

▼ **REPORT TO THE PUBLIC ON THE  
WORK OF THE COMMISSION  
IN 2009** ▲





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## ▼THE CIVS FROM 1999 TO 2009: INTRODUCTORY REMARKS ▲

This report concerns the year in which the CIVS marked its tenth anniversary.

It was therefore considered appropriate, before presenting the results of our work in 2009, to provide an overview of the Commission's activity since its inception, and to render an account of the efforts made by the French State, through our mandate, to at least partially pay the country's "unremitting debt" to the 76,000 French Jews who were deported, a debt which was solemnly recognized by the President of the Republic on July 16, 1995 at the commemoration of the Vel' d'Hiv Roundup of July 16 and 17, 1942.

The President's statement was the springboard for a vast reparation endeavor which started with the creation of the Working Party on the Spoliation of Jews in France (known as the Mattéoli Commission). Its findings on the extent of the spoliations and the scale of post-War restitutions led to its proposal to set up a body to complete the task of restitution first undertaken at the end of the Occupation. Thus, the CIVS was founded by decree on September 10, 1999. Its mandate was to "review individual claims submitted by victims or their legal heirs or assigns to receive reparation for damages following spoliation of their property resulting from the Anti-Semitic Legislation enforced during the Occupation by either the occupying authorities or the Vichy Government" and to "develop and propose suitable reparation, restitution or compensation measures".

Reparation actions undertaken have international implications as well, in view of the Agreement between the French government and the Government of the United States of America signed in Washington on January 18, 2001. The Washington Agreement outlines arrangements for compensating bank-related spoliations, and has been amended and improved several times.

The above-mentioned dates give an idea of the challenges the Commission had to face in its mission of assessing events, the most recent of which occurred over 55 years ago.

As it was created outside of the usual institutional frameworks, the Commission is *sui generis*, and even "above the Law", as was underlined in the excellent study by Claire Andrieu, a historian and member of the Mattéoli Commission<sup>1</sup>.

The political authorities understood this well: the legal text governing our operations entrusts us with proposing "appropriate measures", while the report to the Prime Minister preceding and explaining the decree specifies that the Commission will "attempt to provide answers that are adapted" to the claims, and that it "must adopt a pragmatic approach to the case files" submitted for examination.

It is worthy of note that, unlike the situation in other European countries, the 1999 decree places no limit on the amount of reparation, which is calculated to be as close as possible to the real amount of damages suffered. This is in keeping with the rules recommended in the final report of the Mattéoli Commission, which we apply.

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<sup>1</sup> See "En France, deux cycles de politique publique : Restitutions (1944-1980) et réparations (1997....)", in *Spoliations et restitutions des biens juifs*, Éditions Autrement, Mémoires/Histoire Collection, 2008.

The Commission has therefore worked in total independence, enjoying the considerable freedom for action granted it by the decree and which is justified by the lack of any real precedent; the difficulty of gathering and checking pieces of evidence; and the constant confrontation of complex individual situations and historical circumstances.

With that summary of our daily working conditions, it is appropriate to thank our first chairman, Pierre Drai, and our first director, *Préfet* Lucien Kalfon, for the manner in which they took on the heavy responsibility of starting and running the Commission, the first for six years and the second for eight years.

It was under Pierre Drai, the first Honorary Chairman of the Court of Cassation, that the decision-making members of the Commission drafted rules aiming to grant victims or their heirs fair compensation adapted to each individual case, while also ensuring equal treatment of all the victims, as recommended by the Mattéoli Commission.

*Préfet* Lucien Kalfon perfectly accomplished the difficult task of founding – from scratch and on schedule – a complex organization capable of disseminating a wide variety of information, registering thousands of claims, gathering a maximum of information from both French and German archives, and welcoming claimants with sensitivity and humanity.

The gratitude expressed to them is also due to the staff members and decision-making Commission members whose personal duties required them to leave the Commission. Their time here was a life-altering experience.

The task which each accomplished was all the more important, given that the CIVS, since its inception, has received thousands of claims and has had to make sensitive decisions on which the success of its mission depended.

How can evidence of spoliation be produced sixty years after the fact? How can heirs prove their claim is legitimate if the members of a family were scattered by the War?

To answer these and other equally difficult questions, while firmly believing that it was necessary to act quickly in order to help and mete out justice for claimants who were often elderly and in financial difficulty, the Commission implemented the pragmatic approach that was recommended in the above-mentioned report to the Prime Minister.

For example, the Commission proceeded on the assumption of claimants' good faith, which may be sufficient to justify the existence of material loss of everyday belongings if accompanied with a coherent statement of facts, at least for Metropolitan France where personal property was confiscated under the "Möbel Aktion" campaign. The situation in the territories, such as Tunisia, Algeria and Morocco, was quite different.

Moreover the principle of fairness made it possible to issue recommendations without taking into account legal rules the application of which would have led to unjust solutions.

In a similar vein, the Commission, as an administrative body with no jurisdiction over the devolution of estates, wanted to spare claimants costly genealogical searches intended to establish their legitimacy as heirs, since the outcome of these searches is never certain. Basing its work essentially on claimants' statements and checks of available civil status documents, the Commission took the precaution of reserving portions for family branches and individuals whose death could not be fully ascertained. In addition, each recipient of compensation is advised that distribution may be revised if other heirs later emerge, as has already happened in some cases. Each recommendation specifies that "the claimant [is] personally responsible for sharing the compensation with other heirs who make themselves known".

Any attempt at reparation conducted so long after the events would have failed if these choices had not been made. They helped the Commission deal with the majority of case files submitted for its examination and prevent an unbearably long waiting time for victims.

The Commission has undoubtedly made some mistakes, but after ten years of work, these have turned out to be few and far between, and correctable. First, further to the original decree, the Decree of June 20, 2001 empowered the CIVS to examine a given case file a second time if there were material errors or if a new element was discovered that was liable to modify the recommendation that was previously made. Second, any inconvenience caused by the appearance of new heirs omitted from the first distribution of compensation is made up for by the reunion of family members separated by war.

The Commission also took care to limit the administrative aspects of claimant reception and procedures. In this respect, the rapporteurs who contacted them with information regarding their case files and, often, their family history, played a major role at all times prior to the hearings in which the Commission examined claims (hearings in which all were invited to participate).

After these hearings, which were always deeply moving, the Commission's decision-making members drafted their recommendation, which was then forwarded to the Prime Minister's office for final decision and payment. The assumption of good faith, which has frequently replaced specific evidence that cannot be produced, has led to decisions founded on equal treatment, solutions which were deemed the fairest and most suitable to the particular case under study,

The originality of the French reparation program lies in its "case-by-case" approach. Based on the specific history of each claimant, it demonstrates a desire for reparation that goes beyond mere compensation for material loss; it links material and moral considerations to financial issues.

As was highlighted in our 2007 Report, the CIVS was given the responsibility of considering individual life stories and, symbolically, confirming for all claimants that the State took note of the spoliations of which they or their families had been victims.

In ten years, thanks to its devoted, skilled staff and the constant help of various Government departments such as the National Archives and Musées de France (the museum division of the Ministry of Culture), the Commission has examined some 24,000 case files on material and bank-related spoliations, issued over 29,000 opinions, and recommended nearly 450 million euros in compensation.

The work of the Commission helped the History Committee created in 2007 fill in various gaps in the history of spoliations, an important era in the history of the Holocaust. It has also enabled thousands of claimants to piece together an incomplete, and sometimes completely lost, family history.

It is true that the results have not been perfect. Assessing individual situations so long after the events is an exploit requiring unshakable determination. The CIVS has taken up this challenge with confidence and the full conviction that compensating victims was only one aspect of the mission it was given after the Government's admission of liability.

What is the future outlook for the CIVS?

No foreclosure date has been set, and at present, there are fewer than 1,200 case files left to examine.

The Commission, which in the past held up to 25 or 26 hearings in some months, is currently meeting only three times a week.

However, some 60 or 70 new claims are made each month. It is noteworthy that some claimants are individuals living quite near the Commission but who hesitated a long time before filing a claim or who simply took a long time to hear about it.

Now may be a good time for a new awareness campaign in which CIVS could underline the fact that, since its departments take on the research required to determine the existence and degree of spoliations, it is not necessary to hold evidence in order to file a claim.

When the Commission has followed up on people who, after making an initial claim, have not answered subsequent questionnaires sent to them, it has noticed that, most often, the fear of being unable to prove loss for lack of evidence was the only reason that they gave up.

A new awareness campaign would help the CIVS feel that it accomplished its mission to the fullest and best extent possible.

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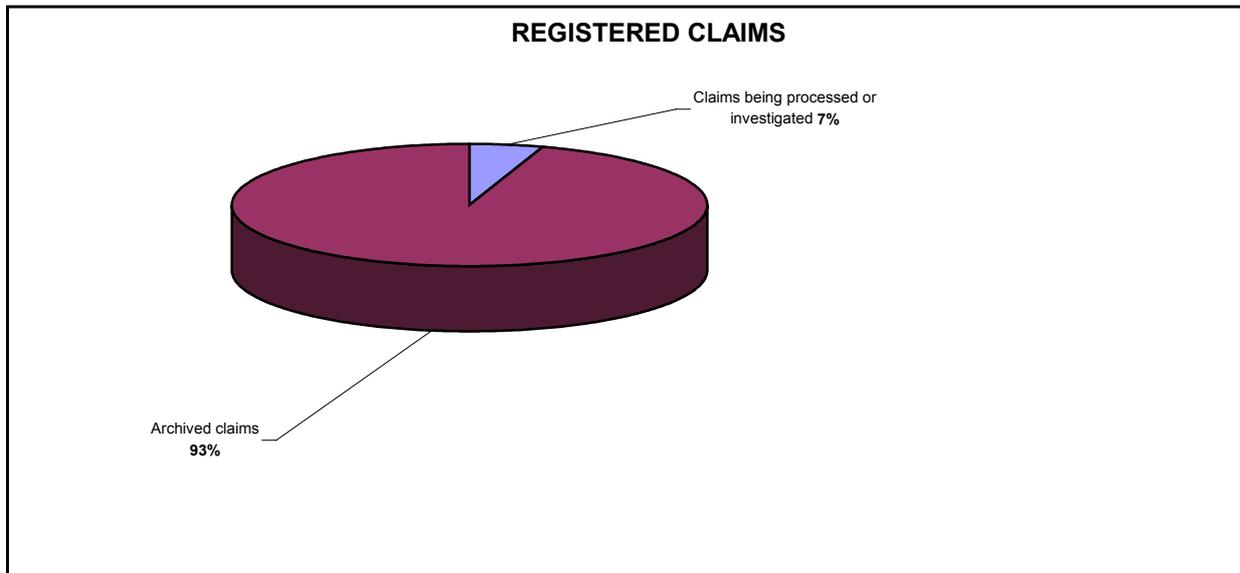
## ▼ LOOKING BACK ON 10 YEARS OF ACTIVITY: PACING OUR WORK BY THE NUMBER OF CLAIMS ▲

### ① GENERAL APPROACH

All of the following information concerns claims filed with the Commission, and was obtained from the CIVS **database (BDD)**.

#### ⇒ Overview of registered claims

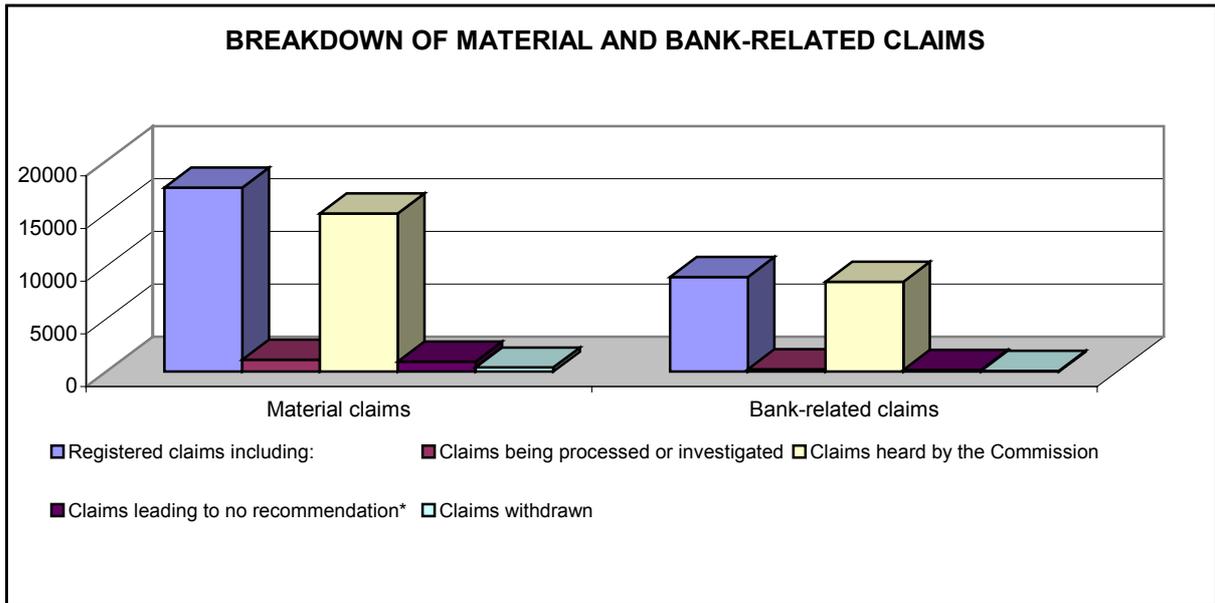
Since the CIVS was set up, **26,470** claims, for all types of loss, have been registered. By December 31, 2009, **25,120** of them had been archived, shelved, closed or are pending the allocation of portions.



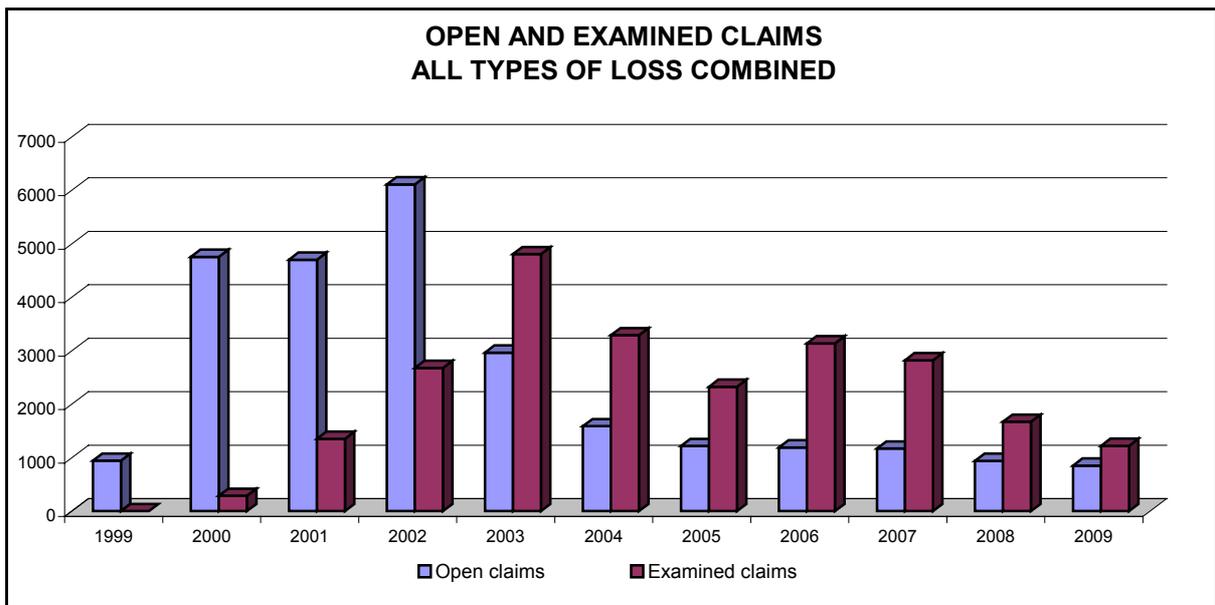
□ **Breakdown of material and bank-related claims**

By December 31, 2009, the Commission had registered **17,480 material claims**. A recommendation was issued for 15,010 of these, while 391 were withdrawn. 954 claims came to nothing (definitively shelved, incomplete claimant information, lack of jurisdiction).

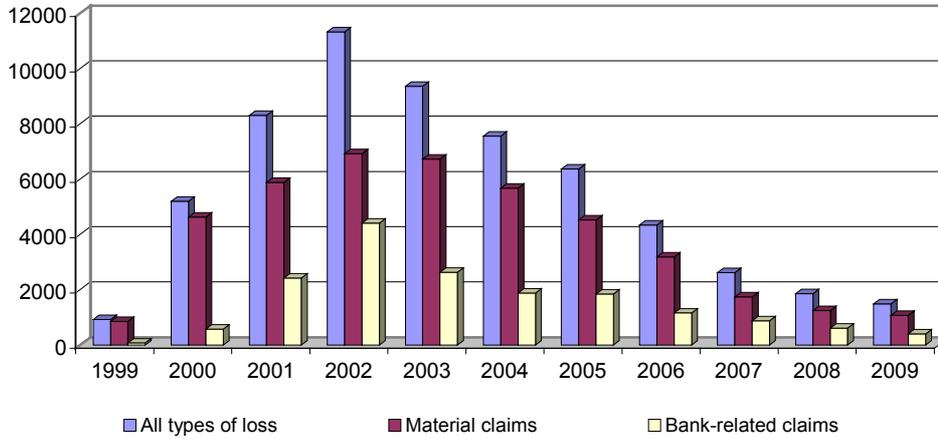
Furthermore, **8,990 bank-related claims** were filed, including 8,537 reviewed by the Commission and 70 which were withdrawn. Lastly, 158 claims were shelved without action (definitively shelved, disqualified, lack of jurisdiction).



□ **Flows and backlog of claims at the Commission**

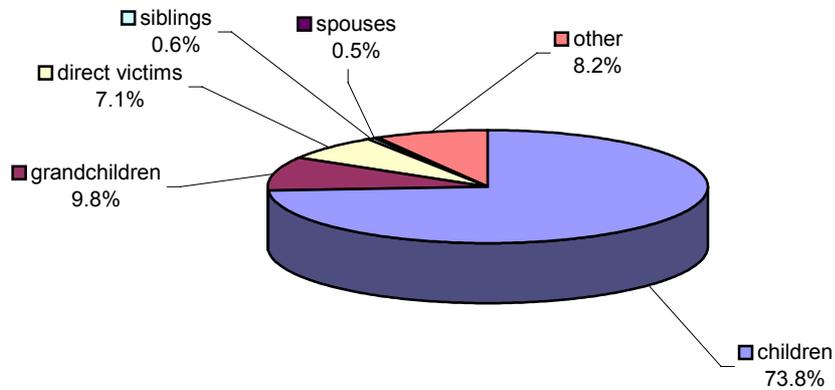


**BACKLOG OF CLAIMS BEING PROCESSED AT THE COMMISSION  
ALL TYPES OF LOSS COMBINED  
(situation at December 31)**

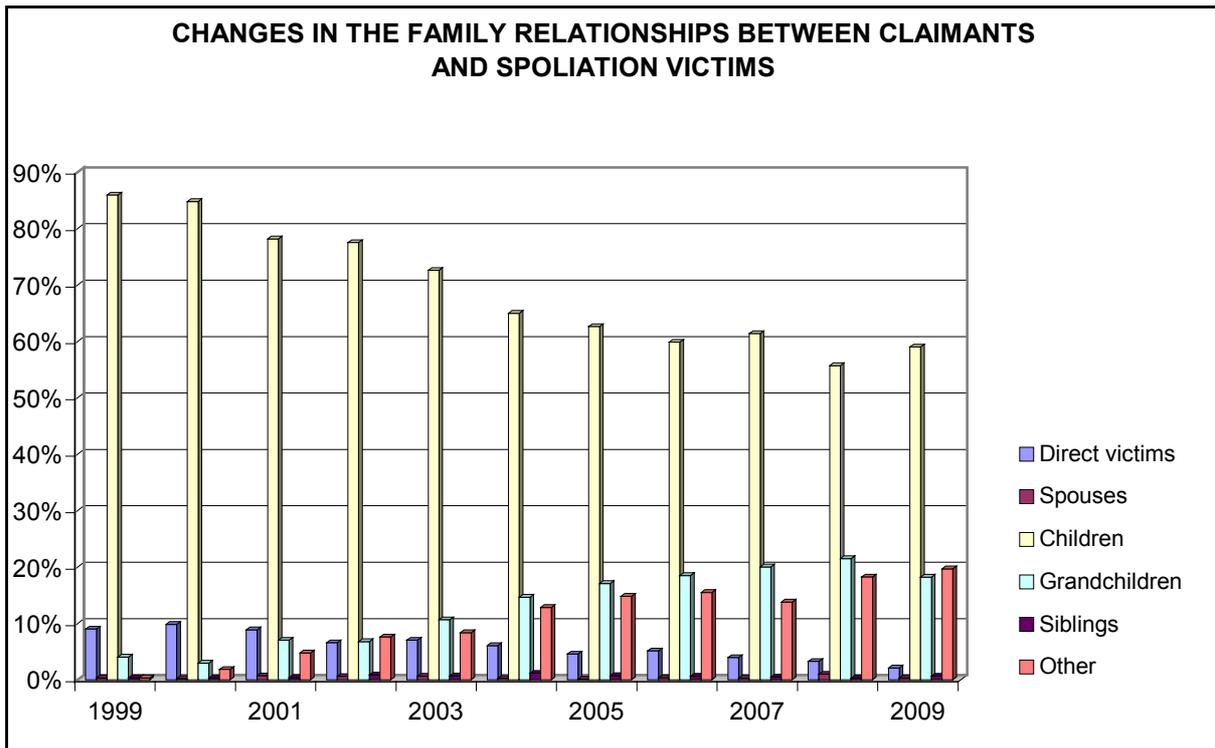


□ **Relationships of claimants to direct victims**

**FAMILY RELATIONSHIP BETWEEN CLAIMANTS  
AND SPOILIATION VICTIMS**

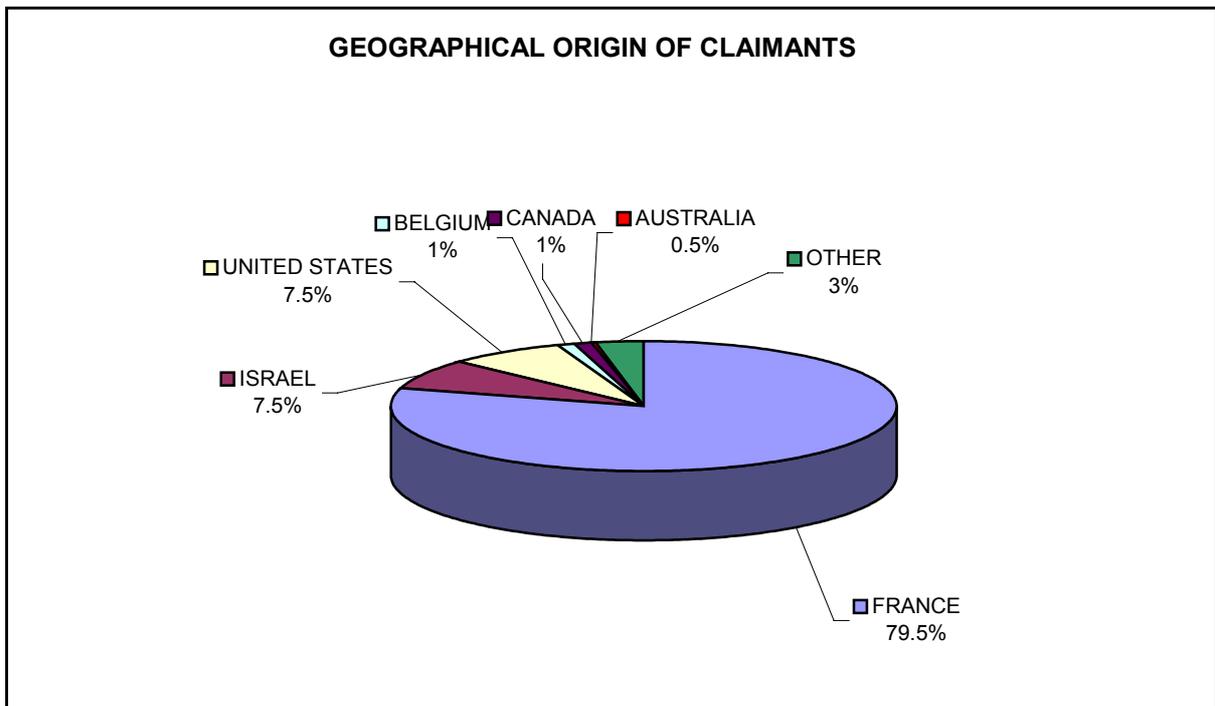


Almost three quarters of case files were opened by the children of spoliation victims.

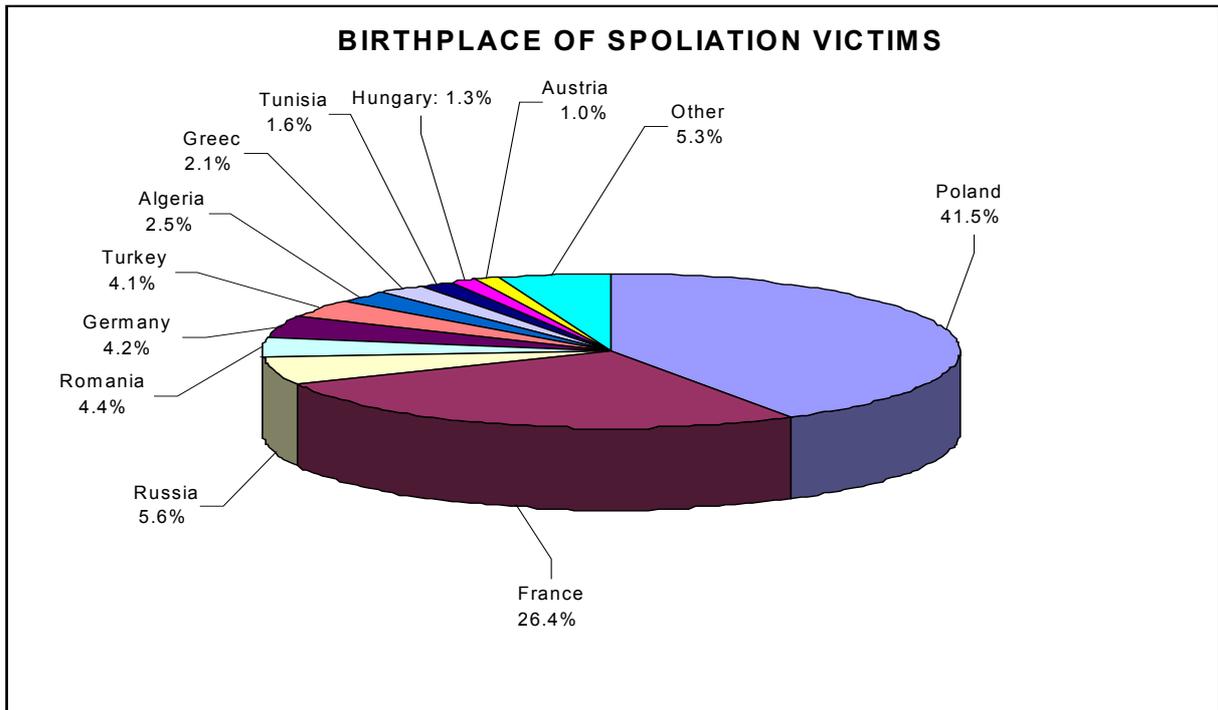


With the passing of time, an increasing number of files are being opened by grandchildren or more distant relatives.

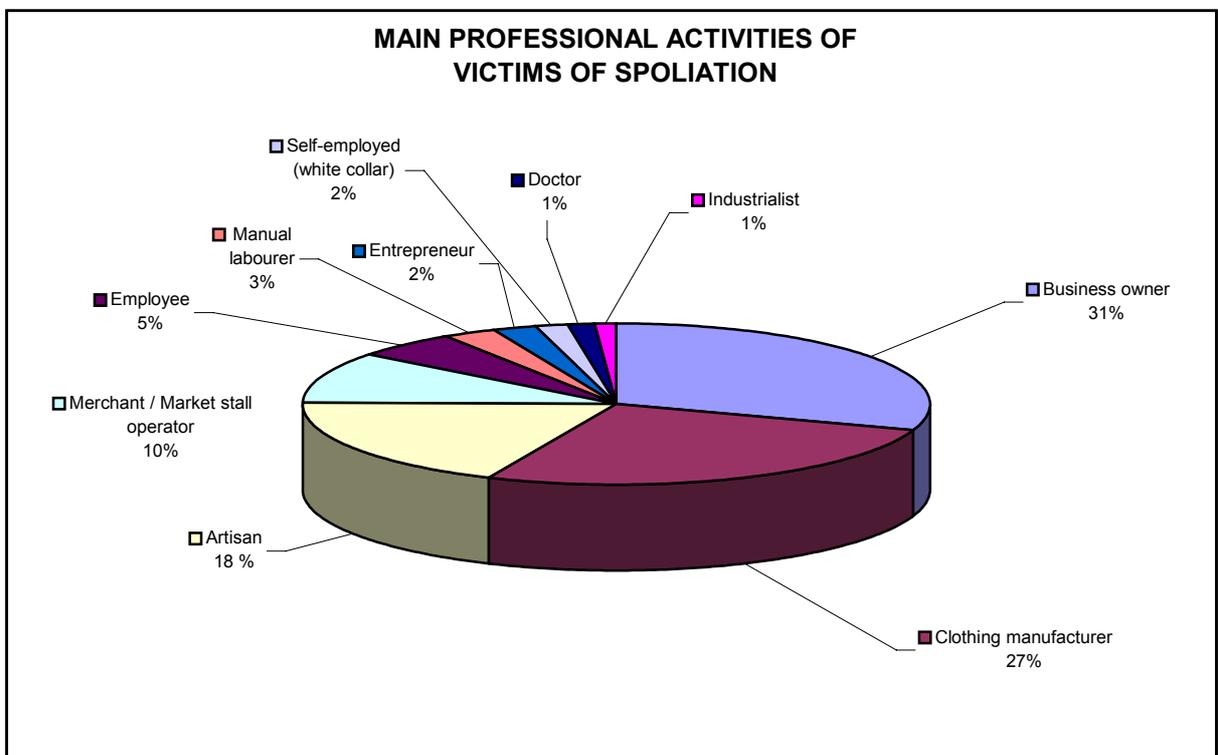
□ **Geographical origin of claimants**



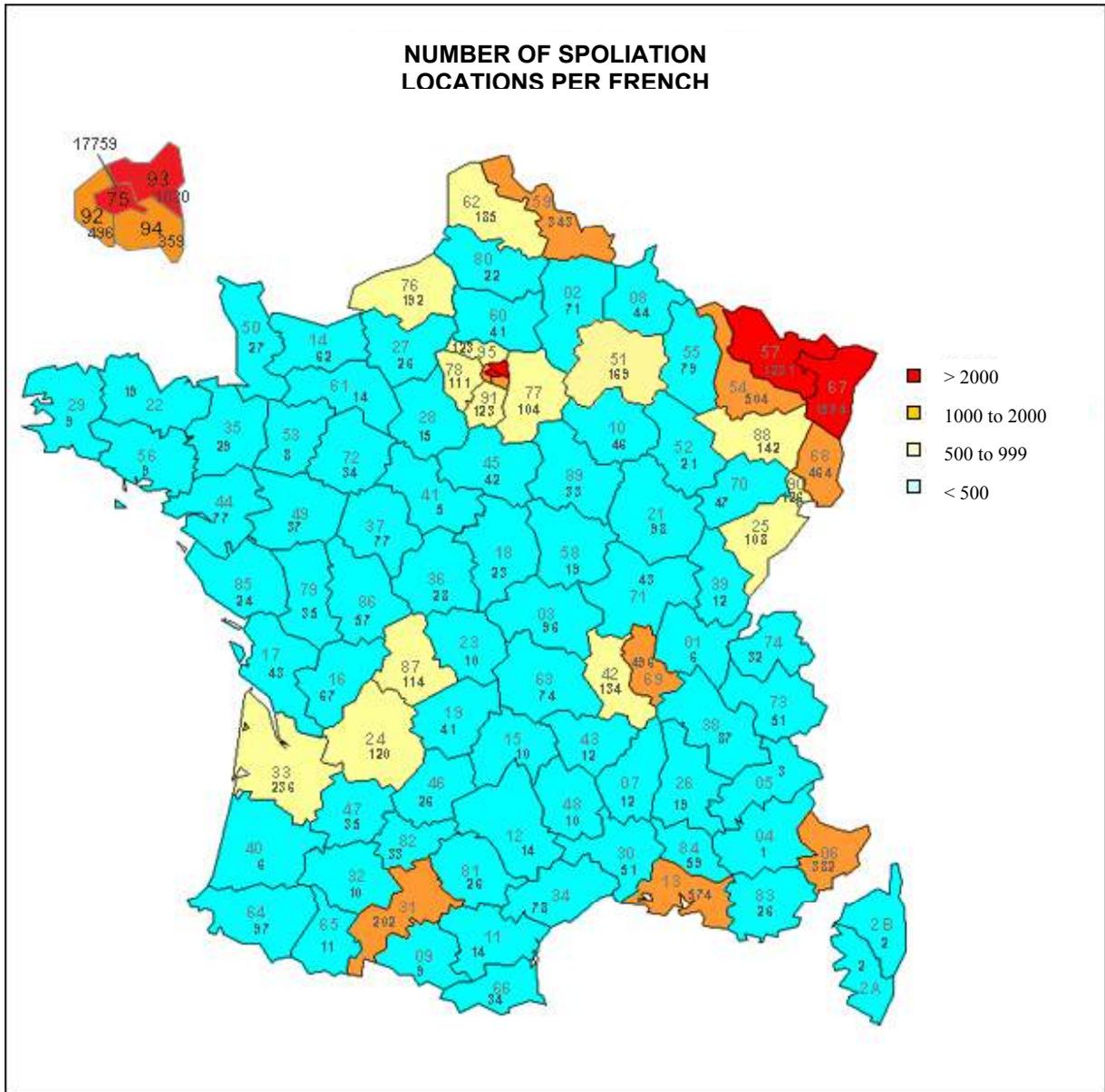
❑ Birthplace of spoliation victims



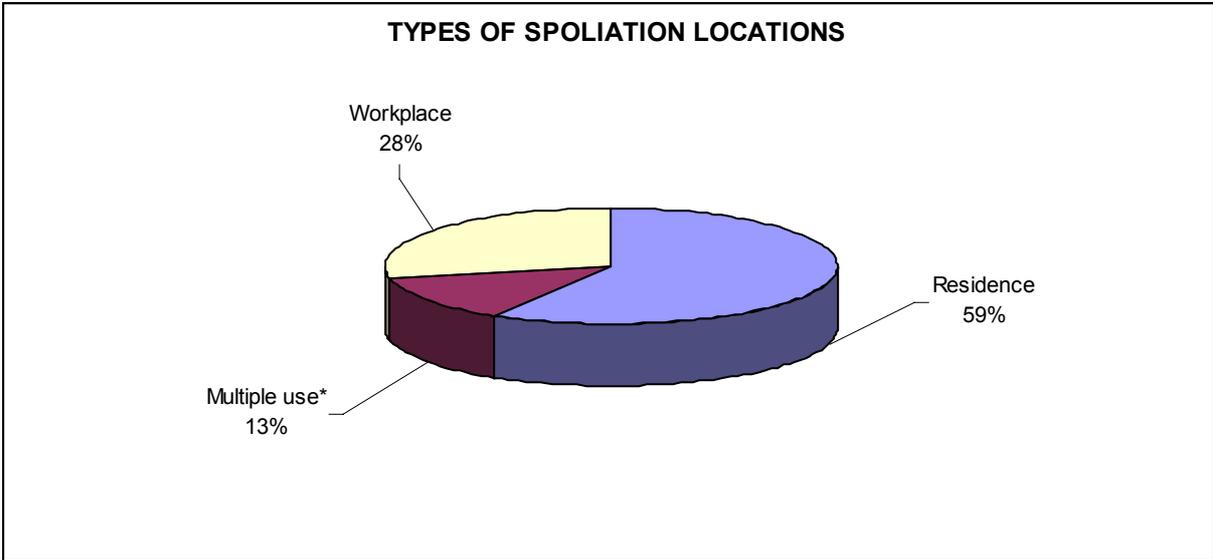
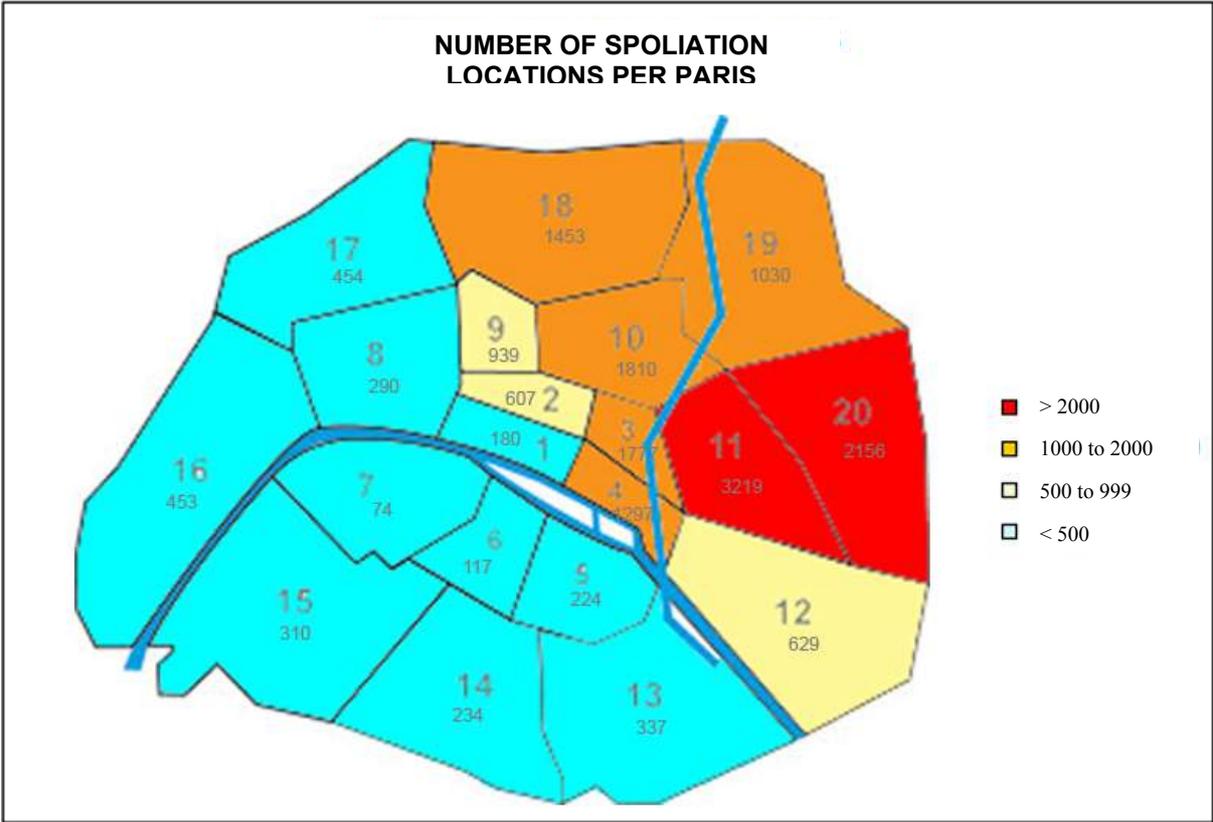
❑ Profession of spoliation victims



□ Location of spoliations



81% of the spoliation locations cited in claims concern the two French regions of Alsace-Lorraine (13.5%) and Paris/Île-de-France (67.5%).



\* Residences also being used for professional purposes.

The compensation work performed by the CIVS has enabled many claimants to piece together their incomplete and sometimes completely lost family history. It has also helped fill in various gaps in the history of spoliations, an important era in the history of the Holocaust, since its purpose was to eliminate Jews from economic life before eliminating them physically. Over 25,000 case files have been examined, representing some 20,000 households and 17,000 deportees, accounting for over 20% of the Jewish population of France at the time of the War. It would be worthwhile to compare the list of individual case files opened at the Commission and the list of deportees drawn up by lawyer Serge Klarsfeld, since behind every name is a story.

## **➤ Changes in Commission staff**

Decree n° 99-778 of September 10, 1999 set the number of Commission members at 10.

The Chairman is appointed by the Prime Minister, as are the Commission members. He is assisted 1) in directing the departments by the Director, who is also appointed by the Prime Minister, and 2) in organizing examination of claims, by the Principal Rapporteur who is appointed to the Commission by order of the Minister of Justice.

A Government Commissioner and Deputy Government Commissioner have also been appointed to the Commission by decree.

This structure is the main framework for organization of the departments. It includes both permanent and interim civil servants and rapporteur magistrates.

Over the past ten years, staff numbers have been scrupulously adapted to the changing workload of the Commission.

For example, during the period of intense activity from 2000 to 2008, the Commission counted up to one hundred staff members.

With the turning point of 2008, marked by a decrease in the backlog of case files, came the reassignment of staff members (mainly through internal transfers), temporary recruitment and/or elimination of some positions when a staff member left the Commission.

Today, the Commission has 37 staff members.

Likewise, the number of rapporteur magistrates has been adjusted: on December 31, 2009, 18 rapporteurs had examined compensation claims, as opposed to some thirty at the height of Commission activity.

This strategy aims to maintain the skills that staff members have acquired on the job, but also to make all the staff adaptable to any changes. This recycling of know-how is at the core of Commission activity.

As a result, the configuration of departments is adaptable to requirements: in 2009, there are approximately 1 to 3 individuals per department, whereas before 2007 there were 3 to 6.

Maintaining current staff levels remains a requirement for the smooth operation of the CIVS, given the diversity of its activities and the complexity of some cases, still under investigation, which require extensive research.

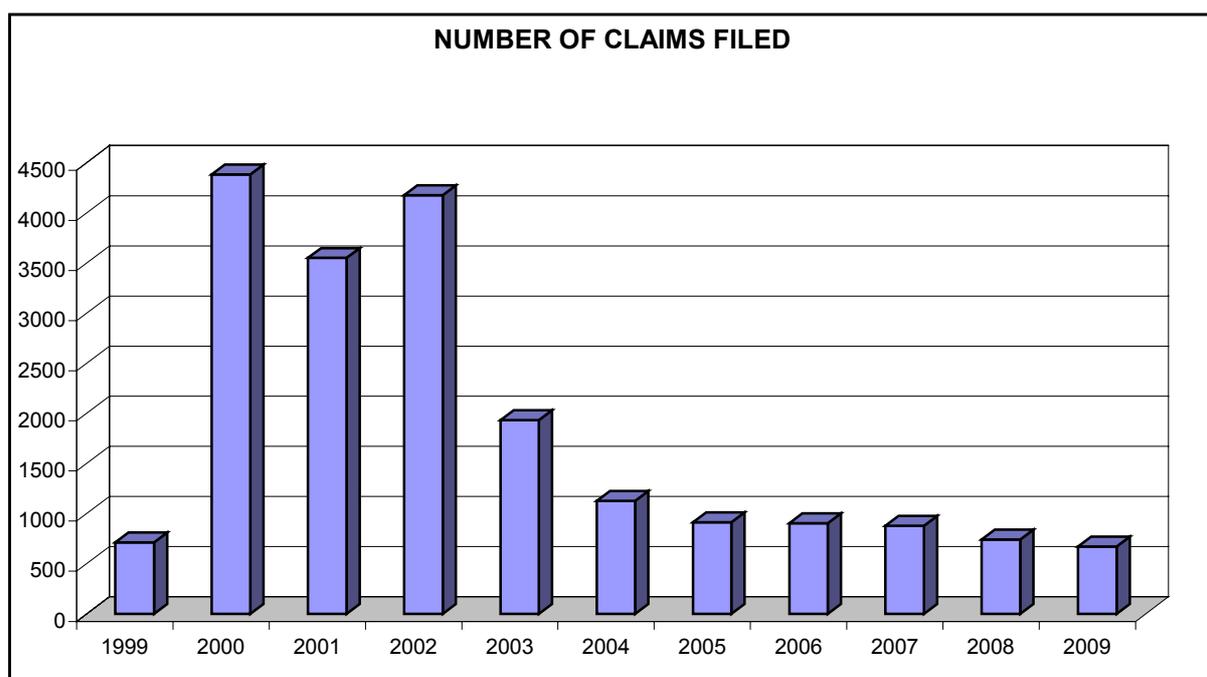
## **② FILE PREPARATION BEFORE EXAMINATION**

### **➤ Administrative Unit: opening the case files**

The Administrative Unit is the department where the compensation process begins. Its purposes are to check the validity of claims, register claims, send and receive questionnaires and ensure the thoroughness of information required to process case files. All the data are entered into the computer system to make it possible to check existing claims.

It should be noted that in ten years, the CIVS has registered 26,470 case files, of which 8,990 were bank-related.

From 1999 to 2002, the **administrative unit (CA)** had already registered 13,400 claims for all types of losses (i.e. both material and bank-related). Whereas the average number of claims was around 4,000 from 2000 to 2002, a total of 1,932 claims were filed in 2003, 1,129 in 2004, and 914 in 2005. Although the number of claims has been steadily decreasing since 2003, **10 years after its inception, the CIVS still receives an average of 70 new claims per month.**



To deal with the surge in claims, up to four members of staff worked in the department, assisted as necessary by temporary staff members. In this way, the team was able to efficiently examine the case files and forward them as soon as possible to the **Control and Investigation Network (RCI)** in the case of material spoliations, and the **bank-related claims search team (AB)** in the case of bank-related spoliations.

Because of the steady decrease in claims filed, the CA currently has only one staff member.

It should be stressed that all case files created until the questionnaire was completed were followed up after 3 to 6 months; the claimant was sent a new questionnaire along with a letter from the Chairman. If this went unanswered, the CA telephoned the claimant. As a result of follow-up conducted in 2007, over 350 case files were received out of the 1,000 case files that had been "temporarily shelved".

Most of the administrative unit's work consists in directly contacting claimants. It helps them complete the questionnaire, either on site at the Commission, or by telephone, in order to obtain the vital information required to process their case file (e.g. civil status of the victims, address of the spoliations, etc.). The relationship that develops between the administrative unit and the claimant is of necessity one of trust. As with all other CIVS departments, the CA is entrusted with painful life stories. It must provide a listening ear and guarantee the strictest confidentiality.

## ➔ Control and Investigation Network for archival research

Without the research phase, it would be impossible, in most cases, to assess the property spoliated. However, research is time-consuming, and has therefore required great attention and effort in order to reduce the processing time for files on material losses from one year to six months. The decrease was largely due to the creation of search teams at the three most widely-consulted archive centers.

### ❑ **Control and Investigation Network (RCI)**

The RCI was created within the first few months of CIVS operation. Its purpose is 1) to consult the archive centers in order to determine what property was spoliated under anti-Semitic legislation, and 2) to gather information on compensation already awarded by France under the French Law on War Damages and/or by Germany under the Federal Restitution Law for monetary settlement (BRüG-Gesetz).

For each case file forwarded by the administrative unit, the RCI consults the archive centers based on the type of spoliation in question (e.g. property looted from apartments or businesses, property confiscated at the Drancy internment camp, etc.). For this purpose, questionnaires are simultaneously sent to all the centers listed below.

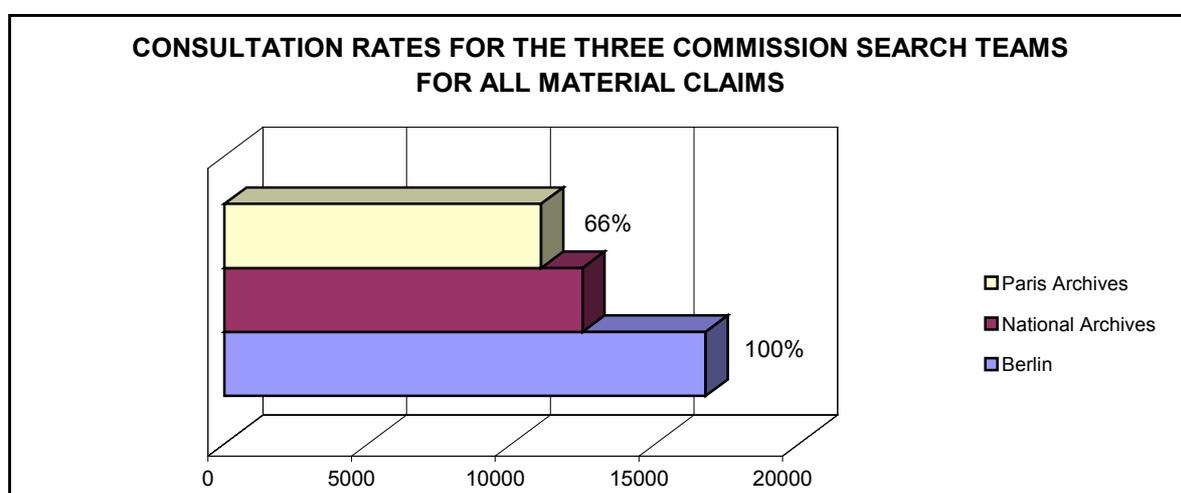
Originally, the RCI dealt with both material and bank-related spoliations. However, the latter were entrusted to an ad hoc service in 2001.

After sending requests for information to the appropriate centers and archive search teams, the RCI must coordinate their replies and further questions in order to prepare the case files in such a way as to be ready for examination by the rapporteurs of the Commission. This procedure is carried out respecting priority criteria linked to the age, health and degree of financial difficulty of the claimants. The RCI checks the answers provided by the archive centers and proceeds with additional research as required.

In 10 years, the RCI has sent over 16,000 material case files to the archive centers.

In most cases, the questions were directed to the three archive search teams created by the CIVS: in Berlin (where all case files are sent), at the French National Archives and at the Paris Archives.

### ❑ **Archive search teams**



### ➤ *Berlin search team*

Created in September 1999, the Berlin search team has an office at the French Embassy. All its case officers are bilingual. The Berlin search team has two essential purposes:

- identify any compensation awarded previously under the BRÜG Federal Restitution Law. This also helps uncover any compensation already granted under the French Law on War Damages, since compensation granted by Germany was calculated based on the prior payments made by France. Since many of the latter case files have already been destroyed in France, the German archives are extremely helpful.
- extract from the German archives any evidence that could shed light on the circumstances and extent of the alleged spoliations (e.g. personal accounts, detailed inventories, notarized deeds, etc.)

These tasks are ensured by consulting the archives of the two main administrations responsible for enforcing the BRÜG Act: the regional finance office for the state (*Land*) of Berlin (OFD) and the Restitution Department (WGA). These two archives work hand-in-hand and make thorough research possible.

Over one million case files have been set up by the OFD, some 40,000 of which pertain to France.

Using the documents found, the team members write a report tracing the main steps of the procedures (e.g. claims, transactions, payment decisions, etc.).

The Berlin search team also has occasion to consult other archive centers located throughout Germany, such as the Federal Archives of Koblenz, the Federal Foreign Affairs Ministry, and the Restitution Offices of other *Länder*.

Of the 16,085 case files processed by the Berlin search team since the Commission started its work, 9,631 have received compensation under the BRÜG Federal Restitution Law. The percentage of conclusive findings in these archives has therefore reached nearly 58%. Moreover, payments identified total nearly 223,165,800 euros.

### ➤ *French National Archives Search Team*

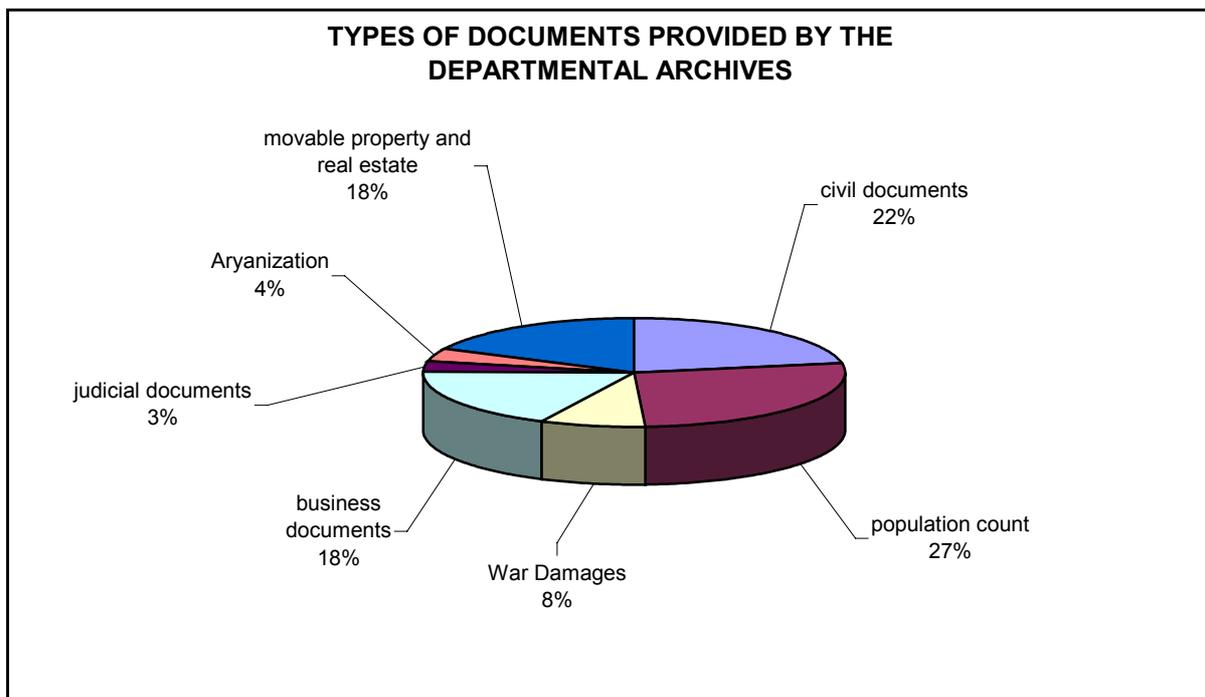
Created in February 2000, the search team at the French National Archives consults the archives of the **General Commissariat for Jewish Questions (CGQJ)** and the Department for Restitution of Property of Victims of the Legislation and Spoliation Measures (sub-series AJ38).

Its purpose is more specifically to research material spoliation and economic Aryanization. Its purpose is to find any type of document providing information on the extent of and circumstances surrounding the spoliation of businesses and real property:

- compile documents from Aryanization files, from provisional war-time administrators and statutory auditors from the period of the Occupation (1940-1944), and from the Office for Restitution of Looted Property set up immediately after the War (e.g. business accounts, balance sheets, reports of provisional war-time administrators, etc.).
- find any trace of post-war claims which were filed under the Compensation Laws of June 16, 1948 and April 23, 1949.
- research inventories of spoliated property (only for Paris).

Further research is sometimes performed with two other sources:

- The CIVS search team is responsible for consulting the Departmental Archives, mainly for the three departments which were annexed to the Reich (Haut-Rhin, Bas-Rhin and Moselle), for which the National Archives do not hold certain documents dating back to before or immediately after the War. These Departmental Archives provide evidence of business ownership or simply employment, as well as post-war restitution (war damages, for example).



- The search team also consults the *F9 file* of digitalized records of individuals arrested by the Prefecture of Police and interned in the Drancy, Pithiviers and Beaune-la-Rolande internment camps.

Using the documents collected, the search team members write a report summarizing the main elements of spoliation along with their observations.

Since its creation, the French National Archives search team has processed 11,416 case files of the 11,626 received. Documents were found for 10,355 of these case files – a 90% rate of conclusive research (Aryanzation files and/or inventories of spoliated property and/or replies from the Departmental Archives, F9 digital files, etc.).

Of all the case files processed since 2000, 42% (4,871 claims) have been forwarded to the Departmental Archives. Since 2008, two out of three case files have been forwarded to the Departmental Archives.

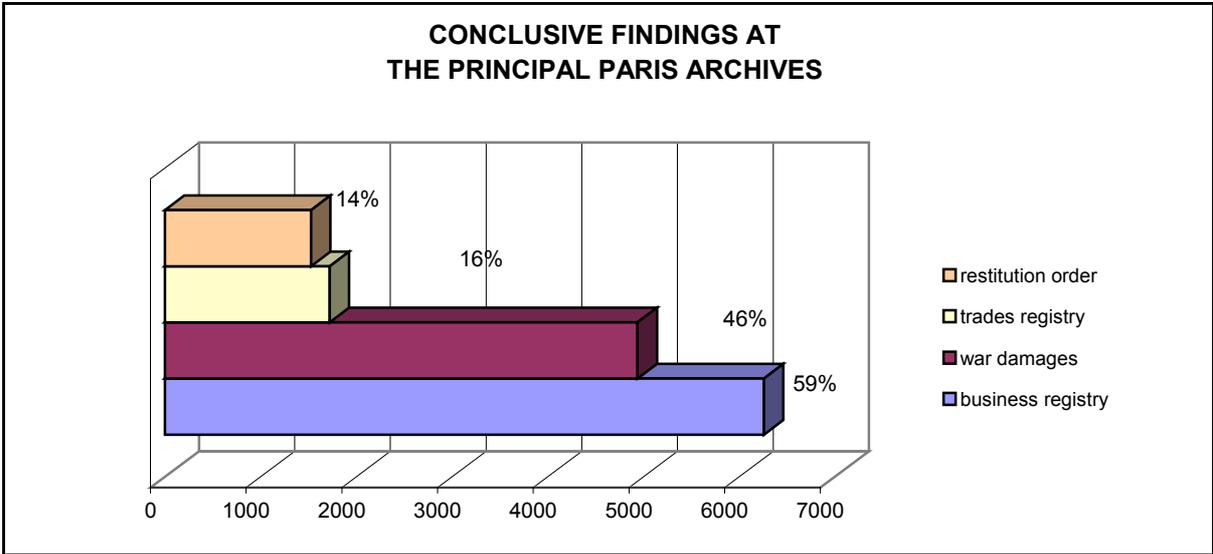
➤ *Paris Archives search team*

This search team was created after the CIVS discovered documents which were not consulted during the first months, namely, account sheets on war damages to personal property. The Commission hired staff to sort these files by name of victim, in order to facilitate consultation. These sheets list all the compensation paid for war damages by the former Seine department, whereas the corresponding case files have largely been

destroyed. It is necessary to consult these archives for almost two thirds of the case files, since most Jews lived in Paris or the Paris region before the War. The search team at the Paris Archives was therefore created in December 2000, to research the entire archive for information on spoliated property (personal property, industrial property, and business property).

As for the other search teams, work was often hindered by the scanty information contained in the archival files and documents, and by the various spellings of family names. To ensure that no documents useful to examining the case files are overlooked, it is often necessary to consult several files and registries, as well as check the relevance of the documents that are found.

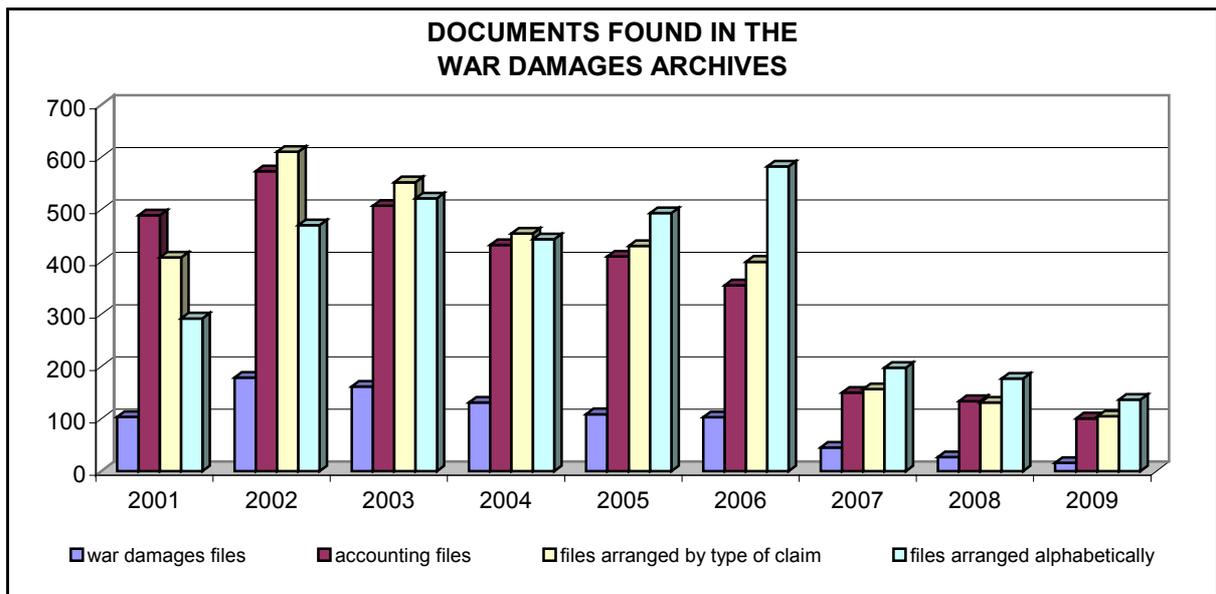
The research was progressively organized by coming up with different methods for each archive: war damages, business registries, restitution orders, and later on, trades registries and articles of association.



War damages

This concerns post-war compensation paid out by the French government to victims of war damages.

Preparatory research is first performed to check whether a case file has been opened. Since this archive organizes its files both alphabetically and by type of compensation claim, it is possible to find accounts sheets indicating payment of compensation. On the alphabetically-arranged files, information may concern the spoliation or restitution of property such as pianos, books, or vehicles.



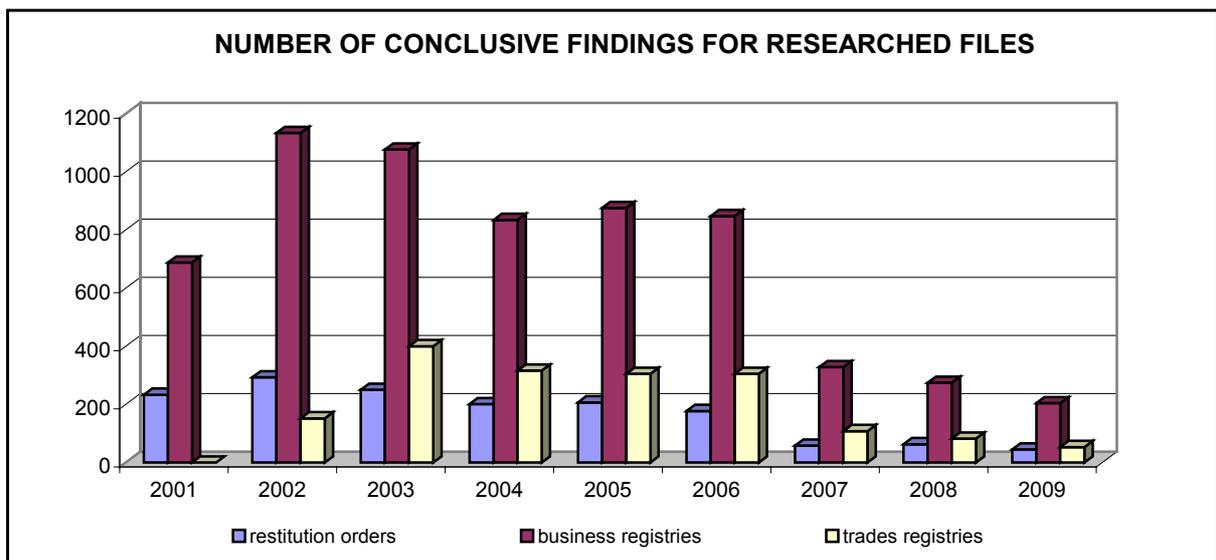
#### Business and trades registries

These registries are useful for checking the existence of businesses or workshops listed under the name of spoliation victims, as well as the date at which they were Aryanized or struck off the registry. Business dissolutions may also be researched.

#### Restitution orders

Restitution orders are the judgments handed down by the Civil Court of the Seine and the Business Court of the Seine. They concern personal and real property, works of art, cash, land, and businesses. Most often, they reverse the validity of a sale of spoliated property.

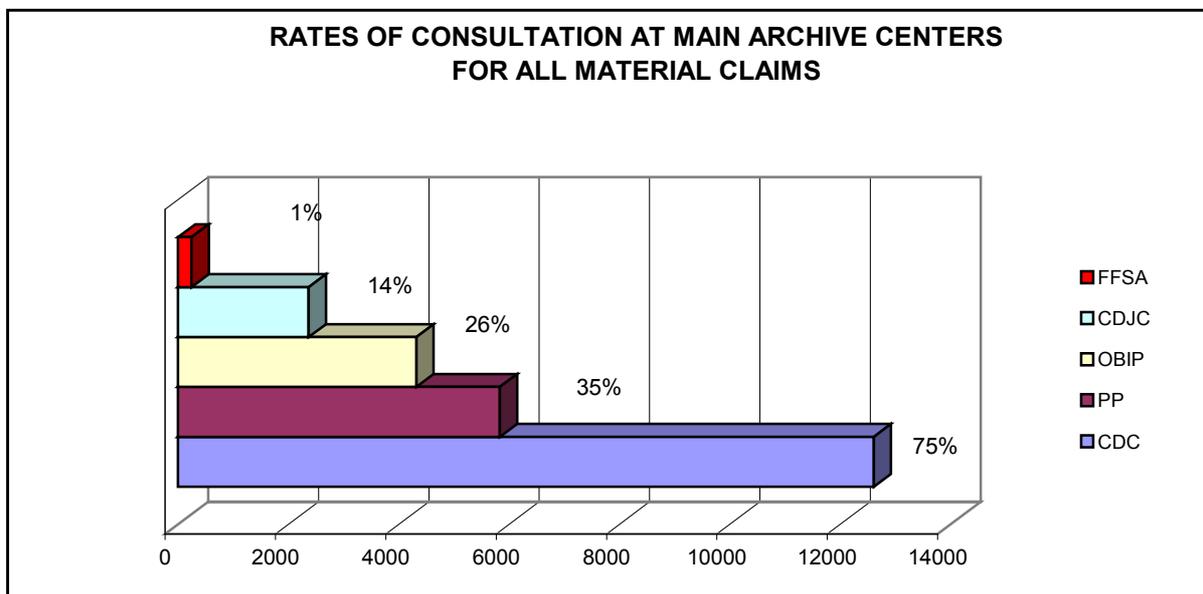
As of December 31, 2009, the Paris Archives search team, which now only has one researcher, had processed **10,659 case files** and is currently studying **156 case files**.



The variety of case files may require more specific research in specialized archives, such as files on the National Solidarity Tax or auctioneers.

□ **Other archival services**

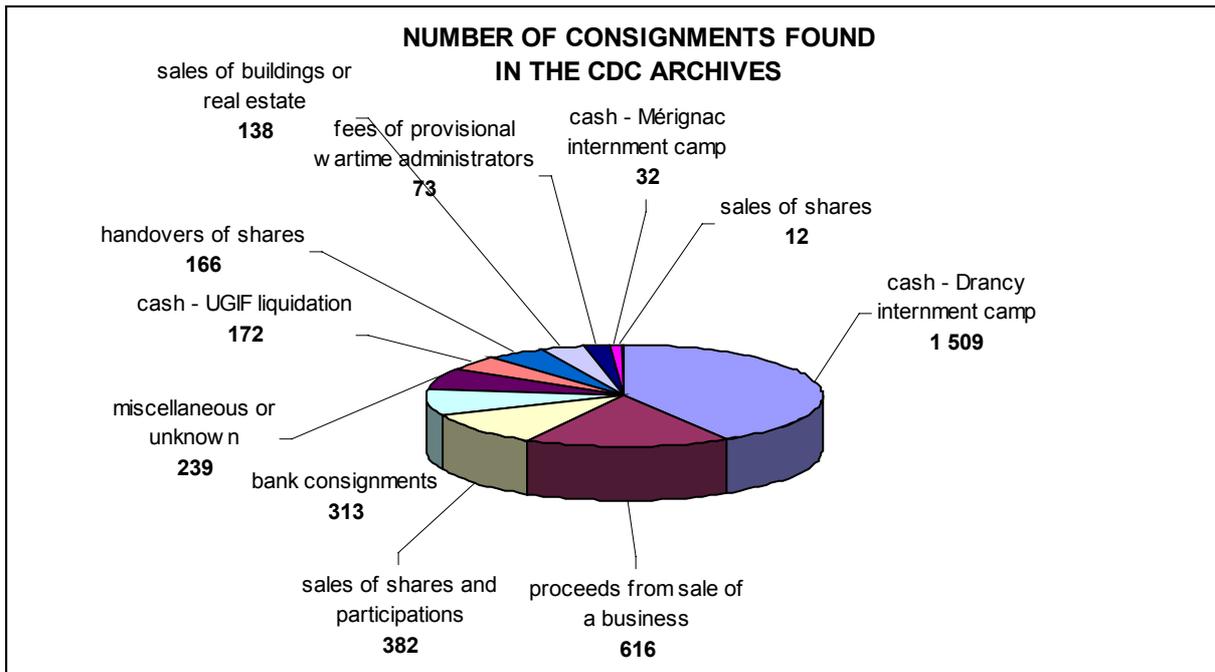
Depending on the information gathered, additional research may be crucial. The **Paris Police Prefecture (PP)**, the **Caisse des Dépôts et Consignations** (or CDC, a state bank handling official deposits), and the **Centre for Contemporary Jewish Documentation (CDJC)** are consulted regarding property confiscated from individuals interned at Drancy. The archives of the **Office for Personal Property and Interests (OBIP)** held at the Nantes Centre for Diplomatic Archives provide information on any claims for compensation and/or restitution of property which may have been filed by a claimant immediately following the War. It is this archive center which is consulted when the Commission receives claims concerning spoliations committed in Tunisia and Morocco. For Algeria, the CIVS consults the **Center for Overseas Archives (CAOM)**.



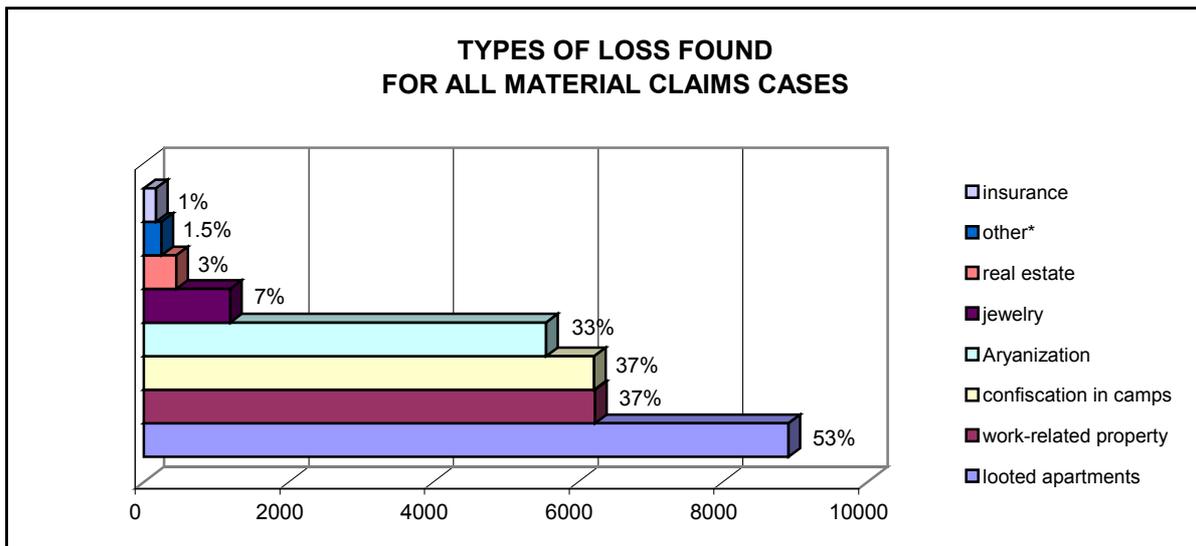
Investigation of life insurance policies is carried out at the **Federation of Insurance Companies (FFSA)** and the CDC. The latter is also consulted on the liquidation of shops, businesses, and buildings or withdrawals made from bank accounts for the Billion-Franc Fine<sup>2</sup> or the CGQJ.

To illustrate, since the CIVS started its work, over 12,000 case files have been sent to the CDC for research. Of these, the CDC has found conclusive answers for over 3,600, mainly concerning consignments of property confiscated from individuals interned at Drancy.

<sup>2</sup> On December 14, 1941, a Billion-Franc Fine was imposed on Jews in occupied territories in revenge for the murder of some German soldiers.



Consulting these archive centers can lead to the discovery of other spoliations which were unknown to or forgotten by claimants. Moreover, when questionnaires are returned blank or considerably incomplete, research may help define and specify the circumstances surrounding alleged spoliations. For over three quarters of the case files, research uncovers at least one document in the archives providing circumstantial evidence of spoliation. Since the beginning of the Commission's work, for most case files processed, the most common damages unearthed by research have been apartment looting, spoliations of work-related property, Aryanization, and confiscation of money when entering internment camps.



\* The other types of damages concern bicycles, automobiles, wireless radios, etc.

## □ **Adaptation of procedures**

### ➤ *The 2001 timeline*

As early as six months after its inception, the Commission had already received over 5,000 claims. To reduce wait times, the Commission had to improve its system by coming up with specific procedures.

Thus, to organize the submission of findings from archives, it set up scheduling timelines in 2001 to coordinate the work of the various centers. Each archive center received a monthly work schedule, and findings for a given case file had to be sent simultaneously. This timeline was established taking into account the priority criteria defined by the Commission (i.e. direct victim, state of health, age, degree of financial difficulty). Some archive centers outside the CIVS, such as the CDC and the Nantes Center for Diplomatic Archives (an archive at the OBIP), adopted this method of organization, thus avoiding the need to send them reminders. The timeline's effectiveness became quite quickly evident, since by June 2001, 180 case files were ready for examination each month, compared to 80 before the timeline was used.

### ➤ *Priorities and old case files*

Once the schedule was implemented, the CIVS turned to case files which were not given top priority but were still open at the beginning of 2003. This was done so that they would be processed without further delay.

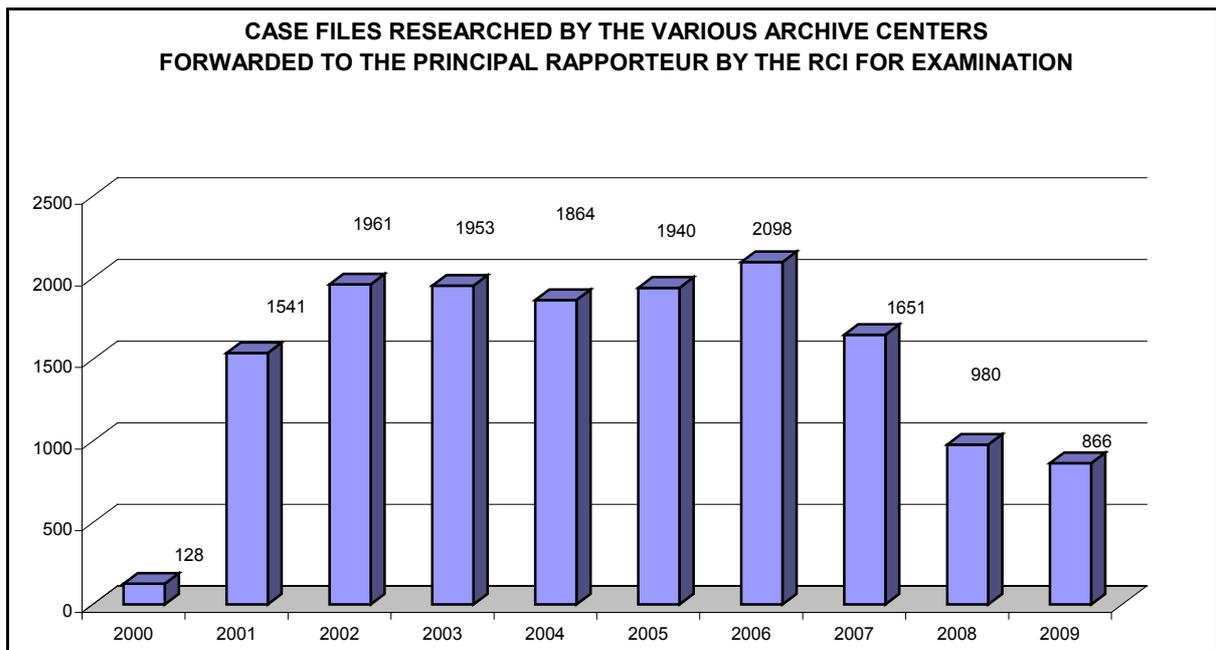
### ➤ *Performance*

In 10 years of activity, around 15,000 files on material spoliations have been submitted for examination by the Control and Investigation Network (RCI).

Between 2002 and 2006, between 1,800 and 2,000 case files a year were forwarded to the rapporteurs.

The following 2005 figures may be used to illustrate:  
907 case files were forwarded by the administrative unit to the RCI, who in turn sent them to the various archive centers for research and inquiry. 1,920 case files researched by the archive centers were forwarded to the Principal Rapporteur for examination by the magistrates.

Starting in 2007, the number of case files forwarded for examination began to drop (1,651 case files) until reaching only 866 case files in 2009. This is explained by the decreased backlog of case files being processed at the RCI.



In 2009, 582 case files were forwarded to the RCI by the administrative unit. The backlog of files being processed at December 31, 2009 was as follows: at the RCI slightly under 500; in Berlin around 350, at the National Archives over 200, and at the Paris Archives, 156.

On average, 70 case files are submitted each month for examination.

□ **Cultural Personal Property: a specialized service for individual follow-up**

Among the types of loss filed by claimants, cultural personal property, particularly works of art, stand out. Given the complexity of these case files, known as **Cultural Personal Property (BCM)**, a specialized search team was created within the RCI in 2007.

Cultural Personal Property is differentiated from simple personal property (i.e. furnishings) by its use or by the slightly greater value accorded it (e.g. musical instruments, antiquarian books, or photographic material). Research is then performed in the usual archives.

➤ *New working tool*

It became crucial to set up a working tool that would give a comprehensive view of all data pertaining to case files on "objects of greater artistic interest than items essential for everyday living".

Henceforth, a thorough inventory provides better knowledge of claims relating to BCM:

- the number of case files relating to cultural personal property,
- the most common categories,
- documents relating to spoliated property located in the archives consulted by the CIVS,
- amount of compensation approved by the CIVS.

At December 31, 2009, the number of case files in which claimants demanded reparation for the loss of cultural personal property totaled 2,230. Currently, 411 of those are

being examined and 1,819 have been examined by the Commission. Out of all the claims, 151 mention works of art in the strict sense of the term.

➤ *Specific research*

Where claimants have filed claims to works of art in the strict sense of the term, the various investigations undertaken by the Commission are different and waiting times are often longer, although still set by the priority criteria.

Because of the complex questions raised when tracing a given work of art, several sources must be consulted. The main location for research is the Office for Personal Property and Interests (OBIP) and the Artistic Recovery Commission (CRA), both of which are housed at the Ministry of Foreign Affairs. These archives hold case files on spoliated individuals by name. The main contents of these case files are: lists of spoliated property, photographs, certificates of ownership, letters of discharge if the art was returned, correspondence, etc.

Information uncovered is enriched by comparing the conserved documents with those of other archives in France and abroad.

The archives of Musées de France hold documents on private collections placed in the protection of the National Museums Board in 1939. It also holds the *Répertoire des biens spoliés* (Repertory of Spoliated Property)<sup>3</sup>. It is necessary to consult databases, particularly the recoveries register<sup>4</sup> of the National Museums Board at the Ministry of Culture.

The AJ38 series of the French National Archives conserves files on the Aryanization of art merchants; the archives of the Court of Justice of the former Seine department contain business files on merchants and buyers who were sentenced at the end of the Occupation; and the archives of the *Comité national interprofessionnel d'épuration* (post-war "purge committee" that sentenced collaborators) hold files on a certain number of antiques dealers and art merchants.

The Paris and departmental archives hold a handful of rare archives donated by auctioneers.

The archives consulted in Germany are those of the *Einsatzstab Reichsleiters Rosenberg* (ERR) and post-war departments in Berlin (OFD/WGA), Koblenz and Magdeburg (Lostart Register<sup>5</sup>). Original documents in the Koblenz archives can also be consulted at the National Archives and Records Administration in Washington.

**Despite improvements to research tools and more detailed knowledge, inquiries are often inconclusive because of the lack of information, the vagueness of claims and the absence of photographs, certified lists or even clues.**

If the works of art cannot be found and returned, compensation is offered.

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<sup>3</sup> The Repertory of Spoliated Property has been digitized and will be put on line during 2010 at <http://www.culture.gouv.fr/documentation/mnr/pres.htm>.

<sup>4</sup> At the end of World War II, several works of Nazi-spoliated art were recovered in Germany and quickly restored to their owners. Others were sold by the excise and tax stamp authority (*Administration de l'Enregistrement des Domaines et du Timbre*), while another 2,000 were handed over to national museums. The latter are referred to as the *Musées Nationaux Récupération*.

<sup>5</sup> <http://www.lostart.de>

➤ *Assessing works of art*

Assessing works of art is complex since in most cases the claimants (unlike major collectors or art merchants) do not possess any certified inventories or insurance policies and cannot prove that these paintings or sculptures were originals.

Using documents and personal accounts produced by the claimants, as well as information found in the archives, a complete study is performed: biography and valuation of the artist, sales of his/her work, art market, etc. To do so, various works listing art sales and providing final auction prices for the works of a given artist over the period 1935-1955 are consulted. All these elements are forwarded to the rapporteurs to help them assess the value of works of art.

In most cases, the artist's name alone is mentioned in the statement, and more rarely, the subject matter of the artwork. Unfortunately, these titles are too general to identify and trace a work of art, since they correspond to the specialties of the artists in question. The art medium, dimensions and 1939 value of the paintings are almost never stated. This does not facilitate a comparison of auction prices.

Even if this study gives an idea of an artist's valuation, it should be borne in mind that comparing the auction prices of several works by the same artist only provides an imperfect, flimsy estimate given the differences in format, technique, quality, historical importance, and even reliability of the suggested attributions.

➔ **Search team for bank-related claims: applying the Washington Agreement**

The Washington Agreement *was signed to provide a comprehensive, definitive solution for all actions carried out against banks and financial institutions that operated in France during World War II [...] and relative to claims relating to World War II.*<sup>6</sup>

The entry into force of the Agreement set the compensation conditions for bank-related spoliations and substantially modified how the Commission functioned. It was crucial for the Commission to have the resources necessary to carefully process bank-related files. To this end, a special search team was created to complement the other search teams already existing in Berlin, at the French National Archives and at the Paris Archives. The new search team's mission was to consult the "Banks" CD-Rom prepared by the Mattéoli Commission, which contains digital files on the bank accounts frozen during the Occupation by order of the CGQJ. By forming a search team specialized in bank-related questions, it became possible to examine bank-related and material claims separately. This step constituted a simplification which helped the Commission meet the reparation conditions (different from conditions applicable to compensation for material spoliations) determined by the Agreement.

The Agreement led to the creation of two funds by financial establishments. Their purpose is to provide compensation for bank-related claims as recommended by the CIVS. The first, known as "the Deposit", is Fund A, with holdings of USD 50,000,000. Its purpose is to compensate victims whose assets have been identified. The second, known as "the Fund", is Fund B. Its purpose is to provide compensation in the form of a lump sum (initially USD 1,500) based on credible evidence or a signed affidavit filed before July 18, 2002 by victims or their heirs.

Both funds share the fact that they are held in accounts at the State Official Deposit Bank (CDC) and are supplied by banks. They are also both administered by the **United Jewish Welfare Fund (FSJU)** which orders payouts from the CDC. In turn, the CDC wires payouts to the accounts of recipients.

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<sup>6</sup> Decree No. 2006-371 of 22 March 2006 promulgating the Agreement in the form of an exchange of letters between the Government of the French Republic and the Government of the United States of America to supplement and amend the Washington agreement of January 18, 2001.

Nevertheless, the two funds differ on several points. The Deposit (Fund A) must be replenished as needed so that its balance is never less than twenty-five million dollars (USD 25,000,000). Once the recommendations made concerning this fund have been paid out in full, the balance of the account, including interest, will be returned to the banks. Fund B, on the other hand, has no such "revolving" feature.

During the following six years, several difficulties in applying the Agreement had to be resolved.

The Commission dealt with several of these problems when they fell within its sole jurisdiction. However for others, eleven meetings between the parties had to be organized. By the end of negotiations, four Exchanges of Letters, signed by both governments, provided interpretation of the Agreement. These amendments specified how increases to the amount of compensation paid to victims or their heirs would be performed, as well as how both Funds work.

**The measures determined by the various Exchanges of Letters are presented in the Appendix on page 74 of this Report.**

In the spirit of the Agreement, the Commission strives to examine claims concerning bank assets in priority. Two scenarios are commonly encountered by the ad hoc service:

- Based on digital files of frozen accounts, or documents found while researching material spoliations, the case officer identifies one or more accounts in one or several banks. The case officer may then determine the type of asset in question (e.g. deposit account, securities account or safety deposit box) and the balance of these accounts frozen in 1941. To do so the Commission uses relative value coefficients for currency values in 1941 (determined by INSEE and revalued annually). The relative value coefficient for 2009 was 0.317.

The search team must question the banks involved to obtain further information and inform them of their duty to compensate.

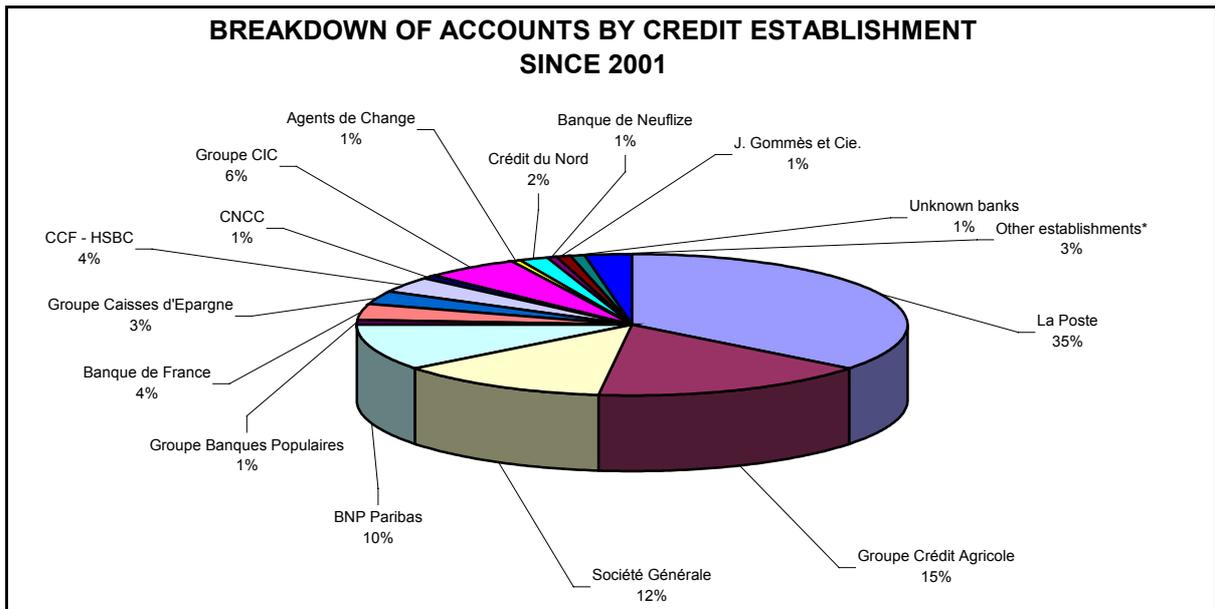
→ Findings are conclusive and payment is made from either the "Deposit" Fund A for personal accounts, or the Government Budget for accounts that were turned over to provisional war-time administrators.

- The case officer identifies no bank and no account in the digital files of frozen accounts or documents found while researching material spoliations.

→ Findings are inconclusive and the claim is directed to the "Fund", Fund B, by sworn affidavit as stipulated in the Agreement, on condition that the claim was filed before February 2, 2005.

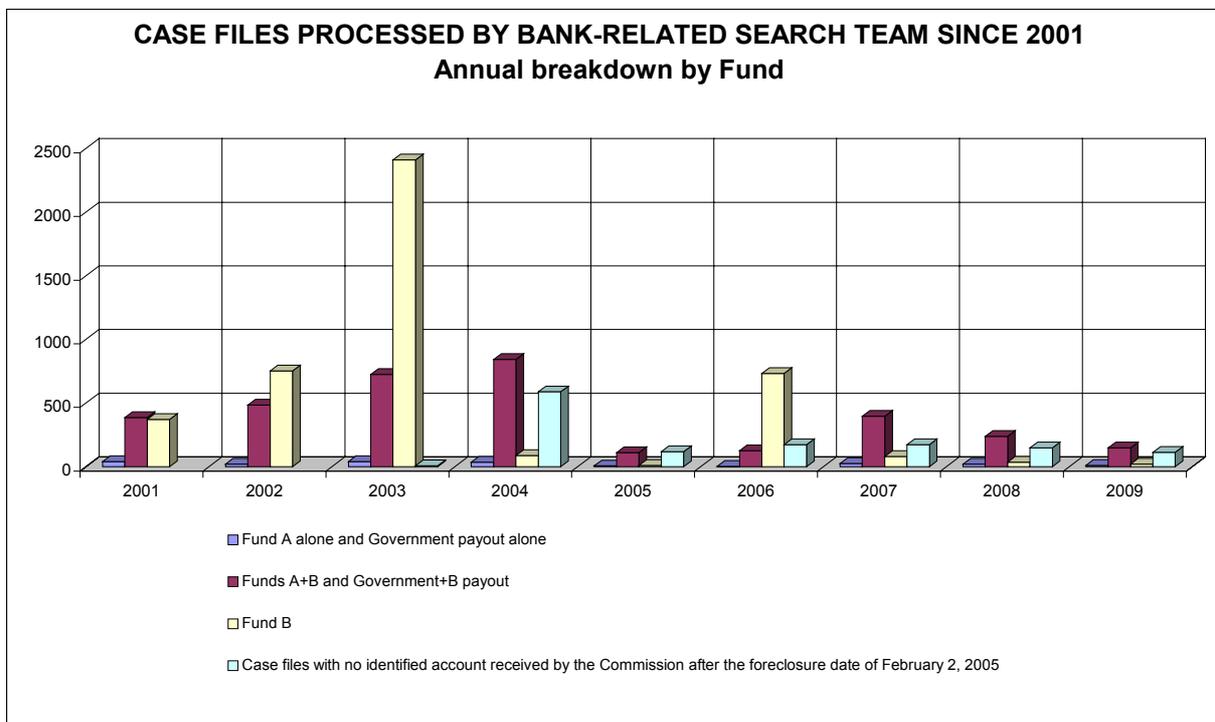
It is at this stage that case files can be distinguished based on their payment from the "Deposit" (Fund A) or from the Government Budget for the "Fund" (Fund B).

After identifying an account in the "Banks" CD-Rom, the search team consults the archives of the bank where the account was kept. In fact, if a claimant states that an account exists at a given bank, even if the findings are inconclusive, the search team consults the bank's archives. Since its inception, all bank-related case files combined, 9,841 requests for research have been sent to banking establishments (160 banks or lenders repertoried by the Mattéoli Commission). Requests for research break down as follows:

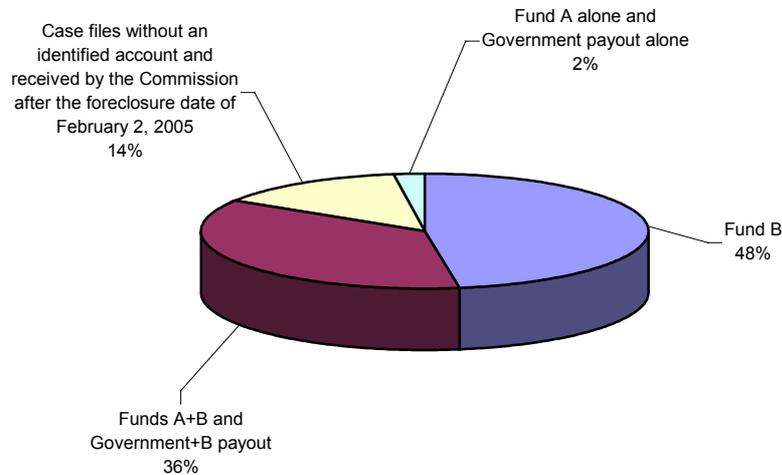


The above procedure precedes examination of the case file.

Until the end of 2003, in line with the various Exchanges of Letters, priority was given to case files paid out of Fund B, for which claims had been filed before January 18, 2003 and which were likely to benefit from the lump sum compensation of USD 1,500 based on a sworn affidavit. These claims represented 67% of case files. This peak in activity was also observed in 2006, due to the postponement of the foreclosure date from January 18, 2003 to February 2, 2005. Over 700 case files initially rejected because of the Fund B foreclosure date were reexamined in 2006 because of this postponement. They accounted for 71% of case files processed that year.



**CASE FILES PROCESSED BY THE BANK-RELATED SEARCH TEAM  
SINCE 2001  
Breakdown by Fund**



It should be pointed out that all of the compensation provisions in the Washington Agreement were implemented retroactively for all the case files and both Funds, in the interests of fair treatment. After each Exchange of Letters was signed, the Commission set up specific measures in order to quickly comply with the requirements of the Agreement. To this end, additional staff members joined the bank-related search team whenever necessary.

Its role also became more diversified, since in addition to processing case files, it began to produce statistical analyses of the depletion of Funds A and B. This work laid important groundwork for the definitive version of the Agreement, signed on February 21, 2006 between the two governments. However, it brought about a slight delay in examining bank-related files during 2005.

The CIVS' application of final bank-related compensation measures led to the reexamination of all case files concerned by the new Exchange of Letters, with the exception of the third compensation round of USD 1,000 and the additional grant of USD 10,000 for personal accounts above USD 3,000 entirely managed by the **United Jewish Welfare Fund (FSJU)**. Because of the top priority given to the USD 15,000 lump sum granted survivors of the Shoah, two special hearings were organized in May and June 2006 dealing with this measure. The Commission examined 247 case files and recommended that the USD 15,000 lump sum be paid to 231 victims. As of December 31, 2009, 350 survivors have benefited from this indemnity.

Starting in 2007, the search team once again turned its attention to reducing its case file backlog. Processing is currently done "just in time". Although these bank-related files meet the priority criteria of the Washington Agreement, the simplified procedure whereby the Chairman issues a unilateral decision was only applied to a few of them<sup>7</sup>. Because of their complexity, especially for those proven cases of an account managed by a provisional war-time administrator, the waiting times for 60% of them are now inseparable from the waiting times for the examination of professional damages performed for material spoliation claims.

We reiterate that the bank-related search team routinely checks for the existence of business or personal bank accounts in the documents gathered from the various archive centers questioned when investigating claims for compensation for material losses. It should be stressed that, in the interests of justice and thoroughness, the CIVS anticipates claims that may be filed, thus going beyond the strict application of the Agreement. Since the

<sup>7</sup> This procedure is further explained on page 40.

beginning of its work, this policy has led to the creation of 522 bank-related case files, even before any claimant stepped forward to file a claim.

### Depletion of Fund B

According to the CDC, in October 2008, **USD 31,232,327** had been paid out of Fund B. This represents the total and definitive depletion of the Fund, i.e. **153%** of the initial capital of USD 22,500,000 and of the overall liquid assets (interest, exchange rate fluctuations).

As stipulated in the Agreement, Fund A therefore automatically replaced Fund B in order to provide the compensations recommended by the CIVS until the Commission comes to a close.

It should be added that the Washington Agreement entrusted the FSJU with payment of indemnities. The FSJU accomplishes its task with exemplary speed, and the CIVS keeps it regularly informed of American application of the Agreement and of depletion of the Funds.

## **③ EXAMINATION OF CLAIMS**

### **➔ Rapporteur magistrates**

There are currently 18 rapporteurs, fewer than in previous years, in keeping with the lower number of new claims. All are honorary magistrates or professional magistrates practicing in one of France's administrative or regular courts.

Their involvement is an essential step at the core of the compensation process. They come into play after the departments formulate the claims and perform archival research, and before the Commission issues its recommendations.

#### **❑ Investigating material spoliations**

When the findings of the archive search teams are received, the case files are forwarded to the Principal Rapporteur who distributes them as evenly as possible among the rapporteurs.

The rapporteurs analyze the documents sent to them. Even without considering particularly complex cases, such as those dealing with lost artwork or the Aryanization of several businesses, this first step has its own challenges. The state of old documents makes them difficult to read; some must be translated; and some contain missing information.

In fact, it is not rare for answers to the basic questions to be deemed insufficient. Rapporteurs must then perform further research, or have it performed, thus prolonging examination time. They do not always get answers as quickly as they might have expected. That being said, the search teams consulted must often perform extensive research to answer the highly precise, sensitive questions put to them.

Once rapporteurs are able to form an initial opinion on the extent of spoliation, they contact claimants to make an appointment to meet them either alone or accompanied by someone of the claimant's choice (e.g. family members, lawyer).



As soon as they know which rapporteur is examining their claim, most claimants immediately telephone him or her for information on the possible outcomes of their case file. As with other departments upstream, rapporteurs must reassure claimants and explain the case file examination process to them.

Generally, the meeting between the rapporteur and the claimant is held at the Commission head office. However, on occasion, rapporteurs have travelled to a claimant's residence, especially in the Paris region, if required by the latter's health or age. Claimants residing abroad are contacted by telephone, fax, e-mail, or post.

The interview is an important step given its three goals:

**First, to listen.** This is a crucial aspect of the rapporteurs' work, since talking about their war memories and experiences is a difficult, intensely emotional experience for claimants. Besides being a personal endeavor, they feel strongly about providing personal accounts of this tragic period of history, the survivors of which dwindle in number each year.

**Second, to inform** claimants of their family's experience during the Occupation. Rapporteurs convey documents, found in the archives and previously unknown to the claimants, concerning their relatives. For many, these documents are the only remnants of a painful past with which claimants must once again come face to face. They are as important to them as the reparation they expect, as is borne out by the many letters of thanks received by the Commission.

**Third, to converse** with the claimant to determine who are the legal heirs of the compensation. This boils down to a study of the devolution of the estate, and in some cases, requires building a family tree. The conversation also aims to settle on a final proposed

compensation amount, which the rapporteur will later submit to the decision-making members of the Commission.

At the interviews, especially when dealing with heirs of direct, deceased victims, it is not rare for claimants to be informed of additional spoliations uncovered in the archives, which they were unaware of and had hence not listed in their initial claim. They may also learn about family members with whom they had lost contact. On the other hand, during the interview, claimants occasionally reveal additional spoliations they had forgotten to mention in their claim. In this case, new investigations must be undertaken.

Once the extent of the spoliations is known, it is up to the rapporteur to assess the resulting losses. In some cases, this assessment requires a second interview which takes place once the investigations sparked by the first interview have borne their fruit.

In any scenario, assessing losses is a difficult endeavor often leading to an approximate conclusion. It presupposes that rapporteurs are knowledgeable about fields as varied as business, manufacturing or art.

Rapporteurs do their best according to their possibilities and imagination. For example, they calculate business value by extrapolating the few pieces of information they are able to glean on the last known turnover, or the number of employees. They determine the value of spoliated stocks of raw materials by comparing them to those of similar businesses. To estimate the value of paintings, they refer to a painter's valuation, which is based on the average auction or gallery prices of his/her works over a fairly long period (among other methods).

Quite often, rapporteurs must personally contact companies, professional organizations and trade associations of the field in question. It goes without saying that, under these conditions, the scope for conversation is quite wide.

Once the assessment is over, the rapporteur informs the claimant and asks for the latter's observations. In most cases, the claimant agrees with the amount suggested by the rapporteur. Seeking to come to a common agreement with the claimant complies with the Decree of September 10, 1999, which stipulates that the Commission only examines claims for which "reconciliation" was not reached.

In practice, this text is difficult to implement since:

- the Decree does not authorize the rapporteur to conclude an agreement with the claimant that would then be binding on the Commission; and
- while the application of this text is understandable when a claim for reparation or restitution concerns an individual or corporate body under private law, it is not understandable when it concerns the Government alone, which is the case for almost all claims.

After the above-mentioned steps, which bring about a delay of 8 to 12 months at best, rapporteurs write a report summarizing the circumstances of the spoliations and containing their assessment of the resulting losses. It also states the claimant's opinion of the proposed compensation. The rapporteur's report is submitted to the Principal Rapporteur who checks it and forwards it to the secretariat for the hearings, along with his opinion on the appropriate type of hearing for the case, either with the Chairman presiding alone (in application of the Decree of June 20, 2001), or in a sub-commission or plenary session.

If the case is submitted to a sub-commission or plenary session, rapporteurs attend the hearing and orally present their report, answering questions raised by the Commission members, the claimant, and the Government Commissioner.

#### ❑ **Investigating bank-related spoliations**

For these claims, which are given **priority treatment** by the Washington Agreement, the following, considerably simplified procedure was developed:

- For USD 1,500 lump sums paid out of the "Fund" (Fund B) after a claimant makes a sworn affidavit, the rapporteur prepares a written report outlining his/her proposed compensation. Claimants are only informed of this proposal if the compensation is denied, which is not a common occurrence.

After the Principal Rapporteur's approval, the case is generally submitted to the Chairman presiding alone.

- When it is proven that a given bank holds an account or safety deposit box, and that compensation will therefore be made from the USD 50 million escrow account, or "Deposit" (Fund A), the bank in question is invited to state its opinion on the restitution it must make and the amount of that restitution. The rapporteur informs the claimant of both his/her own opinion as well as that of the bank, and invites the claimant to state his/her own observations.

The rapporteur then submits his/her report to the Principal Rapporteur, who checks it and then submits it to the Chairman presiding alone, if all opinions agree. If they do not, the case file is submitted to a sub-commission or plenary session.

All these procedures take about four months, but that period may be considerably extended if a proven bank account is found to belong to an "Aryanized" company. In these cases, a decision may only be made once it has been checked whether the spoliation of the account is attributable to the bank or to a provisional war-time administrator, in which latter case compensation falls to the Government. This requires waiting until the end of investigations into material spoliations.

#### ❑ **Investigating requests for a new examination**

The request is preferably submitted to the rapporteur who carried out the first investigation of the case file. S/he assesses the request and, in some cases after performing additional investigations and contacting the claimant, outlines in a written report whether there is new information or evidence, or a material error. These are the only cases in which a request for a new examination is acceptable under the terms of the amended Decree of September 10, 1999.

The opinion of the rapporteur concerning the need for a new examination is brought to the attention of the Chairman by the Principal Rapporteur. The Chairman decides whether or not the case will be submitted to a plenary session, which the rapporteur will attend.

#### ➡ **Rapporteurs' secretariat**

There are four assistants at the rapporteurs' secretariat. Their role is to help magistrates prepare their reports, mostly by typing them.

When no rapporteurs are in the office (they are only present at the Commission for two days a week), the assistants manage telephone calls from and arrange appointments with claimants, and follow up on case files working alongside the various CIVS departments.

### ➤ **Principal Rapporteur**

The staff of rapporteurs, their part-time work at the Commission, and the variety of (sometimes urgent) questions to be solved must all be coordinated. This task is accomplished by the Principal Rapporteur, who is a permanent member of the Commission.

Investigation methods, report presentation, and the opinions the rapporteurs formulate must all be coordinated. To do so, the Principal Rapporteur organizes meetings with all the rapporteurs. The Principal Rapporteur meets with non-CIVS services and organizations whose cooperation is required to investigate the claims. The Principal Rapporteur also prepares and sends out a summary of recommendations that provide a solution to precedent-setting cases which have not yet been decided upon. He also attends and participates in hearings of the decision-making board at which these questions are raised.

The Principal Rapporteur examines reports submitted and has regular interviews with all rapporteurs and case officers who receive the claims and conduct investigations. In this way, the Principal Rapporteur ensures that the directives he gives are fully understood and carried out.

Of course, the Principal Rapporteur must also be approachable in order to resolve the occasional difficulties encountered. The Principal Rapporteur is also responsible for 1) sending notification of delivery to claimants for the questionnaires the Chairman asks them to complete when their claim is filed; 2) sending any reminders required if claimants have not answered within 6 months; and 3) deciding whether case files will be temporarily shelved, if their claimants appear to lose interest and the investigation is not likely to be completed. The Principal Rapporteur also distributes the case files among the rapporteurs, while deciding to personally investigate some particularly sensitive claims.

## ➤ **EXAMINING CLAIMS AND RECOMMENDATIONS**

### ➤ **Examination of claims**

#### □ **Before the hearing**

After rapporteurs have investigated a claim, the case file is forwarded to the hearings secretariat. This department is made up of the hearings secretaries and their assistants. It is responsible for scheduling hearings, preparing hearing agendas, and ensuring their smooth functioning.

When hearings for several claims are pending, the hearing order is decided by the age, state of health and personal situation of the claimants.

Once the agenda is set, claimants are sent an invitation to participate in the hearing in which their claim will be examined. A copy of all the reports is sent to each participating

Commission member for reading prior to the hearing. A copy is also sent to the Government Commissioner, whose role is explained later.

*Welcoming claimants: listening and conversing*

The Commission has always striven to provide information and support, promoting human contact so that claimants enjoy a warm welcome and an attentive ear. At the hearings held in Israel and the United States since 2003, claimant turnout has been quite high. The Commission therefore decided for each claimant to be interviewed by one delegation officer prior to the hearings. This strategy was then implemented in Paris, given the advantages it presented. Since July 2006, these personalized interviews have been available for all claimants interested.

The interview is mainly a way of reassuring claimants about the proceedings of the hearings, and to help some of them prepare their presentation to the Commission.

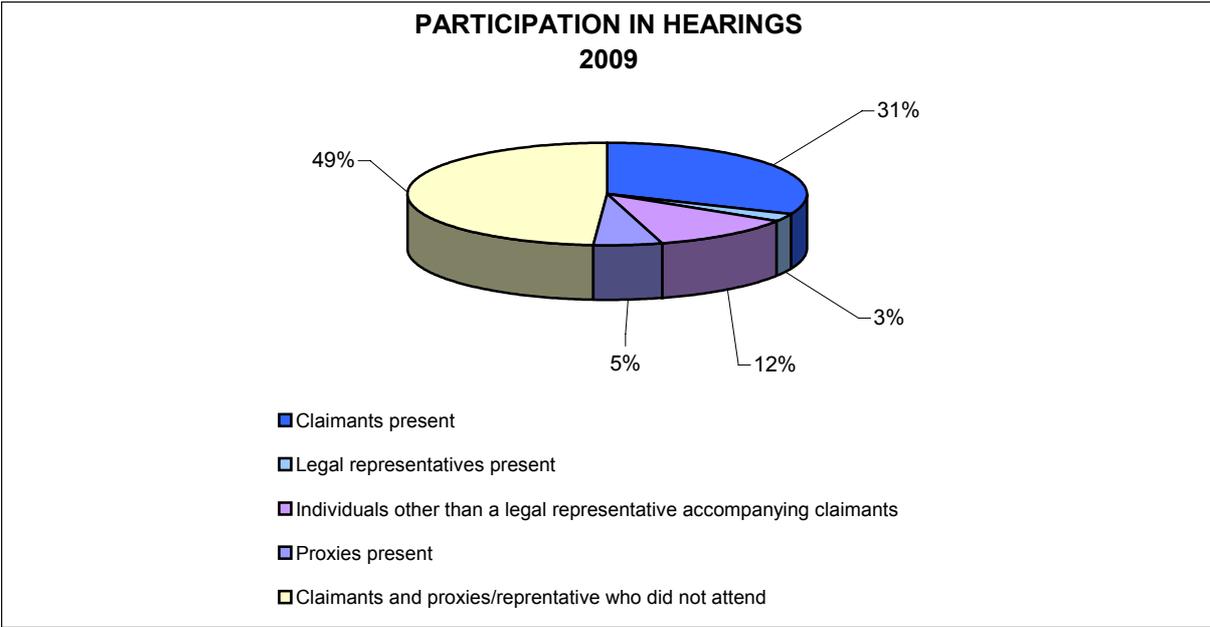
They are also provided with information on compensation payment arrangements.



In 2009, 1,528 individuals were invited to attend a hearing (1,473 claimants and 55 legal representatives such as lawyers or members of associations). Of these, 625 attended and benefited from an interview.

216 people in attendance accompanied the claimants.

100 others attended as proxies representing claimants unable to attend due to their age, work, or distance from the hearing.



□ **The hearing**

During the hearing, the rapporteur investigating the case file presents his/her report to the decision-making members, in the presence of the claimant and the Government Commissioner, and concludes by stating the proposed compensation.



The claimant may comment on the proposed compensation. The members of the Commission may ask for details on the circumstances surrounding the spoliation. The Government Commissioner then presents his/her observations.

At the end of the hearing, the members deliberate and make a final decision on the amount of proposed compensation. The recommendation covers each different type of spoliation and is issued within two to five weeks. It lists each type of spoliation and outlines in detail the reasons behind the decision of the decision-making members, especially if a claim is rejected.

The form and number of hearings has varied since the inception of the CIVS.

### ➔ **Composition of Commission members at the hearings**

Decree nos. 2000-932 of September 25, 2000 and 2001-530 of June 20, 2001 changed the composition of Commission members at the hearings. Initially, all claims were examined in plenary sessions. However, since June 2001, there have been three types of hearings.

#### ❑ **Plenary sessions**

A plenary session comprises all ten members of the Commission, with a quorum of six members. Plenary sessions are now reserved for precedent-setting cases and for the most complex historical and factual cases. Since 2001, they have also examined requests for new examinations. The number of case files presented varies depending on the difficulty and extent of the case.

On average, the Commission holds two monthly plenary sessions.

#### ❑ **Sub-commissions**

Sub-commissions are the most common composition for hearings. The claims examined at these hearings do not raise any particular difficulties regarding precedent-setting cases. Article 3 of Decree no. 2000-932 of September 25, 2000, amending the original decree, limited the quorum to three members and stipulated that the individual chairing sub-commissions would be a "member designated by the Chairman of the Commission". In this way, each member has a turn at chairing the hearings.

These changes made it possible to increase the number of hearings – to over twenty per month for a very long time – and led to a considerable increase in the number of claims examined.

In 2009, 119 sub-commissions were held.

#### ❑ **Chairman presiding alone**

The Decree of June 20, 2001 also permits the Chairman to preside alone. Claims examined at these hearings are chosen based on the urgency of the claimant's personal circumstances, and the case's lack of any particular difficulties.

In 2002, the procedure was extended to bank-related claims in which the banks questioned have agreed to cooperate with the Commission for compensation purposes.

Until 2006, hearings at which the Chairman presided alone were particularly suitable for claims based solely on a sworn affidavit.

The "Chairman presiding alone" procedure is also used to draft recommendations on allocation of portions reserved for identified heirs who are not named on the claim. It is also used after the examination of additional claims (e.g. fees for being smuggled to Unoccupied France, looted refugee shelters, money confiscated during arrest or internment in French camps, etc.). However, it should be specified that if one of these claims turns out to involve particular difficulties, the case file may be handed over to a rapporteur for investigation.

In 2009, 562 recommendations were signed within the framework of this procedure. Of these, most of the Chairman's recommendations (392) involved the allocation of reserved portions. The Chairman also signed 156 bank-related recommendations this year.

### ➤ **Government Commissioners**

The Decree of September 10, 1999 instituted the Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation (CIVS). Article 3 of this decree stipulates that a Government Commissioner is appointed by the Prime Minister as a representative to the Commission. The Government Commissioner is aided by one or two deputies appointed under the same conditions. Pursuant to this article, a Government Commissioner and Deputy Government Commissioner were appointed. The current holders of these functions are both members of the Council of State (*Conseil d'Etat*, France's highest administrative court).

The mission of the Government Commissioners is to comment on the case files submitted to the Commission. As needed, they also suggest suitable solutions for these cases. In particular they examine legal questions relating to the processing of case files; monitor compliance with the criteria set for compensation of victims and their heirs; and ensure that jurisprudence prior to the Commission's inception is taken into account, in order to guarantee the fairest possible treatment of all claimants.

For this purpose, they receive a copy of all reports prepared by the rapporteurs following their investigations of case files. These reports are sent to them a few weeks before the hearings.

The Government Commissioners attend plenary sessions and sub-commissions. Their written observations are first forwarded to the decision-making members. During the hearings they attend, they may state additional spoken observations.

After this, they forward the Commission's recommendations to the Prime Minister, along with any additional explanations needed.

### ➤ **Recommendations**

#### ❑ **General principles observed by the Commission**

The Commission's jurisdiction is set by the Decree of September 10, 1999 as well as the preceding Report to the Prime Minister. The Decree specifies that the CIVS is not bound

to strictly follow those rules of law which would, in practice, lead to the rejection of all the claims due to expiry of the statute of limitations.

Based on the work of the Mattéoli Commission, the Commission must endeavor to provide an appropriate solution to property spoliations which occurred under the anti-Semitic legislation passed during the Occupation by both the Occupier and the Vichy Regime. These solutions concern both the victims and their heirs.

Entrusted with examining "individual claims", the Commission only has jurisdiction to hear claims presented by individuals, not corporate bodies. Therefore, **three conditions must be fulfilled:**

- The loss must arise from anti-Semitic legislation<sup>8</sup>. For example, losses incurred during the War from bombings or ordinary crime not linked to anti-Semitic legislation are excluded.
- The loss must be material. (Non-material losses, such as those befalling orphans of deportees, are dealt with in the Decree of July 13, 2000 founding reparation measures for orphans whose parents were the victims of anti-Semitic persecution).
- The loss must be attributable to the French or Occupying authorities on French or assimilated territory, including Alsace-Lorraine, a region which was annexed during the War. Spoliations which occurred in other countries do not fall within the Commission's jurisdiction.

**There are limitations.** For example, the Commission does not hear claims related to loss of revenue (e.g. loss of turnover, loss of resources since exercising a profession was impossible), expenses arising from fleeing the War, and more generally daily living expenses incurred in hiding. A state of necessity cannot be assimilated to forced eviction, as defined in the Decree of September 10, 1999.

The Commission considers that losses resulting from lost employment do not constitute an act of spoliation, defined as the plundering, by violence or fraud, of material property belonging to another person. However, it compensates individuals who never found the property they had abandoned to flee anti-Semitic persecution.

Although it is not a court of law, the Commission respects the principle of cross-questioning both during case file investigation and hearings.

**Moreover,** the general rule of the Commission is to follow the recommendations of the working group that led to its creation, the Mattéoli Commission, especially with regard to the following:

- recommendation 9 which states that no new compensation should be anticipated if the spoliated or looted property was restituted or compensated under other legal measures (in France or Germany) or international agreements.
- recommendation 10 which states that new compensation must comply with the same principles as previous compensation to ensure equal treatment for all individuals who suffered identical losses.

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<sup>8</sup> The Commission has compensated non-Jewish individuals who were victims of anti-Semitic legislation.

As applied to works of art, these principles led the Commission to:

- refrain from re-examining assessments that spoliated individuals or their heirs had accepted under a previous compensation procedure,
- grant an indemnity representing an advance of 50% of the assessment of the loss expressed in modern currency, as was done by the German authorities when compensating for the loss of works of art under the Federal Restitution Law.

Considering how far back the losses were caused, the Commission takes into account the difficulty in providing evidence and assumes that those claiming everyday, plausible losses are acting in good faith.

The amount of the indemnity is based on what the loss (e.g. automobile, piece of furniture, tradesman's workshop equipment) would have represented at that time. The indemnity is calculated based on the cost of replacement at the time when the property was spoliated, but expressed in modern currency.

Based on the work of the French national statistics agency (INSEE), monetary values and the value of material property (e.g. merchandise, materials) are re-evaluated each year, as are the various fees charged by the Commission.

#### □ **Determining successorship**

Implementing rules of general law, as was stipulated in the Report to the Prime Minister, leads the Commission to follow inheritance law for both direct and collateral relatives (e.g. brother and sisters, uncles and aunts, nephews and nieces, and their descendants).

However, in the latter case, the Commission does not consider itself competent to grant compensation under the Decree of September 10, 1999, since the family tie is a purely legal one. It believes that this text, by its very spirit, is not intended to be applied to individuals other than those who personally suffered the consequences of spoliation on their estate, due to kinship and/or by sharing accommodation.

When dealing with the rights of a surviving spouse, the Commission applies the rules of the "communal estate" matrimonial regime that existed at the time, by granting half of the indemnity to the survivor. However, where children formally relinquish their portion of compensation, the Commission agrees to grant the entire indemnity to the surviving spouse.

As for collateral relatives, it is obviously not easy to re-establish their relationship to an individual over a half century after the tragic events. Thus, the Commission reserves portions if there are indications that other heirs exist whose death or lack of right to inheritance are uncertain.

It is important to specify that, in compliance with French inheritance law, the only family relation by marriage entitling to inheritance is that existing between spouses. In-laws are not entitled to any inheritance. For example, it is impossible to inherit from the spouse of a parent or the parent of a spouse.

Finally, given the difficulties of drawing up an exhaustive list of heirs with certainty, the Commission specifies in its recommendations that recipients of indemnities are personally responsible for sharing the compensation with other heirs who make themselves known. Likewise, it reserves the portion of known heirs who are not named on the claim submitted to the Commission.

#### □ **Loss evaluation methods**

While adopting the "pragmatic approach" recommended in the Report to the Prime Minister, the Commission gradually developed certain guidelines presented below.

First, it is appropriate to reiterate the importance of the assumption of good faith. Although this principle is regularly applied, its application is sensitive.

It is true that, given the extensive archival information on certain subjects and the quality of research, recommendations are often prepared on sufficiently precise grounds. However, the documentation for several other case files remains sporadic or non-existent.

It is obvious that claimants cannot be asked to provide evidence for all the events dating back almost seventy years. They are merely required to provide indications, as detailed as possible, to establish reasonable proof of the event and to bolster these statements with a sworn affidavit in the case of bank-related claims. However, statements from individuals whose memories of the family estate are blurred or distorted by their childhood perspective cannot always be taken into account when it comes to unusual events or losses.

The assumption of good faith raises the need for fair treatment, both in determining what spoliations occurred and the state or value of spoliated property.

#### ➤ *Family residence*

Buildings are classified in accordance with the French law of 1948 to which the BRÜG Federal Restitution Act referred.

When counting the rooms of an apartment, in some cases the kitchen is considered a living area given the small size of some residences and the number of family members. The Commission does not allow for rooms to be doubly compensated as both living areas and workshop areas (although it does recognize professional equipment, such as a sewing machine, set up in a living area).

To determine the indemnity, the Commission refers to the (revalued) lump sums granted under the BRÜG Federal Restitution Act or to a contemporary insurance policy. It allows for supplementary compensation to be granted under the French Law on War Damages, as determined by the compensation schedules of the BRÜG Federal Restitution Act. Likewise, even if victims or their heirs have already received compensation under the French Law or the BRÜG Federal Restitution Act, they may apply for additional compensation if the total amount of compensation already received turns out to be less than the capital covered by an insurance policy.

It should be noted that in each category of the compensation schedules of the BRÜG Federal Restitution Act, there is a percentage representing the value of "sumptuary property".

As a result, with the exception of museum-quality pieces, additional compensation is not offered for valuables.

➤ *Real property*

Case files on spoliated real property are rare. This is likely due to the steps taken at the end of the Occupation to reconstitute property to its rightful owners, as well as to the fact the many sales were never finalized. The few cases of this kind dealt with to date have not made it possible to establish meaningful best practices.

➤ *Work-related losses*

These are losses related to self-employment, the exercise of a trade, or commercial or industrial activity.

If justified, the Commission grants compensation for stocks of merchandise (e.g. raw materials and finished products), as well as equipment and facilities that were confiscated, damaged or destroyed.

It also grants compensation for lost intangible property (e.g. lease, loss of clientele) where the business was completely lost due to liquidation following the death of its proprietor or Aryanization. The case is different when the business activity resumed after the War.

No compensation for lost profits or revenue is granted in this case. Nevertheless, the Commission usually reimburses the fees levied by the provisional war-time administrators as well as any rents the latter received and which were never turned over to the proprietor.

To evaluate artisans' workshops set up in an apartment, if no evidence exists to indicate otherwise, the Commission grants a lump sum determined by the size of the workshop (e.g. number of employees and machines, etc.).

The Commission considers – cautiously – other pieces of information in the case files (e.g. turnover, inventories, equipment value, number of employees), especially in the reports of provisional war-time administrators. The Commission does not hesitate to increase figures that appear under-estimated and to take into consideration the forced nature of some sales.

To assess business items, the Commission also refers to specialty textbooks (e.g. Fauliot, Ferbos and Francis Lefebvre) and information provided by trade associations.

➤ *Residence while in hiding*

The Commission takes this into account when elements of the case file provide reasonable grounds for believing that a hiding place was looted when the family had to flee to escape round-ups. The compensation offered is generally a lump sum, and less than that indicated in the BRÜG compensation schedule. After all, it is reasonable to assume that these residences contained fewer furnishings than those of other residences for which compensation is granted.

➤ *Cultural Personal Property*

Compensation is not the preferred type of reparation expected by those concerned. If the material existence and legal status of the spoliated property allow so, restitution is preferable.

- **If the artwork is listed on the *Musées Nationaux Récupération* list** (or MNR: Ministry of Culture list of artwork retrieved from Germany following the War), the Commission makes its decision after close examination of evidence of ownership. It also considers the age of the claim and the lack of any other claims, and recommends restitution, if applicable. The latter case may depend on the condition of reimbursement of any indemnity which may have been previously granted by the German authorities after the War.

In the history of the Commission, a recommendation to restitute works of art identified and conserved by the National Museums Board has been issued for two claims.

First, in its decision of April 20, 2001, the Commission recommended restituting works by Courtois (*Battle between the Turks and Christians*) and Vernet (*Moon night at the port*). Second, in February 2003, the Commission recommended restituting a work by Picasso (*Head of a woman*) to the heirs of the rightful owner.

The work of the CIVS does not, however, replace the on-going action taken by the Administration to restitute works of art and apply international standards. Rather, it is based on its own procedures and results.

Both the nature and flexibility of the Commission, bestowed by its founding text, allow it to play an equally important role in reconciliation.

However, it is not within the Commission's jurisdiction to issue recommendations that would be legally binding on entities or private collectors who hold works with a questionable certificate of ownership. This is true also for all foreign entities, whether they are corporate bodies or individuals.

- **If there is no trace of the work of art**, the Commission takes into account pieces of evidence supporting the claimant's statement.

If its investigations reveal no indisputable evidence, the Commission issues its recommendation based on documents or personal accounts provided by claimants. It also accepts a body of evidence logically pointing to the existence of property that can be considered part of the victim's estate (e.g. lifestyle, belonging to certain intellectual or artistic circles, etc.).

When the spoliation of identified works of art has been proven, and the principle of reparation is not disputed, the only fair reparation that the French Government may offer claimants is an indemnity.

The value of lost property at the moment of spoliation is then appraised, taking into account any particular circumstances of the time. These assessments take into account victims' statements made to the OBIP after the War, data on any insurance policies, sales receipts, etc.

The Commission refers to the valuation of the artist in auctions and private sales, as well as expert opinions. The CIVS also asks for the input of museum curators, if necessary.

Nevertheless, it is not rare for works claimed to have already received compensation under the German Federal Restitution Law (BRÜG-Gesetz). For post-war reparation measures concerning art claims, compensation generally equaled 50% of the estimated loss,

after expert appraisal. The Commission compensates the remaining percentage, as previously indicated (page 43).

Of the 488 case files compensated for spoliation of Cultural Personal Property, 151 mentioned works of art in the strict sense of the term. Of these, 19 case files led to proposed compensation of between 100,000 and 5,000,000 euros.

The total amount of compensation paid out as of December 31, 2009 for Cultural Personal Property claims was 22,527,531 euros.

➤ *Flight to Unoccupied France or across the French border*

Families who had to pay a smuggler in order to flee to Unoccupied France, Switzerland, or Spain, are entitled to an indemnity.

However, families whose flight was arranged by organizations that assisted individuals during the Occupation, such as the OSE or the French Resistance, cannot receive an indemnity. There were either no fees involved, or the fees were shouldered by these organizations.

➤ *Money confiscated during arrest or internment in French camps*

It has been found that the money in the possession of individuals arrested or held in French internment camps was not carefully recorded. Based on the records of police searches at internment camps (when they were kept), and the findings of the Mattéoli Commission, the CIVS has observed that the average amount of cash in these cases was 3,000 francs of the period. This corresponds to the current grant of 880 euros.

➤ *Veterans' pensions*

For veterans' pensions which may not have been paid out during the Occupation, research at the Ministry of Defense revealed that no law eliminated or suspended the pensions of Jewish veterans. The findings were the same for war disability pensions. For all case files including a problem of this kind, the Commission assesses whether the individual was effectively able to receive the sums to which s/he was entitled at the end of the Occupation.

➤ *Insurance and saving contracts*

For insurance policies, the Commission has only examined contracts taken out at the CDC through the National Old Age Pension Fund (CNRV). For other policies, especially life insurance policies, the Commission works along with the French Federation of Insurance Companies (FFSA).

Although the archives have largely been destroyed, research carried out by the CDC reveals that several retirement savings policies were taken out by employers, for individuals who subsequently did not keep paying into their policy.

One common situation involves child provident schemes granted by the Seine *conseil général* (department council) at the time. When a child was born the parents received 125 francs, but most often, beneficiaries did not keep paying into the plan. Thus, based on the handful of files conserved, the Fund/CDC assessed the value of the indemnity – equal to the

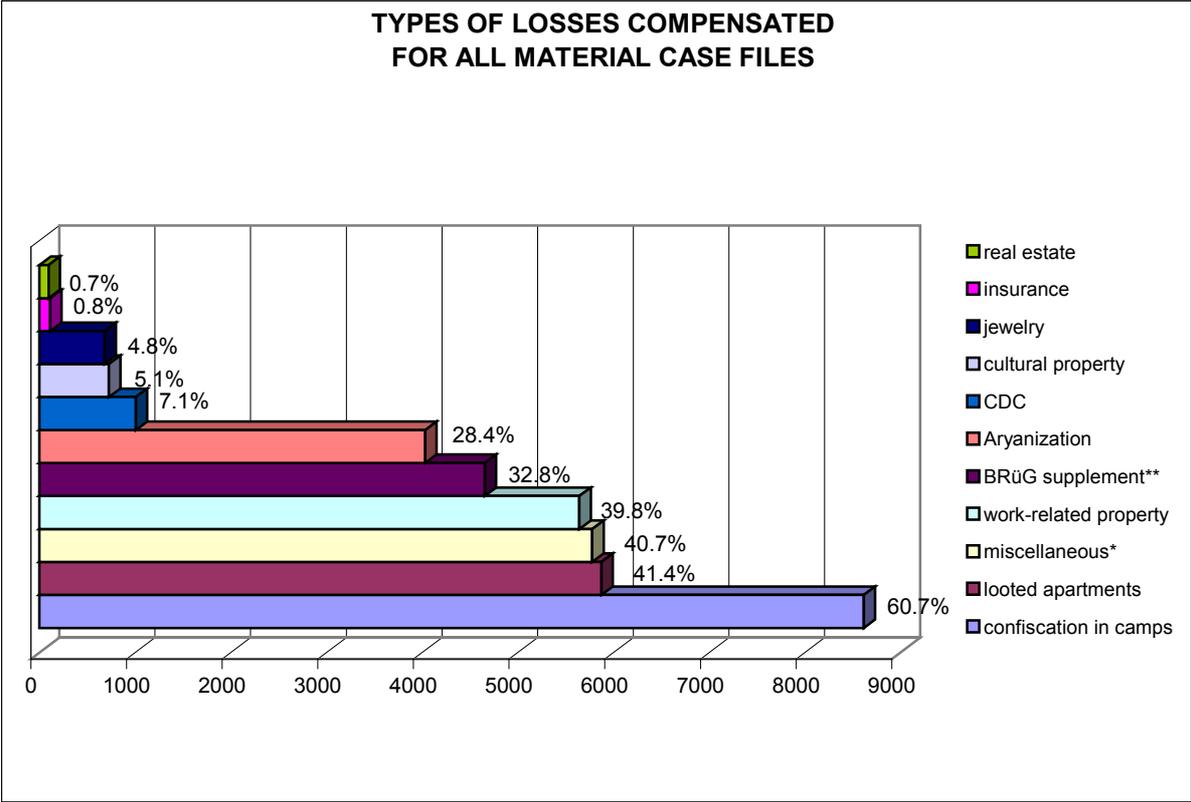
capital payable when the policy came due (usually the 60th birthday of the holder) – to be the same as the average capital payable for other policies of the same category. These policies are not revalued, since this would be to the detriment of victims given the currency devaluation of the 1950s and 1960s. These indemnities therefore are rarely more than a few euros. For example, for policy holders that died in the deportation, the Commission decided to grant an indemnity of 1,000 euros. These indemnities are paid by the CDC out of its own funds.

➤ *Legal fees*

The Commission may grant a lump sum indemnity to reimburse legal fees that were incurred at the end of the Occupation, for the return of spoliated property.

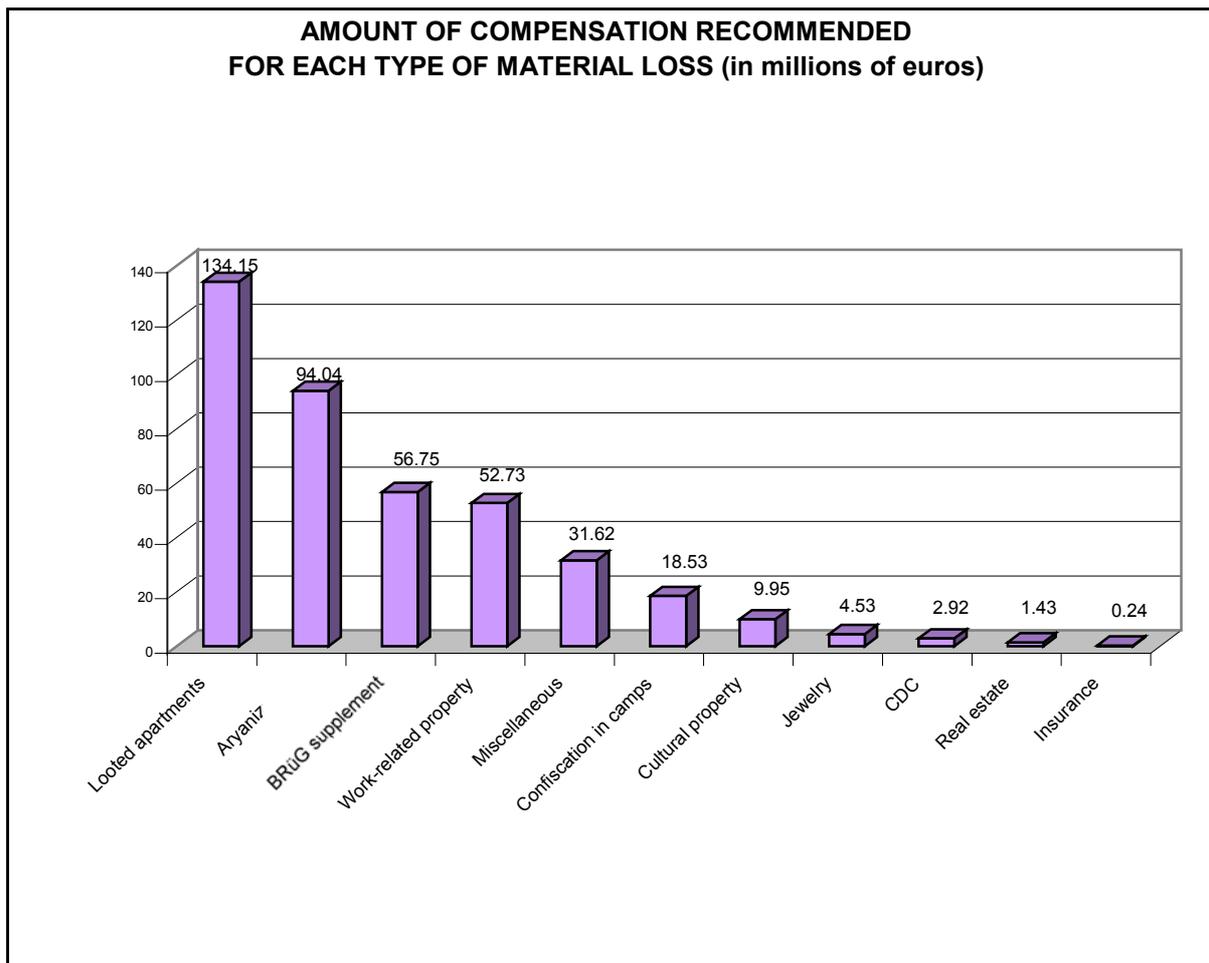
➤ *Bank deposits*

Given the specific nature of this type of compensation, regulated by the Washington Agreement, it is recommended to refer to the presentation of the Agreement found on page 29 on this Report.



\* Miscellaneous: this figure encompasses compensation granted for: fees paid to smugglers for crossing into Unoccupied France or other countries; residences while in hiding; trial fees; vehicles; and wireless radios.

\*\* BRÜG supplement: This figure encompasses compensation supplementing that was granted after the war under the German Federal Restitution Law for war losses (see page 44 of this Report). These supplements are mostly granted for looted apartments, but also concern works of art, jewelry, and other objects of precious metal spoliated from residences or in internment camps, and in the rarest cases, work-related property.



□ **Requests for a new examination**

Decree no. 2001-530 of June 20, 2001 included a provision for claimants to request that their case be reexamined. This is not an application in the usual sense of the term, and the request is highly structured.

Claimants must send their request to the Chairman of the Commission along with their new documents; a statement of new facts on which they base their appeal; or a statement of which points of the recommendation they believe to reflect a material error.

It is up to the Chairman to decide whether the elements backing the request are sufficient to call the recommendation into question. If the conditions are not met, the request is refused. Otherwise, or where there is reasonable doubt, the case file is submitted to the Commission for a new examination in plenary session, if necessary after further investigation by a rapporteur.

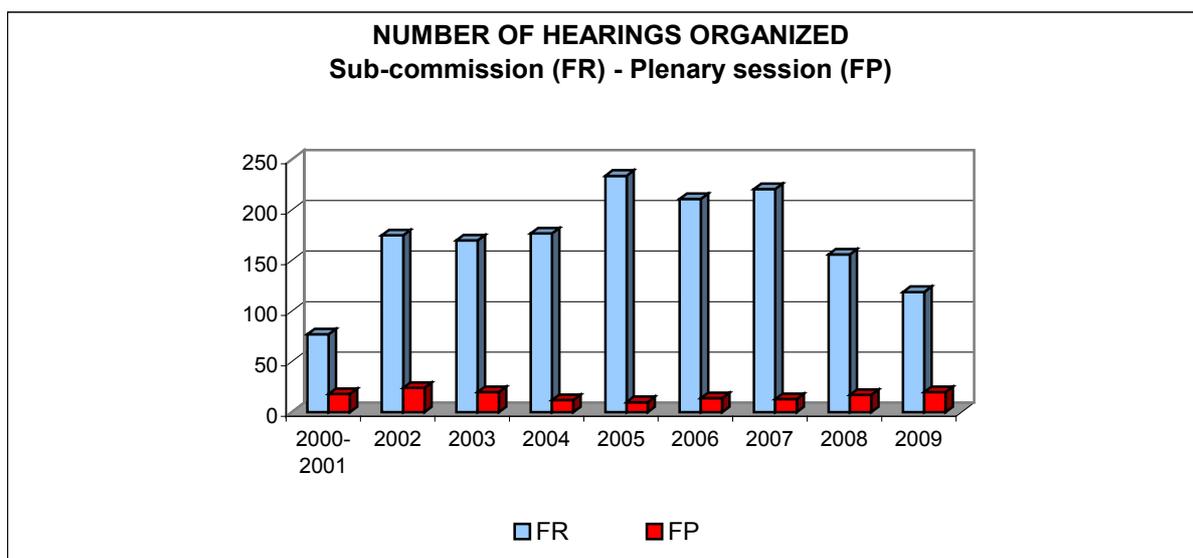
The Decree of June 20, 2001 also provides for claimants who receive a recommendation issued by the Chairman presiding alone (in urgent cases or where the case present no particular difficulties) to request that their case be heard by a sub-commission or plenary session. Claimants have one month to make this request.

## ➤ Summary of activity

### ❑ Sessions organized

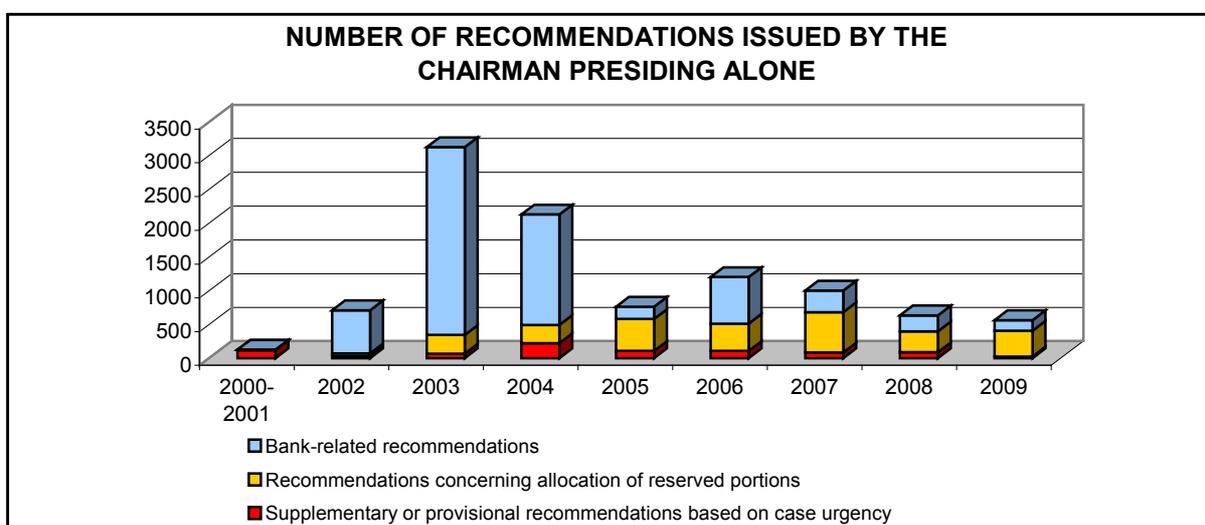
On December 31, 2009, 23,601 case files were heard by the Commission, leading to 28,911 recommendations, since several recommendations may be issued for any one case file after several separate examinations (i.e. after an additional claim, reexamination, allocation of reserved portions, or amendments to the Washington Agreement).

Regarding hearings: **1,540** sub-commissions were organized examining **15,781** case files, for an average of 10 case files per hearing. **148** plenary sessions were held examining **658** case files (e.g. precedent-setting cases, complex case files, reexaminations), for an average of 4 to 5 cases per hearing.



The number of hearings has fluctuated over the past ten years with the number of claims registered by the Commission. At the height of its activity, five sub-commissions were organized each week; since 2008, the figure has been three.

The "Chairman presiding alone" procedure has given rise to **10,244** recommendations.



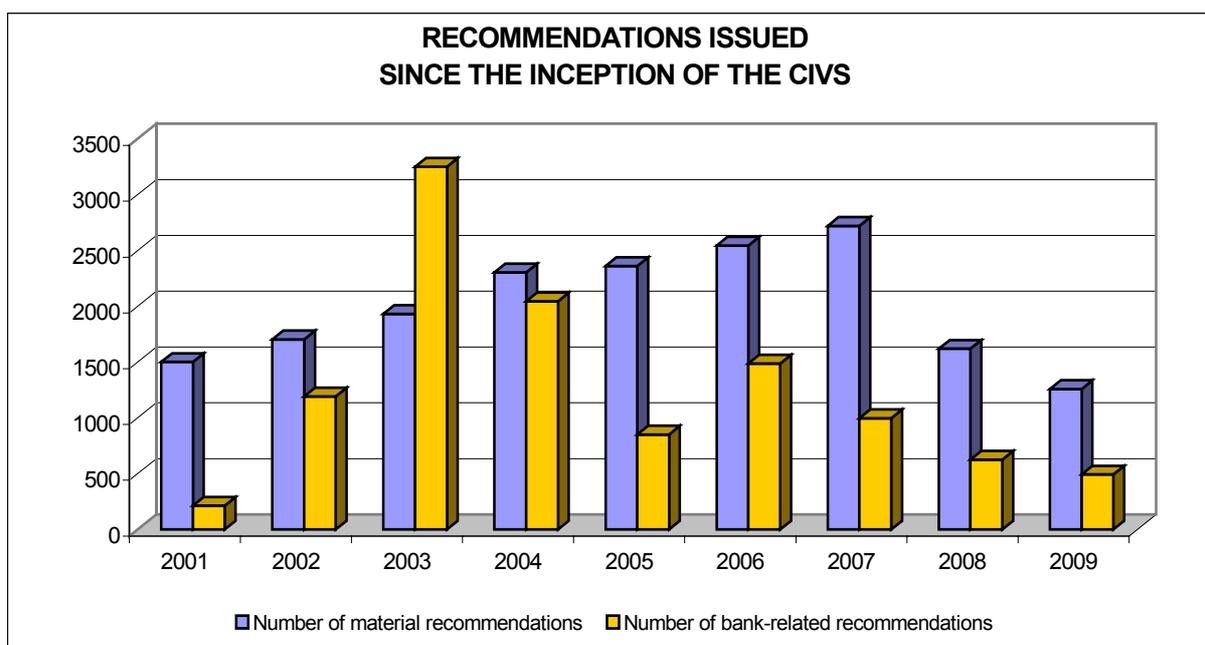
The peaks of 2003 and 2004 can be explained by the priority that was given at that time to bank-related case files pertaining to Fund B. For further explanation, see page 29.

□ **State of recommendations issued**

As of December 31, 2009, **28,911 recommendations** – 17,752 on material spoliations and 11,159 on bank-related spoliations – had been issued.

**22,660 recommendations for compensation** had been issued for all types of loss. These recommendations represent 78.38% of the cases examined, for a total of **453,428,986 euros**. It bears repeating that each case file gives rise to an investigation. Of these 453,428,986 euros granted by the Commission, the recommendations concerned 406,973,392 euros for material spoliations and 46,455,594 for bank-related spoliations.

3,140 recommendations for refusal were also issued. Of these, 1,969 concerned bank-related claims, including 1,161 refusals resulting from the foreclosure of Fund B. The other 1,171 refusals were mostly grounded in the existence of prior compensation, or because the case fell outside the scope of the Commission's jurisdiction (e.g. spoliations that occurred in another country).



**The average value of compensation** recommended for **material spoliation** case files was **28,700 euros**. This amount is broken down as follows:

- under €15,000 : **39%**
- €15,000 to €30,000 : **31%**
- €30,000 to €45,000 : **18%**
- €45,000 to €75,000 : **8%**
- over €75,000 : **4%**

## □ Following recommendations

### ➤ *Two types of portion recommendations*

It should be specified that **one recommendation may attribute several portions**, which may in turn be of two different types.

#### *Effective portions*

These are portions of the compensation recommended for victims or their heirs who are named on the claim or who have given powers of proxy to the claimant.

Where no such naming or proxy exist, the Commission must indicate what portions are allocated to the various victims or heirs who are not represented. These are reserved portions.

#### *Reserved portions*

During the investigation and examination of a case files, heirs may emerge who were not named in the current procedure. They may be individuals who did not agree to being named by the initial claimants, or whose identity and whereabouts were unknown or not communicated. In such cases, the Commission "expressly" reserves their portions of the compensation. It is up to their beneficiaries to take the required steps to be allocated their portion.

To be allocated their portion, the individuals concerned must write to the Commission and include evidence of their identity and legitimacy as heirs, by producing ID, marriage certificates (the French *livret de famille* also lists children), and a last will and testament if applicable. A new recommendation is then written, most often by the Chairman. It is sent to the departments in charge of payment, for funds to be disbursed. This procedure, of course, takes longer than the procedure for effective portions.

Out of all recommendations adopted by the Commission, 9.91% concern allocations of portions. Since the start of the Commission's work, 2,866 recommendations of this type have been issued, with 500 concerning bank-related claims.

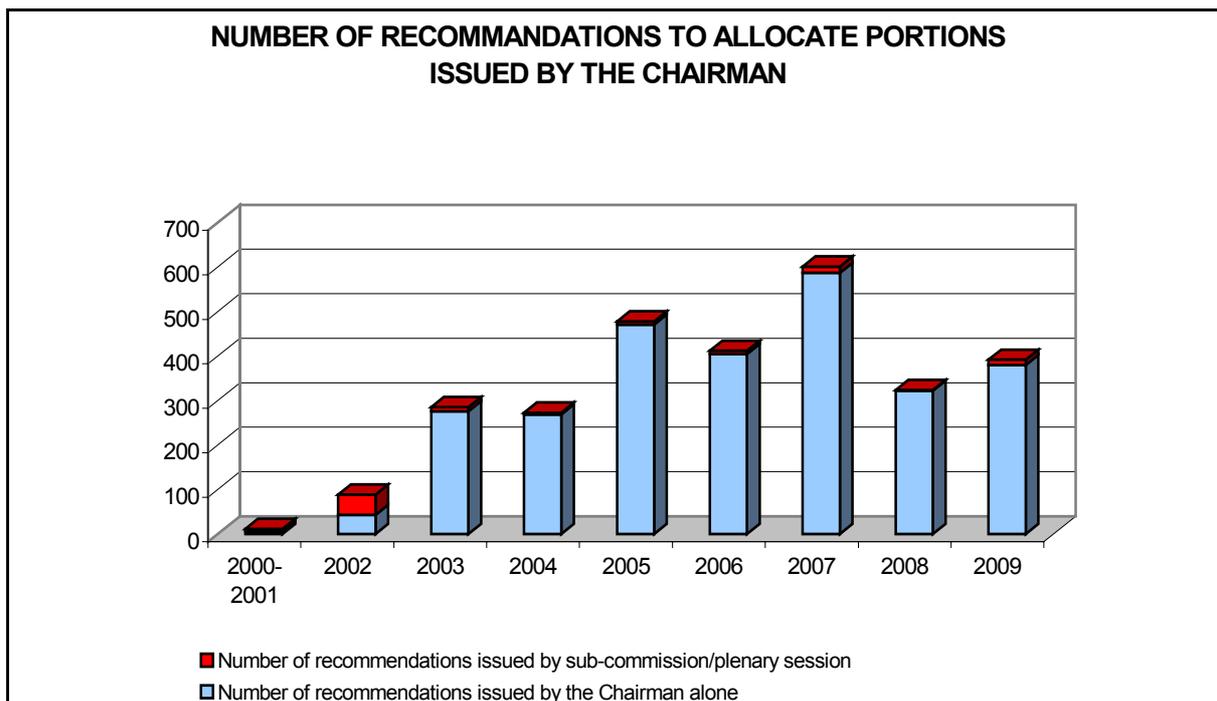
It is noteworthy that effective portions are those which are most quickly paid out by organizations responsible for payment<sup>9</sup>. This takes one month, on average, for bank-related spoliations, and four to six months for material spoliations.

Extra time is needed for the procedure involving the allocation of portions, studying the case file and issuing the recommendation.

It is therefore strongly recommended for heirs to assign powers of proxy to the first claimant, or to be named on the original claim.

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<sup>9</sup> Namely, the French Department of Veterans' Affairs (ONAC) for material portions, and the United Jewish Welfare Fund (FSJU) for bank-related portions paid out of bank funds.



Unclaimed portions are kept until the heirs make themselves known.

When determining what to do with unclaimed portions, there are several distinct scenarios:

- reserved portions for identified heirs of the claimant's family,
- reserved portions for unidentified family heirs whose number is not known,
- reserved portions for relatives by marriage; claimants are not entitled to these portions.

When the CIVS has finished its mandate, it will be the Government's task to decide the outcome of unclaimed reserved portions.

## **⑤ COMMUNICATION SENT TO CLAIMANTS**

Communication sent out by the Commission has several purposes: first, to notify potential claimants of their right to compensation; and second, to render an account to public authorities, and inform associations and institutions dealing with Holocaust issues, regarding France's endeavors in this area. This step is not unnecessary, as is borne out by the fact that new claims are still being filed at the Commission.

### **➔ National and international communication campaign and its offshoots**

#### **□ The 2001 communication campaign**

A national and international communication campaign was organized in the fall of 2001 following the signing of the Washington Agreement. The campaign focused on the terms of the Agreement relative to compensation for bank accounts. An information leaflet was published in France in 9 dailies and 25 regional newspapers. Elsewhere, the leaflet was published in 272 other media in some 50 countries. A radio campaign was simultaneously

held on local French stations. Thousands of brochures and tracts explaining what the CIVS does were distributed to town halls, French embassies and consulates, and the main institutions dealing with Holocaust issues.

□ **The hotline and the Telephone Contact and Information Unit (CERT)**

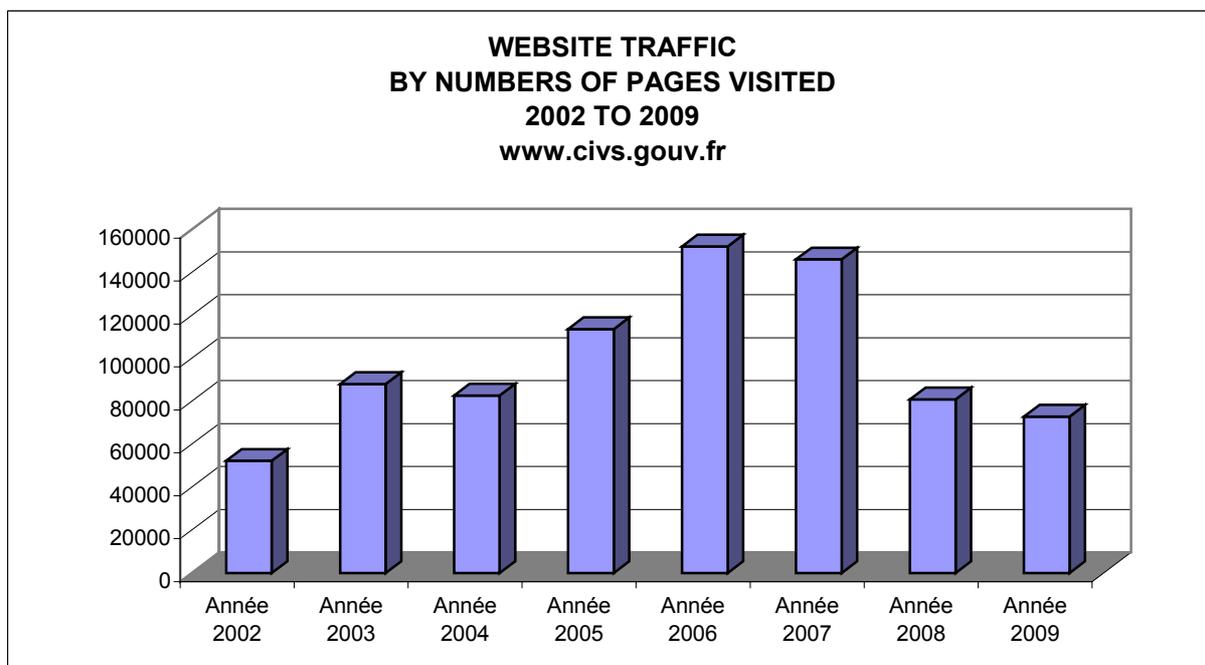
To answer the many telephone calls that followed the communication campaign and to comply with the Washington Agreement, a free, international hotline was set up in French, English, and Hebrew. It is open 24 hours a day, 7 days a week. In two years, the call centre handled around 13,400 calls, after which it was "absorbed" by the Commission.

The **Telephone Contact and Information Unit (CERT)** was created in January 2004 to take over the hotline and provide personalized service for claimants. Since its inception, the service has received 23,140 calls, including 2,771 in 2009.

□ **A comprehensive website in four languages**

The [www.civs.gouv.fr](http://www.civs.gouv.fr) website went live in April 2001, first in French, and then in English. German and Hebrew versions followed suit. The website offers the most comprehensive information possible on the Commission and its workings. It attempts to provide answers for the general questions claimants might ask, based on those received by various contacts at the Commission, especially the CERT.

The questionnaire may be downloaded at the website, then sent directly to the Commission after completion. Working reports, monthly Commission statistics, and the reports of the Mattéoli Commission may also be consulted on the website. It provides links to major Jewish organizations and various Holocaust websites. Finally, it posts news about the Commission, such as its participation in non-Commission activities (e.g. seminars, meetings, etc.).



The number of visitors to the website remains high. It is the reference portal for communication and information. In 2009, 80% of website visitors were from France, 4% from the United States, 3.5% from Israel, and 2.5% from Canada. Another 4% of visitors were from Germany, where both the Commission and the issue of compensation raise considerable interest. To give the site maximum visibility, a link to [www.civs.gouv.fr](http://www.civs.gouv.fr) appears on all websites of the organizations it is in contact with, such as the Fondation pour la Mémoire de la Shoah (FMS), Mémorial de la Shoah, Claims Conference, Yad Vashem, Fonds Social Juif Unifié (FSJU), Œuvre de Secours aux Enfants (OSE), the Simon Wiesenthal Center (SWC), and the International Council of Museums (ICOM).

### ➔ **Secondary communication activities**

The national and international communication campaign has been extended to include several other initiatives. For example, the Commission issues press releases whenever useful, e.g. following the release of its Report to the Public, or following missions abroad or participation in certain events.

#### ❑ **Disseminating the annual Report to the Public**

Widespread dissemination of the annual Report to the Public also promotes awareness of the Commission's work. Printed copies are selectively distributed, while a much wider distribution is made by e-mail to national and international media, institutions, and associations.

#### ❑ **Examining case files abroad**

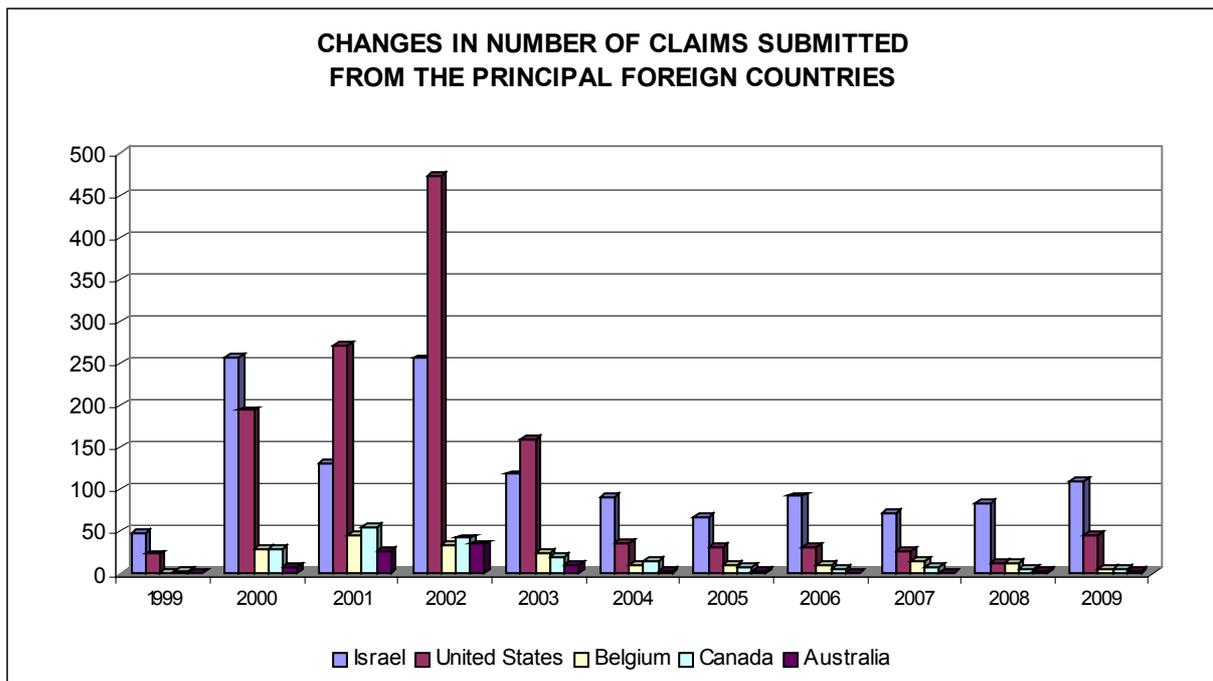
The Commission regularly organizes missions in Israel and the United States for on-site examinations of case files for residents of those countries. It thus demonstrates to them the Government's wish to give them their chance to make observations, just like claimants residing in France.

Six delegations have gone to Israel (Tel-Aviv and Jerusalem) and four to the United States (New York):

- **To Tel Aviv and Jerusalem:** in May 2003, June 2004, September 2005, October 2006, December 2007 and May 2009.
- **To New York:** in January 2005, March 2006, April/May 2007 and November 2008.

26% of the files of claimants living in Israel were thus directly examined in their country, as were 20% of American claimants' files. If all foreign case files were not examined in the country of the claimants, it was because heirs or legal representatives were able to represent several of them at the hearings in Paris, or because the priority of case files required speedy examination without waiting for the Commission to travel.

There were only missions to the United States and Israel, since the number of case files in other foreign countries was insufficient to justify travel. For example, of the total number of case files, both Israel and the United States account for 7.5% respectively. The third foreign country in terms of number of claims filed at the CIVS is Canada, which accounts for only 1% of the total number.



It should also be remembered that, even if claimants do not attend the hearing of their case file, they are able to forward all the information they might believe useful to the decision-making members. Their opinion on the compensation amount recommended by the rapporteur is always mentioned during the hearing.

For missions abroad, case files are examined by sub-commissions, so that hearings can still be held in Paris. Each mission lasts approximately one week, and examines between 70 and 80 case files. In total, these 10 missions made it possible to examine 738 cases, for which three quarters of claimants attended the hearings. The CIVS has recommended compensation totaling €20,724,307 during all of these missions.

The missions	No. of files	No. of claimants who attended	Percentage (%) of claimants who attended	Amounts recommended (in €)
4 missions to the United States	289	177	60	8,807,057
6 missions to Israel	449	371	83	11,787,501
<b>Total for all 10 missions abroad</b>	<b>738</b>	<b>548</b>	<b>74</b>	<b>20,694,558</b>

It is unlikely that the number of new claims from the United States will be sufficient to organize a new mission. However, several new case files were created following the last mission to Israel. A seventh mission may therefore be organized in Tel Aviv in Autumn 2010.

Missions abroad make it possible for members of the delegation to meet community leaders and the main Jewish institutions and associations.

□ **Meetings and discussions**

The Commission looks for ways to maintain and widen its contacts. In this way it raises awareness about France's reparation initiatives and keeps abreast of claimants' expectations.



The Chairman, Director and General Rapporteur of the Commission with Rabbi Arthur SCHNEIER, president and founder of the Appeal of Conscience.

Since 2001, two delegations have visited the CIVS to become better acquainted with measures set up in France. One was a German delegation led by Dr Günther Lemmer, Director of Central Services at the Federal Ministry of Finance, who is responsible for legal issues arising from the application of reparation legislation. The other was an Israeli delegation led by Arie Zuckerman, Senior Advisor to the Deputy Minister for Foreign Affairs, and Ehud Moses, Director of the Israeli Information Center for Holocaust Survivors. Other organizations which have attentively observed the functioning of the CIVS are the *Beratende Kommission im Zusammenhang mit der Rückgabe NS-verfolgungsbedingt entzogener Kulturgüter* (consulting commission for the restitution of cultural property looted under Nazi persecution), presided by Dr Jutta Limbach, and the Jewish Community Indemnification Commission (Belgium), presided by Lucien Buysse.

Stuart Eizenstat, former American ambassador to the European Union and former advisor to the President of the United States, met several times with Commission members both in France and abroad, as did Edward B. O'Donnell and J. Christian Kennedy, successive Special Envoys for Holocaust Issues. All expressed their consideration for the Commission and stressed their interest in the reparation work carried out in France.

The Commission has travelled to meet representatives of the major Jewish institutions, mainly in Israel, the United States, and Germany:

- in Israel: Aloumim, the Vidal-Sassoon Center and Yad Vashem;
- in the United States: American Gathering of Jewish Holocaust Survivors and their Descendants, American Jewish Committee, Anti-Defamation League, Appeal of Conscience, Claims Conference on Jewish Material Claims Against Germany, United Jewish Appeal and World Jewish Congress;
- in Germany: Holocaust Task Force and Jüdische Gemeinde zu Berlin.

The CIVS works jointly with some organizations representing families of victims, such as "Passerelles" which depends on the United Jewish Welfare Fund (FSJU), the Simon Wiesenthal Center (SWC) and the Holocaust Claims Processing Office (HCPO) in New York.

The CIVS is also regularly in contact with other associations that defend the moral and material interests of Jewish victims.

The communication campaign owes much of its resounding success to the role played by these associations and organizations. It is reasonable, therefore, to consider that the entire community has been well informed.

#### □ CIVS actions

The Commission attends various events (e.g. seminars, conferences, symposiums) on spoliation and reparation:

- **"Preservation of cultural and historical heritage: current issues in cooperation between Russia and Europe"**. International conference organized by the Ministry of Culture of the Russian Federation in Moscow in November 2006;
- **"Repairing the damage of History"**. Seminar held at the *Cour de Cassation*, Paris, February 2007;
- **"Restitution of artwork: dream or reality?"** International conference held in Liberec, Czech Republic, October 2007;

- **"Looted artwork: knowledge and reparation"**. International seminar organized in Paris by the France Museum Board and Museum of Jewish Art and History (MAHJ) as part of the "Looted artwork: knowledge and reparation" exhibit, September 2008;
- **"Spoliations during World War II"**. France Culture television broadcast, *La Fabrique de l'Histoire*, September 2008;
- **"Taking responsibility. Nazi-spoliated art. A challenge for libraries, archive centers and museums"**. International symposium organized by the Prussian Cultural Property Foundation and the Coordination service for lost cultural property, Berlin, December 2008;
- **"Looted Art assets"**. International conference organized by the Czech Republic as part of its European Union Presidency, June 2009.

Finally the Commission was invited to attend a seminar on **"The Jews of North Africa during the Second World War"**. The seminar was organized by the Jewish Historical Society of Tunisia (SHJT) at the head office of the Alliance Israélite Universelle in Paris, where the CIVS History Committee has worked.

These events are a chance for the Commission to talk about how it works, compare its methods with those of other commissions, and learn about international commitments in this field. They also make it possible to personally meet people concerned by these issues.

## **⑥ ADMINISTRATION TO PRESERVE HISTORY**

### **➤ Case file management after examination by the Commission: establishing a reliable database**

Since 2001, a **digital database (BDD)** has allowed all the departments to track and monitor case files in real time. The database is updated daily by the Commission departments, and thus provides detailed information on case files. It is also a valuable statistical instrument.

To make the database effective in as short a time as possible, all the case files processed before its launch had to be entered.

A team of permanent and temporary staff members worked on the database from February 2002 to January 2004. All the necessary human and material resources were put at their disposal, and the entire stock of case files was entered.

In November 2004, the **Supervision Unit (CDS)** was created. It is responsible for verifying claims filed at the Commission and checking the consistency of their content with the database. This verification applies to case files transmitted by the Hearings Secretariat after review by the Commission as well as to those that were examined before the CDS was created ("archived" files).

**"Archived" files** are those that have been reviewed by the Commission. They can be divided into two groups:

a. "Closed" files are those which do not have any "reserved portions" or for which the reserved portions have all been allocated.

b. Files that are “pending allocation of portions”.

It should be remembered that, under certain previously-discussed conditions, claims that have already received compensation for material and bank-related spoliations may be reexamined. In this case, the archives are reopened.

“Closed” files are also added to “archived” files. Closed files are those for which no recommendation has been issued because they have been shelved (definitively or because they fall outside of the Commission's jurisdiction) or because the claimant provided insufficient information or withdrew.

By December 31, 2009, **20,675 verifications had been made** by the CDS. Some files may be checked several times, in the event of reexamination requests or requests to allocate portions. Excluding this “double” verification, and only taking account of claim numbers, **12,754 files** have been reexamined.

The ultimate goal is to make an "administrative memory" gathering all information contained in Commission's files, for future use by researchers.

The Supervision Unit manages the standard and intermediate archives together with the “Archives” department.

### ➔ The CIVS archives

This last department was created so the CIVS could fully accomplish its role of preserving the history of spoliations.



To improve service quality, the basement was renovated to create an archives room entirely reserved for claimant case files. This arrangement optimizes file access and improves document preservation.

There are three categories of archives:

- **standard archives** are “documents and files for normal use by the departments, establishments or organizations that have produced or received them.”
- **intermediate archives** are “documents that are no longer considered to be standard archives but cannot be sorted or eliminated because of their administrative interest.”
- **definitive archives** are “documents which, after sorting and assessment, are kept for an unlimited period of time.”

Claimant case files are of historical value, and are therefore turned over to the French National Archives. However, since they might be re-opened (e.g. further to a request for reexamination or the allocation of portions), they are archived at the CIVS premises until definitive payment is made.

#### Conserving files for research purposes

For the CIVS History Committee to work under optimal conditions, 450 case files were already archived in 2008, and 800 in 2009.

Administrative documents produced by the CIVS (both paper and digital) will ultimately be archived separately.

The decision regarding which documents, devoid of research value, may be destroyed will be made by expert archivists appointed by either the Prime Minister or the National Archives. Documents will be destroyed in compliance with applicable laws.

Proper management of standard and intermediary archives is essential for the smooth operation of all the Commission's departments. It also lays the groundwork for definitive archives of historical value to be turned over the National Archives.

It will be necessary, therefore, to plan for and dedicate the required resources to document management since, by the time the Commission finishes its work, the department will have processed over 25,000 files.

#### **➡ The CIVS History Committee**

The CIVS History Committee, headed by modern history professor Anne Grynberg, was founded by order of the French Prime Minister on August 3, 2007. Its purpose is to:

- analyze the origin of the CIVS, the conditions in which it was founded, and how it is run, and prepare an initial objective review of its activity;
- place the history of the CIVS within the wider history of French compensation policy, starting immediately after the War until today; and study the various steps taken to repair the spoliations of material property which were one feature of anti-Semitic persecution in the 1940s;
- trace the history and preserve the memory of Jewish families in France during the War and the Occupation, as well as during the post-war "reconstruction" period;

- Perform comparative research on France, other European countries (both East and West) and non-European countries, comparing the viewpoints of researchers working in the field as well as the stakeholders of various national commissions set up since the 1990s.

As part of this research program, several studies have been carried out:

► **A history of the CIVS**, from preparation of the decree by which it was founded to the concrete aspects of its application for processing individual claims. The research team was chosen with a view to performing rigorous work, applying modern, critical historical methods. It also relies on the steering committee for general project guidelines, and on the skills of various experts such as archivists, historians and legal specialists who contribute to the research board.

► **A special issue of *Cahiers du judaïsme***, a scholarly journal published by Éditions de l'Éclat, edited by Professors Pierre Birnbaum and Anne Grynberg. The issue (no. 27, December 2009) was called "**New research in spoliations**". It clarified aspects of the history of spoliations which were still poorly understood and which the CIVS History Committee clarified. These aspects may involve specific regions on the political and administrative levels (e.g. annexed Alsace-Moselle, Algeria, Tunisia) or "atypical" forms of looting (e.g. auctions at Hôtel Drouot, auctions of suitcases left behind by the Jews interned at the Casseneuil camp when deported, theft of intellectual property, etc.).

► **A compilation of 20 memoires of German Jewish families taking asylum in France** starting in 1933 – victims of spoliation and persecution in both countries. The book was designed to provide an account of the fates of these families within their historical context. A bilingual French and German edition will be published in late 2010, with long abstracts in English and Hebrew. The CIVS History Committee worked on this project in conjunction with the *Koordinierungsstelle für Kulturgutverluste*, Germany's central office for the documentation of lost cultural property, located in Magdeburg.

► As mentioned above, the CIVS History Committee also offers to perform **comparative studies of the mission and actions of the various national commissions** set up in various countries both inside and outside Europe. It plans to organize an international seminar in Autumn 2011, gathering historians, political scientists, sociologists, members of these commissions, and outside participants who are acquainted with their work (e.g. lawyers, specialists, etc.). The goal is not to undertake far-reaching studies of fields already covered by multiple researchers, in France or abroad. Rather, the History Committee seeks to give them an opportunity to compare their analyses and put them into perspective with concrete experiments.

To this end, since January 2008 the CIVS History Committee has organized a monthly work meeting at the Institute of Contemporary History, a division of the national research centre (IHTP/CNRS). This has made it possible to have regular, profitable contacts with researchers from Germany, Austria, Belgium, Switzerland, Luxembourg, Italy, Spain, Hungary, the Czech Republic, the United States, and Israel.

**The work of the CIVS History Committee is therefore carried out respecting the goals that have been set. The body of documentation is extensive and very rich in information which is often new.**

## **INTERNATIONAL EVENTS of 2009**

### **➤ "Holocaust era assets": conference in Prague**

The CIVS actively participated in the recent Prague Conference. The international meeting, organized by the Government of the Czech Republic as part of its European Union Presidency, was held from June 26 to 30 2009. It brought together representatives from 46 States, as well as several associations and non-governmental organizations. Some 250 presenters and over 600 individuals attended the Conference, which served as a follow-up to the 1998 Washington Conference. Four themes were covered: looting of artwork (as in Washington), cultural property (Judaica), real property and education to pass on the remembrance of the Holocaust.

#### **➤ *The CIVS helped prepare the Conference***

On March 12, the Chairman officially received Miloš Pojar, the Czech ambassador and Chairman of the Organizing Committee for this Conference.

In both Prague and Paris, Jean-Pierre Bady, a member of the CIVS, participated in the international working group on works of art, which was jointly chaired with France (Isabelle Le Masne de Chermont). He also took part in the European expert group (France, Belgium, Netherlands, Luxembourg), which convened in Brussels and Paris, to prepare a common position in anticipation of the Conference.

CIVS member David Ruzié participated in the preparatory work for the working group on immovable property which met in London for the same purpose.

Generally, the CIVS has been kept regularly informed on the state of organization of this meeting by the Ministry of Foreign Affairs.

#### **➤ *The CIVS attended the Conference***

The Chairman was part of the official delegation presided by Simone Veil and François Zimeray, French Human Rights Ambassador, in charge of the international dimension of the Holocaust.

At the round table on works of art, Jean-Pierre Bady outlined the restitution and compensation policies which the four European countries followed.

David Ruzié spoke at the round table on immovable property. He also presented the current work in France surrounding spoliations of real property.

Another conference attendee was Jean-Pierre Le Ridant, director of the CIVS, who was able to build on the contacts made at the last mission in New York and set up closer relationships with the associations and organizations he met.

#### **➤ *The Terezin Resolution***

The Conference concluded with the Terezin Resolution, witnessed by all the delegates and experts on June 30, 2009. This Resolution contains a complete set of the measures concerning spoliations linked to the Holocaust, and deals with subjects that are rarely addressed, such as social aid for survivors and restitution of immovable property. France was frequently cited as an example for the various actions it has undertaken since 1995; the role of the CIVS was often mentioned. It was finally decided to create a European Shoah

Legacy Institute in Terezin. Starting in 2010, the Institute's principal mission will be to monitor application of the measures contained in the final Resolution of the Conference.

### ➤ Sixth CIVS delegation to Israel

A CIVS delegation, led by François Bernard, State Counselor and vice-chairman of the Commission, traveled to Israel for the sixth time since 2003.

#### ➤ *The hearings in Jerusalem and Tel Aviv*

The Commission held eight hearings: three in Jerusalem and five in Tel Aviv. 76 case files were examined. It issued 71 recommendations for a total compensation amount of €1,870,251 and ordered five case files to be sent back for further investigation.

The mission was a resounding success thanks to the material and technical conditions provided for the Commission by Jean-Michel Casa, the French Ambassador in Tel Aviv, and Alain Rémy, the French General Consul in Jerusalem, along with the assistance of their respective staffs. The fact that almost all the claimants attended all the hearings also furthered the success of the mission, in addition to the symposium organized by the French Institute of Tel Aviv.

#### ➤ *Meeting at Yad Vashem*

The Commission met Yossi Gevir, principal assistant to the Chairman of Yad Vashem. After this meeting, Mr Gevir pledged to provide the Commission with all possible assistance, especially through the Friends of Yad Vashem Worldwide network, especially its branches in Canada and Australia, both of which have sizeable Francophone Jewish communities. In its September *Le Lien Francophone* newsletter, Yad Vashem published an insert on the CIVS.

#### ➤ *CIVS symposium at the French Institute of Tel Aviv*

Tobie Nathan, Cultural Advisor to the French Embassy in Israel, opened the French Institute of Tel Aviv to the CIVS when it came to present its work to the public and media.

There were four speakers:

- François Bernard, Vice-Chairman of the CIVS, presented the history, functioning, and accomplishments of the CIVS;
- Anne Grynberg, Professor at INALCO and research director at the CIVS History Committee, talked about the historian's viewpoint on the history of French reparation policy and the contribution of the CIVS;
- Dr Israel Lichtenstein, Chairman of the Israeli Association of Jewish Children Hidden during the Holocaust (Aloumim), presented his viewpoint as a representative of claimants;
- Colette Avital, former Knesset member, addressed the situation of property that has escheated in Israel (e.g. bank accounts, land) as well as government assistance for survivors of the Holocaust.

In the audience, dozens of claimants whose case files had not been examined during previous missions to Israel were present, along with twelve reporters. A long discussion between speakers and audience ensued, in a warm atmosphere of listening and understanding.



Nine in-depth articles appeared in the Israeli and French press, and an AFP dispatch was widely reported on in the national and regional press. Following this mission, the number of Israeli claims filed at the Commission considerably jumped.

**⇒ Results of the partnership with the United States Holocaust Memorial Museum (USHMM), Washington**

As agreed on during the exchanges of letters relative to the partnership with the USHMM of Washington, the Commission sent an information letter to over 2,000 claimants presenting them the Registry of Holocaust Survivors, along with a sign-up form. In return, during 2010, the USHMM will tell the around 2,000 families of victims who had resided in France, and who are listed on the Benjamin and Vladka Meed Registry of Holocaust Survivors, of the CIVS' work. Following this operation, it remains to be seen whether more claims will be received from the United States.

## ▀ MEMENTO ▀

### EXECUTIVE BOARD OF THE COMMISSION:

- ⇒ Chairman: **Gérard Gélinau-Larrivet**, Honorary Chairman of Chamber at the Court of Cassation
- ⇒ Director: **Jean-Pierre Le Ridant**, former member of Parliament
- ⇒ Principal Rapporteur: **Jean Géronimi**, Honorary Advocate General at the Court of Cassation

### COMMISSION'S DECISION-MAKING MEMBERS

- ⇒ **François Bernard**, Honorary State Counselor, Vice Chairman of the Commission
- ⇒ **Jean-Pierre Bady**, Honorary Counselor of the Court of Audit (*Cour des Comptes*)
- ⇒ **Bernard Boubli**, Honorary Senior Counselor at the Supreme Court of Judicature (*Cour de Cassation*)
- ⇒ **Anne Grynberg**, Professor at the National Institute for Oriental Languages and Civilizations (INALCO) and researcher at the Institute of Contemporary History (IHTP)
- ⇒ **Gérard Israël**, philosopher, writer and member of the steering committee of the Representative Council of Jewish Institutions in France (CRIF)
- ⇒ **Pierre Kauffmann**, Secretary General of the Shoah Memorial in Paris
- ⇒ **Pierre Parthouaud**, Honorary Counselor of the Court of Audit (*Cour des Comptes*)
- ⇒ **David Ruzié**, Honorary Dean and Professor Emeritus
- ⇒ **Henri Toutée**, State Counselor

### GOVERNMENT COMMISSIONERS

- ⇒ **Martine Denis-Linton**, State Counselor, Chairwoman of the National Court on the Right to Asylum, Government Commissioner
- ⇒ **Bertrand Dacosta**, Master in Chambers at the *Conseil d'Etat*, Deputy Government Commissioner



## RAPPORTEURS

- ⇒ **Monique Abittan**, Magistrate of the regular court system
- ⇒ **Jean-Michel Augustin**, Magistrate of the regular court system
- ⇒ **Christophe Baconnier**, Magistrate of the regular court system
- ⇒ **Françoise Chandelon**, Magistrate of the regular court system
- ⇒ **Brice Charles**, Magistrate of the administrative court system
- ⇒ **Claude Cohen**, Magistrate of the regular court system
- ⇒ **Jean Corbeau**, Magistrate of the Court of the Exchequer
- ⇒ **Rosine Cusset**, Magistrate of the regular court system
- ⇒ **Chantal Descours-Gatin**, Magistrate of the administrative court system
- ⇒ **Marie Franceschini**, Magistrate of the regular court system
- ⇒ **François Gayet**, Magistrate of the administrative court system
- ⇒ **Nicole Julienne-Saurin**, Magistrate of the regular court system
- ⇒ **France Legueltel**, Magistrate of the regular court system
- ⇒ **Ivan Luben**, Magistrate of the administrative court system
- ⇒ **Jean-Pierre Marcus**, Magistrate of the regular court system
- ⇒ **Éliane Mary**, Magistrate of the regular court system
- ⇒ **Marie-Hélène Valensi**, Magistrate of the regular court system
- ⇒ **Sophie Zagury**, Magistrate of the regular court system

FILES REGISTERED: **26,470**

- ⇒ Including 17,480 material files
- ⇒ Including 8,990 bank-related files

FREQUENCY OF HEARINGS:

- ⇒ Sub-commissions: **3 a week** (since September 2008)
- ⇒ Plenary sessions: **2 to 3 a month**

HEARINGS ORGANIZED IN 2009: **139**

- ⇒ Sub-commissions: 119
- ⇒ Plenary sessions: 20

AVERAGE NUMBER OF FILES EXAMINED PER HEARING:

- ⇒ Sub-commissions: **9**
- ⇒ Plenary sessions: **4**

RECOMMENDATIONS ADOPTED<sup>10</sup>: **28,911**, OF WHICH

- ⇒ 17,752 material recommendations
- ⇒ 11,159 bank-related recommendations including 2,866 recommendations allocating reserved portions, or 9.91% of recommendations adopted.

RECOMMENDED FILES<sup>11</sup> **23,601**

SHELVED FILES<sup>12</sup> **1,586**

RECOMMENDATIONS FOR REJECTION: **3,140** (I.E., 10.9% of the recommendations made)

- ⇒ For material spoliations: 1,171
- ⇒ For bank-related spoliations: 1,969

REQUESTS FOR REEXAMINATION SCREENED BY THE COMMISSION: **565**

**\*\***

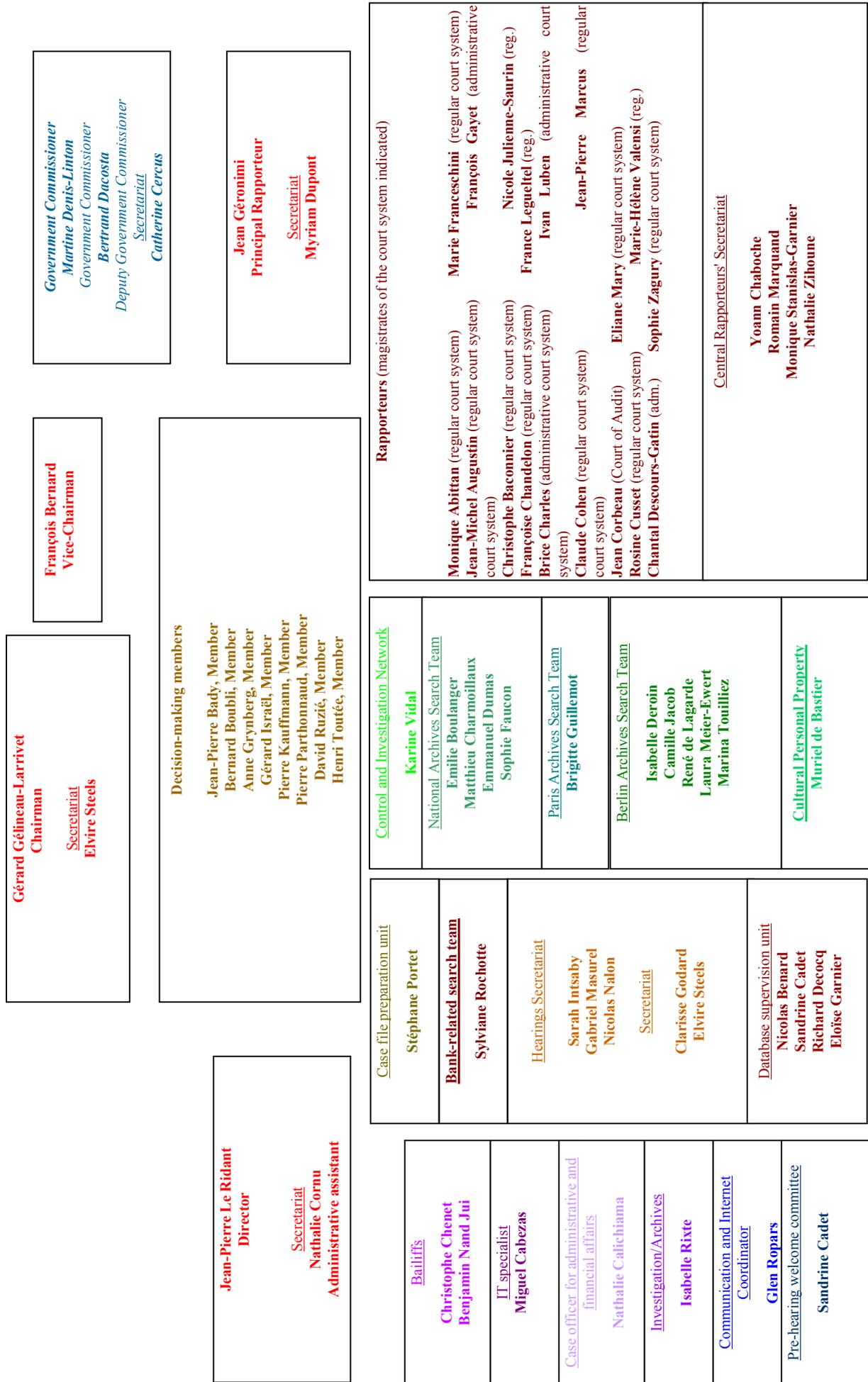
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<sup>10</sup> All losses combined, including rejected claims.

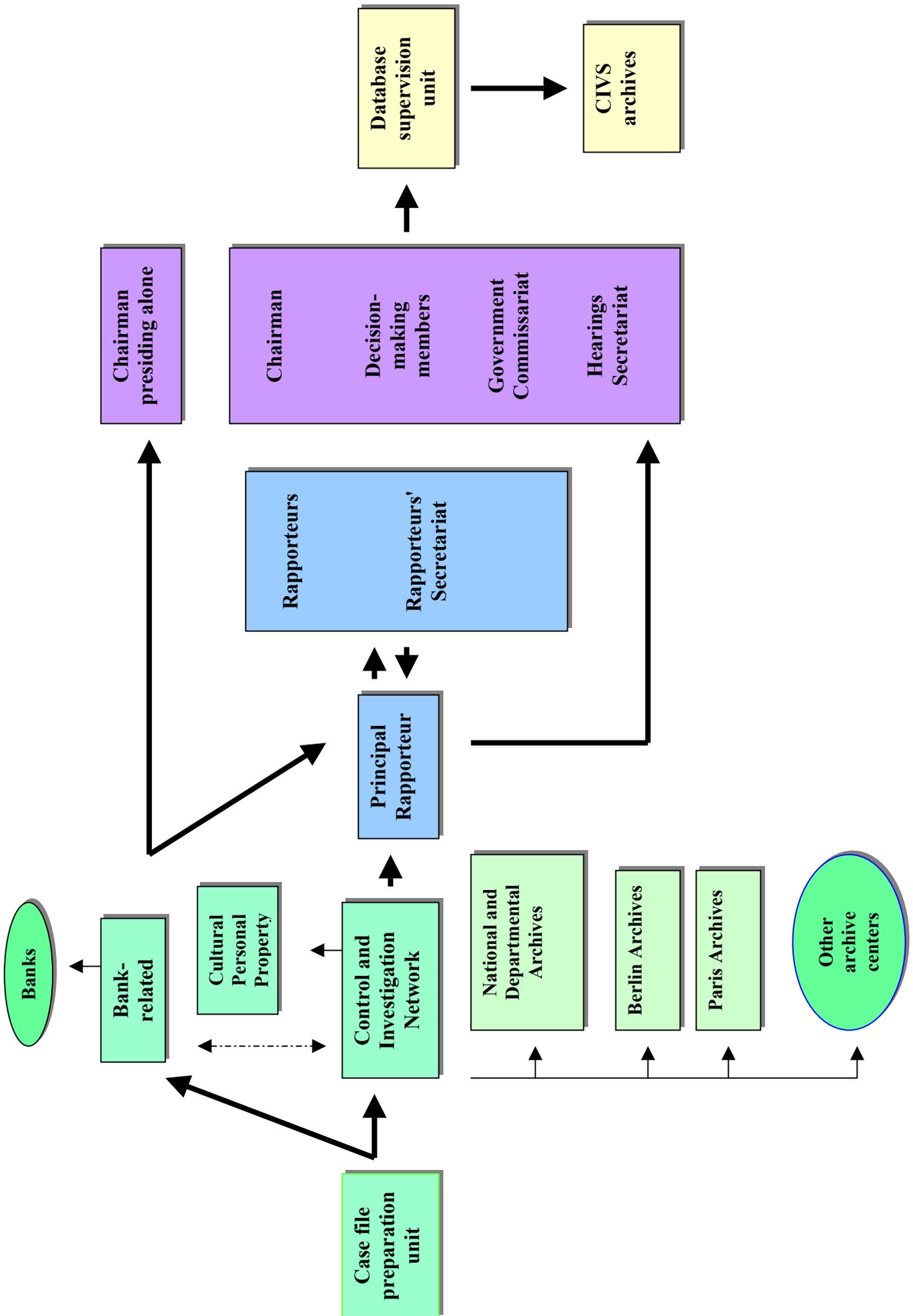
<sup>11</sup> Please note that there may be several recommendations for a given case file.

<sup>12</sup> These are cases that are definitively shelved, or shelved because they fall outside the Commission's jurisdiction or the claimant withdraws.

# ► ORGANIZATIONAL CHART ◄



▼ FLOWCHART OF CASE FILE PROCESSING ▲



▼ **SEARCH TEAMS AND ARCHIVE CENTERS**  
**CONSULTED BY THE RCI AND CULTURAL PERSONAL PROPERTY UNIT** ▲

**Caisse des Dépôts et Consignations**

DBRP2. Spoliated Property Unit  
 15, quai Anatole France  
 75700 Paris SP  
**Olivier Grémont**  
 Risk Director  
**Hélène Milliotte**  
 Agency and Network Coordinator  
**Dominique Neau**  
**Brigitte Desmarte**  
**Philippe Krief**  
**Nicole Terrade**  
**Jean-Gabriel Martinet**  
 Bank managers

**CIVS Search Team at the Paris Archives**

18, boulevard Sérurier  
 75019 Paris  
**Agnès Masson**  
 Director  
**Brigitte Guillemot**  
 Research director

**Police Prefecture**

1 bis, rue des Carmes  
 75005 Paris  
**Jean-Marc Gentil**  
 Head of the Legacy and Cultural Affairs Department  
**Cécile Ramirez**  
**Snejina Wolf**  
 Archivists

**CIVS Search Team at the National Archives**

History Center - 20<sup>th</sup> century department  
 60, rue des Francs-Bourgeois  
 75141 Paris Cedex 03  
**Hervé Lemoine**  
 Chief Curator  
**Director of the Inter-ministry Department at the French Archives**  
**Christian Oppetit**  
 General Curator  
 Head of the 20<sup>th</sup> century department  
**Emilie Boulanger**  
**Matthieu Charmoillaux**  
**Emmanuel Dumas**  
**Sophie Faucon**  
 Research directors

**Departmental Archives**

**CIVS Search Team in Berlin**

French Embassy in Germany  
 Pariser Platz 5  
 10117 Berlin  
**Isabelle Deroin**  
**Camille Jacob**  
**René de Lagarde**  
**Laura Meier-Ewert**  
**Marina Toulliez**  
 Research directors

**Contemporary Jewish Documentation Center**

17 rue Geoffroy L'Asnier  
 75004 Paris  
**Jacky Fredj**  
 Director  
**Cécile Lauvergeon**  
 Archivist

**Overseas Archives Center**  
 (For the "Algeria" case files)

29, chemin du moulin de Testa  
 13090 Aix-en-Provence  
**Martine Cornède**  
 General Curator  
 Director of the CAOM

**The Central Archives for the History of Jewish People**  
 (for consulting archives at the personal property spoiliations unit at the FSJU)

Hebrew University of Jerusalem  
 46 rehov Jabotinsky  
 Jerusalem  
 Our contact:  
**Esther Lichtenstein**

**Ministry of Culture and Communication**

Heritage Department  
 Museums of France Department  
 6, rue Pyramides  
 75041 Paris Cedex 01  
**Marie-Christine Labourdette**  
 Director  
**Thierry Bajou**  
 Curator at the Collections Department  
**Catherine Granger**  
 Heritage Curator

**Ministry of Foreign Affairs**

Art Recovery Archives  
 3, rue Suzanne Masson  
 93126 La Courneuve Cedex  
**Jean Mendelson**  
 Director  
 Archives Management  
**Anne Georgeon-Liskenne**  
 Heritage Curator  
 Centre des Archives diplomatiques  
 17, rue Castereau  
 PO Box 43605  
 44036 Nantes  
**Annie-France Renaudin and Damien Heurtebise**  
 Heritage Curators  
**Viviane Méline**  
 Archivist

**Fédération Française des Sociétés d'Assurance (F.F.S.A.)**

26, boulevard Haussman  
**Gilles Wolkowitsch**  
 General Secretary

**Ministry of the Budget, Exchequer and State Reform**

Sub-department of Land Issues for Inheritance Tax and Statistics Purposes  
**Frédérique Nion**  
 Department Head  
 Bâtiment Turgot Bureau GFB3  
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 75572 Paris Cedex 12  
 Télédoc 952  
**Mathilde Trétout**  
 Writer

**▼ SUMMARY OF THE SUMS ALLOCATED  
SINCE THE START OF THE WORK OF THE COMMISSION  
UP TO DECEMBER 31, 2008 ▲**

**① TOTAL AMOUNT OF RECOMMENDED COMPENSATIONS FOR ALL LOSSES:**

**€ 453,428,986**

**② AMOUNT OF COMPENSATIONS PAID FOR BANK-RELATED SPOILIATIONS:**

**€ 46,455,594**

This amount is broken down as follows:

⇒ Escrow account – Fund A: €13,882,724 + €1,121,342 (to Fund B since October 2008)

⇒ Fund B: €24,080,820 (stopped in October 2008)

Total € 39,084,886\*

To this figure must be added the amount of bank-related spoliations borne by the State: €7,370,708

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\* (amounts communicated by the CDC – euro/dollar exchange rate on 12/31/2009: **€1.4326**)

## ▼ MEASURES RELATIVE TO THE WASHINGTON AGREEMENT ▲

The following are the measures contained in the various Exchanges of Letters:

### **2001: 7-10/08/2001:**

- introduction of a supplement of up to USD 1,500 from Fund B for compensation of under USD 1,500 pertaining to Fund A;
- implementation of a second round of compensation totaling USD 1,500 for Fund A claims, the balance of compensation for which is under USD 1,500 and for Fund B claims submitted before the foreclosure date of 18/07/2002, for a total indemnity of USD 3,000.

### **2002: 30-31/05/2002:**

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

### **2005: 02/02/2005:**

- compensation for debtor accounts: debit balances are no longer deducted from total compensation granted;
- compensation supplement totaling up to USD 3,000 taken from Fund B for each account managed by a provisional war-time administrator if under this amount. Proven amounts, however, are still paid out from the State budget;
- compensation for unproven accounts held by individuals residing abroad during the 1940-1944 period.

### **2006: 21/02/2006:**

- a lump sum of USD 15,000, drawn from Fund A, is awarded to all direct survivors of the Shoah;
- the award of an additional sum of up to USD 10,000, drawn from Fund A, for personal or business accounts with a proven, compensated amount of over USD 3,000;
- a fixed indemnity of USD 1,000 drawn from Fund B to proven personal or business accounts with a proven, compensated amount of under USD 3,000;
- postponement of the foreclosure date for Fund B, from January 18, 2003 to February 2, 2005;
- substitution of Fund A for Fund B if the latter becomes depleted;
- reduction of the Fund A escrow account to USD 10,000,000.

### **12/04/2006 :**

Interpretative letter attached to the Exchange of Letters of February 21, 2006.

The signature of the last Exchange of Letters constituting a comprehensive, definitive rule for final settlement of the Washington Agreement was finalized in 2006.

## ▀ THANKS ▀

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<sup>13</sup> We apologize for any mistakes or omissions.

## **▀ ABBREVIATIONS ▀**

**AN:** French National Archives Search Team (CIVS)

**AP:** Paris Archives Search Team (CIVS)

**BCM:** Cultural Personal Property

**DB:** Database (CIVS)

**CDC:** State Official Deposit Bank

**CERT:** Telephone Contact and Information Unit (CIVS)

**CIVS:** Commission for the Compensation of Victims of Spoliations

**CNRS:** French National Center for Scientific Research

**CRA:** Artistic Recovery Commission (French Foreign Affairs Ministry)

**CRIF:** Representative Council of Jewish Institutions in France

**DMF:** French Museums Directorate (French Culture Ministry)

**IHTP:** Institute of Contemporary History (CNRS)

**INALCO:** National Institute for Oriental Languages and Civilizations

**MAE:** Ministry of Foreign Affairs

**MNR:** National Museums list of artwork retrieved from Germany following the War

**NARA:** National Archives and Records Administration (United States)

**OBIP:** Office for Personal Property and Interests

**ONAC:** National War Veterans and War Victims Administration

**OSE:** Œuvre de Secours aux Enfants

**PP:** Police Prefecture

**RCI:** Control and Investigation Network (CIVS)

**SDS:** Commission Secretariat (CIVS)

**USHMM:** United States Holocaust Memorial Museum