pierre Mortier, 1930)
16. *L'an dernier à Jérusalem*
(Edouard Helsey, 1930)
17. *Une perle : roman*
(Claire Goll, 1929)
18. *Une Allemande à Paris : roman*
(Claire Goll, 1929)
19. *Rue Pigalle : roman*
(Francis Carco, 1928)
20. *La torche noire : drames exotiques*
(Jean Joseph Renaud, 1939)

Henry Torrès' books (recommendation of 8 November 2022)

The facts

A renowned lawyer and then a leading politician under the Third Republic, Henry Torrès also enjoyed notable success as an author and journalist. Elected as an MP for the first time in 1932, his undertakings included social welfare, disarmament policies and the extension of universal suffrage to women.

Opposed to the armistice while he was in charge of governmental functions at the outbreak of the Second World War, Henry Torrès was also targeted by the anti-Semitic laws of the Vichy regime. He left for Morocco before going into exile in Brazil and then the United States. As a result, he was sentenced to death in absentia for his stance against the collaborationist regime.

Some thirty works belonging to him were identified in Germany in the collections of the *Staatsbibliothek zu Berlin*, the Regional and University Library of Dresden, and the University Library of Rostock.

The procedure

By decision of its Chairman dated 9 March 2021, the CIVS referred this spoliation case to itself. The Ministry of Culture's Mission for Research and Restitution of Spoliated Cultural Property was consulted and submitted a summary of its work on 20 September 2021. At the same time, the CIVS searched for his beneficiaries.

Mr Jean-Michel Augustin, a rapporteur with the CIVS, examined the case and submitted his report on 9 June 2022.

The CIVS' Deliberative Panel met on 16 September 2022 to decide on whether to return the works concerned.

The Commission's opinion

The research undertaken did not make it possible to determine the exact circumstances of the theft of these works, or to find traces of restitution proceedings or compensation for spoiliations that Henry Torrès may have initiated after the war, either in France or in Germany. His first wife's home in Jouy-en-Josas and his second wife's home in Paris were looted or occupied by the Germans during the war.

A document, dated March 1946 and kept by the Diplomatic Archives, mentions the discovery of a book that belonged to Henry Torrès at the headquarters of the Reich Central Security Office (RSHA). This office was responsible for centralising books from libraries seized throughout Europe. After the war, these books were distributed among the various German public libraries.

The presence of this book on the RSHA's premises, as well as the discovery of 30 works in three public libraries in Germany, viewed in the context of the circumstances in which Henry Torrès had to leave France at the beginning of the Second World War, allow us to consider that these works were spoliated from Henry Torrès or someone close to him who was in possession of his books.

Consequently, the CIVS invited the libraries holding these works to contact the beneficiaries of Henry Torrès, with a view to agreeing on their return.

Preserved by the Rostock University Library:

21. *Histoires vraies*
(Blaise Cendrars, 1938)
22. *La Promenade de minuit. André Brunel, Policier*
(Pierre Boileau, 1934)
23. *Monsieur de la Ferté*
(Pierre Benoit, 1934)
24. *L'homme de minuit : roman*
(Francis Carco, 1938)
25. *Corps et biens*
(Robert Desnos, 1930)
26. *Pour la poésie*
(Jean Cassou, 1935)

Preserved by the Rostock University Library:

27. *La maison des trois fiancées*
(Emile Zavie, 1925)
28. *Le bal des aveugles*
(Paul Vaillant-Couturier, 1927)
29. *Espaces : Epaisseurs, Vulturene*
(Léon-Paul Fargue, 1929)
30. *Orient et occident : les plus belles nouvelles*
(William Somerset Maugham, 1935)

RESTITUTION, A COMMITMENT RENEWED AT THE PRAGUE CONFERENCE

(3-4 NOVEMBRE 2022)

THE TEREZIN DECLARATION

The Holocaust Era Assets Conference was held from 26 to 30 June 2009 in Prague and Terezin, where thousands of European Jews and other victims of Nazi persecution died or were sent to death camps during the Second World War. The French delegation was led by Simone Veil, a former Minister and former President of the European Parliament, and François Zimmeray, an Ambassador for Human Rights. It ended with the Terezin Declaration, which constitutes a moral commitment by 46 countries to, among other things, restitution or compensation for spoliation committed, social protection for Holocaust survivors and other victims of Nazi persecution, Jewish cemeteries and graves, education and commemorative ceremonies, research and places of remembrance.

Within the framework of its Presidency of the Council of the European Union, the Czech government organised a conference to follow up on the Terezin Declaration. The signatory States, including France, were able to present their commitments for the next three years regarding the restitution of looted property.

The French delegation included Thomas Piana (Ministry for Europe and Foreign Affairs), Jérôme Bénézech (Director of the CIVS) and David Zivie (Head of the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945).

The six sessions of the Conference, coordinated by Robert Rehak (Czech Special Envoy for the Holocaust, Interfaith Dialogue and Freedom of Religion, and conference organiser) were devoted to the following themes: 1. Follow-up to the Terezin Conference 2. Education and preventing misinformation 3. State commitments and contributions 4. Combatting online anti-Semitism 5. Restitution of looted property and artworks 6. Assistance to Holocaust survivors in Ukraine.

The representative of the Ministry for Europe and Foreign Affairs presented France's commitments for the next three years during a dedicated session that was video recorded. These commitments include progress and prospects in France regarding the restitution of looted property:

- > the Law of 21 February 2022 for the restitution of fifteen works, and the prospect of a framework law allowing the removal of looted works from national and regional collections
- > France's emphasis on the restitution of books from looted libraries

Watch the national commitments made at the 3rd session:

<https://www.youtube.com/watch?v=jxZ06nAsue4>

France's restitution policy was cited several times in Prague as an example, notably by the American ambassador Stuart Eizenstat.

AN APPROACH SUPPORTED BY INTERNATIONAL COOPERATION

DEUTSCHES ZENTRUM KULTURGUTVERLUSTE (DZK)

The DZK, which is responsible for issues of spoliation of cultural property in Germany in the 20th century, supports and finances provenance research and documents lost and claimed cultural property through its public “Lost Art” database, which can be accessed online (www.lostart.de). Its headquarters are in Magdeburg.

Tripartite Franco-German cooperation

An agreement of 22 May 2019 established cooperation between the CIVS, the *Deutsches Zentrum Kulturgutverluste* (DZK) and the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945. This cooperation aims to promote investigations and research into looted cultural property and the organisation of joint operations.

At their meeting on 13 October 2022, the partners discussed the following prospects: the future online availability of the English and German versions of the “Guide des sources” [Source Guide] (<https://francearchives.fr/fr/section/82632085>); France’s involvement in translating the “Provenienzforschung NS-Raubgut” guide; access to databases; efforts to inform each other of the restitutions that take place in France and Germany; the organisation of joint events.

The CIVS meets with the *Beratende Kommission*

On 1 July 2022, the CIVS Deliberative Panel met with representatives of the German Restitution Advisory Commission (*Beratende Kommission*) at the French Embassy in Berlin.

This session was devoted to case studies and a comparative examination of the concept “Fluchtgüter”, cultural property sold by families to finance their exile in the face of threats of National Socialism.

The meeting also allowed for a better mutual understanding of how the commissions function.



The representatives of both commissions
© French Embassy in Germany

Participation in the round table organised by the Franco-German Cultural High Council (HCCFA)

On 29 November 2022, the CIVS was included in the discussion organised by the HCCFA on provenance research and restitution, as well as on the issue of liability. The training of researchers, the role of institutions, and the creation of a chain of professionals were among the topics discussed at this meeting. In addition to the Chairman of the CIVS, the meeting was attended by the Head of the *Deutsches Zentrum Kulturgutverluste*, the Head of the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945, and the *Service des Musées de France* (Ministry of Culture).

Participation in the Franco-Israeli Bilateral Dialogue on anti-Semitism

The Ministry for Europe and Foreign Affairs (MEAE) and the Inter-ministerial Delegation for the Fight against Racism, Anti-Semitism and Anti-LGBT Hatred (DILCRAH) hosted the fifth session of the Franco-Israeli Bilateral Dialogue on Anti-Semitism in Paris on 12-13 September 2022.

Launched in 2015 and placed under the aegis of the French and Israeli Ministries of Foreign Affairs, this forum for dialogue aims to enable joint thinking on policies to combat racism and anti-Semitism in France, Europe and the world, and to evaluate their results through continuous exchanges of information, experts and action programmes.

This year, the CIVS Chairman was invited to take part in this session's fifth workshop, moderated by the Ministry for Europe and Foreign Affairs' Director of Archives, and devoted to work on archives and the restitution of property.

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.

GERMAN FAMILIES ARE RECONCILING WITH THEIR PAST: THE EXAMPLE OF AUDIERNE

THE ARTWORK RECOVERY COMMISSION (CRA)

A Commission set up between 1944 and 1949 to receive claims from dispossessed owners.

THE OFFICE FOR PRIVATE PROPERTY AND INTERESTS (OBIP)

Created in 1917 and placed under the Ministry of Foreign Affairs, the OBIP collected reports of theft and looting of all types of property

Mrs Lieselotte Hoffmann, née Müller, inherited from her mother, who died in 1990, two paintings signed by the Breton painter Lionel Floch; one represents a market scene and the other, people collecting seaweed. According to family accounts and records, her father Max Müller brought these paintings home after a period during which he was stationed in France, particularly in Audierne, Brittany, while serving in the *Wehrmacht*.

Mrs Petra Hoffmann, Lieselotte's daughter living in Lena (Germany), had always been unaware of the conditions under which her grandfather had come into possession of the paintings. Acting in a personal capacity and as a representative of her mother, and her brothers and sisters, she approached the French Embassy in Berlin and the CIVS with a view to organising the return of the paintings to France and their restitution to their rightful owners. Demonstrating their willingness to part with Lionel Floch's paintings for good, the parties concerned relinquished all rights that they held in these two oil paintings by means of a handover agreement dated 2 September 2022.

Pending the identification of the owners and beneficiaries, the CIVS entrusted the paintings to the town of Audierne, which assumed responsibility for their conservation and public exhibition (agreement dated 19 September 2022).

Continuing their joint research, the CIVS and the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945 have succeeded in clarifying the provenance of the works, identifying their owner and then finding the beneficiaries. The investigations revealed that their owner, Mr R. J., had filed a claim with the CRA and the OBIP after the war. In his claim, R. J. mentioned his villa in Audierne, occupied from

February 1941 to August 1944, and declared on 7 October 1945 that several artworks had been stolen: 3 oils, 2 large charcoals and 5 sketches by Lionel Floch.

From this research, it appears that three oil paintings by Lionel Floch are listed in the *Répertoire des biens spoliés en France durant la guerre 1939-1945* [List of property looted in France during the war]. They were not returned in 1961 and, in the case of two of them, the *Scène de marché à Guarda* (65 x 50 cm) and *Vue de la côte sud de la baie de Douarnenez* (65 x 50 cm), their content and dimensions correspond to the works entrusted to Audierne in September 2022.

The CIVS then carried out genealogical research and determined the rights of the heirs. In the winter of 2022/2023, it decided with them the arrangements for the restitution. The two canvas paintings should be returned to the beneficiaries at a ceremony organised by the town of Audierne on 1 April 2023.



The Paintings entrusted to the Audierne town hall
© CIVS

Visit to the Memorial to the Murdered Jews of Europe

On 1 July 2022, the CIVS delegation visited the Memorial to the Murdered Jews of Europe. Inaugurated in 2005 in the centre of Berlin, this memorial features more than 19,000 m² of grey concrete steles evoking the horror of the Holocaust. Does the arrangement of steles represent a cemetery or the mapping of a concentration camp? The drawings by the architect Peter Eisenmann allows visitors to interpret it in their own way and to reflect.

The visit continued in the documentation centre, which was mainly organised around biographical presentations and archive documents on the deportation journey of families from various European countries.

Ravensbrück camp

On 2 July, the Deliberative Panel completed its memorial mission at the Ravensbrück Camp Memorial. After visiting the remains of the camp in the morning, the CIVS delegation went to see the exhibition "Resistance – Repression – Deportation. Women from France at Ravensbrück" inaugurated a few months earlier. This touring, interactive and multimedia exhibition in German and French tells the story of the 7,000 women deported from France to this concentration camp through fifteen biographical accounts.



The CIVS Chairman at the Memorial to the Murdered Jews of Europe
© CIVS



Dean Ruzié writing a message in the Memorial visitor's book on behalf of the Commission
© CIVS



Visit to the exhibition "Resistance – Repression – Deportation. Women from France at Ravensbrück"
© CIVS

GIVING THE FLOOR TO KEY WITNESSES AND SUPPORTING FAMILIES

Testimonies of Lili Leignel in Berlin



Lili Leignel, Holocaust survivor and key witness
© French Embassy in Germany

The CIVS received Ms Lili Leignel in Berlin from 28 April to 1 May 2022.

Deported at the age of 11 as a Jew with her mother and two younger brothers, Ms Leignel survived the concentration camps of Ravensbrück and Bergen-Belsen. Her testimony *Et nous sommes revenus seuls*, published by Plon in 2011, gives an account of this ordeal.

Lili Leignel spoke on 28 April in the auditorium of the French Embassy in Germany in front of nearly 200 people. On 29 April, the CIVS accompanied her when she gave another account to the students of the Lycée français de Berlin.

Screening of and discussion on the film "Colette"



Colette Marin-Catherine at the Embassy auditorium
© French Embassy in Germany

On 6 October 2022, the CIVS jointly organised with the French Embassy in Germany a screening of and discussion on the Oscar-winning film "Colette".

About 200 students attended this event in the presence of Ms Colette Marin-Catherine, a former Resistance fighter and main protagonist of the film.

Support for families of former deportees

In 2022, the CIVS again accompanied families of former deportees to places of remembrance in Germany.

It received the Sachsenhausen and Ravensbrück associations at the French Embassy in Berlin and accompanied the families of former deportees to the commemoration of the liberation of the Buchenwald, Ravensbrück and Sachsenhausen camps and the "Death Marches" in the Below Forest.

On 16 November 2022, in response to acts of vandalism committed in Weimar during the summer, the CIVS took part in a ceremony to plant trees of remembrance, in particular dedicated to the memory of Marcel Dassault and the children deported to the Ravensbrück camp.

Other memorial events

"La mémoire au défi" conference

On 18 May 2022, in partnership with the French Institute in Munich, the CIVS organised a conference entitled "La mémoire au défi": a public dialogue with Alain Chouraqui, President of the *Fondation du Camp des Milles*, and Charlotte Knobloch, a victim of National Socialism, former President of the Central Council of Jews in Germany and President of the Jewish community in Munich and Upper Bavaria.



© Ravensbrück Memorial

The conference in Munich brought together an audience of experts interested in the future of the culture of remembrance shared between France and Germany.

The exhibition “Serge and Beate Klarsfeld: a fight against oblivion”

On 8 October 2022, the CIVS supported the presentation of the exhibition “Serge and Beate Klarsfeld: a fight against oblivion” in the VIP lounges of Berlin’s historic town hall, before being relocated on 6 December to the Documentation Centre for National Socialism “Topography of Terror”, a major memorial site in the heart of Berlin.

A COMMISSION THAT RENEWS ITSELF

*"[...] a Principal Rapporteur and rapporteurs are appointed to the Commission for a period of **five years** by order of the Minister for Justice from among the judges of the regular court system and members of the administrative courts."*

Last paragraph of Article 3 of Decree No. 99-778, amended by Decree No. 2022-588 of 20 April 2022.

The significant evolution of the CIVS' actions raises the question of the skills required to implement these changes. The Decree of 1 October 2018 provided an initial response by strengthening the Panel of expertise with four new qualified experts. By limiting the term of office of rapporteurs at the Commission, a decree dated 20 April 2022 applied this requirement to the investigation level.

A decree to limit the length of rapporteurs' terms of office

Since the establishment of the CIVS, the orders appointing the Principal Rapporteur and the rapporteurs to the CIVS were issued with no time limit. This absence of a time limit, which was understandable from the perspective of a short-term mission, was no longer appropriate at a time when the Commission's activity was being extended. The definitive nature of these appointments was not in keeping with the *temporary* needs that had led to them.

Since 2019, the CIVS' investigation requirements have changed significantly: fewer cases are being examined and they increasingly concern more complex cases of spoliation of cultural property. To meet its changing needs, the CIVS needed to be able to adjust its investigative capacity in order to:

- adapt the number of judges to changes in the number of applications referred to it;
- end collaboration with judges whose profiles were no longer suitable and plan for the recruitment of new skills

Furthermore, the absence of a time limit on rapporteurs' terms of office was a peculiarity that could not be justified, if we compare it to the appointment of Commission members for a period of three years (Article 3 of Decree No. 99-778) and the change in personnel at the CIVS every five years since Decree No. 2006-672 of 8 June 2006.

Decree No. 2022-588 of 20 April 2022 now fixes the term of office of the Principal Rapporteur and the rapporteurs appointed to the CIVS at five years.

Article 3 of Ministerial Decree No. 99-778.

By order of the Minister of Justice, dated 4 May 2022, Ms Brigitte Chokron, Honorary Judge, was appointed to the position of Rapporteur for the CIVS. This was the first appointment since 2005. A further appointment will be made in 2023. At the same time, two rapporteurs have ended their terms as rapporteurs during 2022.

Change in qualified experts for spoliations of cultural property

In response to the Commission's enhanced prerogatives in the area of looted cultural property, Decree No. 2018-829 of 1 October 2018 provided for the addition of four new qualified individuals to the CIVS' Deliberative Panel, respectively in the fields of art history, the art market, history of the Second World War, and heritage law.

Since their appointment by the Decree on 6 May 2019, the contribution of Ms Ines Rotermond-Reynard, an art historian, Mr Dominique Ribeyre, an auctioneer, Ms Claire Andrieu, university professor at the Paris Institute of Political Studies, and Mr Xavier Perrot, university professor at the Université Clermont Auvergne, has really enriched the examination of the cases, session after session. They were appointed for a further three years **by the Decree on 8 April 2022**.

"THE COMMISSION IS MADE UP OF:

1. *Two practising or honorary sitting judges outside the hierarchy of the Cour de cassation, France's Final Court of Appeal;*
2. *Two practising or honorary State Counsellors;*
3. *Two practising or honorary Master Auditors at the Court of Accounts;*
4. *Two university professors;*
5. *Two qualified experts.*

The Chairperson of the Commission is chosen from among the members mentioned in 1.

[...]

The Chairperson, Vice-Chairperson and members of the Commission are appointed by decree of the Prime Minister for a period of three years [...]."

The challenges of changing the personnel in September 2023

In September 2023, the term of office of Commission members will come to an end. This change in personnel will be substantial, as three members, including the Chairman and Vice-Chairman, have already indicated that they do not wish to commit to a further three-year term.

The replacements appointed in September 2023 are therefore particularly important. They should enable the Commission to continue on the trajectory initiated by the Chairman and the Director, from its “historical mission” to the scope redefined since the Decree of 1 October 2018.

Member of the CIVS Panel

There are several reasons why I agreed to submit my candidacy to the CIVS' Deliberative Panel. I will start with the most recent, the one that motivated my application for renewal in 2022. I am referring to the atmosphere in the Panel, especially during the deliberations, when the decisions of one another may differ. In a group of about fifteen independent people, freedom of expression, while respecting each other's positions, may seem to go without saying. But the quality of the discussions is largely due to the personality and style of the Chairman. Without this management of the sessions which is mindful of each speaker, the discussion would lose precision and clarity. The feeling of participating in the construction of a fair recommendation, which free discussion allows to be closely adjusted to the case under examination, is part of the interest in sitting on the Panel, not to mention, of course, the pleasure of meetings between CIVS members.

If we look at my professional career, my arrival at the CIVS corresponds to a certain continuity. In the 1980s, while preparing my history thesis on the organisation of the banking profession between 1936 and 1946, I became familiar with Aryanisation and restitution policies. From there, I was called to the Mattéoli Mission, the Working Party on the Spoliation of Jews in France (1997-2000). In charge of the financial cases - assets in banks and financial institutions, insurance policies, and the overall valuation of the assets left unclaimed - I had acquired fairly accurate knowledge of spoliation and restitution mechanisms in the post-war period. Apart from the Financial Report of the Mattéoli Mission, this experience provided me with the material for several academic contributions and articles written at a later date. I had therefore not left this area when I was asked to apply for the position of member of the CIVS' enlarged Panel, within the framework of the 2018 decree which expanded the composition of the Panel to facilitate the examination of

applications concerning cultural property.

This continuity in the approach to the historical discipline, from research through to its practical applications in the public interest, is based on conviction and intellectual curiosity. The conviction is this: the past does not fade away. It circulates in people's minds while being transformed on contact with each person, each new generation and each new context. We only know avatars of the past, virtual images that constitute the so-called collective memory. Caught up in this setting, the historian's role is to limit the special effects, wanderings and sometimes extravagances. By looking at the archives of the period under consideration, the historian is able to point out errors and misinterpretations stemming from the context of the examination. It is a way of ensuring that the policy of remembrance is based on the facts rather than on ideas about them. Establishing the truth is part of the compensation due to victims.

On a more intellectual level, it is interesting to observe in situ history in the making, or rather in the process of being remade, of being renegotiated within the CIVS decision-making process. Compensation organised eighty years later cannot be paid on a franc-for-franc basis. It is necessarily influenced by parameters outside the past. This does not undermine the principle of justice that property restitution should take place, even decades later, when the spoliation took place against a backdrop of persecution and genocide. But the fact that, for example, there are hardly any direct victims among the claimants, the proportion of grandchildren is growing, and a small proportion of claimants have no connection with the past, leads in reality to a distortion/reformulation of history. Through their involvement in the Commission, the historian is able to observe first hand the dynamics of the construction of a collective memory. It is a rare privilege to sit in the antechamber of the history factory.

Claire Andrieu, 25 February 2023

STRENGTHENING THE RESEARCH FUNCTION”

61

is the number of new cases recorded by the Commission in 2022.

35

for material spoliations

19

for bank-related spoliation

7

for spoliations of cultural property

In 2022, the CIVS recorded 61 new cases, an average of 5 cases per month. At the same time, it received 35 new applications.

Although the number of claims is falling over time, they are more complex than before, particularly because of cases of spoliation of movable cultural property, which often involve very long searches. In addition, the generational gap between claimants and the direct victims of spoliation makes it more difficult to find the beneficiaries.

To cope with these changes, the CIVS can rely on an extensive network of partners, and on new personnel within the Research Coordination Department (SCR).

The SCR, a changing department

At the CIVS, the SCR is the department that records the claims submitted to the Commission and determines the research to be carried out in order to examine the cases.

On 1 July 2022, responsibility for this department was entrusted to Mr Clément Maral. Other employees were added to the department in 2022: in March, Mr Mayeul Lacroix de Villeneuve, to consolidate the searches of beneficiaries and banking investigations and, in September, Ms Cécile Poulot, a specialist in archive research. Alongside Ms Isabelle Rixte, who is both a representative and an archivist at the SCR, the number of staff in the department has been increased to four. Finally, Ms Charlotte Scetbon, who worked as an intern for six months, assisted the department with genealogical research and the administrative management of files. This reinforcement in personnel responds to a series of changes that have broadened the SCR’s research missions.

It has become a real research centre in charge of following up on all the investigations required by the applications addressed to the CIVS. They are never the same and each time, need to be handled in a specific way. This is why the SCR works with a multitude of partners and archive centres in France and Germany.

Renewed cooperation with the National Archives

The framework agreement on cooperation governing relations between the National Archives and the Commission was renewed on 17 October 2022 by Mr Bruno Ricard, Director of the National Archives, and Mr Jérôme Bénézech, Director of the CIVS. At the National Archives, the CIVS is in close contact with several entities, mainly the Department of the Executive and Legislative Branch - World Wars Division, but also with those in charge of the archives of the National Museums and those responsible for the payments of the National Centre for Settlement of War Damage [*Centre national de règlement des dommages de guerre*]. In addition to benefiting from their expertise on the history of the funds investigated, the CIVS receives constant logistical support.

During the summer, its branch in Pierrefitte-sur-Seine moved to a new office in accordance with the new space allocation plan following the closure of the National Archives site in Fontainebleau.

A new public outsourcing contract for archival research

In May 2021, the Commission entered into an innovative one-year contract which allowed it to outsource research to the National Archives and the Paris Archives, as needed. The backlog of pending cases that had built up during the health crisis was the main reason for this decision.

As this new operating method has proved effective, the Commission awarded a new contract in October 2022, this time for a period of 12 months, which can be renewed three times. Axelle Malavieille and Aline Le Visage were selected after the call for tenders process.

DEVELOPMENTS OF WWW.CIVS.GOUV.FR

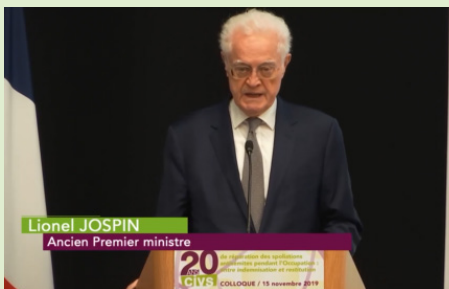
In 2022, the CIVS website underwent two major changes aimed at providing new resources to the public (first and foremost the victims' families, but also researchers, historians, or simply citizens and taxpayers).

Putting the CIVS' 20th anniversary conference online

In November 2019, the CIVS organised a major conference to mark its twenty years of activity. All the speeches (18 in total, in French or English) were filmed. They are now available on the Commission's website, thanks to the technological support of the public platform www.documentation-administrative.gouv.fr (see box).

By browsing the dedicated section <http://www.civs.gouv.fr/fr/ressources-documentaires/les-20-ans-de-la-civs/>, you will be able to view all the speeches on spoliation, on the establishment of the Commission under the government of Lionel Jospin, and on the role played by the United States. These presentations also provide an initial assessment of the CIVS, while the examples of similar mechanisms abroad shed new light on its action. The talks in the second part of the conference dealt with the issue of movable cultural property, which is a new perspective for the Commission.

An exhibition was also organised alongside the conference. The new section will allow you to view the videos shot for this exhibition. These are accounts from rapporteurs who investigate cases submitted to the CIVS. They explain their job, the difficulties encountered and the human dimension, which is ever-present and characterises the work of the rapporteur.



Lionel JOSPIN
Ancien Premier ministre

Prime Minister Lionel Jospin opened the 20th anniversary conference on 15 November 2019.

© CIVS



Marie-Hélène VALENSI
Magistrate, Rapporteur à la CIVS
A Judge-Rapporteur of the CIVS

Interview with Marie-Hélène Valensi, Judge-Rapporteur at the CIVS.

Putting recommendations online

Since December 2022, a selection of recommendations can be viewed on the CIVS website. This is the first time the CIVS has published its recommendations. Because they inform the Prime Minister's decision, the CIVS' opinions were not intended to be published.

However, expectation in France and abroad have led the CIVS to publish some of its recommendations on its website, following the example of other commissions in Europe. Since its creation, the CIVS has issued more than 36,000 recommendations, and we could not publish them all. We have therefore decided to reproduce a selection of recommendations issued since 2020. They are published in an anonymised version in order to protect the personal data of those concerned. They will also soon be available in English and German. This selection will be added to each year.

Use the link below to view these recommendations:
<http://www.civs.gouv.fr/fr/ressources-documentaires/selection-de-recommandations/>

www.documentation-administrative.gouv.fr, giving access to public data

Since November 2021, www.documentation-administrative.gouv.fr has published nearly 1,000 documents from the Prime Minister's services and partner independent administrative authorities and has thus upheld the principles of open public data and the freedom to re-use public information produced or held by the State.

As a new stakeholder in the public data landscape, www.documentation-administrative.gouv.fr facilitates access to content produced by government departments and enables individuals, authorities and professionals to discover and better understand the wealth of information produced by public entities.

Showcasing the Commission's expertise

It is in this spirit that the CIVS wished to publish its documents on www.documentation-administrative.gouv.fr, in particular the actions and videos of the conference Twenty years of reparation for anti-Semitic spoliation during the Occupation that it organised in November 2019 in Paris.

Thanks to www.documentation-administrative.gouv.fr, the Commission has been able to:

- improve the information available to its audiences by better reporting on its activities, particularly abroad;
- share its work and enable its communities (in particular teachers) to benefit from the most recent research so that "nothing about the dark hours of our history" is concealed;
- offer content under an open licence, thus contributing to the dissemination of knowledge and modernisation of public action;
- keep the resources permanently published online on the platform in a secure manner.

Some notable links

Reports, proceedings, videos, working documents, guides and other handbooks... in the spring of 2023, the CIVS will make nearly a hundred documents freely available on www.documentation-administrative.gouv.fr: the CIVS [activity reports](#) since 2001, in French, and translated into English and German; the [actions](#) and [videos](#) of the conference organised for the 20th anniversary of the CIVS; the [general report](#) of the Working Party on the Spoliation of Jews in France.

CIVS RESOURCES IN 2022

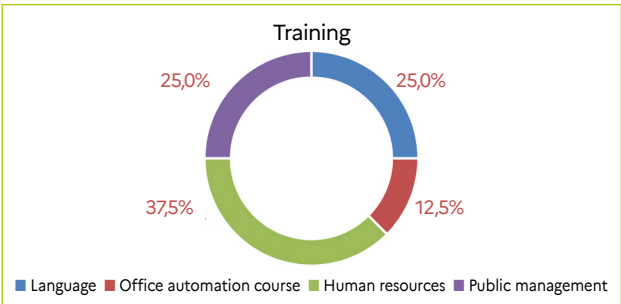
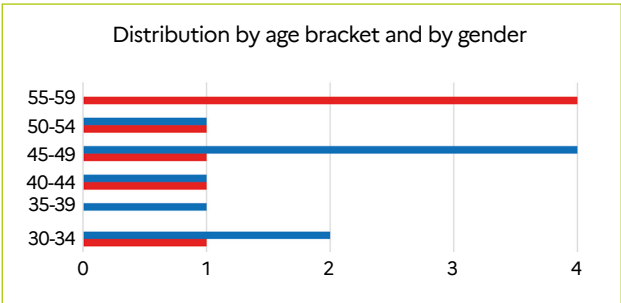
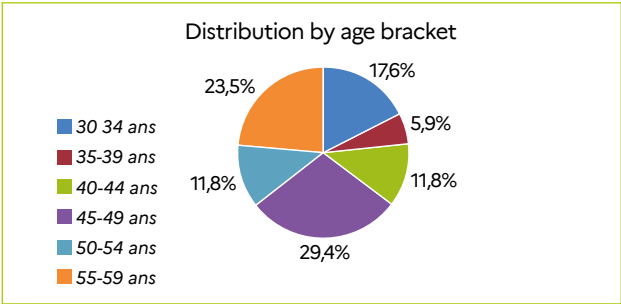
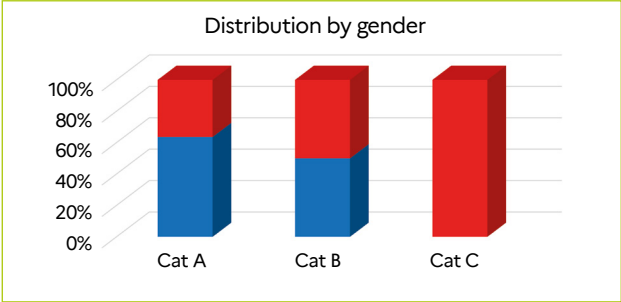
17
permanent
staff
members

65%
of the Commission's staff
are on civil service contractse

48 years
is the average age
of the workforce

47%
of CIVS staff are women

8 training
sessions
provided to CIVS staff in 2022



The Commission's rapporteurs

In 2022, nine judge-rapporteurs were placed under the authority of the Principal Rapporteur:

> 5 women

> 4 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.

Government Commissioner

Article 3-2 of the decree establishing the CIVS stipulates that the Government Commissioner assigned to the CIVS will receive a copy of the reports once the files have been examined and may make written or oral observations on them.

CIVS budget

STAFF EXPENSES		
	Budget allocation	€1,44m
	Budget used	€1,32m
	<i>in Paris</i>	€1,19m
	<i>in Berlin</i>	€0,13m
	Employment ceiling	16 FTE
OPERATING EXPENSES		
	Budget allocation	€0,37m
	Budget used	€0,33m
INTERVENTION EXPENDITURE (COMPENSATION APPROPRIATIONS)		
	Budget allocation	€6,00m
	Budget used	€2,28m

APPENDICES

APPENDIX 1:

Report on the amounts recommended from the creation of CIVS to 31 December 2022

COMPENSATION FOR MATERIAL SPOILIATION:

€532,321,532

COMPENSATION FOR BANK-RELATED SPOILIATION:

€56,396,938

This amount can be broken down as follows:

> Escrow Account – Fund A: €15,678,860 + €4,056,663 (in respect of Fund B since October 2008)
= €19,735,523

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

i.e. **€43,816,343** charged to banks, plus **€1,729,652** 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: **€10,850,943**

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

€543,172,475 by the State

€45,545,995 by the banks

APPENDIX 2:

Organisation of the CIVS as of 31 December 2022

EXECUTIVE BRANCH OF THE COMMISSION:

- > Chairman: **Michel JEANNOTOT**, 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 JEANNOTOT**, Honorary Advisor to the Court of Cassation, Chairman of the Commission
- > **Catherine PÉRIN**, Master Auditor at the Court of Accounts
- > **Mr Xavier PERROT**, University Professor at Clermont Auvergne University
- > **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-Michel AUGUSTIN, Judge of the regular court system
- > Brigitte CHOKRON, 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 MARAL (Manager)
- > Isabelle RIXTE
- > Mayeul LACROIX DE VILLENEUVE
- > Cécile POULOT

Hearings Secretariat

- > Sylviane ROCHOTTE (Manager)
- > Emmanuel DUMAS
- > Matthieu CHARMOILLAUX
- > Catherine CERCUS-CHIEZE
- > 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-CHIEZE

Director

- > N.A.

Principal Rapporteur

- > Myriam DUPONT

Rapporteurs

- > Nathalie ZIHOUNE

Government Commissioner

- > Catherine CERCUS-CHIEZE

Archive Search Units

National Archives

- > Matthieu CHARMOILLAUX
- > Cécile POULOT

Berlin Archives

- > Julien ACQUATELLA (manager)
- > Sébastien CADET
- > Coralie VOM HOFE

The CIVS would also like to thank the trainees hosted in 2022 for the quality of their work:
Charlotte SCETBON and Céline VIA.

APPENDIX 3:

Selection of recommendations for 2022

- > Recommendation No. 24496 M - 24496 BCM of 15 March 2022
- > Recommendation No. 24416 BCM -24416 M of 12 May 2022
- > Recommendation No. 24599 BCM of 20 June 2022
- > Recommendation No. 24005 BCM -24005 BCM-REST of 13 June 2022
- > Recommendation No. 24605 BCM-REST of 28 October 2022
- > Recommendation No. 24645 BCM-REST of 8 November 2022
- > Recommendation No. 22453 BCM of 7 March 2023

Application 24496 M – 24496 BCM

THE COMMISSION,

Meeting in plenary session on 10 February 2022;

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

Ruben Sobol specialised in portrait photography and was a very prominent photographer during the 1920s and 1930s, photographing music hall, film and theatre stars.

In February 1925, he received a bronze medal and two awards at the International Exhibition of Decorative, Industrial and Modern Arts in Paris. He participated in the 1930 and 1934 Paris Photo and Film Exhibitions. In July 1930, he represented France, along with other photographers, at the International Exhibition in Liège and was awarded the silver medal in the “instruments and general science processes” category. In February 1934, he exhibited a selection of his “portraits of personalities and stars” at the Hotel Georges V, and then, a few months later, at the Carlton.

He had been divorced since 1923 from Mrs X., with whom he had a daughter, Mrs L., and lived with his partner Odette Léonard in Paris (8th arrondissement), at 3 Rue Monceau. His photography studio and workshop was at the same address.

At the beginning of the Occupation in July 1940, Ruben Sobol and Odette Léonard left Paris to take refuge in the southern zone in Cannes (Alpes maritimes). Ruben Sobol continued his photography there, taking pictures of customers at restaurants or luxury hotels until 1942/1943.

The couple then returned to Paris in April 1943, but were unable to move back into their flat in Rue de Monceau, and so stayed with Odette Léonard’s sister at 20 Rue Chappe in Paris (18th arrondissement). Ruben Sobol was arrested not far from this home on 17 March 1944, interned at Drancy and then deported on 27 March 1944 without returning.

II. The procedure

By application, dated 18 July 2018, Mrs A., divorced from ... in her first marriage, and then divorced from ... in her second marriage, acting in her own right, applied to the CIVS for compensation for the following losses:

- the looting of personal property in the home lived in by Ruben Sobol and his partner Odette Léonard at 3 Rue Monceau, Paris, (8th arrondissement),
- the loss of professional property needed by Ruben Sobol for his photography activity, located at the same address, and in particular photographic plates of museum value,
- the theft of a piano,
- the confiscation of the possessions and valuables that Ruben Sobol had on him at the time of his internment at the Drancy camp before being deported to Auschwitz, from where he did not return. It is clear from the documents in the file that he had a sum of 65,000 francs, or €23,075 after conversion to current value,

for herself and her sister, Mrs B., born on ... in ..., residing at Both are successors to their mother, Mrs C., daughter of Mrs L., divorced from..., herself the daughter of Ruben Sobol and Mrs X., mentioned above.

As Mrs A. died during the proceedings on 5 July 2021, the application was taken over by her sister, Mrs B.

Mr D., born on 3 February 1996 in Paris (13th arrondissement), residing in Paris (75018), at 8 Rue Falconet, and successor to the rights of his mother, Mrs A., as sole beneficiary, joined this application by letter dated 13 December 2021.

The following beneficiaries are absent and not represented, namely: the beneficiaries of Odette Léonard.

III. The investigation of the case

Examination of the application gave rise to the investigations presented in:

- the report of Ms Descours-Gatin, Rapporteur at the CIVS, communicated to the claimants, the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945 (M2RS), the Ministry for Europe and Foreign Affairs and the Ministry of Culture,
- the observations, dated 18 June 2021, of the Head of M2RS, addressed to the Principal Rapporteur of the CIVS.

At the end of the investigation, Mrs B. submitted her written observations on 15 July 2021.

The claimants were informed of the hearing of 10 February 2022.

By e-mail dated 16 December 2021, Mrs B. authorised Mr E., residing at ..., to represent her before the Commission.

Mr D. and Mr E. appeared before the Commission to make their observations known.

The Commission heard the Judge-Rapporteur, the Head of M2RS, the representative of the Ministry for Europe and Foreign Affairs, the Government Commissioner, and then Mr E. and Mr D.

The Commission considers the following to be established:

The searches carried out and the results on file indicate that most of the property in the home of Ruben Sobol and his partner Odette Léonard at 3 Rue de Monceau, Paris (8th arrondissement), was looted at an unknown date. This building was placed under a temporary administrator, appointed by the Vichy government. The Vichy government rented the flat previously occupied by Ruben Sobol and Odette Léonard, who could not return to it when they returned to Paris in 1943. After the Liberation, Odette Léonard initiated proceedings to recover the flat, but these were unsuccessful.

Ruben Sobol began his work as a photographer in 1910, first with Parisian photographers, then working on his own from 1918. In 1923, he registered his photography business in the trade register at 18 Boulevard Montmartre, Paris (9th arrondissement). His business was put into compulsory liquidation on 27 July 1933.

The inventory of goods, drawn up at this time, lists 50,000 photographic plates, office furniture, and photographic items and equipment worth 33,000 francs, or €23,928 euros after conversion to current value. Ruben Sobol became an independent photographer on 5 November 1936 and transferred his business to 69 Rue du Faubourg Saint-Honoré, and then, from 1938, to his home at 3 Rue Monceau, in Paris (8th arrondissement). An advertisement in Paris-Soir, dated 2 June 1938, indicates that he was working as a “photo retoucher and developer”.

The photographic plates and/or prints belonging to Ruben Sobol were thrown away by the occupants of the building at 3 Rue Monceau, at an unknown date, during the War or upon the Liberation. No claim for compensation for business losses was made after the war.

At the time of his internment, Ruben Sobol had on him the sum of 65,000 francs, which was confiscated and then deposited at the Caisse des Dépôts et Consignations on 9 May 1944 by the liquidator for the Drancy camp accounts, i.e. 58,500 francs in the name of the beneficiary and 6,500 francs paid into the account of the Commissariat-General for Jewish Affairs.

After the war, on 19 October 1948, his daughter Lucie was only reimbursed the sum deposited, plus interest. The 6,500 francs was not reimbursed. A record of the Drancy camp, kept at the Shoah Memorial, mentions another payment by Ruben Sobol of 1,200 francs, i.e. a total amount of €2,734 after conversion to current value.

IV. The Commission's opinion

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.

Odette Léonard took steps to recover the flat located at 3 Rue Monceau, Paris (8th arrondissement) as well as some of the furniture. However, the Commission considers that compensation should be paid for the furniture and piano in the flat that was looted and that it is fair to share this compensation between Ruben Sobol's and Odette Léonard's heirs.

As the photographer's business disappeared, as well as the business studio located in Ruben Sobol's home, the compensation awarded in this respect, in the absence of any document close to the spoliation, covers the loss of all its constituent elements, both tangible and intangible.

The Commission considers that it is appropriate to recognise Ruben Sobol's artistic approach and independent career and the interest presented by his work, by allocating compensation for the disappearance of the photographic plates as movable cultural property.

It seems fair to the Commission, as regards the other head of loss (possessions and valuables confiscated at the Drancy camp), 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 and the heirs of Odette Léonard be awarded total compensation of €98,300, all causes of loss combined (furniture including a piano, business property and photographic plates, possessions and valuables confiscated at the Drancy camp); the amount should be distributed as follows:

- €40,000 to the claimants and Odette Léonard's beneficiaries, in respect of the looting of the furniture and the piano,
- €58,300 to the claimants, in respect of business assets, photographic plates, and possessions and valuables belonging to Ruben Sobol and confiscated at the Drancy camp.

THE COMMISSION IS OF THE OPINION,

1. - That Mrs B. and Mr D. be recognised as beneficiaries of victims of spoliation arising from anti-Semitic legislation in force during the Occupation;
2. - That total compensation of €98,300 be awarded, said sum to be distributed as follows:
 - €39,150 to Mrs B.,
 - €39,150 to Mr D.,
 - €20,000 euros to the beneficiaries of Odette Léonard, this share being expressly reserved;

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 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 Jeannoutot, Mr Bernard, Ms Dreifuss-Netter, Mr Toutée, Mr Bady, Ms Perin, Mr Ruzié, Ms Grynberg, Ms Sigal, Ms Draï, and Ms Rotermund-Reynard.

Paris, 15 March 2022

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANOUTOT

Application 24416 BCM – 24416 M BCM

THE COMMISSION,

Meeting in plenary session on 8 April 2022;

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

Emil Strauss and his wife Paula Weil, German nationals who acquired Liechtenstein citizenship in 1937, lived in Frankfurt am Main (Germany) and had an art collection, mainly of old Dutch master paintings, in their house at 43 Eppsteiner strasse.

Faced with Nazi persecution, the family made arrangements to emigrate to the United States. Emil Strauss liquidated the family business “*Gebüder Strauss Gesellschaft für tierische Rohprodukte mbH*” and the house was sold in 1939.

The Strauss family first went to Paris, where they rented a furnished flat at 8 Rue du Dobropol, in which Emil Strauss installed his collection of paintings, before storing it on the premises of a furniture storage facility, ‘Établissements Chenue’ at 5 Rue de la Terrasse, in the 17th arrondissement.

At the beginning of the Second World War, Mr and Mrs Strauss took refuge in the southern zone, from where they managed to leave for Genoa (Italy) and then for the United States, thus abandoning their collection of paintings in Paris.

These paintings were confiscated by the German authorities from the furniture storage facility ‘Établissements Chenue’, according to the report of 30 May 1942 drawn up by the court judge of the 17th arrondissement in Paris. An inventory of the confiscated paintings was drawn up by the Einsatzstab reichsleiters Rosenberg (E.R.R.) on 8 September 1942. These paintings, bearing the reference “E.S.” for Emil Strauss, are numbered from 1 to 10 and are also photographed, except one.

Nine of these paintings were sent to Nikolsburg Castle in Czechoslovakia, which was destroyed by fire on 22 April 1945, and any trace of them was then lost.

The tenth and last painting, a “Dutch Landscape” by Jan van Goyen, was intended for Hermann Goering.

After the war, this painting was sent back to France from the Central Collecting Point in Munich on 24 March 1946, and then exhibited until 31 December 1950 on the premises of the Artistic Recovery Commission (C.R.A.) with a view to returning it to the rightful owners.

As it was not claimed by the rightful owners or selected by the selection committees of the Office for Private Property and Interests (OBIP) after the dissolution of the C.R.A., it was sold by the Land Office [*administration des Domaines*].

II. The procedure

By application, dated 25 October 2017, the firm ..., represented by Maître ..., acting as representative for the descendants of Émile Strauss and his wife Paula Weil, referred the matter to the CIVS seeking:

- compensation for the looting of the flat, which the Strauss family lived in at 8 Rue de Dobropol, Paris (17th arrondissement);

- compensation for the theft of nine paintings transferred to Nikolsburg Castle, namely:
 - an oil on canvas by Ernst Morgenstern, showing ‘the island of Capri’
 - an oil on canvas by Theodore Francken, showing a ‘Court Banquet’
 - an oil on canvas by Charles-François Daubigny, depicting a ‘Forest path, small hut and trader’
 - an oil on canvas by Anton Burger, depicting ‘country houses, a courtyard, people and animals’
 - an oil on canvas by Wilhelm Altheim, showing ‘groups of men, women and children’
 - a painting by Andreas Schelfhout, depicting a ‘landscape’, 40 x 60 cm
 - a painting on wood by Jan Mienze Molenaer, depicting a ‘joyful gathering in an inn. In the centre, a flute player entertains the gathering. In the foreground, a young boy with a dog. Onlookers on both sides’, 54 x 68 cm
 - a painting signed by Karel Dujardin, depicting a “landscape of ruins with a cow being milked. In the foreground, a dark-coloured goat and two light-coloured sheep’, 35 x 45 cm
 - a painting by Jakob A. Backer, depicting a ‘portrait of a woman’;
- compensation for and restitution of the painting by Jan van Goyen, “Dutch Landscape” taken by Hermann Goering for the heirs of Emile Strauss and Paula Weil, claimants, whom he represents by virtue of powers given for this purpose, namely:
- Mr A., born on ... and residing at ...,
- his sister, Mrs B., born on ..., residing at ..., both of whom are successors to the rights of their mother, Mrs X., herself the daughter of the aforementioned Emile Strauss and Paula Weil,
- his nieces, successors to the rights of their father, Mr Y., son of the aforementioned Mrs X., namely
 - Ms C., born on ... in ..., residing at
 - Ms D., born on ... in ..., residing at
 - Ms E., born on ... in ..., residing at
 - Ms F., born on ... in ..., residing at

III. The investigation of the case

Examination of the application gave rise to the investigations presented in:

- the summary note dated 16 December 2019, of the Head of the Ministry of Culture’s Mission for Research and Restitution of Spoliated Cultural Property 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 Von Trott zu Lammekants, the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

At the end of the investigation, Maître ... submitted her written observations dated 16 February 2022.

Maître ... appointed the firm ... to represent her before the Commission.

The claimants were informed of the hearing of 8 April 2022.

Maître ... and Maître ... of the firm ... appeared before the Commission to make their observations known.

The Commission heard the judge-rapporteur, the Head of the M2RS, the representative of the Ministry for Europe and Foreign Affairs, the Government Commissioner, Mr Dacosta, and then the lawyers.

The Commission considers the following to be established:

The research carried out and the results on file indicate that the collection of paintings belonging to Emil Strauss, which, before leaving for the southern zone, he stored with the furniture storage facility “Établissements Chenue” at 5 Rue de la Terrasse, Paris (17th arrondissement), was confiscated by the German authorities in May 1942 and an inventory was drawn up in September 1942.

The flat at 8 Rue Dobropol was a furnished rental and was not kept by the Strauss family after they left for the south of France. No steps were taken after the war with the French authorities in respect of War Damage or the German authorities under the Brüg Act in order to obtain compensation for the looting of furniture.

However, the heirs of Emil Strauss initiated proceedings under the Brüg Act for compensation for the boxes of linen confiscated by the German authorities in Antwerp (Belgium) and following agreement between the parties on 29 October 1960, received compensation of 7,000 Deutsche Marks (DM), i.e. €13,657 after conversion to current value.

Emil Strauss had insured his ten paintings with the Hanover Fire Insurance Company of New York in October 1941, for an amount of \$8,000, or 350,000 French francs, i.e. €124,075 euros after conversion to current value. The insurance for the Jan van Goyen painting alone amounted to \$2,000, or 87,500 French francs, or €31,019 after conversion to current value.

In November 1946, Emil Strauss applied to the Liechtenstein Legation in Bern (Switzerland) for compensation for the ten looted paintings, based on the insured value.

However, the reference to Van Santvoort’s work ‘portrait of *Eva Bicker*’ could not be upheld, as it did not appear either in the excerpt from the official records of the registry of the District Judge in the 17th arrondissement of 30 May 1942, or in the list of works looted by the E.R.R. drawn up on 8 September 1942, which indicated the name Backer in its place.

No post-war claim was submitted to the French authorities of the C.R.A. within the permitted time frames. Paula Weil, the widow of Emil Strauss, who died in 1948, submitted her first claim for the paintings in a handwritten note dated 2 June 1949, without mentioning the painting by Jan van Goyen.

In 1965, Mrs X., daughter of Emil Strauss, contacted Rose Valland, former secretary at the C.R.A and head of the art recovery unit in Germany and Austria, in order to recover the painting by Jan van Goyen. She was told that the painting had been sold.

The heirs of Emil Strauss initiated compensation proceedings under the Brüg Act on 19 December 1957 seeking compensation for ten paintings, based on two valuations.

The first, dated 26 March 1964, from the Grace Borgenicht Gallery in New York, valued five paintings at DM 11,000, i.e. €21,461 after conversion to current value:

- Wilhelm Altheim, “*groupe d’hommes, de femmes et d’enfants*”, at DM 1,000,
- Anton Burger, “*Une cour de maison à la campagne*”, at DM 1,000,
- Charles-François Daubigny, “*Un chemin, une hutte et un arbre*”, at DM 4,000,
- Theodore Francken, “*Fête de Belshazzar*”, at DM 3,000,
- Ernst Morgenstern, “*Ile de Capri*”, at DM 2,000;

The second by Leo Collins, dated 24 April 1964, valued the following five paintings at \$17,100 (1956 value), i.e. €129,276 after conversion to current value:

- Jan van Goyen, “*Paysage hollandais*”, at \$9,000,
- Dirck Dirksz van Santvoort, “*Portrait of Eva Bicker*”, at \$3,000,
- Jan Miense Molenaer, “*Scène d’auberge*”, at \$2400,
- Karel Dujardin, “*Garçon trayant une vache dans un champ avec des ruines antiques*”, at \$1,500,
- Andreas Schelfhout, “*Paysage*”, at \$1,200.

This valuation repeats the initial error made by Emil Strauss, mentioning a work by Dirck Van Santvoort instead of Jacob A. Backer.

The German Offices for Restitution rejected the claim for compensation for the paintings on 16 February 1965 on the grounds that the paintings had been transported to Nikolsburg (now the Czech Republic) outside the territory covered by the Brüg Act and stated that one of the ten paintings had already been returned in 1946.

By judgment dated 27 November 1969, the Regional Court of Frankfurt am Main awarded Emil Strauss' heirs compensation of DM 23,500, i.e. €45,848.50 after conversion to current value, for the nine paintings lost at Nikolsburg Castle. However, their claim for compensation for the painting by Jan van Goyen was rejected on 13 April 1970 on the grounds that an Allied authority had already returned the painting.

IV. The Commission's opinion

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 Commission considers that there are no grounds for awarding compensation for the furniture in the furnished apartment at 8 Rue Dobropol in Paris (17th arrondissement). Neither Emil Straus nor his beneficiaries have made any claim regarding the possible looting of this furniture, whereas they have obtained compensation for the theft of the linen boxes in Antwerp (Belgium) under the Brüg Act.

The existence of the painting by Jan van Goyen, "Paysage hollandais", for which compensation is sought, is corroborated by the negotiations undertaken in the conciliation procedure, currently under way with a view to its restitution, between ... and the current owner on the one hand and the beneficiaries of Emil Strauss on the other hand, as it follows from the documents submitted to the file by their counsel.

As it stands, the Commission considers that this painting must be returned and that, consequently, there is no reason to claim compensation, even though this painting, in the absence of a claim, may have been sold post-war by the Land Office [administration des Domaines].

As regards the other paintings, the Commission considers that compensation should be awarded on an equitable basis equal to the value of the insurance policy taken out by Emil Strauss in 1941, less the compensation paid by the German authorities and the equivalent value of the insurance policy for the painting by Jan van Goyen.

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

- an oil on canvas by Theodore Francken, showing a 'Court Banquet', at €7,743
- an oil on canvas by Anton Burger, depicting 'country houses, a courtyard, people and animals', at €1,911
- a painting by Jakob A. Backer, depicting a 'portrait of a woman' at €9,654
- a painting by Andreas Schelfhout, depicting a 'landscape', 40 x 60 cm, at €2,508
- a painting on wood by Jan Mienze Molenaer, depicting a 'joyful gathering in an inn. In the centre, a flute player entertains the gathering. In the foreground, a young boy with a dog. Onlookers on both sides', 54 x 68 cm, at €19,389
- a painting signed by Karel Dujardin, depicting a "landscape of ruins with a cow being milked. In the foreground, a dark-coloured goat and two light-coloured sheep", 35 x 45 cm, at €7,588

For the last three paintings, the financial valuation is not relevant.

Furthermore, it should be noted that the Commission does not compensate the costs of proceedings under the Brüg Act.

Consequently, in the light of the rapporteur's investigations, which are detailed in his report and developed during the hearing, it seems fair to award the claimants total compensation of €47,300 for the nine artworks transferred to Nikolsburg Castle.

THE COMMISSION IS OF THE OPINION,

1. - That Mr A., Ms 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;

That Mr A. and Mrs B. should also be recognised as victims of spoliation arising from anti-Semitic legislation in force during the Occupation;

2. - That total compensation of €47,300 be awarded and that it be distributed as follows:

- 1/3rd, or €15,766.66, to Mr A.,

- 1/3rd, or €15,766.66, to Mrs B.,

- 1/12th, or €3,941.66, to Ms C.,

- 1/12th, or €3,941.66, to Ms D.,

- 1/12th, or €3,941.66, to Ms E.,

- 1/12th, or €3,941.66, to Ms F.,

3. - That it be noted that, as talks are currently under way for the restitution of Jan van Goyen's painting 'paysage hollandais', there are no grounds, as it stands, for recommending compensation in this regard;

NOTES that the claimants have not made any commitment to pay back the French State the sum or part of the sum awarded as compensation for the loss of the nine paintings that disappeared from Nikolsburg Castle.

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 notified:

- to the claimants,

- to Maître ..., Firm ... ;

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 Jeannoutot,

Mr Bernard, Ms Perin, Mr Bady, Mr Ruzié, Mr Ribeyre, Ms Andrieu, and Mr Perrot.

Paris, 12 May 2022

The Chargé de Mission, The Chairman,
Hearing Secretary

Emmanuel DUMAS Michel JEANNOUTOT

Application 24599 BCM

THE COMMISSION,

Meeting in plenary session on 13 May 2022;

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 claim dated 11 March 2020, submitted by Mrs A., born on ... in ..., residing at ..., acting in her own name and as a representative of her nephews, successors to the rights of their mother, Mrs B., namely:

- Mr C., born on ... in ..., residing at ...,

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

The claimants are acting as heirs of their parents and maternal grandparents, Majer Binsztok, who returned from deportation, and his wife, Mindla Lacktygier.

Having regard to the research undertaken by the Commission for the Compensation of Victims of Spoliation;

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 Spoliated Cultural Property between 1933 and 1945, and by the Commission for the Compensation of Victims of Spoliation;

Having regard to the summary note drawn up by the M2RS dated 20 August 2020;

Having regard to the observations of the Head of the M2RS, dated 10 February 2022, addressed to the Principal Rapporteur of the Commission for the Compensation of Victims of Spoliation;

Having heard the report of Ms Legueltel, Rapporteur, and the observations of Mr Dacosta, Government Commissioner;

The claimants were informed of the date of this hearing.

Ms A. appeared before the Commission to share her observations.

According to the evidence in the case file, and in particular the claimants' statements, it is claimed that the Binsztok family was the victim of spoliation due to the anti-Semitic laws in force during the Occupation with the theft of two Jean Degottex paintings and two Lalique vases from their Paris home at 25 Passage Prévost.

The research carried out and the results on file indicate that Majer Binsztok and his wife Mindla Lacktygier did not submit a claim to the Artwork Recovery Commission after the war, although they did submit a claim to the Office for Private Property and Interests listing the linen, clothing, furniture, crockery and curtains stolen from their flat.

The French authorities, and under the Brügel Act, the German authorities compensated the Binsztok family a total amount of €23,752, after conversion to current value, for war damage. There was no mention of artworks or Lalique vases.

It follows from the claimant's statements that the Binsztok family was well-acquainted with the painter Jean Degottex and that he had given them two paintings "in payment for his wedding suit". According to his biography, the painter married Mirose Patrick in 1946.

In the absence of evidence in the file, the Commission considers that these paintings became part of the family's estate after the war and that, if they are no longer there, it cannot be in connection with the anti-Semitic legislation in force during the Occupation. Therefore, the application cannot be accepted.

THE COMMISSION IS OF THE OPINION,

That application 24599 BCM cannot be accepted.

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 and Architecture, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 La Courneuve cedex.
- The Ministry for Europe and Foreign Affairs was informed of the date of this hearing.
- 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, Ms Perin, Mr Bady, Mr Ruzié, Ms Draï, Ms Sigal, Ms Rotermund-Reynard, Mr Ribeyre, Ms Andrieu, and Mr Perrot.

Paris, 20 June 2022

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Application 24005 BCM – 24005 M

THE COMMISSION,

Meeting in plenary session on 13 May 2022;

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;

The facts

Fédor Löwenstein was a painter of Czechoslovakian origin, who settled in Paris in 1923. He was part of the artistic movement of the “École de Paris”, then joined the Groupe des Surindépendants from 1936. He left Paris at the beginning of the war and went to Mirmande (Drôme). Planning to participate in an exhibition in the United States, he selected 25 works to send to New York. These works, which were to leave France via the port of Bordeaux, were seized by agents of the Einsatzstab reichsleiters Rosenberg (E.R.R.) on 5 December 1940 and transferred to the Jeu de Paume in Paris. These works disappeared or were destroyed, with the exception of three paintings that were kept in storage at the Louvre Museum.

Subsequently, the painter was hidden by the Resistance in the Abbey of Aiguebelle (Drôme) in February 1943. Following an illness, he died in Nice (Alpes-Maritimes) in August 1946 without having claimed his works from the Artistic Recovery Commission (C.R.A.) or being able to take steps for compensation. He left no descendants and did not make a will.

Due to the lack of knowledge of the actual provenance of the works, the three paintings by Fédor Löwenstein were inventoried in 1973 as coming from an “anonymous donation” and are kept in the Musée National d’art Moderne.

The procedure

By application dated 29 October 2014, Mr A., born on ... in ..., residing at ..., represented by Maître ..., stating that he was acting in the capacity of the beneficiary of Fédor Löwenstein, referred the matter to the CIVS seeking:

compensation for the theft of twenty-two paintings from Fédor Löwenstein taken by the E.R.R. in Bordeaux and transferred to Paris before disappearing, namely:

- a tempera on wood, “two riders”, 18 x 22 cm
- a tempera on wood, “two riders”, 16 x 27 cm
- an oil on wood, “the modern city”, 45 x 31 cm
- an oil on wood, 73 x 55 cm, untitled
- 6 watercolours depicting “reflections and compositions”
- an oil on wood, 45 x 33 cm
- an oil on canvas, a “woman’s head”, 41 x 33 cm
- an oil on wood, “the Angel of Death”, 61 x 40 cm
- an oil on canvas, a “Landscape”, 54 x 65 cm
- an oil on canvas, a “Landscape”, 85 x 49 cm
- an oil on wood, “Reflections in the water”, 65 x 46 cm

- a watercolour, a “Composition”, 11.5 x 9.5 cm
- a watercolour, “Reflections”, 23 x 12 cm
- a watercolour, a “Landscape”, 38.5 x 12 cm
- a watercolour, “Reflections in the water”, 2.5 x 13.5 cm
- a watercolour, “The Wave”, 7.5 x 19.5 cm
- a watercolour, “Compositions”, 8 x 13.5 cm
- the restitution of three works by Fédor Löwenstein, listed in the inventory of the MNR (National Museum Recovery):

an oil on canvas, referenced RP 26, les Peupliers (50 x 70 cm) by Fédor Löwenstein,

an oil on canvas, referenced RP 27, Arbres (54 x 65 cm) by Fédor Löwenstein,

an oil on canvas, referenced RP 28, Composition (Paysage) by Fédor Löwenstein.

Mr A. is successor to the rights of his father, Mr B., son of Mr C., himself the brother of Mrs D., wife of Mr Löwenstein, mother of Fédor Löwenstein, Mrs E. née Löwenstein, and Mr F., Löwenstein.

For the record, an agreement was reached between the Ministry of Culture and “Généalogistes de France”, the national genealogists organisation, to identify the list of Fédor Löwenstein’s heirs.

Mrs E. née Löwenstein, died without issue in ... on ..., leaving two universal legatees:

-Mr G., who died on ... in ..., leaving his daughter Mrs H. as his sole beneficiary,

-Mrs J., wife of Mr G., died on ... in On ..., she disclaimed the inheritance of Mrs E. née Löwenstein, before the Tribunal de Grande Instance of Grasse.

Their only daughter Mrs H., wife of ... died in Nice on Her husband, Mr I., disclaimed the inheritance. She left an only daughter, Mrs J., wife of ... who is therefore the beneficiary of the two universal legatees of Mrs E. née Löwenstein,

Mrs J., wife of ..., born on ... in ..., residing at ..., neither assisted nor represented, was joined to this application on 3 November 2020.

Mr F., Löwenstein, who became Mr FF., died without issue in ..., on ..., appointing Mrs K., wife of ... as universal legatee.

She herself died in ... on She had drawn up a will on ..., officially recognised on ..., leaving “her property of all kinds, including real property, deposits and accounts” to four heirs, Ms L., Ms M., Mr N., and Ms O., and the association ..., in different proportions. However, she stated that “notwithstanding the above, Ms M. will inherit all the contents of my flat and all movable property belonging to me”.

Ms M., residing at ..., neither assisted nor represented, was joined to this application as the beneficiary of Mrs K., wife of ..., universal legatee of Mr F., LÖWENSTEIN, who became Mr FF.

It should also be stated that Fédor Löwenstein had seven first cousins on his mother’s side, his mother Mrs D., wife of Mr Löwenstein, having seven brothers and sisters. However, as the case stands, the relations of his father, Mr Löwenstein, are unknown.

I. The investigation of the case

Examination of the application gave rise to the investigations presented in:

- the reports, dated 3 November 2020 and 1 June 2021, by Ms Legueltel, rapporteur for the CIVS, sent to Maître ..., the claimants, the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945 (M2RS), the Ministry for Europe and Foreign Affairs and the Ministry of Culture,
- the opinion, dated 20 May 2021, of the Head of M2RS at the Ministry of Culture, sent to the Principal Rapporteur of the CIVS,
- the observations, dated 19 November 2021, of Mr Dacosta, Government Commissioner,
- the observations of Maître ..., dated 18 December 2021,

- the note and its appendices, dated 28 January 2022, from Mr Zivie, Head of the M2RS, and Mrs Rotermund-Reynard, an art historian at the National Institute for Art History and a member of the CIVS Deliberative Panel, sent to Maître ... on 10 February 2022
- the additional note, dated 8 February 2022, from Ms Legueltel, Rapporteur, sent to Maître

Mr A. submitted his written observations dated 20 August 2021.

The claimants were informed of the hearings of 19 November 2021 and 13 May 2022.

Mrs J., wife of ..., and Mrs M., did not attend.

Maître ..., representing the interests of Mr A., appeared before the Commission to present their observations.

The Commission heard the judge-rapporteur, the Head of the M2RS, the representative of the Ministry of Culture, the opinion of the representative of the Ministry for Europe and Foreign Affairs, the Government Commissioner, Mr Dacosta, and then Maître

The Commission considers the following to be established:

The research carried out and the results on file indicate that the 25 paintings by Fédor Löwenstein, sent to the port of Bordeaux to be shipped for an exhibition in the United States, were confiscated by the German authorities on 5 December 1940 and transferred to the Jeu de Paume in Paris. The inventory of these 25 works was drawn up by the E.R.R.

22 of the 25 works disappeared or were destroyed. The remaining three are currently at the Musée National d'Art Moderne.

No steps were taken after the war by either Fédor Löwenstein or his heirs, Mrs E. née Löwenstein, or his brother Mr F ., Löwenstein, with the French or German authorities seeking the restitution of the looted works or compensation for them.

It follows from the investigation that Fédor Löwenstein indicated in a letter dated 27 March 1940, sent to a friend, that a New York gallery wanted to take 20 canvas paintings on commission from him for the price of 150 to 250 US dollars per canvas in the event of a sale.

Furthermore, in a letter to her aunt Mrs P., dated 30 October 1946, Mrs E. née Löwenstein mentions the sale of a painting by her brother in Germany for the equivalent of 90,000 French francs.

In 2011, in accordance with the French Heritage Code, the three works by Fédor Löwenstein were removed from the general inventory of the Musée National d'Art Moderne due to "incorrect entry" and are listed in the MNR inventory under numbers RP26, RP27 and RP28.

II. The Commission's opinion

In view of the evidence on file, the Commission considers that total compensation should be set at €70,000 for the 22 untraced works of Fédor Löwenstein.

The other three paintings of Fédor Löwenstein were also part of the works stolen by the E.R.R. in Bordeaux during the Second World War and should therefore be returned, namely:

- an oil on canvas, *les Peupliers* (50 x 70 cm),
- an oil on canvas, *Arbres* (54 x 65 cm),
- an oil on canvas, *Composition* (Paysage),

listed in the inventory of the Musée National d'Art Moderne under numbers R26P, R27P and R28P, respectively.

The investigations to which examination of the case file gave rise, revealed the existence of Fédor Löwenstein's beneficiaries, in this case, those of his sister and brother, who take precedence over Mr A. in the application, whereas Mr A., who originally referred the matter to the CIVS, played a decisive and particularly active role in the research into the fate of Fédor Löwenstein's missing works.

Therefore, in agreement with Maître ..., and in order to find a solution, taking into account both the legitimate rights of Fédor Löwenstein's beneficiaries and the recognition of the key role played by Mr A., a preliminary mediation between the parties should be organised and its implementation entrusted to Ms Dreifuss-Netter, Honorary Counsellor at the Court of Cassation, Ms Draï, a qualified expert and Mr Perrot, a university professor, members of the Commission's Deliberative Panel. The respective points of view can then be compared and, if necessary, a memorandum of understanding negotiated, by proposing the terms of an agreed and amicable solution concerning the compensation provided for and the return of the three paintings by Fédor Löwenstein.

THE COMMISSION IS OF THE OPINION,

1. - To that end, that a mediation measure be implemented in order to carry out all acts to reach a fair and equitable agreement between the interested parties;
2. - That the decision be postponed, pending an agreement between the beneficiaries, on the distribution of the total compensation of €70,000 for the 22 missing works of Fédor Löwenstein;
3. - that the paintings by Fédor Löwenstein, *les Peupliers*, oil on canvas 50 x 70 cm, *Arbres*, oil on canvas 54 x 65 cm and *Composition (Paysage)* listed in the museum's inventory under numbers R26P, R27P and R28P, be kept at the Musée National d'Art Moderne pending possible reconciliation between the parties;

HOLDS that at the end of this mediation, a report will be sent to the Commission's Deliberative Panel;

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.
- The Ministry for Europe and Foreign Affairs was informed of the date of this hearing.
- 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, Ms Perin, Mr Bady, Mr Ruzié, Ms Draï, Ms Sigal, Ms Rotermund-Reynard, Mr Ribeyre, Ms Andrieu, and Mr Perrot.

Paris, 13 June 2022

The Chargé de Mission,
Hearing Secretary

Emmanuel DUMAS

The Chairman,

Michel JEANNOUTOT

Application 24605 BCM-REST

LA COMMISSION,

Meeting in plenary session on 16 September 2022;

Having regard to Decree no. 99-778 of 10 September 1999, amended by Decree No. 2000-932 of 25 September 2000, No. 2001-530 of 20 June 2001 and Decree No. 2018-829 of 1 October 2018, in particular Article 1-2 of that Decree, establishing a procedure for finding the owners, or their heirs, of cultural property spoliated during the Occupation;

I. The facts

Erich Stern was a psychiatrist and psychologist, renowned for his work on psychosomatics. In 1933, because of his Jewish background, he was forced into retirement and dismissed from his position in Germany. He emigrated with his wife and daughter to Paris at the end of 1933 and worked as a foreign assistant in the child neuropsychiatry clinic at the Sorbonne while at the same time running a clinic for Jewish immigrants. He obtained French nationality in 1938, which was withdrawn in 1943. He lived with his family in Boulogne-Billancourt (Hauts-de-Seine), at 33 Rue de la Tourelle.

When German troops invaded France in June 1940, the Stern family took refuge in Salagnac in the Dordogne where Dr Stern worked at the Clairvivre health centre. The family stayed in Salagnac until 1948 before returning to the Paris region.

During the Occupation, the flat in Boulogne-Billancourt was completely emptied of its contents. In particular, Dr Stern's extensive library of more than 6,000 books was boxed up and transported to Germany.

After the war, Dr Stern took various steps both with the French authorities of the Artwork Recovery Commission (C.R.A.) and the Office for Private Property and Interests (O.B.I.P.), as well as with the German authorities under the Brüg Act, seeking the return of his library and compensation for his furniture.

In July 1946, he refused 27 legal books as compensation, explaining that he was only interested in such books if they were related to his speciality and research.

At the same time, some twenty books in German on philosophy and psychology were returned to him. In addition, in October 1947, he was able to recover four boxes of books from the Central Collecting Point in Munich.

II. The procedure

In accordance with the provisions of Article 1-2 of Decree No. 99-778 of 10 September 1999, as amended, by decisions of the CIVS Chairman dated 14 May 2020 and 10 July 2021, the CIVS took charge of a restitution case concerning 19 medical and psychological works that belonged to Dr Erich Stern, following a report that his books were at the Zentral und Landesbibliothek de Berlin.

These were the following works:

- Alfred Adler, Carl Furtmüller, and Erwin Wexberg: *“Heilen und Bilden: Grundlagen der Erziehungskunst für Ärzte und Pädagogen”*. Munich, Bergmann, 1922
- Karl Birnbaum: *“Psychopathologische Dokumente: Selbstbekenntnisse und Fremdzeugnisse aus dem seelischen Grenzlande”*. Berlin: Springer, 1920
- Hans Bluntschi: *“Die Herkunft des Menschengeschlechtes in den Anschauungen verschiedener Zeiten”*. Munich: Reinhardt, 1911
- A. Eulenberg: *“Sadismus und Masochismus”*. Wiesbaden: Bergmann, 1911
- August Forel: *“Der Hypnotismus oder die Suggestion und die Psychotherapie: Ihre psychologische, psychophysiologische und medizinische Bedeutung mit Einschluss der Psychoanalyse, sowie der Telepathiefrage”*. Stuttgart: Enke, 1918

- Johann Otto Gandtner; Emil Gruhl: “*Elemente der analytischen Geometrie*”. Berlin: Weidmann, 1901
- Rudolf Haym: “*Die Romantische Schule: Ein Beitrag zur Geschichte des deutschen Geistes*”. Berlin: Weidmann, 1920
- Karl Jaspers: “*Allgemeine Psychopathologie: Ein Leitfaden für Studierende, Ärzte und Psychologen*”. Berlin: Springer, 1913
- Adolf Menzel: “*Naturrecht und Soziologie*”. Vienna [u.a.]: Fromme, 1912
- Heinrich Nöll: “*Intentionalität, Reaktivität und Schwachsinn*”. Halle a.S.: Marhold, 1926
- H. Rupprecht: “*Technische Rundschau: Wochenbeilage zum Berliner Tageblatt*”. Berlin: Mosse, 1908
- Max Scheler: “*Zur Phänomenologie und Theorie der Sympathiegefühle und von Liebe und Hass : mit einem Anhang über den Grund zur Annahme der Existenz des fremden Ich*”. Halle a.S.: Niemeyer, 1913
- Georg Simmel: “*Lebensanschauung: Vier metaphysische Kapitel*”. Munich [u.a.]: Duncker & Humblot, 1918
- Leonhard Stahl: “*Kopernikus und das neue Weltsystem*”. Berlin [u.a.]: Seemann, 1908
- Clara Stern; William Stern: “*Erinnerung, Aussage und Lüge in der ersten Kindheit*”. Leipzig: Barth, 1920
- Clara Stern; William Stern: “*Die Kindersprache: Eine psychologische und sprachtheoretische Untersuchung*”. Leipzig: Barth, 1920
- Anna Tumarkin: “*Prolegomena zu einer wissenschaftlichen Psychologie*”. Leipzig: Meiner, 1923
- Max Verworn: “*Allgemeine Physiologie: Ein Grundriss der Lehre vom Leben*”. Jena: Fischer, 1915
- Max Verworn: “*Zur Psychologie der primitiven Kunst : ein Vortrag*”. Jena: Fischer, 1917.

Dr Erich Stern had only one daughter, Ms A., who did not marry and died without issue in ... on

By holographic will dated ... , Ms A. appointed the FSJU (United Jewish Welfare Fund) as her universal legatee, and several persons entitled to specific legacies, namely, first of all, four persons to whom she bequeathed sums of money as well as her furniture, clothing and trinkets, and secondly, the association called “Groupe toulousain de la société psychanalytique Paris” to which she bequeathed all the books and reviews on psychiatry and psychoanalysis that she owned.

The FSJU and the association “Groupe toulousain de la société psychanalytique de Paris”, neither assisted nor represented, were joined to this case.

III. The investigation of the case

Examination of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 31 August 2021, of the Head of the Ministry of Culture’s Mission for Research and Restitution of Spoliated Cultural Property 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.

The Director of the FSJU submitted written observations on 19 April 2022.

The association “groupe toulousain de la société psychanalytique de Paris” submitted its written observations on 25 April 2022.

The FSJU and the “groupe toulousain de la société psychanalytique de Paris” were informed of the hearing on 16 September 2022.

Ms Hélène Attias, as representative of the FSJU, appeared before the Commission to present her observations.

The Commission heard the Director of the CIVS, the Judge-Rapporteur, the representatives of the Ministry for Europe and Foreign Affairs and the Ministry of Culture, the Government Commissioner, and then the FSJU’s representative.

The Commission considers the following to be established:

The research carried out and the results on file indicate that most of the property in Erich Stern's home at 33 Rue de la Tourelle in Boulogne-Billancourt (Hauts-de-Seine) was looted on an unknown date by the Occupation authorities and transferred to Germany.

In his statement of 22 September 1949, Erich Stern estimated the value of his library at 500,000 French francs, of which he gave a general description, specifying that the catalogues had disappeared at the same time as the books, and explaining that it was divided into 16 sections, each corresponding to a subject (dictionaries and encyclopaedias, medicine, psychoanalysis and individual psychology, science, philosophy, law, economics, politics and history, religion, etc.), specifying that most of the books did not bear any mark or bookplate, but that on one part of the books his name appears, and on another part his initials.

IV. The Commission's opinion

The books, found during provenance research carried out at the *Zentral und Landesbibliothek de Berlin*, were part of the library belonging to Dr Erich Stern and stolen from his home in Boulogne-Billancourt by the German authorities as a result of the anti-Semitic legislation in force in France during the Occupation.

Photographs of the covers of each book, together with a description, make it possible to identify that they belonged to Dr Stern, who had handwritten a note on them: "Stern", "Dr Stern", "Dr Erich Stern", "Erich Stern", or, for one of them, "Stern Giessen".

Moreover, these books correspond to Dr Stern's description of his library at the O.B.I.P.

There is therefore no doubt as to the provenance of these books.

Consequently, as the *Zentral und Landesbibliothek de Berlin* has unreservedly expressed its intention to return these works to Dr Stern's beneficiaries, and the administrative authorities consulted are in favour of this restitution, the Commission invites the library currently holding the 19 works that belonged to Dr Erich Stern to contact the association "Groupe toulousain de la société psychanalytique Paris", the universal legatee of Ms A., with a view to agreeing on the return of these works, namely:

1. Alfred Adler, Carl Furtmüller, and Erwin Wexberg: "*Heilen und Bilden: Grundlagen der Erziehungskunst für Ärzte und Pädagogen*". Munich, Bergmann, 1922
2. Karl Birnbaum: "*Psychopathologische Dokumente: Selbstbekenntnisse und Fremdzeugnisse aus dem seelischen Grenzlande*". Berlin: Springer, 1920
3. Hans Bluntschi: "*Die Herkunft des Menschengeschlechtes in den Anschauungen verschiedener Zeiten*". Munich: Reinhardt, 1911
4. A. Eulenberg: "*Sadismus und Masochismus*". Wiesbaden: Bergmann, 1911
5. August Forel: "*Der Hypnotismus oder die Suggestion und die Psychotherapie: Ihre psychologische, psychophysiologische und medizinische Bedeutung mit Einschluss der Psychoanalyse, sowie der Telepathiefrag*". Stuttgart: Enke, 1918
6. Johann Otto Gandtner; Emil Gruhl: "*Elemente der analytischen Geometrie*". Berlin: Weidmann, 1901
7. Rudolf Haym: "*Die Romantische Schule: Ein Beitrag zur Geschichte des deutschen Geistes*". Berlin: Weidmann, 1920
8. Karl Jaspers: "*Allgemeine Psychopathologie: Ein Leitfaden für Studierende, Ärzte und Psychologen*". Berlin: Springer, 1913
9. Adolf Menzel: "*Naturrecht und Soziologie*". Vienna [u.a.]: Fromme, 1912
10. Heinrich Nöll: "*Intentionalität, Reaktivität und Schwachsinn*". Halle a.S.: Marhold, 1926
11. H. Rupprecht: "*Technische Rundschau: Wochenbeilage zum Berliner Tageblatt*". Berlin: Mosse, 1908
12. Max Scheler: "*Zur Phänomenologie und Theorie der Sympathiegefühle und von Liebe und Hass : mit einem Anhang über den Grund zur Annahme der Existenz des fremden Ich*". Halle a.S.: Niemeyer, 1913
13. Georg Simmel: "*Lebensanschauung: Vier metaphysische Kapitel*". Munich [u.a.]: Duncker & Humblot, 1918
14. Leonhard Stahl: "*Kopernikus und das neue Weltsystem*". Berlin [u.a.]: Seemann, 1908

15. Clara Stern; William Stern: “*Erinnerung, Aussage und Lüge in der ersten Kindheit*”. Leipzig: Barth, 1920
16. Clara Stern; William Stern: “*Die Kindersprache: Eine psychologische und sprachtheoretische Untersuchung*”. Leipzig: Barth, 1920
17. Anna Tumarkin: “*Prolegomena zu einer wissenschaftlichen Psychologie*”. Leipzig: Meiner, 1923
18. Max Verworn: “*Allgemeine Physiologie: Ein Grundriss der Lehre vom Leben*”. Jena: Fischer, 1915
19. Max Verworn: “*Zur Psychologie der primitiven Kunst : ein Vortrag*”. Jena: Fischer, 1917.

REMINDS the parties that this recommendation will be sent:

- to the FSJU (United Jewish Welfare Fund), represented by its Director General, Mr Richard Odier, 39 Rue Broca, 75005 Paris,
- to the association Groupe toulousain de la société psychanalytique de Paris, 100 Allée de Barcelone, 31000 Toulouse,
- Mr Sebastian Finsterwalder and Mrs Barbara Thumm, librarians in charge of provenance research at the Berlin Zentral und Landesbibliothek.

REMINDS the parties that this recommendation will be sent 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 and Architecture, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of 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 Sigal, Ms Rotermund-Reynard, Mr Ribeyre, Ms Andrieu, and Mr Perrot.

Paris, 28 October 2022

Le Chargé de Mission,
Secrétaire de séances

Emmanuel DUMAS

Le Président,

Michel JEANOUTOT

Application 24645 BCM-REST

THE COMMISSION,

Meeting in plenary session on 16 September 2022;

Having regard to Decree no. 99-778 of 10 September 1999, amended by Decree No. 2000-932 of 25 September 2000, No. 2001-530 of 20 June 2001 and Decree No. 2018-829 of 1 October 2018, in particular Article 1-2 of that Decree, establishing a procedure for finding the owners, or their heirs, of cultural property spoliated during the Occupation;

I. The facts

Henri Torrès was a public figure, politician and lawyer of great renown. He was an MP for Alpes-Maritimes from 1932 to 1936.

He stopped practising as a lawyer in 1939 and was then at the disposal of the government, which entrusted him with several missions. After the armistice, he left France and went to Brazil via Morocco, and later he settled in New York where he created a Gaullist newspaper “France-Amérique”.

He returned to France upon the Liberation. He then resumed his activities as a lawyer at the Paris bar and pursued a political career at the same time.

II. The procedure

In accordance with the provisions of Article 1-2 of Decree No. 99-778 of 10 September 1999, as amended, by decision of the CIVS Chairman dated 9 March 2021, the CIVS took over a restitution case concerning 30 works that belonged to Henry Torrès, following a report that his books were at the *Staatsbibliothek zu Berlin - Preußischer Kulturbesitz*, the *Sächsische Landesbibliothek - Staats- und Universitätsbibliothek Dresden* and the *Universitätsbibliothek Rostock*.

This concerned the following works:

a) From the *Staatsbibliothek zu Berlin - Preußischer Kulturbesitz*:

1. Camille Aymard: “*Le drame de la Méditerranée*”. Paris, Baudinière, 1939
2. Blaise Cendrars: “*La vie dangereuse*”. Paris, Grasset, 1938
3. Jean d’Esme: “*Les défricheurs d’empires*”. Paris, Les Éditions de France, 1937
4. Armand Salacrou: “*L’inconnue d’Arras*”, a play made up of three acts, followed by “*Les frénétiques*”, a play made up of five “tableaux”. Paris, Gallimard, 1936
5. J. Wullus-Rudiger: “*La Belgique et l’équilibre européen ; Documents inédits*”. Paris, Berger-Levrault, 1935
6. Alexandre Zévaès: “*Le socialisme en France depuis 1904*”. Paris, Bibliothèque-Charpentier, Fasquelle Éditeurs, 1934
7. Gaston Baty: “*Crime et châtement : vingt tableaux adaptés et mis en scène d’après F.-M. Dostoïevsky ; représenté pour la première fois le 21 mars 1933 au Théâtre Montparnasse Gaston Baty*”. Paris, Ed. Coutan-Lambert, 1933
8. Pierre Dominique: “*Le Siège de Paris*”. Paris, Grasset, 1932
9. Léon Deffoux: “*Pipe-en-bois : témoin de la Commune*”. Paris, Les Éditions de France, 1932
10. Ludwig Lewisohn: “*Les derniers jours de Shylock*”. Paris, Rieder, 1932
11. Pierre Daye: “*La clef anglaise*”. Brussels, Le Renaissance du Livre, 1931
12. Marius Boisson: “*Les attentats anarchistes sous la Troisième République*”. Paris: Les Éditions de France, 1931
13. André Beucler: “*La Vie d’Ivan le Terrible*”. Paris, Gallimard, 1931
14. Pierre Paraf: “*Israël 1931*”. Paris, Valois, 1931

15. Pierre Mortier, "*Benjamin Constant : l'homme et l'œuvre*". Paris, Fasquelle Éditeurs, 1930
16. Édouard Helsey: "*L'an dernier à Jérusalem*". Paris, Les Éditions de France, 1930
17. Claire Goll: "*Une perle*", novel. Paris: Crès, 1929
18. Claire Goll: "*Une Allemande à Paris*", novel. Paris, Crès, 1929
19. Francis Carco: "*Rue Pigalle*", novel. Paris, Albin Michel, 1928
20. Jean Joseph Renaud: "*La torche noire : drames exotiques*". Paris, Les Éditions de France, 1939

b) From the Sächsische Landesbibliothek – Staats- und Universitätsbibliothek Dresden:

1. Blaise Cendrars: "*Histoires vraies*". Paris, Grasset, 1938
2. Pierre Boileau: "*La Promenade de minuit. André Brunel, Policier*". Paris, Les Éditions de France, 1934
3. Pierre Benoit: "*Monsieur de La Ferté*". Paris, Albin Michel, 1934
4. Francis Carco "*L'homme de minuit : roman*". Paris, Albin Michel, 1938
5. Robert Desnos: "*Corps et biens*". Paris, Gallimard Éditions de la Nouvelle revue française, 1930
6. Jean Cassou: "*Pour la poésie*". Paris, Éditions Roberto Alvim Corrêa, 1935

c) From the Universitätsbibliothek Rostock:

1. Émile Zavie: "*La maison des trois fiancées*". Paris: Gallimard, 1925
2. Paul Vaillant-Couturier: "*Le bal des aveugles*". Paris, Flammarion, 1927
3. Léon-Paul Fargue: "*Espaces : Epaisseurs, Vulture*". Paris, Librairie Gallimard, 1929
4. William Somerset Maugham: "*Orient et occident : les plus belles nouvelles*". Paris, Les Éditions de France, 1935

In 1919, Henry Torrès married Mrs J., and they had two children named Mr J. and Mr G. They divorced and Henry Torrès married Mrs S., with whom he had no children. Mr and Mrs ... divorced.

Mrs J. then married ... but they had no children. In October 1943, she then married ... in the Buchenwald camp where she had been transferred by the Germans. Mr and Mrs ... did not have any children.

Mr G. had only one daughter, Ms A., born on ... in ..., and residing at ..., who was joined to this case.

Mr J. had only one son, Mr H., deceased, who had two daughters from two different marriages, Ms B., born on ... residing at ... and Ms C., born on ... in ..., residing at ...

According to a certificate drawn up by the central registry of the Paris *Tribunal de Grande Instance* dated ..., Ms B. stated that she had simply disclaimed her father's estate; Mr H., her own son also disclaimed his grandfather's estate.

Ms C. was absent and not represented in the proceedings.

However, by holographic will dated ..., of which the official description and filing record was drawn up on ... by Maître ..., a notary in ..., Mr H. appointed Ms D., born on ... in ..., and residing at ..., as his universal legatee. Ms D. was joined to this case.

III. The investigation of the case

Examination of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 20 September 2021, of the Head of the Ministry of Culture's Mission for Research and Restitution of Spoliated Cultural Property 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.

Ms B. and Ms D. submitted their written observations on 13 May and 19 May 2022.

Ms A., Ms C. and Ms D. were informed of the hearing on 16 September 2022.

The Commission heard the Director of the CIVS, 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 undertaken has not revealed the exact circumstances of the theft of these works, nor has it been possible to find any trace of restitution or compensation proceedings for spoliations that Henry Torrès may have initiated after the war, either in France or in Germany.

The home of Mrs J., Henry Torrès' first wife, in ... and that of Mrs S., his second wife, located at ... in ... were occupied or looted by the Germans during the war.

A document dated March 1946 and kept by the archives of the Ministry for Europe and Foreign Affairs, mentions the discovery of a book that belonged to Henry Torrès at the headquarters of the Reich Central Security Office (RSHA). This office was responsible for centralising books from libraries seized throughout Europe. After the war, these books were distributed among the various German public libraries.

The presence of this book on the RSHA's premises, as well as the discovery of 30 works in three public libraries in Germany, viewed in the context of the circumstances in which Henry Torrès had to leave France at the beginning of the Second World War, allow us to consider that the works concerned were, during the Occupation, spoliated from Henry Torrès or from someone close to him who was in possession of his books.

IV. The Commission's opinion

The books which were found during provenance research at the *Staatsbibliothek zu Berlin – Preußischer Kulturbesitz*, the *Sächsische Landesbibliothek – Staats- und Universitätsbibliothek Dresden* and the *Universitätsbibliothek Rostock*, belonged to Henry Torrès and were stolen by the German authorities under the anti-Semitic legislation in force in France during the Occupation.

There is therefore no doubt as to the provenance of these books.

Therefore, as the *Staatsbibliothek zu Berlin - Preußischer Kulturbesitz*, the *Sächsische Landesbibliothek – Staats- und Universitätsbibliothek Dresden* and the *Universitätsbibliothek Rostock* unreservedly expressed their intention to return these works to Henry Torrès' beneficiaries, and the administrative authorities consulted are in favour of this restitution, the Commission invites the libraries currently holding the 30 works that belonged to Henry Torrès to contact Ms A., Ms D., and Ms C., subject to the latter acting in the capacity of Henry Torrès' beneficiary, with a view to agreeing on the return of the following works:

1. Camille Aymard: "*Le drame de la Méditerranée*". Paris, Baudinière, 1939
2. Blaise Cendrars: "*La vie dangereuse*". Paris, Grasset, 1938
3. Jean, d'Esme: "*Les défricheurs d'empires*" Paris, Les Éditions de France, 1937
4. Armand Salacrou: "*L'inconnue d'Arras*", a play made up of three acts, followed by "*Les frénétiques*", A play made up of five "tableaux". Paris, Gallimard, 1936
5. J. Wullus-Rudiger: "*La Belgique et l'équilibre européen ; Documents inédits*". Paris, Berger-Levrault, 1935
6. Alexandre Zévaès: "*Le socialisme en France depuis 1904*". Paris, Bibliothèque-Charpentier, Fasquelle Éditeurs, 1934
7. Gaston Baty: "*Crime et châtement : vingt tableaux adaptés et mis en scène d'après F.-M. Dostoïevsky ; représenté pour la première fois le 21 mars 1933 au Théâtre Montparnasse Gaston Baty*". Paris, Ed. Coutan-Lambert, 1933
8. Pierre Dominique: "*Le Siècle de Paris*". Paris, Grasset, 1932
9. Léon Deffoux: "*Pipe-en-bois : témoin de la Commune*". Paris, Les Éditions de France, 1932
10. Ludwig Lewisohn: "*Les derniers jours de Shylock*". Paris, Rieder, 1932
11. Pierre Daye: "*La clef anglaise*". Brussels, Le Renaissance du Livre, 1931
12. Marius Boisson: "*Les attentats anarchistes sous la Troisième République*". Paris: Les Éditions de France, 1931

13. André Beucler: *“La Vie d’Ivan le Terrible”*. Paris, Gallimard, 1931
14. Pierre Paraf: *“Israël 1931”*. Paris, Valois, 1931
15. Pierre Mortier, *“Benjamin Constant : l’homme et l’œuvre”*. Paris, Fasquelle Éditeurs, 1930
16. Édouard Helsey: *“L’an dernier à Jérusalem”*. Paris, Les Éditions de France, 1930
17. Claire Goll: *“Une perle”*, novel. Paris: Crès, 1929
18. Claire Goll: *“Une Allemande à Paris”*, novel. Paris, Crès, 1929
19. Francis Carco: *“Rue Pigalle”*, novel. Paris, Albin Michel, 1928
20. Jean Joseph Renaud: *“La torche noire : drames exotiques”*. Paris, Les Éditions de France, 1939
21. Blaise Cendrars: *“Histoires vraies”*. Paris, Grasset, 1938
22. Pierre Boileau: *“La Promenade de minuit. André Brunel, Policier”*. Paris, Les Éditions de France, 1934
23. Pierre Benoit: *“Monsieur de La Ferté”*. Paris, Albin Michel, 1934
24. Francis Carco *“L’homme de minuit : roman”*. Paris, Albin Michel, 1938
25. Robert Desnos: *“Corps et biens”*. Paris, Gallimard Éditions de la Nouvelle revue française, 1930
26. Jean Cassou: *“Pour la poésie”*. Paris, Éditions Roberto Alvim Corrêa, 1935
27. Émile Zavie: *“La maison des trois fiancées”*. Paris: Gallimard, 1925
28. Paul Vaillant-Couturier: *“Le bal des aveugles”*. Paris, Flammarion, 1927
29. Léon-Paul Fargue: *“Espaces : Epaisseurs, Vulturne”*. Paris, Librairie Gallimard, 1929
30. William Somerset Maugham: *“Orient et occident : les plus belles nouvelles”*. Paris, Les Éditions de France, 1935

REMINDS the parties that this recommendation will be sent:

- to the claimants,
- to Ms C.,
- to Ms B.,
- to Dr Achim Bonte, Director of the Staatsbibliothek zu Berlin – Preußischer Kulturbesitz,
- to Ms Katrin Stump, Director of the Sächsische Landesbibliothek – Staats- und Universitätsbibliothek Dresden,
- to Ms Antje Theise, Director of the Universitätsbibliothek Rostock.

REMINDS the parties that this recommendation will be sent 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 and Architecture, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of 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 Sigal, Ms Rotermund-Reynard, Mr Ribeyre, Ms Andrieu, and Mr Perrot.

Paris, 8 November 2022

The Chargé de Mission, Hearing Secretary	The Chairman, Michel Jeannoutot
Emmanuel Dumas	

Application 22453 BCM

THE COMMISSION,

Meeting in plenary session on 9 December 2022;

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;

V. The facts

Born in Vienna in 1891, Franz Podwinetz, an engineer by training, took over the iron production business Ludwig Podwinetz & Co. and its private bank following his father's death in 1917.

The family was originally a wealthy aristocratic family, whose business had built one of the main bridges over the Danube, the Reichsbrücke.

Franz Podwinetz married Mrs A. in 1919. The couple left Vienna to settle in Berlin, where in 1934, according to the testimony of a family friend, Professor Rudolf Kolisch, "the wealthy Podwinetz family had a luxury manor house" and "a private bank" which they had to abandon.

Arriving in France in 1937, Franz Podwinetz was arrested at his Paris home in July 1938 for "dealing in false passports". He was sentenced to 18 months in prison with deportation. He was released on 29 August 1939 and, unable to comply with this measure, he was interned at the Meslay-du-Maine camp (Mayenne) as a national of an enemy country.

Released in January 1940, he was living in Paris at 2 Cité Rougemont in May 1940 when the Germans invaded.

In March 1941, Franz Podwinetz sold three paintings to the art dealer Karl Haberstock, one of Adolf Hitler's main suppliers for his museum project in Linz (Austria):

Mrs A., who took refuge in England in November 1939, remarried in 1946 after the death of her husband Franz Podwinetz, the date of which has not been established.

VI. The procedure

By application dated 30 March 2010, Ms B., who died during the course of the proceedings in ..., successor to the rights of her father, Mr C., himself the son of Mrs D., Podwinetz/Powinetz/Podvinecz, wife of ..., acting in her personal name and as the beneficiary of her great-uncle, Franz Podwinetz mentioned above, referred the matter to the CIVS seeking:

- compensation for the following two paintings, the first, an oil on wood by Franz Van Mieris, the Elder, "*die Wahrsagerin*" or "the fortune teller", 17 x 21.7 cm and the second, an oil on wood by Jan van Goyen "*Kleine Landschaft auf Holz*" or "small landscape on wood", the dimensions of which are unknown,
- the restitution of the painting by Adriaan van Ostade "*Scheune Intérieur*" or "Interior of a stable with a peasant family", oil on wood, 53 x 47.5 cm, now kept at the Netherlands Institute for Cultural Heritage, known as the CII, in Rijswijk (Netherlands), inventoried under number NK no. 1808 (*Nederlands Kunstbezit collection*), equivalent to the French MNR (National Museum Recovery).

The application was taken over by her husband Mr B., born on ..., and residing at ..., and her children, Mr E., born on ..., and Ms F., born on ..., residing at the same address.

The claimants gave Mr G., residing at ..., power to represent them before the Commission.

The beneficiaries of Mrs H., wife of ..., universal legatee of her sister Mrs A., wife of Podwinetz in her first marriage, and wife of ... in her second marriage, were absent and not represented.

VII. The investigation of the case

Examination of the application gave rise to the investigations presented in:

- the recommendation of the Dutch Restitutions Committee dated 2 June 2008,
- the referral of the matter, by decision of the CIVS Chairman dated 9 March 2021, to the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945 (M2RS) under the provisions of Article 1-2 of Decree No. 99-778 of 10 September 1999 as amended,
- the study of the price, prepared by the M2RS, dated 22 June 2022, sent to the CIVS' Principal Rapporteur,
- the report of Ms Zagury, Rapporteur at the CIVS, communicated to Mr G., 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 December 2022.

Mr G. appeared before the Commission to present his observations.

The Commission heard the Judge-Rapporteur, the Head of the M2RS, the representative of the Ministry for Europe and Foreign Affairs, the Government Commissioner, Mr Dacosta, and then Mr G.

The Commission considers the following to be established:

After the sale of the three paintings in March 1941, no trace of Franz Podwinetz could be found. In particular, he does not appear under this name, nor under the various spellings considered, on the lists of deported Jews in Serge Klarsfeld's book, nor on those of the Shoah Memorial or in the Caen archives. He probably died between 1941 and 1946.

No steps were taken after the war by his beneficiaries, namely his mother, Mrs R., wife of Mr Podwinetz, or his widow, Mrs A., to claim the restitution of or compensation for these paintings.

It is clear that Franz Podwinetz sold these three artworks to Karl Haberstock, Adolf Hitler's art dealer, in March 1941, for a total of €132,794, after conversion to current value, as can be seen from the excerpt from Horst Kessler's book '*K Haberstock: umstrittener Kunsthandler und Maezen*' (2008 Munich, p. 274).

Only the painting by Adriaan Van Ostade "*Interior of a stable with a peasant family*" has been found to date. It is listed under the reference NK 1808 at the CII in Rijswijk (Netherlands), with the provenance "Podwinetz 41".

On 9 March 2007, Mrs A. filed a claim with the Dutch Restitution Committee seeking the return of this painting. This claim was rejected on 2 June 2008, following an investigation and report dated 25 April 2008, for the fundamental reasons that the claimant did not sufficiently prove her capacity as beneficiary and her grandfather's ownership of the painting: "*Von Podwinetz was survived by his wife, which casts doubt on the claimant's position as heir*" and "*insofar as the ownership was described as only "implied", as the claimant was unable to provide details of the ownership of the painting, and the circumstances of its unintentional loss, other than her assertions,*" the Committee "*considers it possible but not highly probable that this painting NK 1808 was owned by F H Podwinetz*".

VIII. The Commission's opinion

Although these works were sold to Karl Haberstock by Franz Podwinetz in March 1941, the fact that he was the seller is not sufficient to demonstrate that he was the owner.

Nor has it been established that the sale was a result of spoliation or related to the anti-Semitic legislation in force in France during the Occupation.

In the absence of convincing evidence in the file, the Commission considers that there is no reason to take a different view to that of the Dutch Restitution Committee regarding the ownership of these paintings.

THE COMMISSION IS OF THE OPINION,

That application No. 22453 BCM cannot be accepted.

REMINDS the parties that this recommendation will be notified:

- to the claimants,
- to Mr G.,

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 Jeannoutot, Mr Bernard, Ms Dreifuss-Netter, Mr Toutée, Mr Ruzié, Ms Grynberg, Ms Sigal, Ms Draï, Ms Rotermund-Reynard, Ms Andrieu, Mr Ribeyre, and Mr Perrot.

Paris, 7 March 2023.

The Chargé de Mission, Hearing Secretary	The Chairman,
Emmanuel Dumas	Michel Jeannoutot

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