

PRIME MINISTER'S OFFICE

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

Commission for the Compensation of Victims of Spoliation
resulting from the Anti-Semitic Legislation
in Force during the Occupation

CIVS

THE CHAIRMAN

ACTIVITY REPORT FOR THE COMMISSION PRESENTED TO THE PRIME MINISTER FOR 2002

-Second Report-

(Pursuant to Article 9-1 of Decree no. 99-778 of September 10, 1999, as amended)

December 31, 2002

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INTRODUCTION

This document is the Commission's second report to the Prime Minister, as required in Article 9-1 of Decree 99-778 of September 10, 1999, as modified.

In 2002, the Commission gave special emphasis to consolidating its basic principles and improving its organization. These improvements were directed at its operating capacity, the dissemination of its message, the transparency of its principles and, in more quantitative terms, at enhancing the speed with which the Commission makes its recommendations. The text below will show how the Commission acted on these goals.

In short, the markers that have guided the Commission's work during the past year have been a firm insistence on fairness and a strengthened determination to work efficiently.

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I. AN OPERATING SYSTEM THAT IS BOTH STABLE AND DYNAMIC

A. A TIME-TESTED METHOD

1/ Welcoming claimants and listening to what they have to say

a) The claimants assistance unit

Because procedures often appear complex, because individuals are often apprehensive when faced with the apparatus of government, because claims may take longer to be processed than expected and not least because of the tragic personal history that lies behind such claims, the Commission has set up an in-house system for providing support to claimants as they move through its procedures.

The claimants assistance unit, which was set up when the Commission began its work, has three specific functions: 1) providing a continuous flow of information, from the time a claim is first filed to when it is finally settled; 2) providing administrative assistance and 3) offering psychological support.

The contact and guidance person within the unit receives claimants on request and then supports them as they go through the cycle of administrative procedures.

The information requested is generally about how the claim is progressing. Claimants have the opportunity of passing 35 to 40 minutes with the contact person from the claimants assistance unit, to tell their story or that of their family, or to express their anxieties. This person remains their link to CIVS throughout the process. He listens attentively and patiently to their concerns, and to calm their legitimate fears. If a claimant is in precarious financial circumstances or in poor health, the contact person can also refer him or her to Jewish community charities pending the payment of his or her claim for compensation by the Prime Minister's office.

The contact person also helps claimants in filling out the required questionnaires, a problem that arises particularly among the elderly, who may suffer from illness or impairments and do not have the means to obtain outside assistance.

It is also the contact person who remains in telephone, fax or e-mail contact with the claimant — whether in France, elsewhere in Europe, in the United States, Australia, Mexico, South Africa or elsewhere — and keeps him or her updated on the progress of the file.

From January 1 to December 31, 2002, the contact person at the claimants assistance unit held some 1,400 meetings with claimants.

The telephone answering team also plays a role in helping claimants by providing immediate, if brief, answers to their questions — thanks to a database conceived for this purpose — prior to putting them into contact with the appropriate offices.

b) International toll-free numbers

These numbers were placed in service on July 16, 2001 and have been publicized both on the website and in notices, folders and brochures that have been widely distributed in France and abroad.

The “universal” toll-free number, which can be dialed from 19 countries (Argentina, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Hungary, Israel, Italy, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland and the United Kingdom) is **00 800 2000 4000**.

There are five country-specific numbers. The number from Brazil is **000 849 181 42 26**; from the United States **1 866 254 3770**; from Poland **00 800 491 21 97**; from the Czech Republic **0 800 142 042** and from Russia **810 800 2015 1033**.

The toll-free numbers are open 24 hours a day, seven days a week, with answers given in French, English and Hebrew.

Residents of countries not covered by the toll-free system may of course make toll calls to CIVS.

Telephone advisors respond to callers’ questions by drawing on information sheets prepared at CIVS that provide answers to most of the questions posed by victims of spoliation or their heirs and beneficiaries. These telephone advisors have all had special training enabling them to respond to calls with openness, patience and sensitivity.

A record is kept of questions asked and answers given and these are included in the same monthly statistics that show the number and frequency of calls received, their country of origin, the nature of the questions asked and how they were handled, as well as the status of the callers, i.e., direct victims, heirs or beneficiaries, associations, journalists, etc. (Appendix 1).

2/ Registering claims

a) The administrative unit

The administrative unit is responsible for the actual claim files. It receives claims every day, determines if they are eligible for processing and, if so, creates a numbered file for each claim and sends out a questionnaire to be completed.

All the information needed for properly processing the claim must be provided in this numbered questionnaire, in particular the identity of the victims and their heirs or beneficiaries, where the spoliation(s) took place, etc. The complete file is then transmitted to the **research network** for the appropriate archival research.

In fact, however, about **75%** of the questionnaires are returned incomplete. The administrative unit's main job is therefore to obtain the missing information by telephone, fax or mail. The repeated contacts with claimants that result from this process also provide an opportunity to develop close relations, which is entirely consonant with the principle of humanity that is the very foundation of the Commission's work.

Over the last twelve months, the administrative unit has transmitted an average of some **160** files per month to the research network. Despite this pace, in any given month it continues to manage a nearly constant inventory of about **4,000** files. Each week, at least as many if not more new claims and questionnaires arrive as there are files that are transmitted to the archive centers (Appendix 2).

The large number of files being processed in the administrative service at any given time requires very rigorous management to ensure that the criteria for priority treatment are observed: the age of the claimant, their financial difficulties and/or health problems.

Despite the heavy flow of new claims resulting from the national and international communications campaigns carried out in accordance with the Washington Agreement, the typical profile of the victims of spoliations as well as the nature of their losses have remained the same:

- The victims were small craftsmen or shopkeepers who worked at home, mainly in garment production and generally about 40 years old at the time of the spoliations;
- Most spoliations concerned furniture and professional tools/equipment located in apartments in the east of Paris or in modest neighborhoods of other major French cities (Appendix 3).

As of December 31, 2002, the Commission had received 13,400 claims of all kinds, of which 9,600 were for material losses and 3,800 were bank-related claims. The only notably new development during 2002 was the large increase in bank-related claims (Appendices 4 and 5).

b) The database

In December 2001, an electronic database was created and installed by *Résocéane*, a specialist in this field. Its purpose is to make it possible to obtain all the information in a given file in real time, thereby permitting efficient, ongoing monitoring of the progress of claims. It is available to the staff of all CIVS units. Rapporteurs may also obtain an information sheet that provides them with a succinct summary of all key information in a given file. This makes everyone's job easier and ensures that the dialogue with claimants will be as pertinent as possible.

This service has been installed as a network covering the workstations of all CIVS officials, in effect functioning as an **Intranet**. It has become indispensable to the efficient operation of the Commission. All data in the files have been included in the database: the claim's history, full civil status (date of birth, marriages, divorces, etc.) of the claimants, the victims and/or their heirs and beneficiaries, their profession, the losses suffered, the place(s) where the spoliations occurred, the research requested from the archive centers and the answers received, the compensation recommended by the Commission acting in one of its configurations, etc. This information is a major compilation of financial, economic, historical and sociological data, and as such is important source material.

The data entry unit was created on February 11, 2002. All files handled prior to this date have also been entered into the system, together with new data that arrives daily. The time needed to handle a file varies depending on its complexity, since each piece of information is carefully studied. In all, a data entry processor can only handle about five or six files per day.

3/ Preparing the files

a) Files on material spoliations

Once the administrative unit has registered a claim, the file is sent to the research network (Fr: *Réseau de Contrôle et d'Investigation* or RCI) which identifies the archival services to be queried and sends them a copy of the fully completed questionnaire.

The research network's investigations have **three goals**

- The first is to **identify the nature and magnitude of the asset confiscation**, and to determine whether the losses were actually the result of anti-Semitic legislation, and not losses of property due to acts of war such as the destruction of goods during bombings;

- The second is to **avoid double compensation** when reparation for spoliation has already been made, whether in France under the War Damages Act (*Loi sur les dommages de guerre*) or in Germany by virtue of the BRüG Act. The same loss cannot be compensated twice, unless facts unknown at the time of the first compensation justify an exceptional re-estimation. This notwithstanding, compensation received at the beginning of the 1970s by virtue of the BRüG Act and then reduced by virtue of the so-called "**special hardships clause**" (*clause dite des duretés particulières*) may be supplemented up to the level originally foreseen in the German legislation in order to arrive at full compensation;

- The last is to permit the **discovery of other spoliations** unknown to or forgotten by claimants and not mentioned in the questionnaires, but revealed through the work of the archive centers.

The Commission has set up units directly at the major archive centers. The Berlin contact point is responsible for verifying whether the spoliations under consideration have already been compensated under the German BRüG Act. The contact point at the French National Archives has access to the files of the occupation-era *Commissariat Général aux Questions Juives* (CGQJ – "General Commissariat for Jewish Questions"), where the files on the "aryanization" of Jewish-owned businesses are kept. The contact point at the Paris Archives assesses the documentation on war damages, the registry of businesses and trades, and government orders issued for the restitution of assets, including real estate, household goods and furniture, and business and professional equipment.

Depending on the information gathered, additional research may be necessary. The Paris *Préfecture de Police* (Police Headquarters), the *Caisse des Dépôts et Consignations* (CDC – State bank receiving government deposits) and the *Centre de Documentation Juive Contemporaine* (CDJC – Contemporary Jewish Documentation Center) are consulted when it is necessary to seek traces of deposits made by persons interned at the Drancy transit camp. Data from camps outside the Paris area have been brought together on another CD-ROM called “*Camps de province*,” developed by the Mattéoli Working Party. The *Office des Biens et Intérêts Privés* (OBIP – Office for Personal Property and Interests) can provide information on claims for the return or compensation of spoliated goods that were made by victims right after the end of the war. OBIP also has special files on gold coins and bars (“*or monétaire*”) and on art works. For spoliations of the latter, CIVS also consults the central management of French museums (*Direction des Musées de France*) at the Ministry of Culture, and the Archives Department of the Ministry of Foreign Affairs.

Life insurance policies are investigated with the cooperation of the *Fédération Française des Sociétés d'Assurance* (FFSA – French Association of Insurance Companies) and of the CDC. The CDC is also consulted on the liquidation of businesses and real-estate holdings and on sums confiscated from bank accounts, either as part of the collective billion franc fine imposed on the Jewish population (“*l'Amende du Milliard*”) or for the benefit of the “*Commissariat Général aux Questions Juives*” (CGQJ).

In the banking area, investigations managed by the specialized in-house unit for bank assets often uncover bank accounts that are inseparable from the spoliations of material goods that accompanied them. This information is found in the archives of the CGQJ. Conversely, investigations at the National Archives concerning spoliation of professional equipment sometimes reveal the existence of bank accounts not mentioned in the questionnaires. This useful information is then transmitted to the in-house unit for bank assets.

Schedules are drawn up, based on the Commission’s priorities, to coordinate the work of the archive centers. The centers receive monthly work plans, and each grouping of files received together should also be answered together. As much as possible, the work plan also takes into account the date the claims were filed.

Archive centers outside CIVS, like OBIP, the diplomatic archives center at Nantes and the CDC are also included in the work schedules. Efficiency is increased by avoiding late relaunching of investigations (see Appendix 6).

b) Claims related to the confiscation of bank assets

The in-house banking unit examines every case in which reference to a bank or passbook savings account is made either in the questionnaire or in the “aryanization” archives, or if the Rapporteurs so request relative to files they are examining.

Staff members of the banking unit examine these files to determine the civil status of the victims, their address and the name of their company. In this way, they can confidently undertake research in the “Banks” CD-ROM provided by the Mattéoli Working Group, cross-checking all data available to them.

There are then two possible conclusions to the research process:

1. Using the database on accounts blocked in 1941, the banking unit staff identifies one or several accounts in one or several banks. They can also determine the type of asset (checking or savings account, securities account, safe deposit box) and the amount. They must

then contact the banks concerned to inform them that they owe compensation and to try to obtain additional information.

In this case, research is considered positive and the claim is payable from Fund A (“the Deposit”) as defined in the Washington Agreement (Appendix 7).

2. The banking unit staff cannot identify any bank account at any bank in the computer files. They then send a letter to claimants to the effect that their claim cannot be accepted unless they sign the affidavit provided for in the Washington Agreement.

In this case, research is considered negative and the claim is payable from Fund B (“the Fund”).

It is only at this point in the investigation that it is possible to determine against which of the two funds the claim may be debited.

4/ Preparing a report on the claim for deliberation by the Commission

a) The work of the Rapporteurs

This is a key step in the compensation process. Last year’s Report to the Prime Minister gave a detailed account, which needs to be repeated at length to demonstrate the complexity and delicacy of the Rapporteurs’ task.

- Investigation of spoliations of material goods

Once replies are received from the archive services, which are consulted as a matter of course, claims files are referred to the Principal Rapporteur who distributes them among the Rapporteurs as equitably as possible.

The Rapporteur analyzes the files sent to him or her. Even apart from the particularly complex issues arising from the “aryanization” of multiple companies or searches for art works, this first step is often fraught with difficulties stemming from the legibility of old documents, the need to have some of them translated, and gaps in the information available to the Rapporteur.

Quite often, information obtained in response to preliminary searches proves to be inadequate. The Rapporteur must then carry out or ask staff to carry out additional inquiries, which prolong the time needed to complete the investigation. While replies are not always received as quickly as the Rapporteur might wish, it has to be recognized that the offices consulted often have to undertake difficult research in order to answer the very precise and sensitive questions that are referred to them.

When Rapporteurs are in a position to make a preliminary assessment of the extent of the spoliation, they contact the claimant and invite him or her to an interview, accompanied, if the claimant so wishes, by persons of his or her choice, such as relatives or a lawyer.

Once they know which Rapporteur is going to be dealing with their claim, most claimants telephone him or her to ask what the prospects are for having their claim settled. At that point the Rapporteur must reassure the claimant and explain the investigation process in some detail, just as the contact person in claimants assistance unit did earlier in the process.

While the meeting between the Rapporteur and the claimant generally takes place at the Commission's headquarters, the Rapporteur may instead visit a claimant at his or her home (particularly if they reside in the Paris area) if health or age make moving around too difficult. Claimants living abroad are interviewed by telephone, fax, e-mail or an exchange of letters.

The interview with the claimant is an important step, and has three objectives:

First, to listen and listen again: This aspect of the rapporteur's work is vital. As noted above, recalling the war and the ordeals they lived through is a trying, intensely emotional experience for claimants. Quite apart from their personal claims, many claimants are keen to bear witness to a tragic period of which there remain fewer and fewer survivors.

Second: to inform claimants as to what their families went through during the Occupation by giving them documents concerning their relatives, documents they were previously unaware of but had been located in the archives. For many claimants, these documents are the only remnants of a painful past, which they are now reminded of again. For many, these documents are as important as the compensation itself.

Third, to establish a dialogue with the claimant, chiefly in order to establish who may be entitled to compensation. This involves an analysis of lines of succession for which, in some cases, a family tree needs to be drawn, so that a compensation proposal may then be prepared for submission to the Commission by the Rapporteur.

Quite often, the interview provides an opportunity to inform the claimant about spoliations revealed by archival records of which he or she was unaware and hence had made no reference in the initial claim. This is particularly likely when talking with the heir of a now-deceased direct victim. Conversely, the claimant may also reveal spoliations that he or she failed to mention in the claim. Fresh investigations must then be initiated.

Once the extent of the spoliations has been established, the Rapporteur must assess the loss involved. In some cases, this assessment requires a second interview, held at a later stage, to take account of the new investigations made necessary by the first interview.

The assessment of loss is always a difficult process that often leads to very approximate results. The assessment process assumes that the Rapporteur is equipped with knowledge of such diverse fields as business capital, tools of production and art works — knowledge that he or she may simply not possess. In any court or tribunal, this lack of knowledge would automatically give rise to the appointment of specialist experts.

This option is not available to Rapporteurs, in part because of the cost that would result (the relevant texts do not provide for the Commission to meet such costs), and in part because of the delays it would cause in the investigative process.

Rapporteurs thus make the most of their own abilities, creative powers and imagination. For example, they calculate the value of business capital by extrapolating from the meager information they have managed to put together on the last known sales figures or on staff numbers. They assess the value of looted inventories of raw materials by comparison with those of a similar enterprise. They estimate the worth of paintings by referring to the current value of the artist's work, as measured by the average value of sales at art auctions or in galleries over an extended period, etc.

Very often, Rapporteurs must fall back on their own inquiries directed to enterprises, professional organizations or employers' federations in the relevant fields of business. It goes without saying that such discussions can go on endlessly without leading to any certainties.

Once the assessment has been completed, the Rapporteur advises the claimant and asks for his or her comments. In most cases, the claimant agrees with the sum suggested by the Rapporteur. Seeking the claimant's agreement is very much in the spirit of the Decree of September 10, 1999, which specified that the Commission only examines claims on which the parties have failed to reach agreement in a spirit of conciliation.

In practice, however, it has proved very difficult to implement this Decree:

- Despite the above, the Decree does not allow the Rapporteur to reach an agreement with the claimant that is binding on the Commission;

- And, even though one may readily envisage conciliation when a demand for compensation or restitution has been directed against a natural person or a private corporation, it is another matter altogether when such demands are directed against the State alone, as is almost always the case.

When all the steps described above have been completed, a process taking 8 to 12 months at the very least, rapporteurs prepare a written report (which they usually type themselves), summarizing the circumstances in which the spoliations occurred and setting out their own assessment of the resulting losses as well as the claimant's reaction to that assessment.

The report is referred to the Principal Rapporteur who, after checking it, passes it to the Hearings Secretariat, indicating his advice on how the matter should be heard: by the Chair sitting alone, consistent with the provisions of the Decree of June 5, 2001; by a sub-commission; or by the full Commission.

Other than when the chair decides alone, Rapporteurs attend the hearing and make an oral presentation on the contents of their report. They answer questions from members of the Commission, the claimant and the Government Commissioner.

- Reports on bank-related spoliations

The following procedures, incorporating considerably more flexibility, were developed as a means of dealing with claims of this kind, for which the Washington Agreement requires priority **treatment**:

Case 1. When it is proposed that a \$1,500 lump sum be awarded from Fund B ("the Fund"), on the basis of an affidavit sworn by the claimant. The Rapporteur drafts a report setting out his or her proposal. The claimant is advised of the proposal only if it recommends rejection of the claim, which is thus far highly exceptional. After the Principal Rapporteur has approved the proposal, the case is usually referred for decision to the Chair, acting alone.

Case 2. Where the existence of an account or a bank safety deposit box has been demonstrated, justifying a compensation award from the \$50 million escrow account (Fund A – "The Deposit"). The relevant bank is then asked to state its position, both with regard to the principle of payment of compensation and to the level of the proposed compensation payment. The Rapporteur informs the claimant of the bank's position and of his own position, and asks the claimant to comment.

He then passes his report to the Principal Rapporteur, who after verification passes it to the Chair, acting alone, if the various positions are in agreement. If they are not, the file is referred to a plenary session or most likely a sub-commission.

All these procedures require a minimum of four months to be completed. They may take longer if it appears that the bank account, although its existence is demonstrated, is that of an "aryanized" company. In this case, a decision cannot be taken until it has been ascertained whether the spoliation was the responsibility of the bank or of the "temporary administrator" of the company, in which case the government is responsible for payment. This determination requires that the investigation of spoliation of material goods has been completed.

Reports regarding requests for review of findings.

The request is submitted to the Rapporteur who dealt with the matter previously. After carrying out further investigations where appropriate and interviewing the claimant again, the Rapporteur then records his or her comments as to whether any new facts, new evidence or material errors have been provided. According to the Decree of September 10, 1999 (as amended) these are the only grounds on which a request for a review of findings may be considered.

The rapporteur's views on the need for a review of the initial findings are referred to the Chair by the Principal Rapporteur. If the Chair so decides, the matter is submitted for consideration by the Commission meeting in plenary session, at which the Rapporteur will obviously be present.

b) The role of the Principal Rapporteur

The limited number of Rapporteurs, the fact that they work at the Commission on a part-time basis, and the wide variety of issues that need to be resolved, often as a matter of urgency, mean that a permanent Commission staff member must play a coordinating role. This is the job of the Principal Rapporteur. This coordination relates to investigation on which the reports are based, their presentation to the Commission as well as to the opinions that the Rapporteurs are called upon to give.

To help meet these objectives, the Principal Reporter organizes periodic meetings of all Rapporteurs; the most recent of these was held on October 19, 2002. The Principal Rapporteur also takes part in meetings with the different services and units at CIVS and with the outside organizations whose collaboration is essential for the successful investigation of claims. He draws up and distributes a summary of recommendations that can help resolve questions of principle that have yet to be decided. He takes an active role in those sessions of the Commission in which such questions are discussed.

Through his examination of reports, and the discussions he regularly has with each of the Rapporteurs and the case officers who receive claims and carry out archival records searches, the Principal Rapporteur is able to satisfy himself that his orders are properly understood and being adhered to.

The Principal Rapporteur must, of course, be available to resolve the specific problems that those working under his direction encounter from time to time. It is he who writes to claimants to acknowledge receipt of the questionnaires that the Chairman asks them to complete at the time they file their claim, and sends out reminder notices if the claimant does not reply within six months. He may decide to put claims on hold if the claimants appear to have lost interest, making it impossible to complete the investigation.

c) Examination of claims by the Commission

As soon as a Rapporteur completes his or her report, the file is passed to the Hearings Secretariat, which is responsible for setting up the agenda for the Commission's sessions.

For the last year, the Commission has maintained a working rhythm of five Sub-Commission meetings per week and two plenary sessions per month. While this pace cannot be further accelerated in view of the other outside responsibilities of Commission members, it has in fact permitted quick handling of the files presented by the Rapporteurs. Usually, a claim is examined by the Commission about two weeks after the report has been received by the Hearings Secretariat, and the Commission makes its recommendation in the ten days following. Claimants are informed immediately. Hence, other than special cases, there are no files on hold.

The victims, or their heirs or beneficiaries, are informed of the day on which the Commission will examine their claim, and most of them living in the Paris region attend the hearing. This is of great help to the Commission, which at times has to make its recommendations on the basis of rather sparse documentation. The hearings, conducted using the **principle of cross-examination**, are often very emotionally charged. Generally, about a dozen claims can be heard at one hearing, which rarely takes less than four hours.

A government commissioner (representative) and deputy commissioner are also present at the hearing. They have already studied the reports and their observations are a valuable contribution to the formulation of the Commission's recommendations.

- Plenary sessions

Plenary sessions are reserved for questions of principle and for the most complex cases. They also hear requests for re-examination of earlier recommendations, assuming that these are justified by new evidence, new facts or a material error vitiating a previous recommendation.

While there are few such requests for re-examination relative to the total number of recommendations issued, there has recently been a noticeable increase. These requests are not given special priority in setting up hearing schedules, as it seems fair and legitimate to give precedence to new claims that have never been heard as opposed to those on which a recommendation for compensation has already been made. Most of these requests for re-examination dispute the valuation that has been given to losses suffered. It is very rare that those accepted result in a changed recommendation, which suggests that the first examination was complete and pertinent in the great majority of cases.

- Sub-commissions

The membership of these three-person bodies is variable, which makes it easier for new members of the Commission to adapt to their responsibilities while ensuring that different sub-commissions apply the same methods. The quality of the reports provided by the rapporteur is such that the sub-commissions rarely ask that additional research be presented.

- Examination by the Chair ruling alone

Increased use has been made of the capacity given the Chair to make recommendations alone. The government considers it particularly important that compensation is granted as quickly as possible to persons of advanced age or who are in a precarious financial position.

B. THE WASHINGTON AGREEMENT: HOW IT IS BEING IMPLEMENTED AND THE REGULAR COOPERATION THAT THIS REQUIRES

1/ Trends in relations with the French Association of Credit Institutions and Investment Companies (*Association Française des Etablissements de Crédit et des Entreprises d'Investissement - AFECEI*)

Under the Washington Agreement, AFECEI is expected to facilitate the dialogue among parties involved in its implementation. During 2002, CIVS officials met at least three times with AFECEI. These contacts are of great use to the banking unit, which has not always found the answers needed to resolve delicate claims either in the banks CD-ROM or in the work of the Mattéoli Working Group.

For example, there was close consultation with AFECEI concerning a certain number of banks about which it was difficult to demonstrate that any spoliations had been made. These involved foreign-owned banks operating in France in 1941 but not now members of AFECEI, banks that ceased to exist after the war and so-called “Jewish banks.” Much thought has been given as to what solutions to apply to them. Some difficulties also remain concerning assets held by *notaires* or stockbrokers. These cases are being compiled and resolved.

CIVS staff also works with AFECEI in ensuring that banks are fully informed of the provisions of the Washington Agreement and the obligations it entails for them.

For its part, AFECEI has sought to fully comprehend the channels and procedures applied by CIVS and the principles that guide the Commission (in all its forms) in making its recommendations. One such question was the how to verify that accounts that the CD-ROM identified as being blocked in 1941 were in fact reactivated at the Liberation. Banks continue to suggest criteria of proof that are not necessarily those used at Commission hearings.

Initially, CIVS informed AFECEI that it was reluctant to retain the criteria proposed by the Mattéoli Working Group, while continuing to respect the group’s recommendations in general. Given the **difficult circumstances** prevailing at the time of the Liberation, the fact that the victim survived is in any case not sufficient to prove that he or she was able to recover the bank account(s) in question.

During a later period, AFECEI suggested that the fact that a request for recovery of all confiscated assets had been made at the time of Liberation should be accepted as evidence that the bank accounts involved had been reactivated. It was recalled that the Members of the Commission would use their own judgement in accepting such assumptions. In case of disagreement with the conclusions of the Rapporteurs, the bank(s) involved could come to the hearing to present its point of view.

Lastly, AFECEI asked to be informed about how the index of re-evaluation of assets used by CIVS was calculated.

2/ The fourth meeting of the Supervisory Board of Fund B (“the Fund”)

Last October 14, the Supervisory Board of Fund B (“the Fund”) met for the fourth time, in Paris. The board agreed that the extension of the deadline for filing claims from Fund B from July 18, 2002 to January 18, 2003 was a positive step.

Nonetheless, some concern remained about how compensation paid from Fund A (“the Deposit”), but qualifying for a supplementary payment from Fund B, would be handled if the latter were liquidated too soon.

The Board expressed the view that the processing of files relating to Fund B (“the Fund”) should be further accelerated if possible. It also observed that there has been a steady increase in bank-related claims addressed to CIVS since the last Board meeting in May 2002, and particularly in August and September 2002.

As of September 30, 2002, almost 850 files destined for compensation out of Fund B (“the Fund”) were transmitted to the United Jewish Welfare Fund (*Le Fonds social juif unifié* – FSJU, which administers both Fund A and Fund B – “the Deposit” and “the Fund,” respectively), which orders payment to be made by the CDC. To date, over 1,700 heirs or beneficiaries received compensation from the CDC. The time required to process files at FSJU and CDC is short and varies little. The present balance on interest earned by the Fund (net of expenses other than compensation payments) is clearly positive, at €442,000 as of 9/30/02, while the largest of such financial obligations incumbent on “the Fund” have now been met. The exception is the cost of announcements made in *Le Monde*, which are not included in this calculation.

FSJU has stated that it processes recommendations attentively and rapidly, and that there have not been any technical problems in exercising this responsibility. FSJU has also kept a computer record of all payments made and their beneficiaries. The CDC emphasizes the fact that it makes payments within less than 48 hours after receiving a file from FSJU.

The next meeting of the Supervisory Board will be in March 2003 or thereabouts.

3/ Conclusions of the panel discussion held on October 14, 2002

Throughout the year 2002, CIVS has endeavored to answer all letters from the lawyers of U.S. claimants and to meet their concerns. The most important of the points they have made concern:

- The continuation of CIVS’s information and communications program;
- The procedures for handling claims along the entire administrative chain;
- Providing claimants with their updated files throughout the investigative process, up until they are about to be decided at a hearing;
- The doctrine established in the course of Commission hearings on subjects relevant to the Washington Agreement.

Despite regular dialogue with U.S. government officials and claimants’ lawyers — whether by telephone, e-mail or regular mail — several general questions remained unresolved and required the Parties to the Agreement to meet and discuss them. In order to remove ambiguities and points of mutual incomprehension, the Director of the Commission therefore considered it useful to bring together a panel discussion in Paris, with participants from the U.S. and French governments, the *Fondation pour la Mémoire de la Shoah*

(Foundation for the Memory of the Holocaust), the Mattéoli Working Group, French banks and American lawyers.

This panel discussion was held on October 14, 2002, and was preceded by a preparatory meeting of the French participants to review subjects likely to arise.

These included understaffing, which characterized not only CIVS but also the processing and payment offices within the administrative and financial services of the Prime Minister's office (Fr: DSAF) and the Veterans' Affairs Office (*Office National des Anciens Combattants – ONAC*). Understaffing is seen as slowing down both rapid decisions on recommendations and effective payment to beneficiaries.

The proposal for a further extension of the January 18, 2003 time limit for filing claims payable from Fund B was rejected. So too was a suggestion to make a forecast of compensation payments still due from Fund B ("the Fund") and to pay the remainder to the Foundation for the Memory of the Holocaust on the deadline date of January 18, 2003.

The principal points discussed at the panel discussion, held at the International Conference Center of the French Ministry of Foreign Affairs, were the following:

- The average value of blocked accounts as given in the report of the Mattéoli Working Group and how this should be reflected in the average value of individual compensation recommended by the Commission;
- The criteria used by CIVS in determining that a blocked bank account had indeed been reactivated at the Liberation;
- The coefficients used for revaluing financial assets;
- The specific place of the *Fondation pour la Mémoire de la Shoah* (Foundation for the Memory of the Holocaust) within France's general compensation policy and mechanisms.

During the discussion, the French participants were able to fully express their views and reply frankly to the questions of the American lawyers. The provisions of the Washington Agreement were never called into question, and everyone agreed that all parties were doing their best to fully carry out their obligations.

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II. A WIDELY-DIFFUSED, WELL-RECEIVED COMMUNICATIONS PROGRAM

A. ACCESSIBLE INFORMATION FOR ALL POTENTIAL AND REGISTERED CLAIMANTS

1/ Targeted efforts with immediate, long-lasting effects

a) The radio campaign broadcast on French Jewish community radio stations

The possibility of a radio campaign was discussed with Jewish community organizations in France. The Commission thought that this campaign would successfully complete the communications plan it created in January 2001. CIVS worked out programming with radio stations and created a text to be broadcast.

The campaign cost a total of €57,592.20 (or FF377,780) not including VAT, and was entirely paid for by the French government.

The text of the message was:

"A Commission has been created to provide compensation to victims of anti-Semitic legislation, including people of all nationalities living in France during the Second World War. The right to reparation is open to any person whose material assets were confiscated, or who had bank accounts blocked and not restored.

Please contact the Commission if you know or think that you or members of your family were victims of such losses.

*Send letters to the Commission for the Compensation of Victims of Spoliation (CIVS),
1, rue de la Manutention
75116 Paris
Or call toll-free: 00 800 200 4000 or 00 800 2000 4000"*

This one-minute message was broadcast from January 7 to March 7, 2002 on Jewish community radio stations in Paris: Radio J, *Radio de la Communauté Juive* (Jewish Community Radio, or RCJ) and Radio Shalom. These three stations broadcast on the same frequency, 94.8 FM, at different times of day. The three stations combined have about 140,000 listeners a day. Each of them broadcasted one to three daily "spots" during key moments of their programming.

Other than the Paris region, this message was also broadcast during the same period on Jewish radio stations in Grenoble, Lyons, Marseilles, Montpellier, Nice, Strasbourg and Toulouse. This campaign significantly increased the number of people requesting questionnaires from CIVS.

- b) The announcement of the extension of the deadline for filing bank-related claims on Fund B (the “Fund”)

When the deadline for sending in bank-related claims on Fund B was extended, CIVS and the Ministry of Foreign Affairs both worked to distribute this information as widely as possible. An announcement was published in July 2002 in three newspapers with large circulation: *Le Monde* in France, *the New York Times* in the United States and *Ha’aretz* in Israel.

2/ Permanent communication tools

- a) The website

As of December 31, 2002, www.civs.gouv.fr had received 64,000 visits since its April 2001 launch. The average number of daily visits to the site continues to increase, from 38 in September 2001, to 199 in July 2002 and 217 in December 2002. The July 2002 announcement of the deadline extension for sending in bank-related claims for the “Fund” (Fund B) led to a **doubling in visits** to www.civs.gouv.fr.

Also, after 18 months of operation, forms for filing a claim are downloaded in growing numbers in both English and French (Appendix 8).

In order to let Internet users keep abreast of CIVS’s work, and to allow for more dialogue between the Commission and the public, the **website** has developed several new features:

- Launch of an interactive forum

Since April 4, 2002 the CIVS website has offered an online forum, moderated by the Webmaster with the help of Commission members. Internet users can ask the moderator questions, post messages or respond to other visitors. The purpose of this new tool is to help guide claimants and to give them a better idea of the Commission’s activity, its goals and how it works. **The forum**, which gives claimants a chance to express their questions, comments and concerns, is the website’s most visited section.

- Restructuring of the site’s sections

In 2002, the site’s sections were reorganized, and now consist of the following:

- A “**Useful documents**” page, which allows Internet users to download all of the documents necessary for filing a claim: forms, the *affidavit*, brochures, leaflets, etc.
- “**Getting compensation**” explains how to make a claim and details the Commission’s procedures for processing files and paying compensation. It is now organized into a helpful question-and-answer format, and better reflects claimants’ needs.
- “**Additional information**” gives detailed information on the Commission’s policies, also in a question-and-answer format.

These pages are available in French, English and Hebrew versions.

- More news:

Several new pages were created in order to make the site more in touch with current news and events:

CIVS News (in French) describes the periodic visits and exchanges necessary to the Commission's work: trips to the United States or Israel, welcoming foreign public officials, commissions and associations to France, etc.

- News on **other procedures**: This page describes some of the other programs set up for Holocaust victims in France and in the other countries of Europe, as well as their technical and regulatory provisions.

- The monthly posting of **CIVS key figures**, which gives the major statistics related to the Commission's activity: the number of recommendations made, the number of questionnaires received, etc.

- **CIVS in the press**, summaries of articles about CIVS (in French).

- Exchanges with other websites:

CIVS is in regular contact with the webmasters of partner sites such as those of the Claims Conference, the *Fondation pour la Mémoire de la Shoah*, etc. www.civs.gouv.fr also provides information on certain events and conferences. The Council of Europe colloquium on "Teaching about the Holocaust and artistic creation" that took place in October 2002 in Strasbourg was announced on the CIVS website. The major decisions made during the colloquium were also posted online.

b) The international toll-free number

For its first six months, starting in July 2001, this service was managed and financed by AFECEI (The French Association of Credit Institutions and Investment Firms). As of January 1, 2002, CIVS and private companies are in charge of this service and it is financed by the general services budget of the Prime Minister's office. There is a partnership agreement between CIVS and the service providers, *Phone Marketing*, which has three main goals:

- give claimants easier access to information,
- simplify procedures,
- accelerate the treatment of files.

Phone Marketing relieves CIVS of certain strictly administrative tasks. Since November 2002, the agency has been in charge of sending questionnaires to people who request them. This type of request represents from 70 to 80% of all calls. This system has brought many positive changes, including improved service to claimants, faster reaction time and a reduction of administrative tasks handled by CIVS staff, thereby giving CIVS personnel more time for handling claimants' information and listening to their needs. Although the sending of forms has been partially outsourced, this service remains entirely under CIVS's responsibility, and CIVS keeps a close watch over it.

Moreover, if a claimant wishes to have access to personal information on his or her file, the call can be transferred to CIVS staff members. An amendment to the contract with the service provider has recently been added which insures that the call remains toll-free. Calls are only transferred to Commission officials if the claimant wishes, which in fact rarely occurs. No matter what kind of telephone response is given, its content is confirmed by letter.

As a general rule, the telephone advisors of Phone Marketing are able to give sensitive, quality responses that fully meet callers' needs.

CIVS works closely with Phone Marketing to train their telephone advisors in all the necessary procedures. They are kept up-to-date via CIVS's regular newsletter about additions to the website: frequently asked questions, new Internet subject headings, activity reports, etc. Phone Marketing also works closely with CIVS through the Internet **forum**. Like the toll-free number, this tool is another interactive part of CIVS's communications plan. Phone Marketing's telephone advisors are encouraged to put their observations on the forum, using their experience vis-à-vis the Commission to enrich the forum's several themes. In turn, these observations often inspire the Commission's regularly published responses.

Telephone advisors also have regular opportunities to visit CIVS, to discuss issues with staff members and ask them questions. The advisors have found such meetings very helpful. These visits allow them to better understand how the Commission functions and to clearly visualize its different services and how they work. They also let CIVS staff appreciate how the role of the telephone advisors supports their own work.

c) The follow-up to the media campaign

CIVS is willing to meet with journalists who wish to write about the organization and its work. The economic daily *La Tribune* devoted a detailed article in its August 28, 2002 issue to bank-related claims and their compensation, with in-depth description on the functioning of the Fund A ("the Deposit") and Fund B ("the Fund").

The Director of the Commission's trips abroad, to Germany in April 2002, to Israel in February and June 2002, and to the United States in March and July 2002, together with Ambassador Francis Lott, also received a satisfying amount of media coverage. In Israel, for example, the daily *Ha'aretz* and the leading newspaper *Yedioth Aharonoth* gave a lot of publicity to the Commission's compensation procedures. In France, *Agence France Presse* (AFP) and the *Figaro* also covered these meetings with foreign public officials.

3/ What to expect in 2003

a) The continuation of the international toll-free number for six months, which was a request of the United States government

After many discussions, it was decided to renew this service for another six months, from January 1 to June 30, 2003. This number could have been discontinued on January 18, 2003, the deadline for bank-related claims to be filed for the "Fund" (Fund B). It is clear that this is still an important vehicle for communications and guidance, especially for American claimants, which is why it is being continued.

b) An overhaul of the website to make it more accessible and attractive

Another popular idea is to enhance CIVS's website, since it clearly shows everyone the government's desire to give compensation for the losses suffered by the Jewish community on French territory during the Holocaust.

This would first mean creating a new set of visual standards that better reflect CIVS's purpose. Information would be made clearer and more accessible with several key changes:

- the re-configuration of basic navigation tools and the site's ergonomics,

- the re-structuring information based on its target audience: claimants, institutional contacts, journalists, Jewish associations, historians, French and foreign civil services, etc.,
- the creation of a more user-friendly home page.

More interactive sections should also be designed and implemented.

The current website will first be audited by a specialized agency using a set of precise requirements before the actual overhaul will begin.

B. AN ON-GOING, FRUITFUL DIALOGUE BETWEEN CIVS AND ITS PARTNERS

1/ Closer contacts with coordinating bodies and associations representing victims of anti-Semitic persecution

a) Various advocacy associations

CIVS is in regular contact with a variety of advocacy associations protecting the moral and material interests of Jewish victims: *la Coordination des Enfants Juifs de France Survivants de la Shoah* (the Coordinating Agency for French Jewish Child Holocaust Survivors); *l'Oeuvre de Secours à l'Enfance (OSE - The Children's Welfare Agency)*; *les Comité d'Action Sociale Israélite de Paris et d'Ile de France et Comité Juif d'Action Sociale et de Reconstruction (CASIP-COJASOR - The Jewish Social Action and Reconstruction Committee in Paris and the Paris Region)*; *l'Association des Enfants Internés dans les Centres de l'Union Générale des Israélites de France (UGIF - The Association of Children who were Interned in Centers Operated by the General Union of French Jews)*; *l'Association Israélienne des "Enfants Cachés" en France pendant la Shoah (Aloumim - the Israeli Association of Children who were Hidden in France during the Holocaust)*; *la Coordination Offshore des Enfants Juifs Survivants de la Shoah ayant vécu en France*; (the Offshore Coordinating Agency for Jewish Child Holocaust Survivors who lived in France); and others. These associations provide liaison between the Commission and their members.

A number of meetings were arranged, particularly in September 2002. Questions asked in the course of these meetings often related to the time required to process claims, the provision of useful information to claimants, the methods used to calculate compensation payments, the modalities of payment of recommended amounts of compensation etc. Following each meeting, documents were prepared setting out details of the issues raised and the answers provided. These explanatory comments were then made available to members through the associations' publications or Internet sites.

Meetings held throughout the year with the senior representatives of the coordinating bodies and associations helped to lay the foundations of an untroubled, constructive relationship and to put an end to pointless wrangling.

b) *Le Fonds social juif unifié (FSJU - United Jewish Welfare Fund)*

The FSJU set up "*Passerelles*" ("Gateways"), a telephone advice line that directs callers to the appropriate social agencies. This program meets a need which emerged from calls and letters received by the FSJU in the wake of activities it pursued in connection with German compensation payments, with Swiss funds which it was asked to distribute and with the funds which it manages in the framework of the Claims Conference. There will shortly be

an information campaign using commercials on *France 3 Régions* television stations, to raise public awareness of the existence of “*Passerelles*”.

CIVS has a special relationship with the FSJU. The latter refers to the Commission any urgent or disturbing situations in which individuals find themselves in dire material need or real destitution. With the “*Passerelles*” program now in place, this relationship between the Commission and the FSJU is set to grow even closer, for there are many claimants who don’t know where to obtain immediate assistance, support, or information about their entitlements. The compensation processes are complex, and some claimants or heirs are cut off from all community organizations. Even if they know what the appropriate organizations are, they prefer to deal with a “neutral” institution such as “*Passerelles*”, which is quite different from a social services office.

Furthermore, the FSJU deals with CIVS on behalf of elderly people who have few remaining relatives, whose relatives are dispersed or who have no family at all, and who cannot understand the administrative complexities and all the necessary and unavoidably lengthy steps involved in lodging claims.

In addition, there may be a need for a unit to provide psychological support for people who are disturbed by painful memories that come rushing back when they appear before the the Commission.

c) The Simon Wiesenthal Center (SWC)

Ever since the Accreditation Agreement was concluded between the Simon Wiesenthal Center and the Prime Minister, there has been very close cooperation between researchers at the Center and Commission staff. The latter provide all detailed information required on how files are progressing and on the possible filing of new claims. In return, CIVS receives additional information that the Center can supply on files in respect of which it has been delegated authority.

SWC can also take part in the final stage of investigation of files with the rapporteurs, provided that it is in possession of a duly signed power-of-attorney. Once the claim has been examined and before it is considered by the Commission, the SWC may forward comments and written notes to the rapporteur. Furthermore, still acting in its capacity as an authorized representative, the Center may also appear before the Commission at hearings at which claims are considered.

Certain of the Center’s requests, such as forwarding reports to claimants who wish to receive them, have been taken into consideration. At the same time the Center has expressed regret over the fact that rapporteurs do not always get in contact with claimants, and that material spoliation claims do not automatically trigger investigations regarding bank-related spoliations (and vice versa). On this last point it should be noted that it is up to claimants to determine the nature of the losses they have suffered. Nevertheless, when the Commission comes across other spoliations in the course of its investigations, it takes them into account and advises the claimants accordingly.

2/ Productive international exchanges

This year the Commission received two foreign delegations in the framework of contacts with other countries having a direct interest in the problems associated with the spoliations that occurred under the anti-Semitic laws.

a) Relations with the German authorities

A German delegation led by Dr Günther Lemmer, the Director of Central Services of the Federal Ministry of Finance, who is responsible for legal issues arising from the application of reparations legislation, was received in Paris on June 13 and 14. Those two days were given over to a briefing on CIVS.

A variety of issues were discussed, ranging from the Commission's administrative structure to the handling of claims. In this regard the German delegation met with representatives of the various units and, among other things, held discussions with rapporteurs and with three Members of the Commission. The delegation also attended a plenary session at which claims, including some relating to artworks and the "aryanization" of businesses, were considered.

In addition, a special meeting was devoted to the question of reimbursing German compensation payments in cases in which France has returned artworks to their owners. Representatives of the French Ministry of Foreign Affairs and Ministry of Culture took part in that meeting, which provided a fruitful exchange on the compensation and restitution procedures put in place by each of the two countries and laid the basis for a degree of harmonization in relation to these issues.

b) Growing cooperation with the Israeli Information Center for Holocaust Survivors

On 1 and 2 July 2002, Mr. Arie Zuckerman, Senior Advisor to the Deputy Minister for Foreign Affairs, and Mr. Ehud Moses, the Director of the Israeli Information Center for Holocaust Survivors, visited CIVS to be briefed on measures adopted by France for the reparation of anti-Semitic spoliations. These visitors were also shown around the Commission and briefed on its methods of operation. Meetings they held with rapporteurs and with Members of the Commission afforded an opportunity to discuss CIVS' practices and doctrine.

This visit gave rise to several exchanges on methods of searching computerized files on frozen bank accounts, with a view to setting up cooperative arrangements between France and Israel. This occasion also served to set up a formal contact with the Israeli Center, with the objective of pooling efforts by the two countries to speeding up the processing of claims lodged by Israeli families.

Commission members plan to travel to Israel, where a number of hearings on files of Israeli claimants will be held in the French Embassy.

III. BASED ON CLEAR PRINCIPLES, THE COMMISSION'S DOCTRINE HAS BECOME MORE TRANSPARENT

A. THE COMMISSION'S PROCEDURES

1/ General principles

Committed to the pragmatic approach to claims that is consistent with the rule expressed in the report made to the Prime Minister on the decree which established CIVS, the Commission continues to operate in accordance with the general principles it first laid down. It has however had to adopt clear positions on questions that had not previously arisen, and to ensure that its activities reflect the experience that has been gained over time.

That is why emphasis must be given to the importance of the **principle of good faith**, which remains the standard basis for applying policy, even in sensitive matters.

While the abundance of information available in the archives and the caliber of the investigating staff often makes it possible to formulate recommendations on the basis of solid evidence; there remain large numbers of files which are incomplete or even totally devoid of adequate documentation.

It is clear that claimants cannot be asked to furnish proof for all matters dating back sixty years. They are merely expected to provide as much detailed information as possible, so as to lend credence to the event and, in the case of bank-related claims, to back that information up with the **affidavit** that appears at the end of the questionnaires. However, the statements of persons who have only a blurred recollection of their assets, or whose memories are hazy since based on a child's perspective, cannot always be taken into account in cases where extraordinary events unusual losses need to be demonstrated. In such cases, the assumption of the claimant's good faith is not enough, and the Commission will ask for more information.

The corollary of relying on the good faith principle is frequent and necessary reliance on **fairness**, particularly in determining compensation amounts. On this point, the Commission has drawn useful guidance from the work of the rapporteurs, the calculation rules applied to earlier compensation payments and the information provided by professional associations and by claimants themselves. It has opted to apply the **principle of fairness** in recommending compensation for losses resulting from spoliations of stocks, stores and raw materials, where only incomplete archival information is available. This approach facilitates the speedy assessment of many work-related losses.

2/ Localizing losses

The Commission has recently issued formal advice on the circumstances under which spoliations suffered in Tunisia might be taken into account, given that anti-Semitic laws were clearly applied in that Territory through a series of measures enacted from November 30, 1940 onwards. However, having heard the testimony of several experts, the Commission has taken note of the fact that the measures applied with respect to individuals and, above all, with respect to assets, were not applied rigorously and in a systematic way until the German occupation, which began in November 1942 and ended in May 1943.

Several files relating to this period were examined, and it was noted that certain losses resulting from acts of war fell outside the Commission's jurisdiction. It was also noted that, in cases of spoliation, there were no grounds for consistently or compulsorily applying any particular scale other than one devised by the Commission. Looting had not always been all-out, given circumstances of time and place, the state of communications and the military situation—which were very different from those prevailing in France at the same time.

3/ Determining who may be considered an heir

The use of ordinary jurisprudence, as required by the report submitted to the Prime Minister at the time of the Commission's creation, led the Commission to follow the rules of succession law, having regard both to direct lines of descent (without limits) and to indirect lines of descent. This has given rise to problems of practical application.

On the one hand, in view of the years that have elapsed since the events in question and of the unavoidable length of time required to investigate claims, there are many direct victims who die while investigations are in progress, and heirs are not always in a position to supply necessary pieces of information. On the other hand, where indirect lines of descent are concerned, it is not always easy to reconstruct these tragic events with any real sense of certainty, half a century after they occurred. The Commission has thus opted to set aside a percentage of a recommended compensation payment where there is information pointing to the existence of other heirs who cannot be assumed to have passed away.

B. METHODS OF ASSESSING LOSSES

1/ Apartments, jewelry, work-related assets and artworks

Regarding apartments, the Commission has leaned towards payment of compensation for looting in the accommodation in which the family took refuge. Such looting is presumed to have occurred when a member of the family was arrested or when the file contains evidence suggesting that the family had to flee that accommodation in order to escape being rounded-up. The sum allowed is reduced by virtue of the fact that there was necessarily less furniture in that accommodation than in the family home, which had been abandoned and for which compensation had already been paid.

Regarding jewelry, commonly worn items were taken into account under the BRüG Act, with "luxury goods" being covered by quite liberal lump-sum payments. Additional compensation may be payable for jewelry of very high value.

Regarding work-related assets, where lump-sum payments are to be made, the amounts are adjusted upwards if the professional activity ceased permanently following the physical disappearance of the person in question and that disappearance occurred as a result of the application of the anti-Semitic laws.

Regarding artworks, the Commission has taken the view, in cases referred to it for consideration, that, in the interests of fairness, supplementary compensation should be paid since compensation paid under the BRüG Act was limited to 50%.

2/ Adjustment factors

Drawing on information published by INSEE (*l'Institut national de la statistique et des études économiques* - the National Institute of Statistics and Economic Studies), cash holdings were revalued in 2002 using an adjustment factor of 0.276 (compared with 1941), while material assets (goods, equipment)¹ were revalued using an adjustment factor of 0.409 (compared with 1938). Where an additional compensation payment, to supplement an amount paid under the BRüG Act, was involved, the adjustment factor for the deutschmark was 1.512.

3/ Bank-related assets

Since June 2001, the Commission has been examining claims relating to bank-held assets on the basis of the Washington Agreement and subsequent exchanges of letters, and will examine any Fund B claims it receives up until January 18, 2003.

Amounts appearing in any account that was frozen as of December 20, 1941 are revalued using an adjustment factor of 0.276.

In the spirit of the French-American Agreement, the Commission has sought to give priority to compensation claims relating to bank accounts. However, problems have arisen when compensation relating to “aryanization” measures has subsequently been examined for the same victim. Work-related bank accounts were in fact often managed by “provisional administrators” appointed to “aryanized” firms, and in such cases the State is generally responsible for the payment of compensation. The Commission has thus had to ensure that compensation was not paid twice. These difficulties are expected to disappear over time. The Commission may decide to undertake combined examinations of the two types of compensation claims, as is already done in some cases.

4/ Insurance policies

There is as yet no particular practice that may be regarded as the established practice where insurance companies, as such, are concerned.

On the other hand, the Commission has developed a response to questions which arise in relation to compensation claims based on insurance policies which were taken out with the CDC through the CNRV (*Caisse Nationale des Retraites pour la Vieillesse* – the National Old-Age and Retirement Fund).

The archives were largely destroyed, but CDC investigations suggest that many insurance policies were taken out, as a welfare measure, in favor of persons who subsequently did not pay any premiums themselves. Furthermore, these policies gave entitlement only to a lifetime pension for the person concerned and no payments are made to heirs.

The Commission has reflected on the different approaches to be taken with regard to beneficiaries who died during the Occupation as a result of the anti-Semitic laws, on the one hand, and to beneficiaries who were alive at Liberation, on the other. Three different situations have arisen.

¹ excluding valuations for artworks

If the beneficiary of the policy is still alive and the thirty-year deadline has not expired, (i.e., thirty years after the maturity date of the policy that has been located in the archives), the individual concerned retains the right to request payment of his entitlements and payment of the pension benefits corresponding to the policy taken out with the CDC. He is then referred to CDC, since there has been no spoliation.

When the existence of a policy has been established and the beneficiary was still alive at the time of the Liberation, but no information is available on its provisions, i.e., the amount of premiums paid and the pension benefits they would generate – a rather frequent situation -- a compensation payment is awarded to the beneficiary's heirs in accordance with the scheme developed by CDC. This payment corresponds to the proceeds due on the maturity date of the policy (in principle, the beneficiary's 60th birthday), and is equal to the average sum payable under insurance policies of the same category, as calculated by CDC (which substantiates its calculation in the reply it forwards to the rapporteur). This sum is not multiplied by an adjustment factor for policies that matured before 1960, as this might be disadvantageous to the heirs on account of the effects of inflation. The amounts involved are simply converted one for one into euros.

Where the beneficiary of an insurance policy whose provisions are unknown died during the Occupation, the Commission has taken the view that, in the case of a person who was deported and was not in a position to make payments or apply for pension benefits, the fair thing to do would be to award to that person's heirs a lump-sum payment which is higher than the average calculated by CDC.

Finally, compensation payments borne by the CDC in respect of insurance policies are charged by that body against its own funds and not against Fund A or Fund B ("the Deposit" and "the Fund," respectively) set up by the Washington Agreement. That agreement applies only to bank-related spoliations, and the lump-sum payment it provides for cannot be applied either, unless the Commission recommends such payment².

**

IV. SIGNIFICANT GROWTH IN THE OUTPUT OF RECOMMENDATIONS

A. RELATIVELY SATISFACTORY RESULTS

1/ Still a steady influx of claims: will they level off?

As at December 31, 2002, the Commission had **received 13,400** claims, all categories of loss taken into account.

a) Material loss claims

From the time it began operations, in November 1999, to the publication of the first Activity Report submitted to the Prime Minister in November 2001, CIVS **received 7,800** claims.

²Amounts which were confiscated in the Drancy internment camp and deposited in the CDC are paid out of Fund A ("the Deposit") and are the responsibility of the CDC.

Between November 1, 2001 and December 31, 2002, it **received 5,600** claims, a 72% increase in 14 months.

Claims averaged **120 per month** up until October 2001. The following month, that number was **multiplied tenfold** and thereafter stabilized at around **450 to 550 requests per month** until April 2002. Claimants around the world became aware of the existence of CIVS thanks to a national and international press campaign that was launched in October 2001. The actual numbers of claims increased, spread over several months.

For 2002, there was a marked increase in the number of files referred to the Principal Rapporteur. Thus, from January to December 2001, a total of 1,541 completed files were referred to him. From January to December 2002, a total of 1,961 files were examined and passed on by the Research Network.

The average number of files ready for investigation in 2001 was 128, and stood at 164 in 2002 (Appendix 9).

Despite this increase, since June 2001, when the archival centers set up coordinated work schedules, this average figure has tended to stabilize. In 2003, the Research Network is expected to refer about 2,000 files to the Principal Rapporteur for investigation. As a result of rigorous management, the work schedules now permit optimum results from the resources on hand. **Further improvement, however, does not seem possible with current staffing levels.**

b) Bank-related spoliation claims

From its establishment in May 2001 to December 31, 2002, the specialized unit dealing with bank-related claims processed **2,057** files. They were systematically examined through the use of the CD-ROM that enables accounts that were frozen in 1941 to be identified.

As at December 31, 2002, claims relating to:

- Fund A (“the Deposit”) stood at **930**, i.e. **46%** compared with **54%** as of December 31, 2001.
- Fund B (“the Fund”) stood at **1,217**, i.e. **54%** compared with **46%** as of December 31, 2001.

As at the same date, **1,854** completed files were referred to the Principal Rapporteur for preparation for a Commission hearing, of which:

- **824** qualified for Fund A (“the Deposit”), i.e. **45%** compared with **53%** as of December 31, 2001.
- **1,030** qualified for Fund B (“the Fund”), i.e. **55%** compared with **47%** as of December 31, 2001.

The files that are referred each month to the Principal Rapporteur do not, of course, correspond to the files processed during that month by the specialized unit dealing with bank-related claims. Files may remain under consideration by the unit for between one and six months, to allow additional information to be sought from the banks, where claims on Fund A (“the Deposit”) are involved, or while awaiting the arrival of a claimant’s affidavit, where claims on Fund B (“the Fund”) are involved (Appendix 10).

c) Insurance policies: a special case

It is worth noting that only a very small number of claims in 2002 entailed searches for life insurance policies. In most of the questionnaires that mention insurance-related spoliations, claimants do not supply any details as to the type of policies, let alone the companies, that are involved.

Since its creation, CIVS has referred 153 files to the FFSA (*Fédération Française des Sociétés d'Assurances* - French Insurance Companies Federation), i.e. just over 2% of the 7,438 files which, in all, have been processed by the Research Network. Of these 153 files, only 16 revealed the existence of life insurance policies. In 9 cases, compensation had already been paid via international procedures or through French companies; in 5 other cases, contractual payments occurred after the war and in the last 2 cases, the policies had been canceled prior to 1940. Discussions are under way with the heirs regarding the settlement of another claim.

CDC extends insurance-related investigations to all files referred to it by CIVS dealing with other kinds of losses. Thus, of the 4,459 files processed by CDC, 103 revealed the existence of 148 policies taken out with the CNP (*Caisse Nationale de Prévoyance* - National Provident Fund) and the CNRV. In most cases, CDC does not have any documentation showing what happened to these policies, and suggests that the policy proceeds be paid out according to the modalities described on page 27 above.

2/ The rapid rise in the number of recommendations handed down

a) The impact of the rapporteurs' staffing levels

There have been two successive increases in the number of authorized rapporteur positions. The number rose from the 8 who comprised the initial nucleus to 20 in July 2001 and then to 28 in January 2002. Twenty-one are magistrates, 4 are administrative law judges and 3 belong to the auditor's general's office (*Cour des Comptes*), while 8 have retired. The most recent increase in the number of rapporteurs was clearly essential, not only as a means of dealing with the already large volume of material spoliation claims, but also to tackle the influx of bank-related claims triggered by the Washington Agreement.

The increase in the number of rapporteurs also led to a marked corresponding rise in the number of reports that were finalized, as is borne out by the large number of recommendations handed down by the Commission in the course of the year just ended. There are about 300 reports per month, of which 160 to 180 involve material spoliations.

While satisfying in itself, this pace would not permit the Commission to complete its work for at least another five years. The maximum improvements have already been wrung from the rationalization of work methods, so further significant growth in productivity cannot be expected with the current level of available resources and current arrangements for using them.

The rapporteurs receive more files than they can process, especially as some claims relate to very large estates and these take many days, or even weeks, to be examined.

Moreover, the work schedules of the part-time rapporteurs, limited to 2 days a week, does not foster continuity of service, which is an efficiency factor.

Since the establishment of the Commission, 16 rapporteurs, out of a staff level of 28, have resigned for a variety of reasons (career moves, transfers, mandatory postings, promotions etc). Seven left the Commission during the year, some of them after only a few months of service. They are not always replaced immediately upon their departure and, when they leave their positions, they return the files they have not managed to process. These files must then be shared out among their colleagues who are staying on, over and above those which would normally be assigned to them, resulting in significant disruption to their work. Moreover, newly-appointed rapporteurs need at least three months before they can operate at full efficiency.

b) Recommendations handed down

As at 31 December 2002, **4,547 recommendations - 3,264 pertaining to material spoliations and 1,283 recommendations for bank-related compensation** - were handed down in the course of 344 hearings, including those decided by the Chair acting alone. The 4,220 recommendations for compensation, entailing all categories of losses, represent **93%** of files examined and total compensation, of **€72,577,598**. Each case is examined **on the basis of its own, specific characteristics**.

Recommendations for the rejection of claims and the withdrawal of claims by claimants stand at 228 and 99 respectively. In most cases they arose from the existence of a previous compensation payment, or from the Commission's lack of jurisdiction, e.g. with regard to spoliations which occurred abroad.

Some **2,857** recommendations were handed down by the Commission in all its forms, (including the Chair ruling alone), in the 199 hearings held in **2002**. That was more than twice the total number of recommendations (**1,382**) adopted in **2001**. In **2000**, the Commission had adopted only **308** recommendations (Appendix 11).

The average value of compensation payments recommended for a **material loss** stands at 23,800 euros and has registered a 5.5% increase in one year. The breakdown of amounts recommended is as follows:

- less than €15,000 : 44 %
- between €15,000 and €30,000 : 31 %
- between €30,000 and €45,000 : 14 %
- between € 45,000 and €75,000 : 7 %
- more than €75,000 : 4 %

The average length of time taken to process files, from the time that claims are filed to the time they are considered at hearings, is as follows:

- more than 2 years : 45 %
- between 1.5 and 2 years : 14 %
- between 1 and 1.5 years : 29 %
- less than 1 year : 12 %

115 requests for review, as provided for in the Washington Agreement, were lodged, either to dispute the rejection of a claim or to submit evidence on matters that might lead to a reassessment of the amount of the proposed compensation payment. This figure represents 2.5% of all recommendations that were adopted.

- The specific examination of bank-related claims

The Commission, including the Chair ruling alone, handed down 1,283 recommendations for bank-related compensation between June 1, 2001³ and December 31, 2002 (Appendix 12). These represent 33% of the 3,911 recommendations (all categories of claims included) which were adopted in this period. The breakdown is as follows:

- **191** recommendations were handed down relating solely to **Fund A (“the Deposit”)**,
- **699** recommendations were adopted relating to **Fund B (“the Fund”)**,
- **393** recommendations were adopted relating to **both Funds**.
- **28** recommendations for the **rejection of claims** were handed down.

In 2002, the Commission, including or the Chair ruling alone, adopted more than 1,000 bank-related recommendations, thus highlighting **the urgent attention given to bank-related claims**, as required under the Washington Agreement.

By way of comparison, 180 bank-related recommendations had been handed down by the Commission between June 2001⁴ and December 31, 2001.

As at 31 December 2002, the FSJU has authorized, and CDC has paid out €874,083 from Fund A (“the Deposit”) and €1,815,642 from Fund B (“the Fund”), for a total of €2,689,725.

Thus far, 1.75% of Fund A (“the Deposit”) has been drawn down, while the figure for Fund B (“the Fund”) is 8%.

B. UNCERTAIN FORECASTS

1/ Handling files: a delicate and complicated task

a) The problem of “duplicate files”

Since its beginning, the Commission has **registered** 12,900 claims. Although in practice there is only one compensation file per family, it happens often enough that several members of the family make separate claims for the same losses. This creates a problem of “double files.”

The process of entering information into the database permits immediate detection of these “double files,” thereby avoiding loss of time in the investigation process. Of course, this is only possible if all the relevant files have been **entered** in the database. While research by the research network and the banking unit also provides a means of avoiding double files by comparing victims’ names, this would not obviate several months possibly spent on handling duplicate files that are finally cancelled. The problem is that due to insufficient staff, 3,437 files have been entered into the database since its creation in February 2002⁵, out of a total waiting list of 6,345.

³ The date of the first bank-related recommendations handed down in the framework of the Washington Agreement.

⁴ idem

⁵ Date of the creation of the data entry unit.

These conditions make it impossible to know the real number of files being treated at CIVS. Until now, 641 “duplicate files” have been discovered, and many others likely remain. But how long will it take to find them?

b) Estimating claims yet to come; a hard call

After a heavy surge of new claims from October 2001 to July 2002, the inflow has diminished.

Nonetheless, it is best to be prudent and wait another **6 to 10 months** before concluding that the reduced flow is permanent. Thereafter, if the number of claims **received** drops below 100 per month, the average level before the high reached in October 2001, it will be reasonable to conclude that the majority of claimants have contacted the Commission. The number of claims **received** in November and December 2002 suggests that such a trend has not yet begun.

Moreover, since April 2002, the fact that **affidavits** are now being directly attached when questionnaires are returned has brought about a significant increase in new bank-related files. In effect, claimants are increasingly aware of the possibility of making a bank-related claim solely on the basis of an affidavit.

c) Fund B (“the Fund”) and the January 18, 2003 deadline.

The original July 18, 2002 deadline for filing claims payable from Fund B has already been moved back to January 18, 2003. The Panel Discussion of October 14, 2002 ruled out any further extension.

As of that new deadline date, 2,700 bank-related claims still need to be **processed**. While not all of these pertain to Fund B, we noted above that it is impossible to know which of the two funds will be drawn on when a bank-related claim is received. Since we estimate that some 54% of these will draw on Fund B (“the Fund”), this would mean that there are still 1,450 claims outstanding that will draw on Fund B (“the Fund”).

Hence, by extrapolating the statistics and also taking into account that many claims directed at Fund A (“the Deposit”) also include a supplementary payment from Fund B (“the Fund”), one can estimate the total number of bank-related claims to be drawn from Fund B (“the Fund”) through January 18, 2003 at about 2,400. All of these claims **will not have been processed** by this date but **will all have been registered**.

After January 18, 2003, CIVS will only accept and make recommendations for compensation on claims payable from Fund A, i.e., “the Deposit,” providing compensation for identified bank accounts. It goes without saying that CIVS will continue to recommend compensation from Fund B on valid bank-related files submitted before January 18, 2003 — with the postmark serving as proof.

However, it should be noted that for reasons of equal treatment of all claimants, the Commission should be able to continue to draw on Fund B for as long as it is still processing bank-related claims. This is because Fund B is used to supplement any claims on Fund A (“the Deposit”) for which compensation is less than \$1,500, up to a combined limit of that amount. Given that bank-related claims concerning Fund A (“the Deposit”) may be received and processed without any time limit, the abrupt closing of Fund B (“the Fund”) could penalize many claimants.

The date of the prescribed time limit for Fund B (“the Fund”) also raises the question of the **second round** provided for in the Washington Agreement. In other words, once the cut-off date has been reached, should second-round compensation be given to claimants whose claims have already received a recommendation for compensation?

2/ Providing Compensation: Long delays lead to claimants’ impatience. More funding and personnel are required.

- The Administrative Unit

There are now only three people in this unit. However, it is imperative that this unit be able to transmit 200 fully completed and prioritized files to the research network each month. It is also important that these files be well prepared, in order to avoid any problems that will make subsequent processing more difficult. Bringing this team up to a **minimum of five people** would make it possible both to speed up the pace of work and to meet the targets set.

- The Data Entry Unit

Entering file data into the computer system must be done in the shortest time possible, including both newly received information and older files not yet entered. As was noted above, the database is an indispensable source of statistics and a very precious storehouse of information for claimants.

The large number of files not yet entered gives rise to many difficulties:

- CIVS staff cannot provide immediate information to claimants, but rather have to search for files in the different units of the Commission;
- It is impossible to automatically detect duplicate files, which adds an important additional burden to the work of the research network and the archive centers;
- Locating paper files is a long and complicated process.

This suggests that it would be worthwhile to renew the team of temporary employees that operated during the summer of 2002. Computers and office space are available. We would recommend hiring **four additional temporary employees to strengthen the present small staff of only two.**

With an average staff of three, the unit processed 104 files per month/per operator. At that rate, it would take more than another year to process the 2,908 files not yet entered in the database. If the suggested temporary staff is recruited rapidly, the time needed to enter this data could be cut down to six months, and the database would then be able to fully carry out its functions.

- The Research Network (Fr: RCI)

As was noted above, monthly schedules are established in order to obtain a complete set of responses from the archive services for the 180 files transmitted to them each month. Priorities are set among these files, based on criteria such as the state of health, age and financial situation of the claimant. The stock of files to be researched also includes older files, some dating back to the creation of CIVS in 1999. It is important to recall that the Commission received over 5,000 files in its first six months of operation. It has since proven difficult to cut down this stock of **“old files,”** which has become a matter of great urgency and the subject of repeated complaints from claimants, associations and institutions of all kinds, both in France and abroad.

The research network should also be able to include “normal” non-priority files (heirs who are under 75 years old) in its monthly schedules. The CIVS contact point at the Berlin archives center is now handling files for claims submitted by persons born in 1927, the contact point at the French National Archives is only up to those born in 1924. The time required for research at the National Archives varies greatly with the cases involved. Some require several months of work. The contact point at the Paris Archives has also been faced with similar problems during recent months. The Paris Commercial Court (*Tribunal de Commerce*) has now turned over its registry of tradespeople to the Paris Archives, thereby extending the scope of the work of the contact point to include this documentation as well. This additional task has served to reduce the number of files processed by this contact point.

In short, the contact points at the National Archives and the Paris Archives are not able to keep up the required pace of 180 files researched per month. In 2002, the monthly average for the National Archives was 128 files, while the Paris Archives averaged 136. Building up these teams would appear absolutely necessary in order to reach the established monthly targets.

More precisely, in order to handle 180 files per month, **two additional employees should be added to the present staff of 5** at the National Archives contact point, **while one new employee** should be added to the present staff of **three** at the Paris Archives.

- The Banking Unit

The banking unit at CIVS now processes about 110 files per month. Besides treating claims by consulting the “Banks” CD-ROM, the unit is also partly responsible for setting up files. Some of these require in-depth attention and research and a lengthy follow-up, sometimes taking several months after a file has been opened. **One additional employee** would enable the banking unit to dedicate more time to difficult files while accelerating its pace from **110** to **140** files per month.

There is still a backlog of 2,700 bank-related claims, whether payable from Fund A or Fund B (“the Deposit” and “the Fund” respectively), plus another approximately 100 claims that past statistics suggest are still likely to arrive before the January 18, 2002 deadline date. **With the present full-time staff of only three**, this makes it materially impossible to complete the examination of nearly 2,800 files, relating to both Fund A and Fund B (“the Deposit” and “the Fund” respectively), within a few months. **One additional employee** is therefore necessary to attain a pace of about **180** files per month.

- The Hearings Secretariat

This service is the last to play a part in the process of handling a claim by the Commission. It can only work as fast as the pace of the units further upstream permits. If CIVS needs to increase its permanent staff to increase this pace, it follows that the Hearings Secretariat staff will also have to expand at a given point in time. This is all the more true since one of its responsibilities is to assist the Chair or Chair of a Sub-Commission in drafting the Commission’s recommendations. (**Present staff: 4 people**).

- The Rapporteurs

If the staffing increases indicated above are needed to complete action on 180 files on material losses per month, the present number of rapporteurs would not be able to attain that pace. This means that more rapporteurs are needed, even as the number of candidates for this responsibility is, unfortunately, decreasing.

Perhaps it is time to consider hiring full-time rapporteurs, both to increase the capacity for preparing files for the Commission's decision and to provide a permanent core group of rapporteurs.

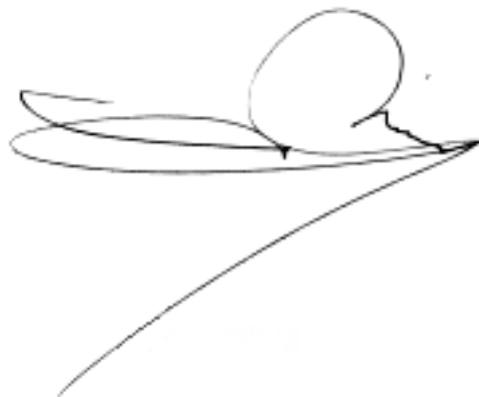
In short, if the texts that founded CIVS are not amended to permit a **different and speedier** response to the flow of claims described in this Report, it would be wise to consider a staff increase **of some 11 employees** to deal with the limitations described above (see Appendix 13).

**

CONCLUSION

Determined to fulfill its mission with ever-increasing justice and humanity, the Commission picked up the pace of its recommendations in 2002, and will pursue this accelerated rhythm in 2003.

Would it be possible to move even more rapidly, as both claimants and others involved desire, without undermining the basic principles included in its charter? I believe the answer is positive, but only with an in-depth reform of the legal texts that govern its activity and of the procedures and systems on which this activity is based.

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a series of loops and a long, sweeping underline that extends to the right.

Pierre Draï

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APPENDICES

- APPENDIX 1:** Statistics on the international toll-free number
- APPENDIX 2:** Distribution of claims registered with the Administrative Unit in December 2002
- APPENDIX 3:**
- Status of claimants
 - Distribution **by birthdate** of living and deceased victims of spoliation
 - Distribution by **occupation** of living and deceased victims of spoliation
 - Distribution of spoliations **by types of damages** according to declarations made by claimants
 - Place of spoliations **by region**
- APPENDIX 4:** Summary of statistics on the flow of claims
- APPENDIX 5:** Claims received for all types of damages between October 2001 and December 2002
- APPENDIX 6:** Files sent by the Research Network to the archive centers for investigation and responses received between June 2000 and December 2002
- APPENDIX 7:** Distribution of bank accounts by identified credit institutions
- APPENDIX 8:** Visits to the website www.civs.gouv.fr since its launching (i.e., from April 2001 to December 31, 2002)
- APPENDIX 9:** 2001-2002 comparison of files investigated by the different archive centers and turned over to the Principal Rapporteur by the Research Network
- APPENDIX 10:** Distribution of bank-related claims handled from May 2001 to December 2002 and posted to the “Deposit” (Fund A) and the “Fund” (Fund B)
- APPENDIX 11:** Monthly recommendations made by the Commission, **for all types of damages**, from June 2001 to December 2002
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APPENDIX 13: Table summarizing the personnel needed to accelerate CIVS's work

APPENDIX 14: General statistics as of December 31, 2002

APPENDIX 15: CIVS organizational chart

APPENDIX 16: Organizational chart of the Research Network

APPENDIX 17: General statistics of the Banking unit as of December 31, 2002

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APPENDIX 1

Statistics on the international toll-free number

**STATISTICS ON
THE INTERNATIONAL TOLL-FREE NUMBER
00 800 2000 4000**

3,488 valid phone calls were handled by telephone advisors from January 1st to December 31, 2002.

One noticeable trend is that the number of calls **has declined steadily** since the beginning of 2002. There were 845 valid phone calls made in January 2002 (see graph 1), probably because of the international press campaign launched in October 2001, compared to 212 in September of the same year and 74 in December.

These calls were primarily from heirs (see graph 2).

On average, there were 200 valid calls per month (see the April, June, July and September 2002 figures). 70% of the calls were from claimants who had not yet sent in a claim (see graph 3).

The calls were mostly made from two countries: France (75%) and the United States (20%). Only 2% of calls were made from Israel. The number of calls coming from other countries covered by the international toll-free number (Austria, Belgium, Germany, Chile, etc.) was marginal (see graph 4).

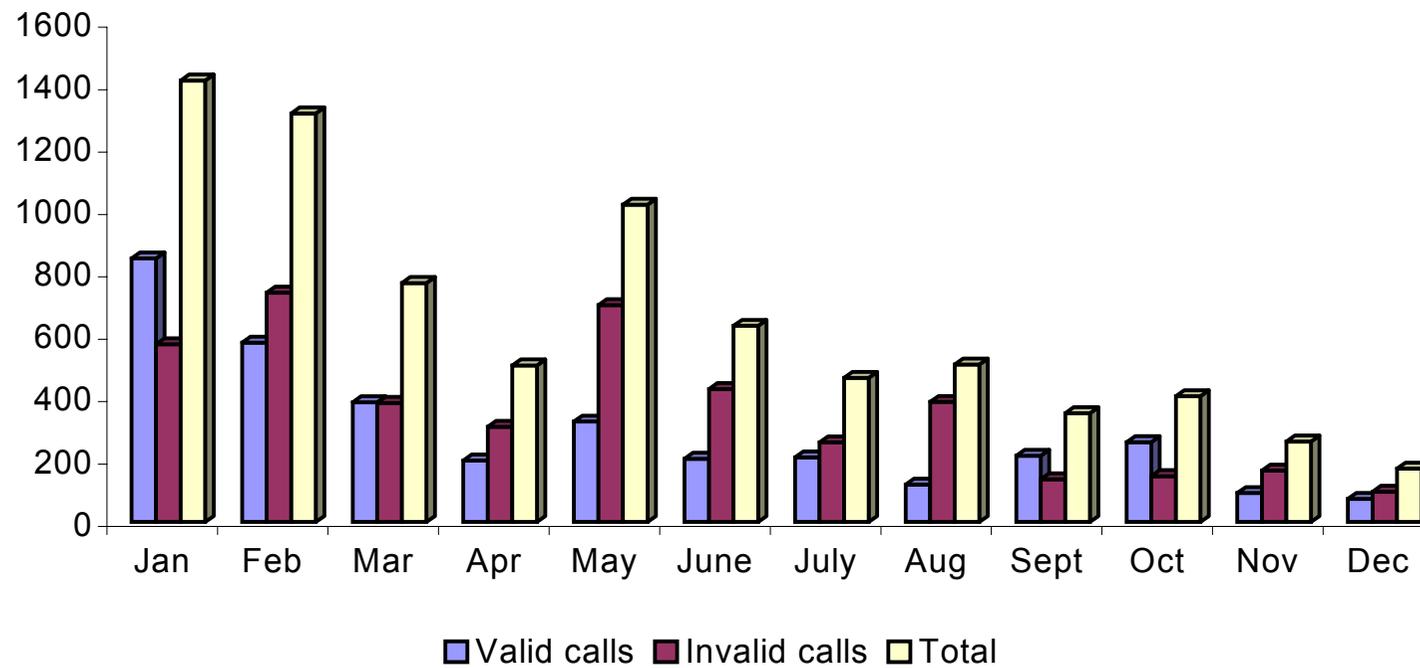
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The following graphs cover the activity of the international toll-free number:

- 1) Breakdown of calls: valid/invalid and trends in the number of calls from January to December 2002
- 2) Breakdown of calls: Heirs/Direct victims
- 3) Breakdown of calls in relation to the status of the caller's file
- 4) Origin of the calls: France/United States/Israel//Total
- 5) How the caller learned about CIVS: international information campaign, press, radio, etc.

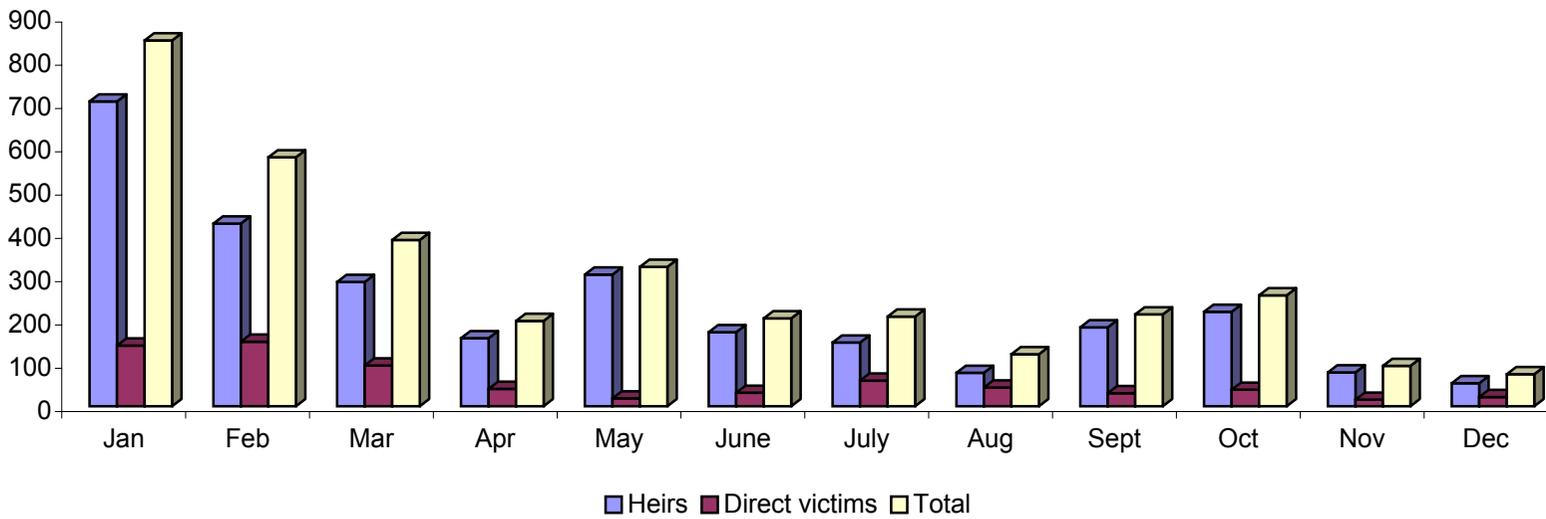
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**BREAKDOWN OF CALLS: VALID/INVALID
AND TRENDS IN THE NUMBER OF CALLS
-2002-**

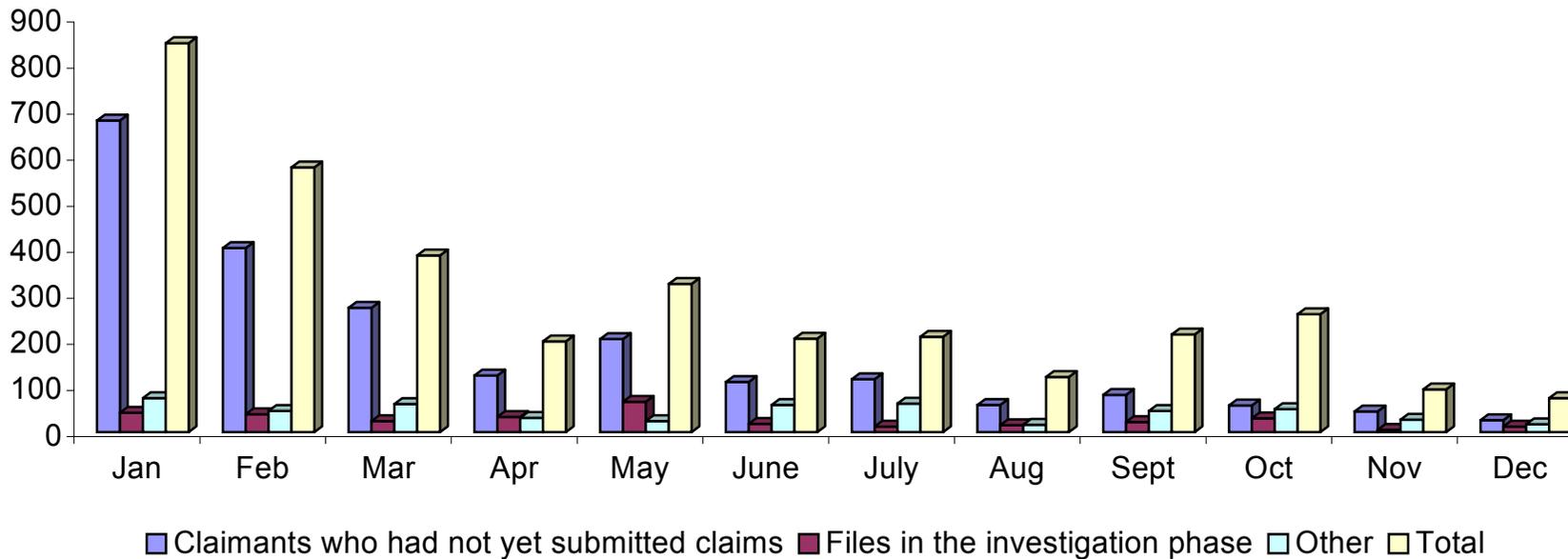


BREAKDOWN OF CALLS: HEIRS/DIRECT VICTIMS

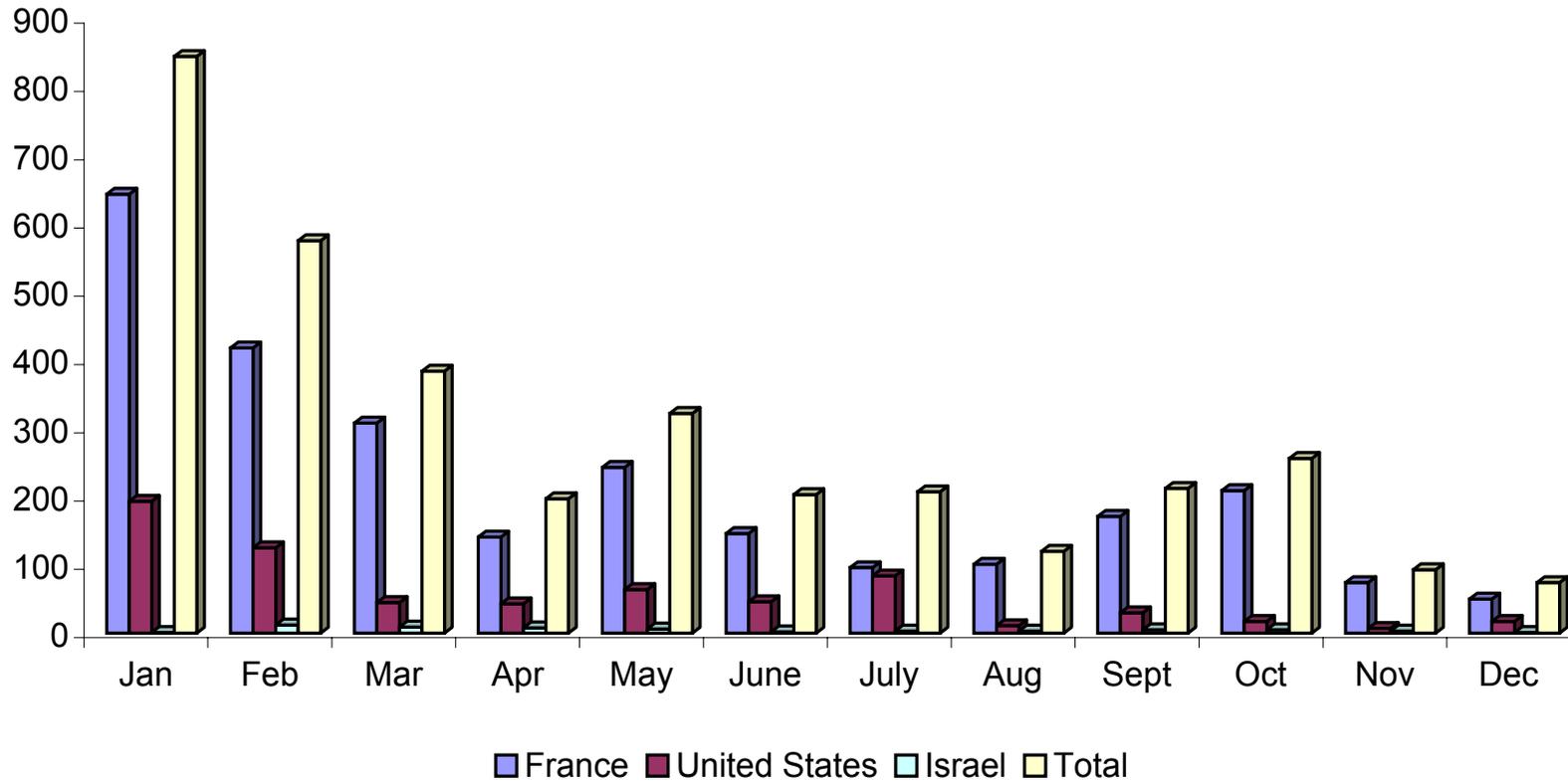
-2002-



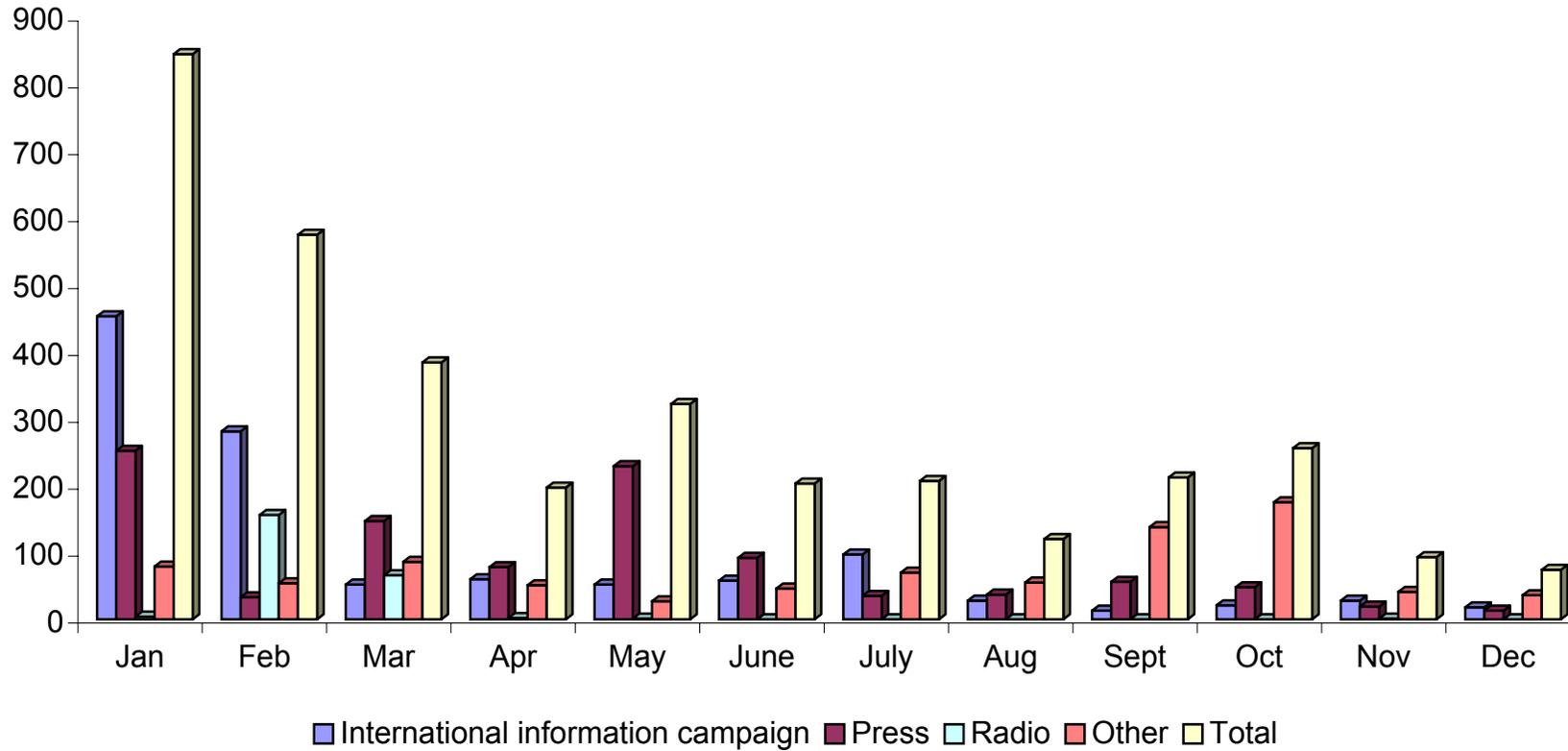
**BREAKDOWN OF CALLS IN RELATION TO FILE STATUS:
CLAIMANTS WHO HAD NOT YET SUBMITTED A CLAIM/
CLAIMANTS WITH FILES UNDER INVESTIGATION IN THE ARCHIVES/OTHER
-2002-**



ORIGIN OF CALLS: FRANCE /UNITED STATES/ISRAEL
-2002-



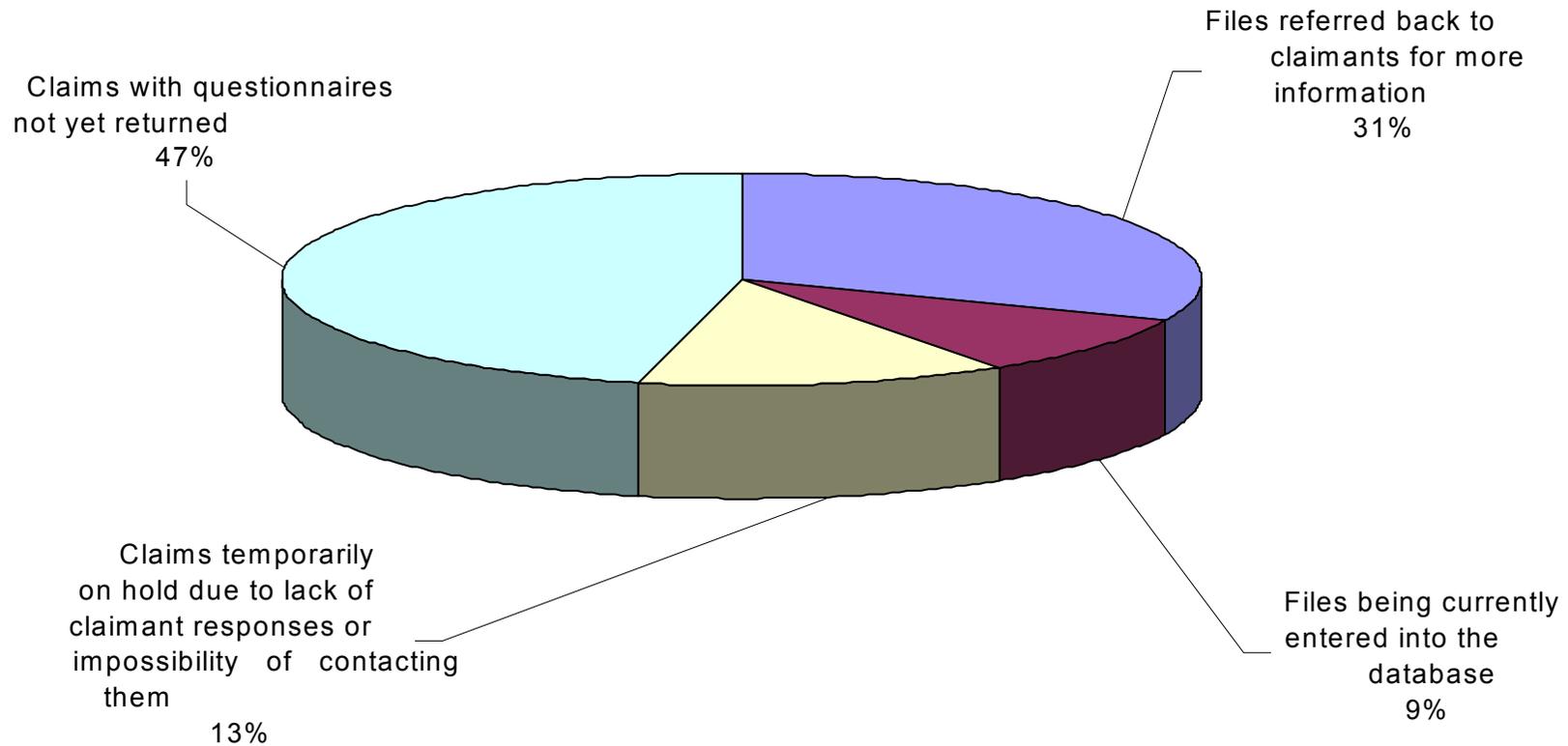
**HOW THE CALLER LEARNED ABOUT CIVS:
PRESS/INTERNATIONAL INFORMATION CAMPAIGN/RADIO/OTHER
-2002-**



APPENDIX 2

Distribution of claims registered with the Administrative Unit in December 2002

**DISTRIBUTION OF CLAIMS REGISTERED WITH THE ADMINISTRATIVE UNIT
IN DECEMBER 2002**



APPENDIX 3

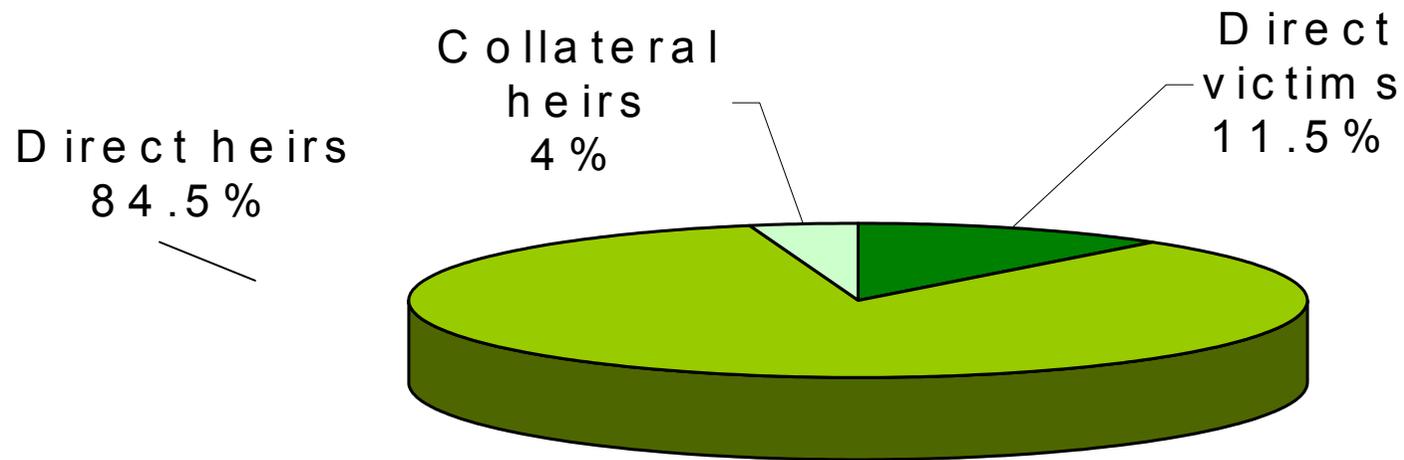
Status of claimants

Distribution **by birthdate** of living and deceased victims of spoliation
Distribution by **occupation** of living and deceased victims of spoliation

Distribution of spoliations **by types of damages**
according to declarations made by claimants

Place of spoliations **by region**

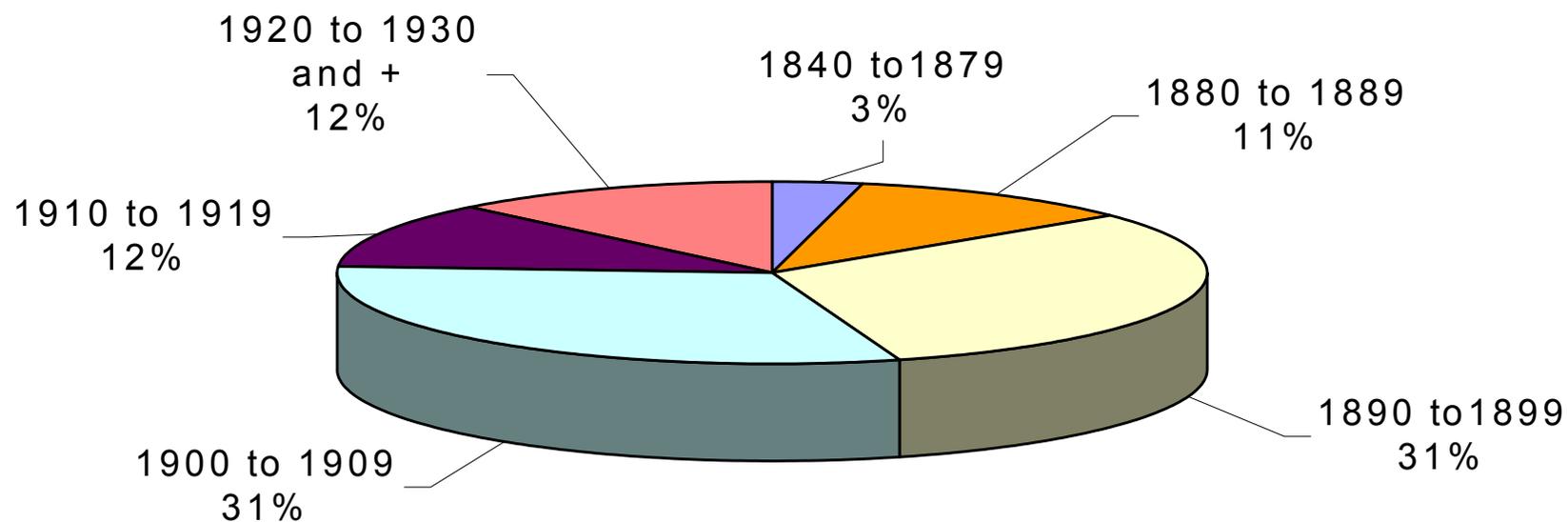
STATUS OF CLAIMANTS*



* Based on statistics from the database of fully processed files

Date of creation: 31/12/2002

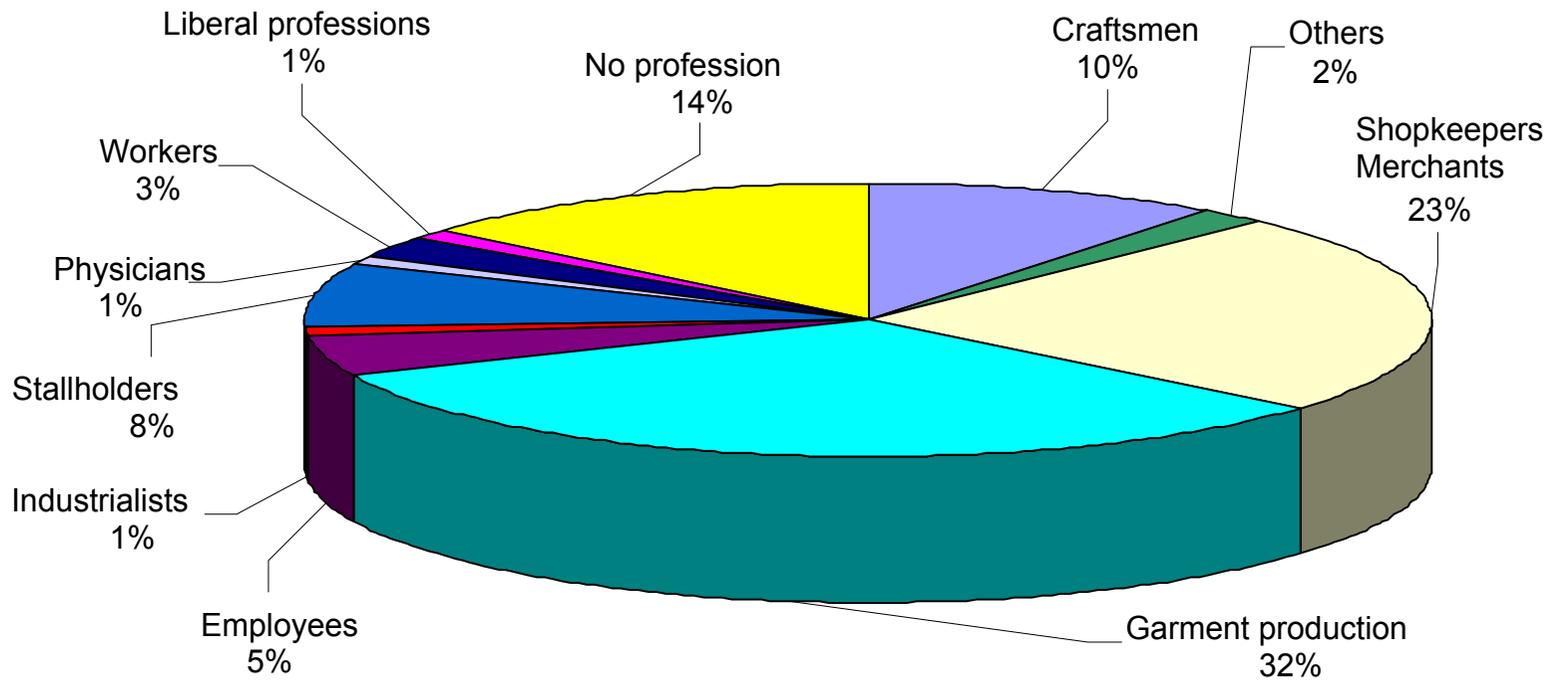
DISTRIBUTION BY BIRTHDATE OF LIVING AND DECEASED VICTIMS OF SPOLIATION*



* Based on statistics from the database of fully processed files

Date of creation: 31/12/2002

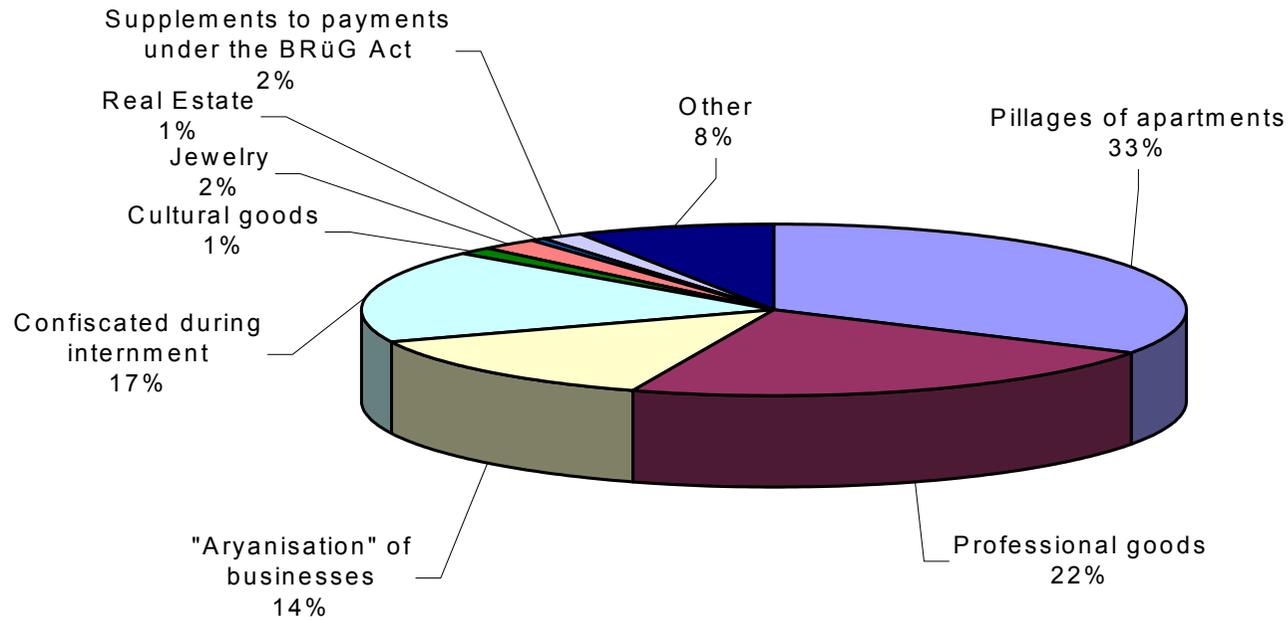
DISTRIBUTION BY OCCUPATION OF LIVING AND DECEASED VICTIMS OF SPOLIATION *



* Based on statistics from the database of fully processed files

Date of creation: 31/12/2002

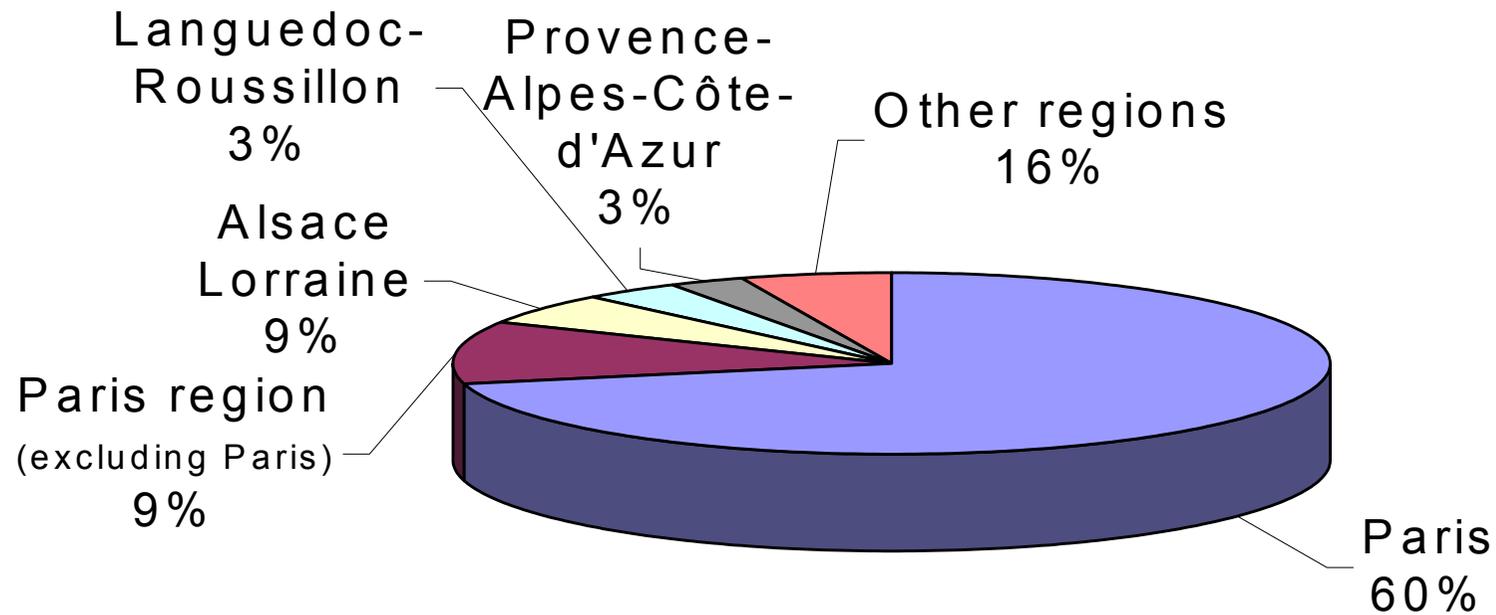
DISTRIBUTION OF SPOLIATIONS BY TYPES OF DAMAGES ACCORDING TO DECLARATIONS MADE BY CLAIMANTS*



* Based on statistics from the database of fully processed files

Date of creation: 31/12/2002

PLACE OF SPOILIATIONS BY REGION*



* Based on statistics from the database of fully processed files

Date of creation: 31/12/2002

APPENDIX 4

Summary of statistics on the flow of claims

SUMMARY OF STATISTICS ON THE FLOW OF CLAIMS

-2002-

Number of claims received ¹ for all types of damages o/w bank-related	2,357 1,834
Number of questionnaires sent ¹ by the Commission to claimants	3,492
Number of files set up ² o/w bank-related	4,862 2,239
Number of files prepared and sent to the research network on behalf of claimants	1,958

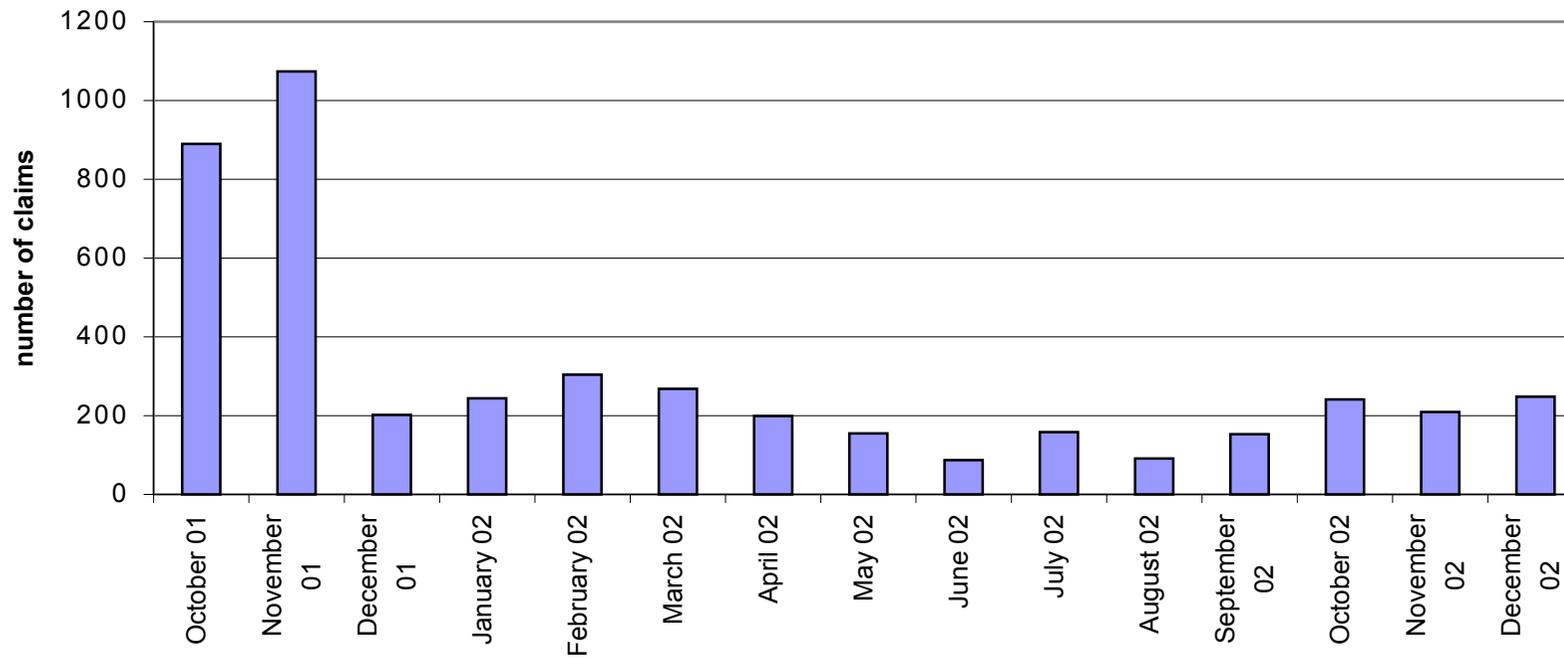
1 This includes not only questionnaires sent by the Commission to claimants but also claims forms and questionnaires downloaded from the website.

2 The difference between the number of claims received and the number of files registered is due to the flood of claims received at the end of 2001 that were registered at the beginning of 2002

APPENDIX 5

Claims received for all types of damages between October 2001 and December 2002

CLAIMS RECEIVED FOR ALL TYPES OF DAMAGES BETWEEN OCTOBER 2001* AND DECEMBER 2002

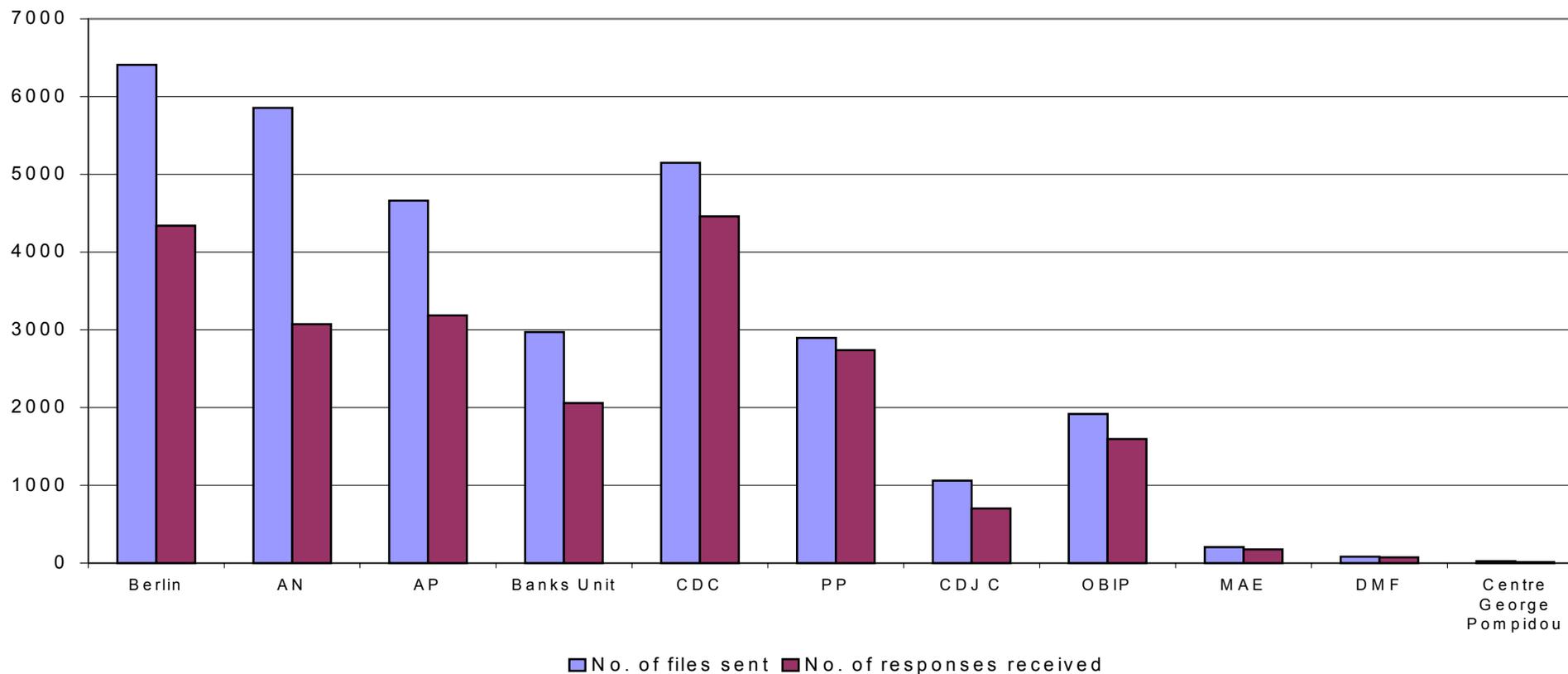


* Period showing the effects of the international communications campaign required under the Washington Agreement

APPENDIX 6

Files sent by the Research Network to the archive centers for investigation and responses received between June 2000 and December 2002

**FILES SENT BY THE RESEARCH NETWORK TO THE ARCHIVE CENTERS FOR INVESTIGATION
AND RESPONSES RECEIVED
BETWEEN JUNE 2000* AND DECEMBER 2002**



* Date of the Research Network's creation

List of abbreviations

AN: *Archives Nationales* – National Archives

AP: *Archives de Paris* – Paris Archives

CDC: *Caisse des Dépôts et Consignations* (State Bank receiving Government deposits)

PP: *Préfecture de Police de Paris* – Paris Police Headquarters

CDJC: *Centre de Documentation Juive Contemporaine* – Contemporary Jewish Documentation Center

OBIP: *Office des Biens et Intérêts Privés* – Office of Personal Property and Interests

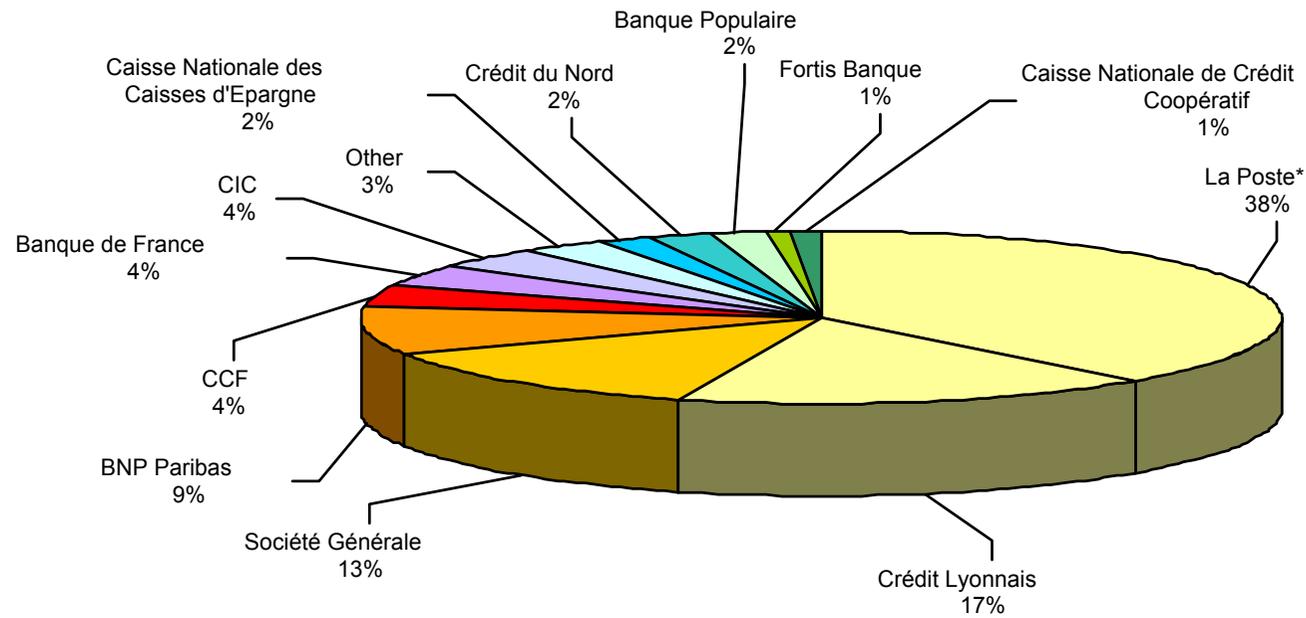
MAE: *Ministère des Affaires étrangères* – Ministry of Foreign Affairs

DMF: *Direction des Musées de France* – Department of Museums in France

APPENDIX 7

Distribution of bank accounts by identified credit institutions

DISTRIBUTION OF BANK ACCOUNTS BY IDENTIFIED CREDIT INSTITUTIONS



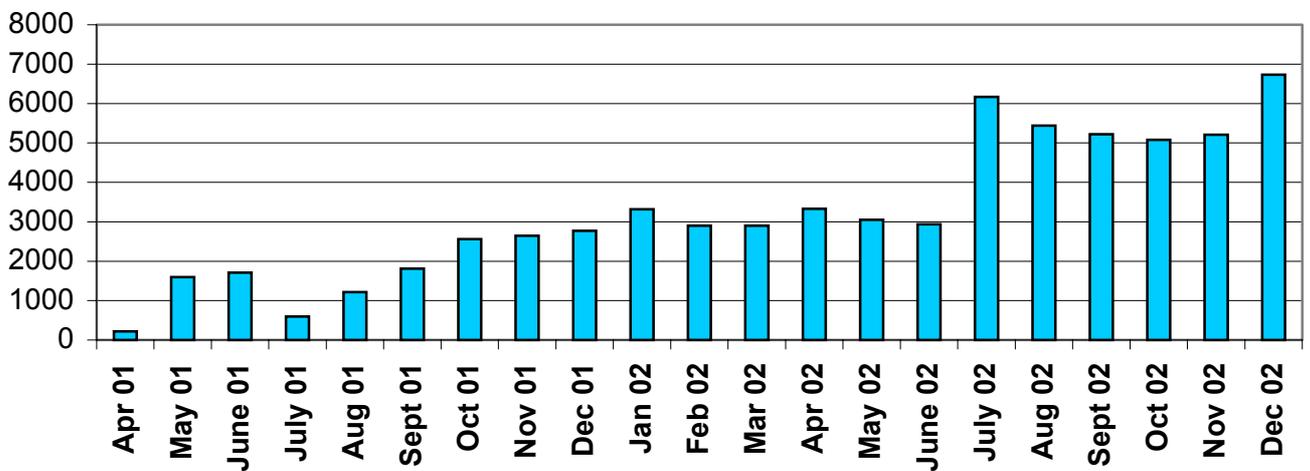
*Accounts at La Poste were comprised of 80% postal savings accounts and 20% postal checking accounts.

APPENDIX 8

Visits to the website www.civs.gouv.fr since its launching
(i.e., from April 2001 to December 31, 2002)

**VISITS TO THE WEBSITE WWW.CIVS.GOUV.FR SINCE ITS
LAUNCHING
i.e., from April 2001 to December 31, 2002**

Visits per month



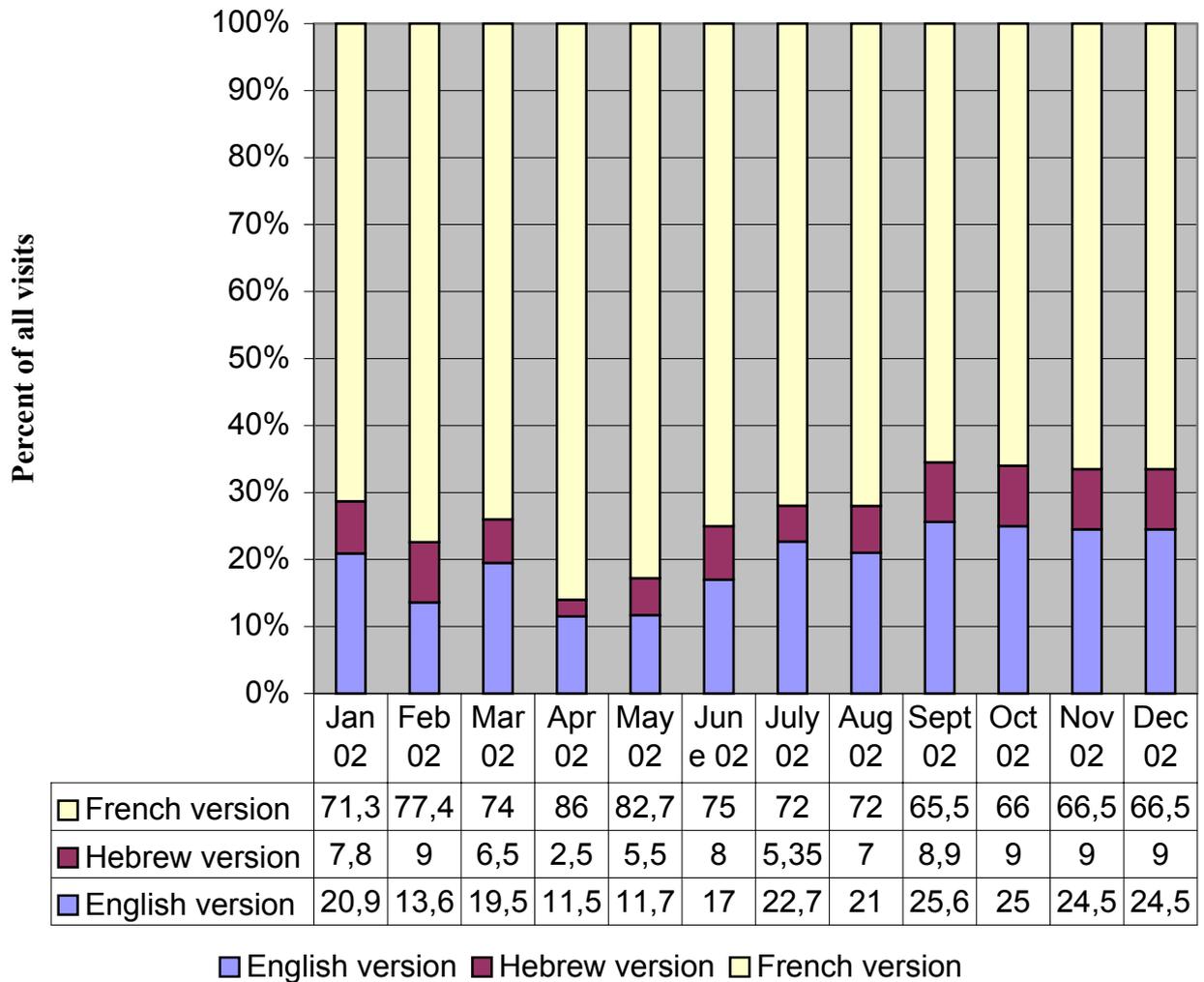
Visits to the site www.civs.gouv.fr have very significantly increased.

There was a significant increase in the number of visits after the July 2002 announcement of the extension of the deadline for filing bank-related claims. The number of visits in the most recent period is double last year's numbers.

As of December 31, 2002, the site has received **64,038 visits**¹.

¹ A visit corresponds to the time spent at the site between the first and last click of the mouse.

Visits to the different versions of the site: French, English and Hebrew



The majority of visits were made to the French version of the site, 25% to the English version, and 10% to the Hebrew version.

The most commonly used pages of www.civs.gouv.fr are:

- ✓ The interactive forum
- ✓ The presentation of the Commission
- ✓ The “Useful Documents” page
- ✓ The “Getting compensation” page
- ✓ The index of the “Activity reports” page
- ✓ The page of links to other sites
- ✓ The “Additional information” page
- ✓ The page of other compensation programs for victims of spoliation.

Forms downloaded

Language of the form (questionnaire/proxy/power of attorney)	Number of forms downloaded
French	5,646
English	3,340

Nearly half of all forms downloaded since the site's launching were downloaded in July, August, September and October of 2002.

E-mail sent to CIVS via the website

As of the end of December 2002, around 1,370 requests for information have been sent to the webmaster via the website.

The number of e-mails sent increased considerably starting in October 2001, thanks to the communications campaign.

The requests could be written in either French or English. Responses were also given in both languages.

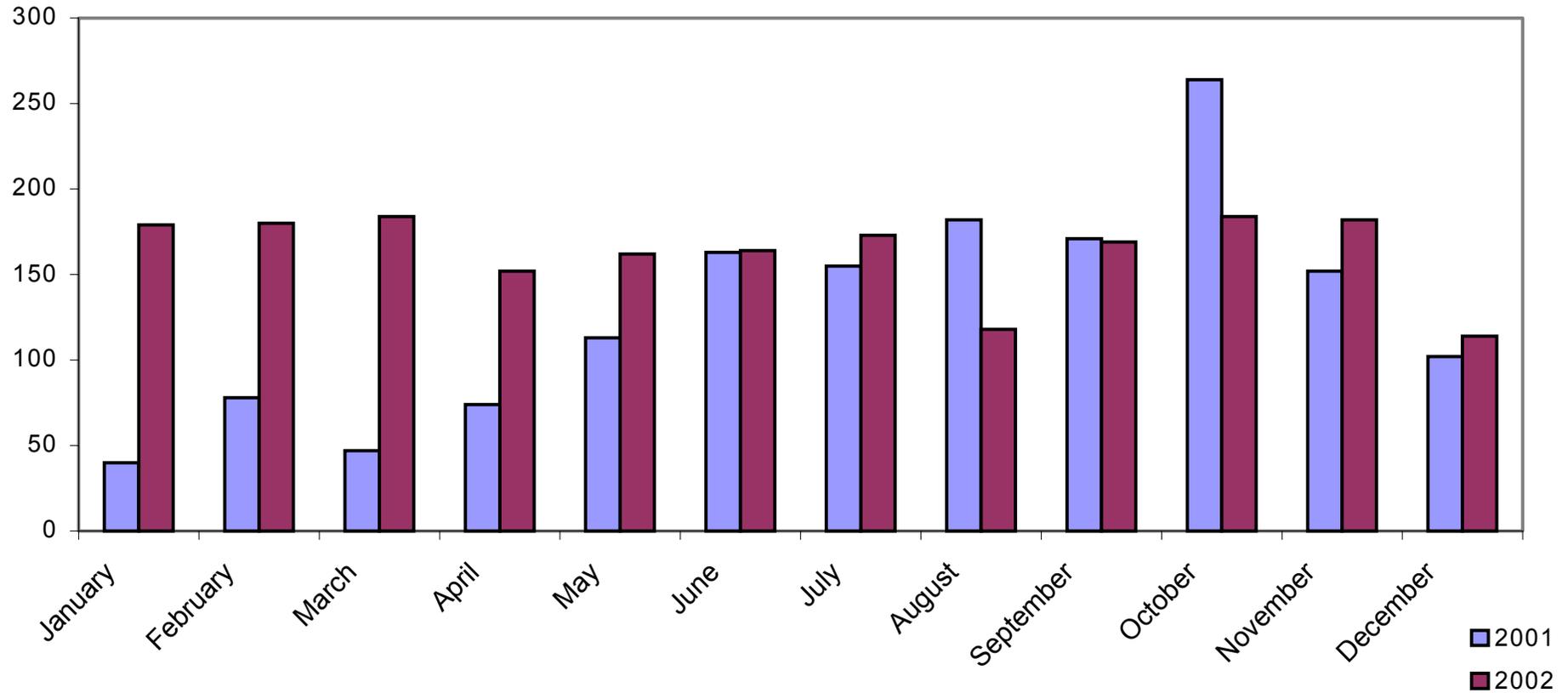
Most of the emails were requests for information: requests for forms, inquiries on the state of advancement of a file, miscellaneous information on procedures, etc.

English-speaking claimants in particular frequently use e-mail to contact the Commission.

APPENDIX 9

2001-2002 comparison of files investigated by the different archive centers and turned over to the Principal Rapporteur by the Research Network

2001-2002 COMPARISON
OF FILES INVESTIGATED BY THE DIFFERENT ARCHIVE CENTERS AND TURNED OVER TO THE
PRINCIPAL RAPPORTEUR BY THE RESEARCH NETWORK

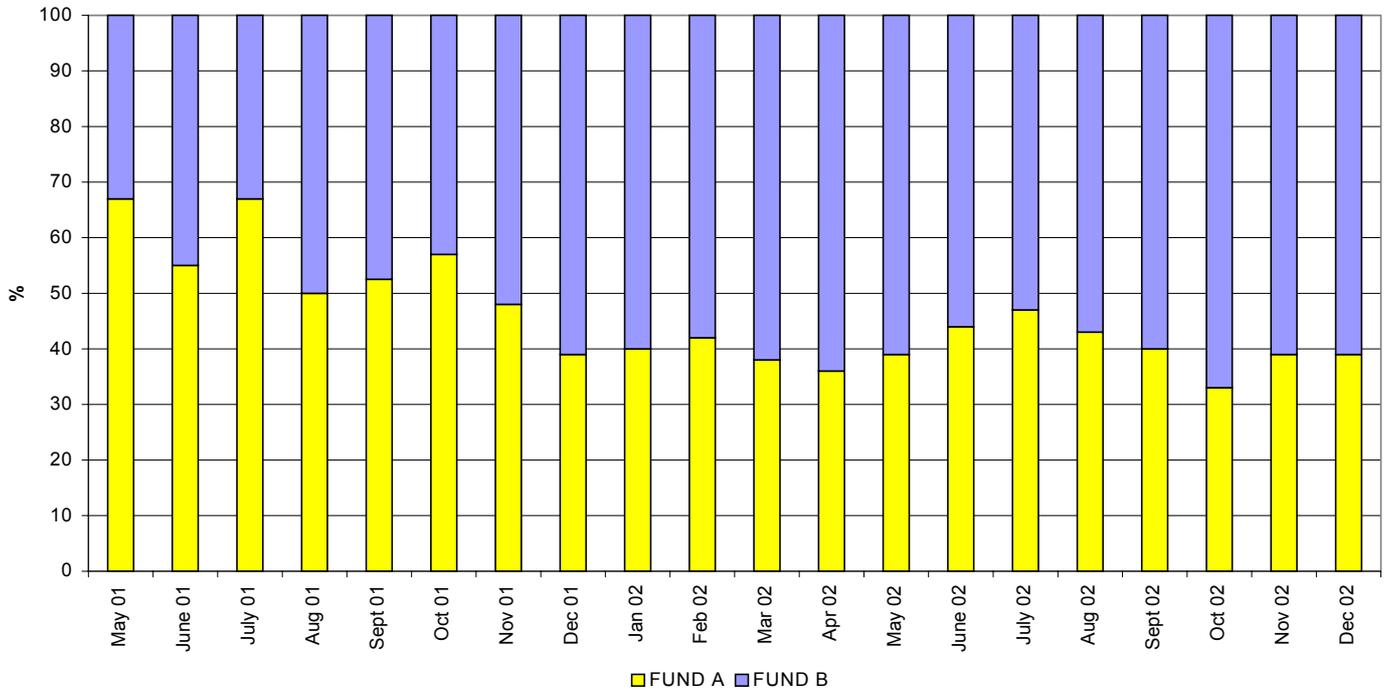


APPENDIX 10

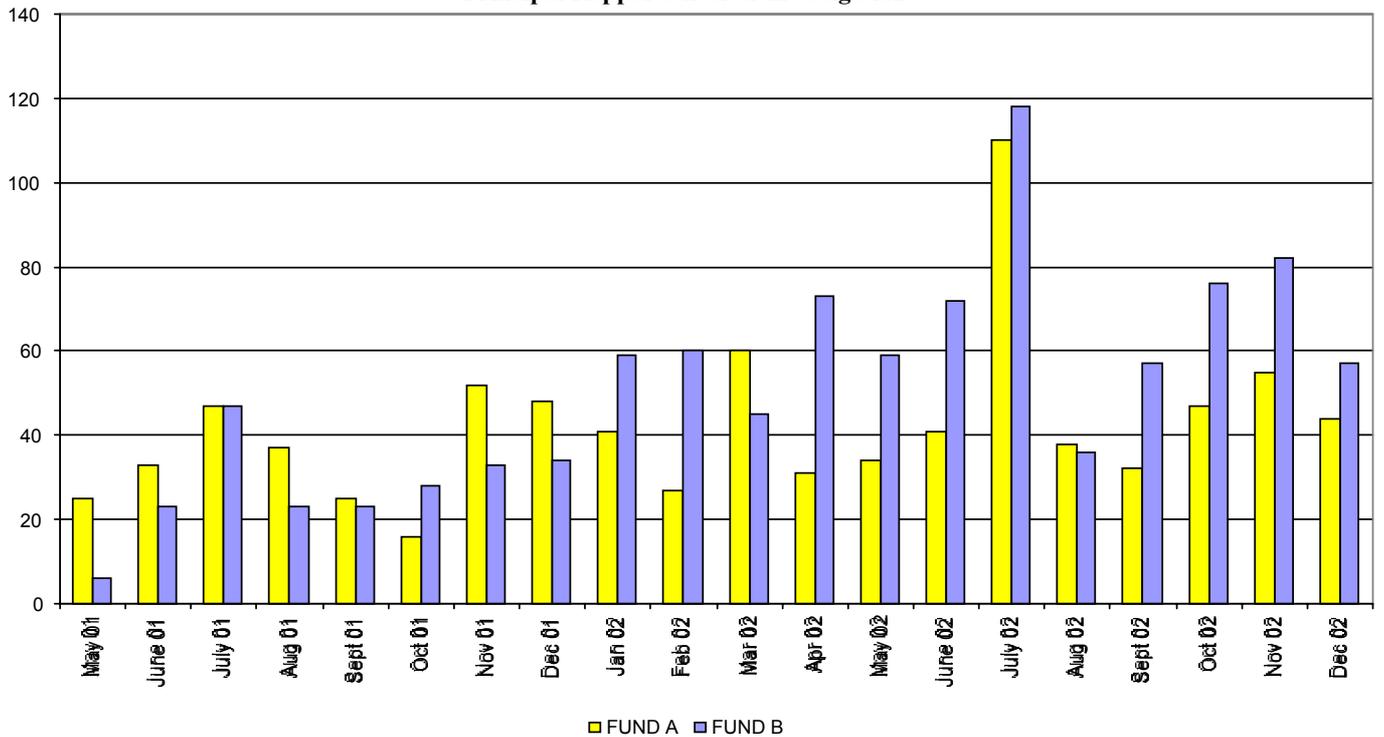
Distribution of bank-related claims handled from May 2001 to December 2002
and posted to the “Deposit” (Fund A) and the “Fund” (Fund B)

DISTRIBUTION OF BANK-RELATED CLAIMS HANDLED FROM MAY 2001* TO DECEMBER 2002 AND POSTED TO THE “DEPOSIT” (FUND A) AND THE “FUND” (FUND B)

Estimated bank-related claims
concerning both Fund A and Fund B



Status of bank-related files sent to the
Principal Rapporteur after investigation

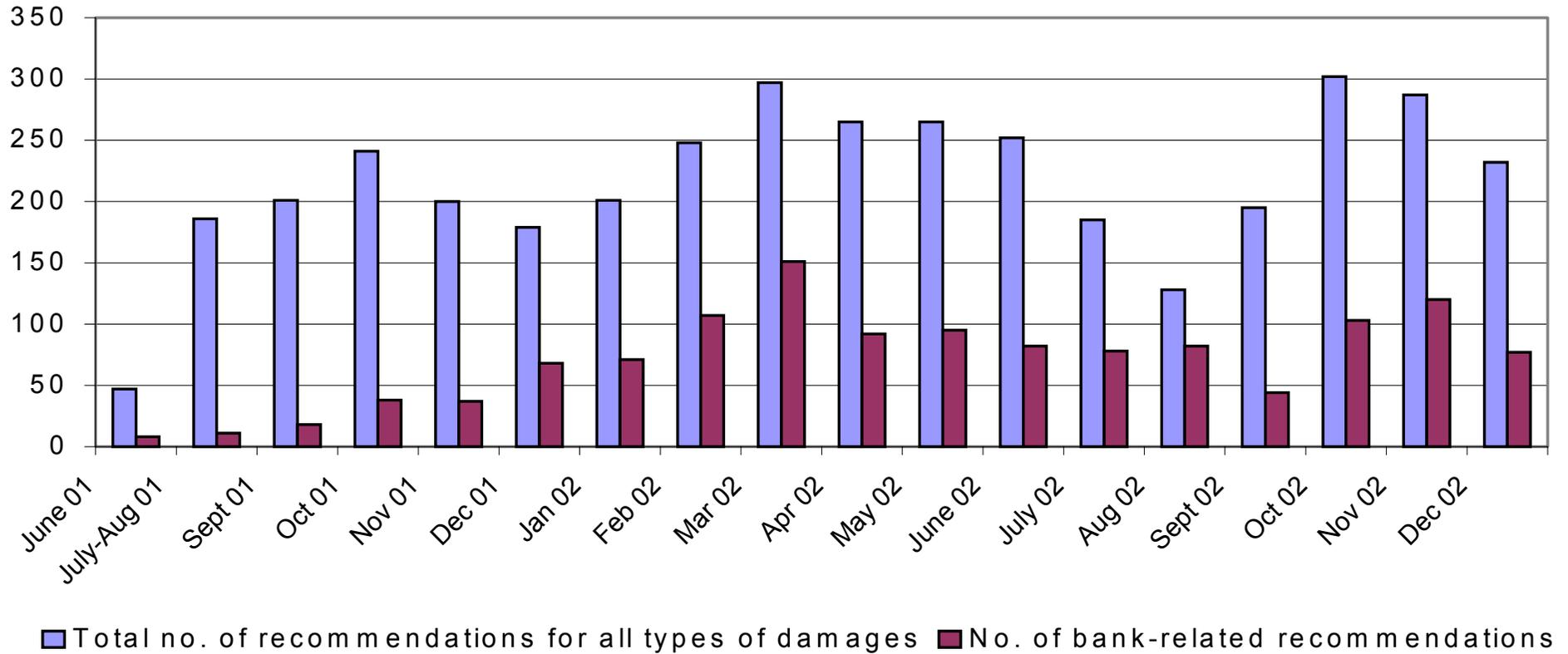


* Date the Banking Unit was created

APPENDIX 11

Monthly recommendations made by the Commission, **for all types of damages**, from June 2001 to December 2002

MONTHLY RECOMMENDATIONS MADE BY THE COMMISSION from June 2001* to December 2002



* Date of the first recommendations made in accordance with the Washington Agreement

APPENDIX 12

Summary of **bank-related** recommendations made by the Commission
from June 2001 to December 2002

**SUMMARY OF BANK-RELATED RECOMMENDATIONS MADE
BY THE COMMISSION FROM JUNE 2001* TO DECEMBER 2002**

Since the signing of the Washington Agreement, **1,283 bank-related recommendations** have been made by the Commission or by the Chair of the Commission ruling alone. These recommendations concern approximately 2,950 households¹ and **7,080 individuals** according to the INSEE index, or 11,800 according to the *Centre National des Études Démographiques* index.

These represent 33% of the total 3,911 recommendations, for all types of damages, that were made during this period.

**ALL BANK-RELATED RECOMMENDATIONS BY FORMAT OF HEARING AND BY
FUND**

Bank-related recommendations	Fund A	Fund B	Funds A+B²	TOTAL
Recommendations made by the Chair ruling alone	21	545	164	730
Recommendations made by subcommissions	161	141	220	522
Recommendations made in plenary session	9	13	9	31
TOTAL recommendations made by the Commission	191	699	393	1 283

* Date of the first bank-related recommendations made in accordance with the Washington Agreement

¹ The average number of heirs per file is approximately 2.3.

² The **accounts valued** at less than 1,500 USD will receive an indemnity from **Fund A** (the account's value) and a **supplementary amount** from **Fund B**, to total 1,500 USD.

APPENDIX 13

Table summarizing the personnel needed to accelerate CIVS's work

PERSONNEL NEEDED TO ACCELERATE CIVS'S WORK

Service concerned	Administrative Unit	Data Entry Unit	Research Network	CIVS contact points at Archive Centers	Banking Unit	Hearing Secretariat	
Current staff	3	2	4	5 (AN ¹) 3 (AP ²)	3	3	
Suggested recruitments	2	4 ³	Precise added staff requirements not given	2 (AN) 1 (AP)	2	Precise added staff requirements not given	Total: 11 people
Needed staff	5	6	Precise added staff requirements not given	7 (AN) 4 (AP)	5	Precise added staff requirements not given	

¹ AN: *Archives Nationales* – National Archives

² AP: *Archives de Paris* – Paris Archives

³ 5 temporary contracts for two periods of three months were granted by the Department of Administrative and Financial Services of the Prime Minister's office.

APPENDIX 14

General statistics as of December 31, 2002

GENERAL STATISTICS

AS OF DECEMBER 31, 2002

- The Commission had **received 13,400** individual claims
 - **9,600** claims regarding **material losses**
 - **3,800 bank-related** claims
- As of December 31, 2002, **4,547 recommendations** had been made, including:
 - **4,220 compensation recommendations**, for a **total amount of €72,577,598**
 - 228 recommendations to **reject** claims,
 - 99 **withdrawals** of claims.

The average amount of compensation recommended for **the spoliation of material or property assets** was 23,800 euros, an increase of 5.5% over last year. The amounts can be broken down as follows:

- less than €15,000 : 44%
- from €15,000 to €30,000 : 31%
- from €30,000 to €45,000 : 14%
- from €45,000 to €75,000 : 7%
- more than €75,000 : 4%

The average time spent processing files, from filing to examination by the Commission, was the following:

- more than 2 years : 45%
- from 1 and a half to 2 years : 14%
- from 1 year to 1 year and a half: 29%
- less than a year : 12%

**

BANK-RELATED CLAIMS

As of December 31, 2002, **1,283 bank-related recommendations were made** by the Commission in all of its formats. They were made between June 1 and December 31, 2002, and represent 33% of the total of 3,911 recommendations, for all kinds of damages, made during this period. They can be broken down as follows:

- **191 recommendations concerning only the “Deposit” (Fund A) were made,**
- **699 recommendations concerning the “Fund” (Fund B) were made,**
- **393 recommendations concerning both the Fund A and Fund B were made.**
- 28 recommendations to **reject** claims were made.

As of December 31, 2002, the FSJU (*Fonds Social Juif Unifié*, or United Jewish Welfare Fund) had ordered payment and CDC has paid €874,083 from the “Deposit” (Fund A) and €1,815,642 from the “Fund” (Fund B), for a total of €2,689,725.

So far, 1.75% of Fund A has been drawn down, while the figure for Fund B is 8%.

**
*

APPENDIX 15

CIVS organizational chart

PRIME MINISTER'S OFFICE

Commission for the Compensation of Victims of Spoliation Resulting
from the Anti-Semitic Legislation in force during the Occupation

1, rue de la Manutention - 75116 PARIS
☎ : +33 (0)1.56.52.85.00
www.civs.gouv.fr

ORGANIZATIONAL CHART

Pierre Drai
Chairman

Secretariat
Viviane Jamy

François Bernard
Vice-Chairman

Lucien Kalfon
Staff Director

Secretariat
Sandra Casabonne

Members of the Commission

Pierre Drai
First Honorary President of the *Cour de Cassation*
François Bernard
Member of the *Conseil d'Etat* (Highest administrative court)
Gérard Gélinau Larrivet
Honorary President at the *Cour de Cassation*
Henri Toutée
Member of the *Conseil d'Etat* (Highest administrative court)
Jean-Pierre Bady
Senior Counselor, Auditor-General's Office(*Cour des Comptes*)
Pierre Parthonnaud
Senior Counselor, Auditor-General's Office
David Ruzié
University Professor Emeritus
Anne Grynberg
Professor, *Institut nal. des langues et civilisations orientales*
Pierre Kauffmann
Secretary-General of the *Association du mémorial du martyr juif inconnu* and the Contemporary Jewish Documentation Center (CDJC)
Gérard Israël
Chairman, Political Commission, Representative Council of Jewish Institutions in France (CRIF)

Jean Géronimi
Principal Rapporteur

Secretariat
Myriam Dupont

Government Commissioner

Martine Denis-Linton
Member of the *Conseil d'Etat*
Nicolas Boulouis
Member of the *Conseil d'Etat*
Secretariat:
Catherine Cercus

Rapporteurs

All are career magistrates:

Monique Abittan

(Regular court system)

Brigitte Kenig

(Regular court system)

Chantal Lannon

(Regional Audit Office)

Maryse Lesault

(Regular court system)

Jean-Pierre Marcus

(Regular court system)

Eliane Mary

(Regular court system)

Secretariat

Marie-Claude Pérard

Brice Charles

(administrative courts)

Jean Corbeau

(Regional audit office)

Nicole Julienne-Saurin

(Regular court system)

Michel Morel

(State Audit Office)

Nicole Moriamez

(Regular court system)

Sophie Zagury

(Regular court system)

Secretariat

Christine Hervé

Jean-Michel Augustin

(Regular court system)

Françoise Chadelon

(Regular court system)

Rosine Cusset

(Regular court system)

François Gayet

(Administrative courts)

Pierre Rocca

(Regional Audit Office)

Secretariat

Monique Stanislas

Marie Franceschini

(Regular court system)

Jean Lilti

(Regular court system)

Laurent Zuchowicz

(Regular court system)

Secretariat

Nathalie Zihoune

Christophe Baconnier

(Regular court system)

Gilles Bourgeois

(Regular court system)

Claude Cohen

(Regular court system)

Véronique Masson-Bessou

(Regular court system)

Claude Maucorps

(Regular court system)

Secretariat

Sara Louise

Permanent Commission Staff

Claimant assistance unit

Axelle Picard

Telephone reception

Marie-Peggy Thorest
☎ : +33 (0)1.56.52.85.00.

Data entry operators

Sandrine Cadet
Lalaina Techer

Research Network Coordinators

(Archivist - Historians)

Jean Bernaudeau
Muriel de Bastier
Glen Ropars
Karine Vidal

Banking Unit

Angélique Cipréo
Barbara Domenech
Sarah Intsaby

Hearing Secretariat

Sylvain Barbier Sainte Marie
Secretary
Céline Chambord

Hugues Cahen
Secretary
Viviane Jamy

Olivier Dailly
Secretary
Laura Abecassis

Cybèle Pinchart

Data processing service

Richard Decocq
Gabriel Masurel
Stéphane Portet

Paris Archives Research Unit

(Archivist - Historians)

Brigitte Guillemot
Caroline Hemonic
Vanina Luciani

Berlin Archive Research Unit

(Archivist - Historian)

Floriane Azoulay
Laurence Beyer
+ students working in rotation

Financial affairs

Coralie Pinchart

National Archives Research Unit

(Archivist - Historian)

Mathieu Charmoillaux
Marie Dauphine
Stéphanie Doyen
Emmanuel Dumas
Flavie Telles

Webmaster

Mylène Majorel

IT technician

Miguel Cabezas

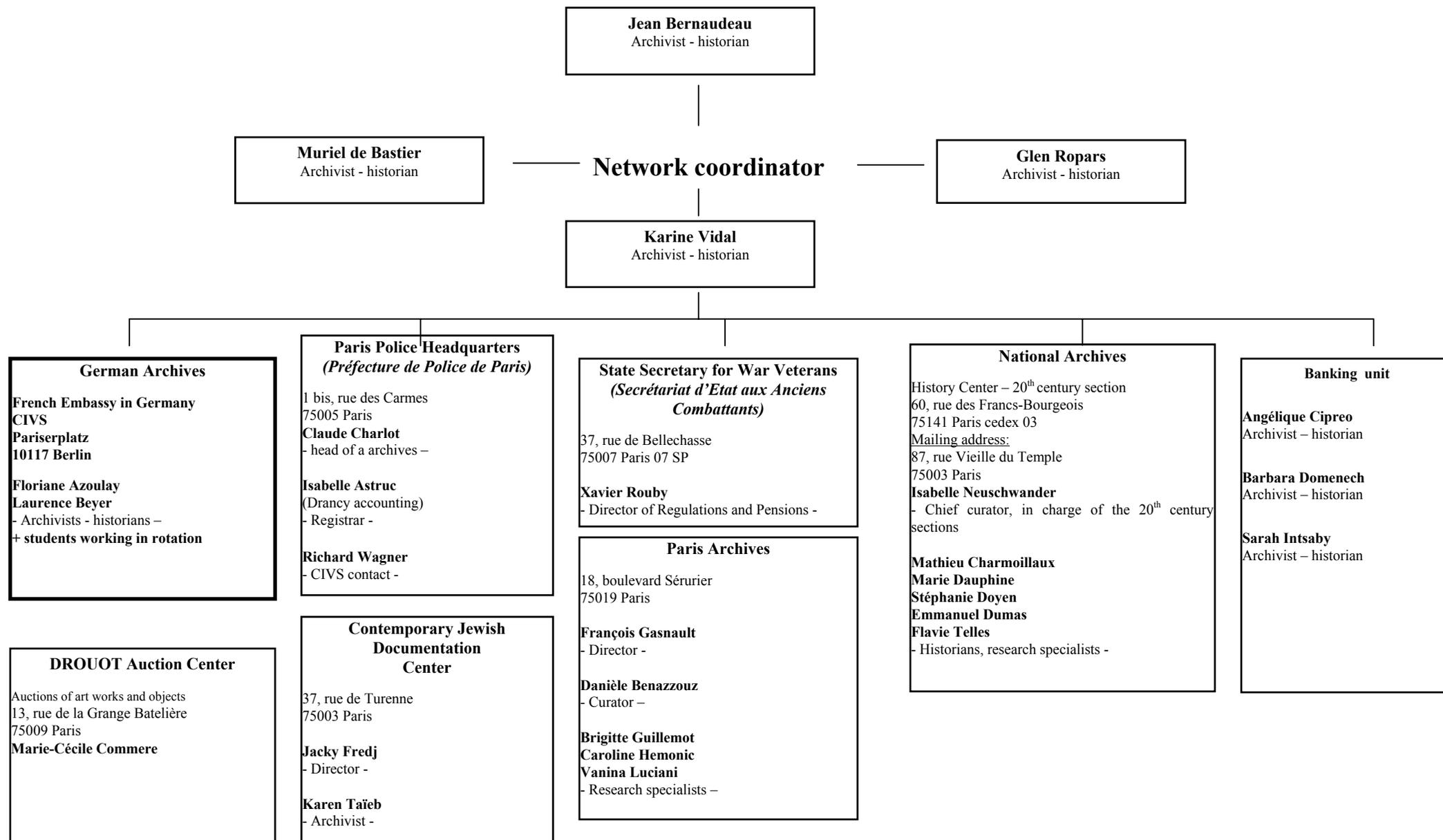
Huissier (Baillif)

Christophe Chenet

APPENDIX 16

Organizational chart of the Research Network

RESEARCH NETWORK



Ministry of Foreign Affairs

Archives Department

Archives on the Recovery of Art Works (Fonds d'archives de la Récupération artistique)

37, quai d'Orsay
75007 Paris

Marie Hamon
- Chief curator -

Diplomatic Archives Center

17, rue Castereau
B.P. 43605
44036 Nantes

**Anne-France Renaudin
and Damien Heurtebise**
- Curators -

Claudine Bonnard
- CIVS Contact-

*Archivescenter for the French occupation in Germany
and Austria*

3, rue Fleischhauer
68026 Colmar

Frédéric Laux
- Curator -
present in Colmar and Paris on
alternate weeks

**Ministry of the Economy, Finance and
Industry**

Directorate General of Taxation

Properties Service
86, allée de Bercy
75572 Paris 12
Télédoc 946

Gérard Dauphin
- Chief of Office F3 -

Public Accounts Division

Consignments
120, rue de Bercy
75572 Paris 12
Télédoc 752

Jean-Pierre Le Coq
- Chief of Office 7B -

Cadastral Service

86, allée de Bercy
75572 Paris cedex 12
Télédoc 946

Jean-Michel Pons

Ministry of Culture and Communications

Department of Museums in France

6, rue Pyramides
75041 Paris cedex 01

Francine Mariani-Ducray
- Director -

Isabelle Le Masne de Chermont
- Curator -
- Chief curator and Chief of the Libraries, Archives and
General Communications Services -

Marc Bascou
- Chief of art inventories -

Musée d'art moderne – Centre George Pompidou

75191 Paris cedex 04

Didier Schulmann
Chief curator and Chief of management of the permanent
collection

Rita Cusimano
-Research specialist-

**United Jewish Welfare Fund
(FSJU - Fonds Social Juif Unifié)**

Paris

Espace Rachi
39, rue Broca
75005 Paris

David Saada
- Managing Director -

**Andrée Katz
Judith Najman**
- CIVS contacts -

Jerusalem

46 Rehov Jabotinsky
Jerusalem
Fabienne Bergmann

Caisse des Dépôts et Consignations

DBRP2
15, quai Anatole France
75700 Paris SP

Olivier Gremont
- Director -

Catherine Maugendre
- Chief of consignments -

Dominique Neau
- Archivist -

**French Federation of Insurance Companies
(F.F.S.A. - Fédération Française des Sociétés
d'Assurance)**

26, boulevard Haussman
75311 Paris cedex 09

Gilles Wolkovitch
- Secretary-General -

Ms. Montangerant

French Archives

**Center for Archives of French Overseas
Territories**

29, chemin du moulin de Testa
13090 Aix-en-Provence

Françoise Durand-Evrard
- Curator -

Ms. Goudail
- Archivist -

Other organizations

Mortgage depositories.
National Organization of Auctioners
Notarial Offices.

APPENDIX 17

General statistics of the Banking unit as of December 31, 2002

GENERAL STATISTICS OF THE BANKING UNIT
As of December 31, 2002

	Total number of claims that have been examined by the Banking unit from its creation on May 2, 2001 through December 31, 2002, and either passed on to the rapporteurs for preparation for a hearing or submitted to banks for additional research ¹ .	%
Fund A	930	46
Fund B	1,127	54
Total	2,057	100

	Total number of claims that have been examined by the Banking unit from its creation on May 2, 2001 through December 31, 2002, and passed on to the Principal Rapporteur for preparation for a hearing	%
Fund A	824	44
Fund B	1,030	56
Total	1,854	100

	Number of claims examined prior to the Washington Agreement ²	%
Fund A	87	57
Fund B	66	43
Total	153	100

	Number of claims studied by the Banking unit from publication of the first report on October 31, 2001 through December 31, 2002, and either passed on to the rapporteurs for preparation for a hearing or submitted to banks for additional research	%
Fund A	581	40
Fund B	867	60
Total	1,448	100

¹ Banking unit's estimate of files not yet submitted to the Commission for a hearing.

² The claims treated by the research network have been verified and integrated into this figure by the banking unit.