

THE COMMISSION,

Meeting in plenary session on 18 June 2021;

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

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

**I. The facts**

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

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

**II. The procedure**

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

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

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

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

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

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

### **III. The investigation of the case**

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

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

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

The claimants were informed of the hearing of 18 June.

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

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

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The Commission considers the following to be established:

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

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

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

The Federal German Offices for Restitution commissioned two expert reports.

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

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

The compensation was broken down as follows:

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

#### **IV. The Commission's opinion**

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

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

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

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

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

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

Consequently, in the light of the rapporteur's investigations, which are detailed in her report and which were developed during the hearing, it seems fair to award the claimants overall compensation

of €680,000 for all causes of loss (Brüg supplement for artworks and objects, two Qianlong-period porcelain horses and five coral objects).

#### **V. Allocation of compensation**

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

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

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

#### **THE COMMISSION IS OF THE OPINION,**

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

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

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

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

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

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

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

-The Ministry for Europe and Foreign Affairs was represented by Mr CHAUFFOUR,  
- The Ministry of Culture was represented by Ms CHASTANIER.

*Paris, 22 July 2021*

*The Chargé de Mission,  
Hearing Secretary*

*Emmanuel Dumas*

*The Chairman,*

*Michel Jeannoutot*