

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

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

CIVS
The Chairman

ACTIVITY REPORT FOR THE COMMISSION

PRESENTED TO THE PRIME MINISTER

FOR 2003

-Third report-

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

December 31, 2003

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INTRODUCTION

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

Adjustments to the internal organization of the Commission were made during 2003. In particular, the Commission gave priority to clearing up claims for compensation from "Fund B." At the same time, it sought to reduce the time needed to process files on material losses. The effects of the latter should appear clearly during 2004.

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I. CHANGES IN THE ORGANIZATION OF THE COMMISSION

A. FURTHER IMPROVEMENTS TO THE OPERATING SYSTEM

1/ Welcoming and assisting claimants

a) Communications

In 2003, the welcoming and assistance unit had 5,700 contacts with claimants, whether by telephone, fax or electronic mail. The unit ceased operations in December 2003 with the departure of the person in charge.

The CIVS website, www.civs.gouv.fr, provides information in French, English and Hebrew for all victims of spoliations and their heirs, whatever their country of origin. With electronic mail and an interactive forum, the website allows for an easy dialogue with claimants and ensures follow-up.

As of December 31, 2003, there were 151,900 visits to the site.

Strengthening the website seemed particularly appropriate, since it is a way of showing to the world the government's desire to make compensation for the prejudices suffered by Jewish communities in France during the Holocaust.

A remodeling, to be made in 2004, will concern principally the website's graphics, seeking to make the site more user-friendly. It will show the full spread of CIVS's missions: including compensation, welcoming and listening to claimants.

For budgetary reasons and in order to assure coherence with other projects linked to the internet services of the Prime Minister's office via internet, the new arrangement has been placed within in the overall IT budget guidelines. CIVS is awaiting approval of its functional specifications by the Prime Minister's IT services before meeting with suppliers capable of presenting a bid.

b) The end of the international toll-free number and its effects

Until July 2003 CIVS had an international toll-free number to welcome and listen to claimants. This number, 00 800 2000 4000, was set up in accordance with the Washington Agreement of July 2001.

It was intended to permit claimants, whatever their country of origin, to obtain general information on the procedures the French government had set up for compensation of the victims of the Holocaust. The closing date was July 16, 2003, **after an exceptional extension of six months.**

In two years of operation, the external call center handled approximately 13,400 calls, responding in French, English and Hebrew. This cost the banks and the Prime Minister's office some €600,000.

Given the gradual slowing down in calls and the major expense involved in operating it, it was decided to close the call center. Moreover, most inquiries come from people seeking information on their file, which cannot be handled by an outside agency.

A telephone information center has now been set up directly at CIVS. It has taken over from the toll-free number, hence following up on actions set up earlier.

c) The telephone information center

Since the Commission wishes to maintain a high level of communication with claimants, it created an in-house telephone information center after terminating the toll-free number. Not only does this substantially reduce operating costs but it also enhances efficiency. A temporary employee has been assigned to this unit for a three-month period beginning on December 22, 2003.

The unit is intended to inform claimants of the status of their file on the basis of a general database and other files made available. This relieves CIVS's principal services of responsibility for this first level of information. After all, these services were created to process files for action by the Commission and not to respond to a continuous flow of telephone calls from claimants, which weigh increasingly heavily on their productivity.

The new arrangement makes it possible to limit time lost due to the scattering of calls. At the same time, centralizing information at a single source is a real advantage for claimants, who now have a single point of contact. It also frees up time for the switchboard, already saturated with its normal functions. Soon, **an interactive voice server** will serve to manage and route calls.

The telephone information center is a welcome contribution to CIVS's communications policy, for reasons including efficiency, cost reduction and availability to claimants.

2/ The database

a) Completion of the work of the data entry unit

A contract was signed with the company Résocéane in December 2001 to ensure the complete real-time entry of the information contained in Commission's files. In this context, a data entry unit was set up on February 11, 2002, with the aim of integrating all files registered at CIVS both before and after that date.

At the beginning of 2003, a total of **8,932 files** had to be entered by the data entry unit. The figure is broken down as follows:

- **2,077 files** provided by the Research and Investigation Unit
- **510 files** from the Administrative Unit
- **6,345 files** that had already been given to the Hearings Secretariat, pertaining to:
 - claims being prepared by the rapporteurs
 - claims in the Hearings Secretariat awaiting a Commission hearing
 - claims already heard by the Commission.

Thanks to an increase in temporary help – four three-month shifts of 5 temporary employees in 2003 – this ad hoc unit was able to handle the **backlog of files** quickly and efficiently. Today the database can provide **reliable, complete and regular** information on all claimant files.

Henceforth, all employees can consult the contents of files efficiently and in real time without having to refer to paper documents. Pertinent data entered into the database includes the history of claims, the civil status of claimants, the nature of their losses, the location of the spoliated property, the enquiries made at archive centers and the information received from them as well as the compensation accorded by the Commission.

Moreover, with the network of computer workstations covering all CIVS officials, the base is accessible through an **intranet**. This permits instant follow-up on the status of files: officials in each service can **access** at any time and receive the information they need. Communications with claimants are thereby made much easier.

b) Modalities of application

The **work** of the data entry unit **was completed** on December 31, 2003; only a few files in circulation remain to be entered. A single temporary employee has been retained to search for these, handle unforeseen matters and finalize up any special cases, such as one-off or very sensitive cases.

No time limit has been set for this operation. The situation will be reviewed at the beginning of April 2004.

It should be noted that the entry of information on **heirs** is assigned to the **secretaries of the rapporteurs**. For files concerning victims whose heirs are still unknown and are therefore not entered, relevant information is entered in the database as the rapporteurs' work advances, by their secretaries. Information not entered by the rapporteurs' secretaries because it is not known at that stage of the process is later entered by the secretaries in the Hearings Secretariat.

In short, this indispensable mechanism has been upgraded to provide inputs

concerning files at CIVS wherever they are located.

c) Access of external archival centers to the database

All services will be linked to the general database to ensure follow-up on claims and improve handling of files.

All CIVS units attached to archival centers are subject to the same obligations as those at headquarters. It is their responsibility to register information in the database as they develop it in their work.

Hence, CIVS/Berlin (German archives), CIVS/AN (French National Archives) and CIVS/AP (Paris archives), which are about to be attached to the general network, will have secure access to the server, the database, to the internet and to electronic mail.

Until the general database was set up, the geographic isolation of the units at the archival centers obliged them to enter information relative to their files on databases they built up themselves. The **intranet system** is intended to remedy this problem and permit the units to gain substantial time by avoiding double entry of data. The separate databases of the different services will then be suppressed and destroyed.

In order to complete its tasks swiftly and conscientiously, CIVS has set up this essential mechanism for consultation, research, dialogue and mediation among its different services and with claimants and the associations that represent them.

B. TAKING NEW PRIORITIES INTO ACCOUNT

To reduce the time needed to process files, CIVS has also improved its administrative arrangements by creating new procedures.

1/ Old files and new procedures at the research network

Hundreds of non-priority files dating from 1999 and 2000 were still being processed in the RCI at the beginning of 2003. It was of great concern given that early claimants could not understand why their files seemed to be on hold for such a long time while more recent – but priority – claims had already been paid.

The Chairman decided that these files had to be given accelerated treatment.

To this end, the research network allotted half the monthly time planned for requests to the archival centers to these files. At this time, all of these files have been researched. Two steps remain: examination by the rapporteurs and hearings by the Commission. Conversely, handling of priority files concerning very old or ill people or people in difficult financial straits has slowed down, since only half of the research time has been allotted them. The same approach will be applied to the some 800 files from 2001 still in the hands of the RCI, all of which will be processed in 2004.

As a means to reduce processing time, but also because of a shortage of personnel, CIVS has decided not to systematically question its unit at the National Archives, when the case is one of spoliation of **home workshops and sellers at fairs**. These enquiries generally

produced little information useful to the rapporteurs, while requiring much research time. Notwithstanding, such investigations are made when requested by the rapporteurs, who can determine their usefulness or necessity when they meet with claimants.

More specifically, documents at the national archives are very important for family history. Many claimants have lost parents, siblings and all the rest of their family. Placed in foster families at a young age, they have no memories and no-one to pass the family history down to them. Documents in the National Archives are the sole evidence of the lives of these family members during the Occupation period.

Furthermore, an examination of the decisions of the Commission on such spoliations suggests that compensation granted is almost always equal or superior to the present value of the average worth of such materials as obtained from the archives.

This is why the research network has stopped requesting information for files where spoliations of professional goods appeared to correspond to the two cases noted above. This permits a greater number of files to be passed to the Principal Rapporteur.

Indeed, when manifestly excessive time is taken by outside services in gathering information, shouldn't it be decided that it is simply better to **do without these**.

2/ Files on bank-related claims payable from "Fund B"

As of December 31, 2003, all files on bank-related claims payable from "Fund B" had been **handled** by the specialized unit. Hence, in March 2003 CIVS set up special procedures to speed up the flow of recommendations on claims eligible for "Fund B."

This perforce required an increase in personnel in the banking unit. Two temporary employees were hired and two officials were reassigned from other services for the period March–August 2003. Since September, one of each category has remained.

Until October 31, 2003, the banking unit carried out minimum examinations of files to determine which claims could be met through flat-rate compensation from "Fund B" through simple presentation of an affidavit. Whenever research uncovered specific bank accounts, the process was suspended to give priority to "Fund B" in the narrow sense – except for some very high priority files.

In cases where no bank account could be identified and the only support of the claim was an affidavit, no handling by a rapporteur was necessary. It then sufficed for the Chairman, ruling alone, speedily to sign a simplified recommendation for the grant of a flat-rate indemnity. To further expedite such cases, it was left to the claimant to determine the other heirs and the division of the indemnity with such heirs, if any.

This approach saved much time for the rapporteurs, and processing of "Fund B" files greatly benefited. From March 1 to December 31, 2003, **2,618 recommendations**, essentially for "Fund B," were signed by the Chairman ruling alone. By the latter date, recommendations had been signed for practically all bank-related files related solely to "Fund B."

II. EXTENDING COOPERATIVE ARRANGEMENTS TO INCLUDE NEW INTERLOCUTORS

A. COMMUNICATION WITH THE PUBLIC

1/ Working more closely with the media

A contact officer has been appointed within the Commission to coordinate responses to requests from the media.

In 2003, articles about the Commission appeared in the daily newspapers *Libération* and *The International Herald Tribune*. A visit to Israel by a Commission delegation received very positive media coverage: in particular, the event was covered by the public radio broadcaster *Kol Israël* and the daily newspaper *Ha'aretz*.

The Commission was approached by a documentary film-maker who is making a film about the Commission's activities, drawing on the life stories and personal profiles of claimants. In addition to providing information about the French government's programs directed at victims of the Holocaust, this initiative, which was approved by the Prime Minister's office, will constitute a record of the work being carried out by CIVS.

The interest which CIVS has attracted gives rise to a number of questions. After four years of operation, shouldn't a more active communications policy be decided upon? And in any event, is this not an appropriate time to call attention to the immense efforts France has made with regard to reparations?

2/ An ongoing relationship with the advocacy associations representing the interests of Holocaust victims

Matters are regularly referred to CIVS by advocacy associations representing the interests of Holocaust victims, such as *la Coordination des enfants juifs de France survivants de la Shoah* [the Coordinating Agency for French Jewish Child Holocaust Survivors], *l'Association israélienne des "enfants cachés" en France pendant la Shoah - Aloumim* [the Israeli Association of Children who were Hidden in France during the Holocaust - Aloumim], and many others.

CIVS endeavors to maintain the dialogue and to respond to people's concerns as effectively as possible. That is why it hosts meetings with these associations on a regular basis. Discussions of this kind enable the Commission to give details of its activities and its charter, and provide an opportunity for the Commission to gauge the opinions expressed about it, some of them extreme or unfair. Summary records are prepared after each of these meetings, and are used as the basis of in-house papers known as "reference notes".

The Commission has also established close contacts with the calling center "*Passerelles*" ["Gateways"], an advice service run by *le Fonds social juif unifié* [FSJU - the United Jewish Welfare Fund]. This phone service aims to provide Holocaust victims with information about the compensation procedures that have been put in place, and to direct them to the welfare and charity services run by Jewish agencies. "*Passerelles*" gives its callers information about the Commission's activities, while the Commission, for its part, notifies "*Passerelles*" of any urgent or disturbing situations in which individuals find themselves in dire material need or in a state of destitution.

3/ Official Visit to Israel by a CIVS delegation

In May 2003, a CIVS delegation led by Mr. François Bernard, a *Conseiller d'État* [member of the Council of State] and Vice-Chairman of the Commission, traveled to Israel for the purpose of conducting hearings at the Embassy of France in Tel Aviv.

Claimants welcomed this move by CIVS. Almost all of them attended the hearings held at the Embassy's premises. For the sixty files that were examined, fifty-five individuals turned up in person.

During these hearings, once reports had been read, the dialogue with claimants quickly took on a much less formal tone. They willingly shared their memories, recalling the sufferings they had endured during World War II. Many of them spoke of how they had been hidden and protected by French families. One of them, whose family had been saved by a police inspector, asked how he might go about arranging for the inspector to be posthumously awarded the "Righteous Among the Nations" Medal, Israel's highest civilian award.

Many expressed their appreciation to the Commission for coming to Israel to conduct hearings. Because of their geographic remoteness, and the time that had elapsed since the tragedy, they had, until then, had the feeling that they would never receive any compensation.

On that point, one of the claimants confided to a journalist from the daily newspaper *Ha'aretz*, who had attended one of the hearings: "*All these years, whenever I enquired about the possibility of receiving compensation, I was asked whether I lived in France. As this was not the case, I thought that I couldn't lodge a claim. Now, 60 years later, I'm happy that justice is being done. We were not seeking money or vengeance: only that justice should be done.*"

Others said that they wanted to obtain copies of records that had been placed in their files, as a way of retrieving fragments of a tragic family history.

When not engaged in the hearings, CIVS members visited major Holocaust commemorative sites: the memorial to the French Jewish deportees of Roglit and the Yad Vashem Memorial.

At a meeting with the Director General of Yad Vashem, broad agreement was reached on cooperation with CIVS in relation to searches of the Memorial's lists of names. This facility should enable the Commission to reconstruct claimants' kinship ties with a greater degree of accuracy.

The delegation met the President of the Israeli Supreme Court, Mr. Aharon Barak. It also held talks with the Chairman of the Aloumim Association, Dr Israel Lichtenstein.

It should also be noted that official visits undertaken by the Director, particularly to the United States and Israel, help to raise awareness abroad about the Commission's activities. Whenever he travels, the Director maintains the dialogue between CIVS and

government authorities in the countries visited^{*}, and with the associations and institutions in charge of Holocaust-related matters in those countries.

B. INSTITUTIONAL DIALOGUE

1/ An impending link with the International Commission on Holocaust Era Insurance Claims (ICHEIC)

In a letter of April 24, 2003, Mr. Lawrence Eagleburger, Chairman of ICHEIC, a commission whose function is to respond to claims related to insurance policies issued in Europe prior to World War II, sought the Prime Minister's authorization for that commission to search the lists held by CIVS pertaining to frozen bank accounts and life insurance policies that had not been paid out.

It might be noted that ICHEIC has received almost 100,000 applications, approximately one thousand of which involve France.

The FSJU and the Jewish Agency for Israel have been appointed to act as interlocutors between the ICHEIC and CIVS, to carry out research and search data banks.

It has been agreed that, in consultation with the FSJU and the Jewish Agency, and following approval by the Prime Minister's office, CIVS will prepare the consent agreements and the individual letters of accreditation, as provided for under Decree No. 2000-1023 of 19 October 2000 governing access by third parties to private and/or confidential information held by CIVS.

It has also been agreed that the interlocutors' staff involved in this work will meet once the general provisions have been finalized. The technical and practical aspects of this consultative process will also need to be examined. CIVS has taken all necessary measures in this regard, to provide the interlocutors' staff with appropriate facilities within the Commission.

2/ CIVS and AFECEI - *Association française des établissements de crédit et des entreprises d'investissement* (French Association of Credit Institutions and Investment Companies): the case of notaries' offices and of certain banks

Pursuant to the provisions of the Washington Agreement, AFECEI facilitates dialogue between the banks and administrative agencies. While the last Activity Report was being drafted, solutions had already been found in relation to responsibility for compensation payments for the attested account of particular banks (foreign banks, banks that have disappeared or banks characterized as "Jewish banks"). However, some difficulties remained with regard to assets held by notaries and stockbrokers.

So far as assets held by notaries under the Occupation are concerned, it emerged that many had been consigned to the *Caisse des Dépôts et Consignations* (CDC-State bank receiving government deposits). In such cases, no particular problems arise with respect to compensation. Where assets were not consigned, CIVS attempts to locate the successors to

^{*} Since the drafting of this Report, a letter has been sent by the Prime Minister, stressing the significance of the mission to Israel and expressing the hope that there will be further missions, both to Israel and the United States.

the notaries who have been identified. To date, no files of this kind have been referred to the decision-making members of the Commission, and the issue of responsibility for compensation payments has not yet been determined.

With regard to assets held by stockbrokers, AFECEI has forwarded to CIVS the list of liabilities which have disappeared since the War, without ever having been taken up by a credit institution or an existing investment company. They number six in all. A compensation formula has been discussed and agreed to by both parties. It involves recording any compensation payments which might arise as a charge against "Fund B", in line with the determination made with respect to foreign banks, banks that have disappeared or banks characterized as "Jewish banks". However, this formula is a contentious one. It may be reviewed, having regard to the low level, to date, of drawing on "Fund A" (2.5%). Some have suggested that market-place solidarity should prevail, with compensation payments being charged against "Fund A".

Regarding other liabilities which may be identified by CIVS, AFECEI has forwarded a detailed list of the various successions to the Banking Section. However, the searches that must be carried out within the institutions concerned are tedious and time-consuming. It is often the case that present-day companies have been formed as a result of multiple transfers and that requests for information have to be referred to several institutions, without any guarantee of success. All these procedures are necessary, but they give rise to significant delays which often irritate claimants.

3/ Results of the fifth and sixth meeting of the Supervisory Board of "Fund B"

The Supervisory Board of "Fund B" met twice in 2003, on May 19 and November 21. The texts below are summaries of the minutes of the meetings as drafted by the Board on the day following each meeting.

a) Fifth meeting of the Supervisory Board – May 19, 2003 –

Accelerated treatment for "Fund B"-related files, as recommended by the preceding Board, was considered particularly positive. CIVS had drawn up estimates of the number of files eligible for "Fund B" that remained to be processed as of the date of the Board meeting. These showed that it was possible to begin implementing provisions for the maximum additional lump-sum payment (Fr: "MFA) as of July 1, 2003. This additional payment was provided for in the Washington Agreement of January 18, 2001 and the exchange of diplomatic letters of August 7 and 10 of the same year.

The Board also examined the management of "Fund B" and noted that the number of files passed to the FSJU had increased substantially. By April 2003, it has attained four times the monthly average for 2002 (324 files). The total number of files transmitted by May 14 was 1,844, a thousand more than in October 2002, and the number of those having received compensation was over 3,000.

As of May 19, the financial commitment involved was €2,906,000, on 1,710 files. Some 70% of these concerned compensation exclusively from "Fund B"; the remainder concerned compensation from this fund as a complement to that received from "Fund A."

Finally, the FSJU noted that during the payment of the maximum additional lump-sum payment, it would improve the quality of communications with heirs, which serves to avoid misunderstandings and speed up the compensation process. The *Caisse des Dépôts et Consignations* (CDC) recalled that the time needed for payment was always less than 48 hours.

b) Sixth meeting of the Supervisory Board – November 21, 2003 -

Once again, the Board especially welcomed the clear acceleration of the examination of files related to "Fund B." Given that the deadline for filing had been set at January 18, 2003, this makes it possible to project that, by the last quarter of 2003 or the very beginning of 2004, all files relating exclusively to this fund will have been processed.

The remaining files will be the bank-related claims on "Fund A" that would be given complementary compensation from "Fund B", if need be, and which are not subject to the filing deadline. Investigating these claims is more complicated because there are known bank accounts involved. On the basis of approximate statistical projections, all recommendations on these claims should be made by the fall of 2004, for files that have already been submitted.

Beneficiaries of compensation received before June 30, 2003 have also received the additional flat-rate compensation of \$1,500 as quickly as possible. Beneficiaries whose files were received by the FSJU after that date will receive the two compensations at the same time (2 x \$1,500).

Given that there are claims still awaiting investigation, the question of conditions of utilization of the remainder of "Fund B" will require the particular attention of the next Board meeting.

The Board reviewed the management of "Fund B." It welcomed notable progress in transmitting files to the FSJU since April 2003 and the exceptional figure attained in July (406 files transmitted). In all, the number of files on which payments have been ordered amounted to 3,499 by October 31, 2003, 80% of which concerned compensation drawn exclusively from "Fund B." A total of 5,610 beneficiaries received compensation.

Given payments of the additional lump-sum payment, the financial commitment has increased substantially, reaching almost 12 million dollars (\$11,946,269) by October 31, or almost 54.1% of the initial deposit in "Fund B" of \$22,500,000, as opposed to 15.5% at the end of June 2003.

The representative of the American lawyers urged a maximum utilization of "Fund B." At his request, the Board confirmed that bank-related files eligible for "Fund A" could receive the additional maximum lump-sum payment from "Fund B," making a total compensation of \$3,000 regardless of when the claim was filed.

The American side also requested that the possibility be examined of extending compensation from "Fund B" to claims for material losses filed before January 18, 2003, if the investigation permitted the assumption that a bank account or accounts were also involved.

The representative of CDC recalled that the average time needed to make payments, including the maximum additional lump-sum payment, had not exceeded 24 hours despite

the significant increase in the number of files received. He also noted that while CDC did not levy any fees on those receiving compensation payments, it was not impossible that the foreign banks through which these payments transited might retain a commission.

At the conclusion of the Board meeting, an informal meeting was organized between the French participants and the American delegation. The Americans complimented the Commission on having extended the deadline for filing to January 18, 2003, for speeding up the processing of files related to "Fund B", for the large number of decisions on all types of spoliations that were issued in October 2003 and for CIVS's open and generous interpretation of the Agreement. They gave assurances that their primary purpose was to be vigilant that everything be done to "*maximize the use of bank funds*" and that they hoped that the American government would be aware of the "*good delineation*" of Funds A and B.

They then expressed their desire to establish "*the most transparent relations*" with the French side and gave their views on some controversial points – mainly the insufficient use of the funds provided for in the Agreement. They gave suggestions for optimum use of funds, including **sending an affidavit to all those having submitted material claims before the closing date, and eligibility for payment from "Fund B" on all requests received after January 18, 2003.**

CIVS noted that affidavits had been sent and that making all claims eligible for payment from "Fund B" and renunciation of the closing date would require a revision of the Agreement through an exchange of letters between the French and American governments.

In the Americans' view, the Commission should abandon its legal approach whereby the French government pays for the compensation of assets in the bank accounts of "aryanized" firms. They opposed this procedure in the light of the very low rate of use of "Fund A" – just 2.5%. It would hardly be acceptable that 98% of "Fund A" be returned to the banks. They advocated a sharp increase in indemnities paid from "Fund A" i.e., \$15,000 drawn from "Fund A" instead of the increased lump-sum payment of \$3,000 paid from "Fund B."

Finally, the Americans contested the presence of the banks during hearings of the Commission as being intolerable for the claimants, but without contesting the Commission's procedure for obtaining information from these establishments.

In response, the Chairman of the Commission specified that henceforth when banks are asked to give their opinions on a case in the phases of processing files and preparing them for a hearing, they would not be called before the hearing even if they had not responded within a reasonable time. However, exceptionally, the Commission members hearing the case may request their presence if they consider it necessary, specifically in the case of particularly complex files.

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III. REPORT OF THE COMMISSION'S ACTIVITY

A. BOTH DOCTRINE AND PROCEDURES ARE NOW STABLE

1/ Preparing files for a hearing and new means of examining claims

a) The role of the rapporteurs

This is a key step in the compensation process. Earlier Reports to the Prime Minister gave a detailed account of their role, which needs to be repeated at length to demonstrate the complexity and sensitivity of the rapporteurs' task.

- Investigation of spoliations of material goods

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

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

It can occur that information obtained in response to preliminary searches proves to be inadequate. The rapporteur must then carry out or ask staff to carry out additional inquiries, which prolong the time needed to complete the investigation.

When rapporteurs are in a position to make a preliminary assessment of the extent of the spoliation, they contact the claimant. For the simplest files, or in cases where the claimant cannot come to CIVS without difficulty because of his/her distance from Paris, the necessary interview is conducted by telephone. The need to accelerate completion of files, which is in the front rank of the Commission's concerns, causes the rapporteurs to limit their work to what is strictly necessary. But of course the claimant is received, accompanied, if he/she so wishes, by persons of his or her choice, such as relatives or a lawyer.

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

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

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

First, to listen: this aspect of the rapporteur's work is vital. As noted above, recalling the war and the ordeals they lived through is a trying, intensely emotional experience for

claimants. Quite apart from their personal claims, many claimants are keen to bear witness to a tragic period of which there remain fewer and fewer survivors.

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

Third: to establish a dialogue with the claimant, first and frequently, in order to establish who may be entitled to compensation. This involves an analysis of lines of succession for which, in some cases, a family tree needs to be drawn—and also deciding on a compensation proposal that will later be submitted to the Commission by the rapporteur.

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

It should be noted that the rapporteurs are not in a position to determine, with the precision expected of a notary, who are the heirs of a direct victim of spoliations, given that they depend entirely on information the claimants choose to give.

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

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

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

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

Very often, rapporteurs must make enquiries with enterprises, professional organizations or employers' federations in the relevant fields of business. It goes without saying that under these conditions, everything can be discussed without establishing any certainties.

Once the assessment has been completed, the rapporteur advises the claimant and asks for his or her comments. In most cases, the claimant agrees with the valuation made by the rapporteur. Seeking the claimant's agreement is very much in the spirit of the Decree of

September 10, 1999, which specifies that the Commission only examines claims on which the parties have failed to reach agreement in a spirit of conciliation.

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

- Despite the above, the Decree does not allow the rapporteur to reach an agreement with the claimant that is binding on the Commission;
- And, even though one may readily envisage conciliation when a demand for compensation or restitution has been directed against a natural person or a private corporation, it is another matter altogether when such demands are directed against the State alone, as is almost always the case.

When all the steps described above have been completed, a process taking 8 to 12 months at the very least, rapporteurs prepare a written report (which they usually type themselves), summarizing the circumstances in which the spoliations occurred and setting out their own assessment of the resulting losses as well as the claimant's reaction to that assessment. The report is referred to the principal rapporteur who, after checking it, passes it to the Hearings Secretariat, indicating his advice on how the matter should be heard: by the Chairman sitting alone, consistent with the provisions of the Decree of June 5, 2001; by a sub-commission; or by the full Commission.

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

- Reports on bank-related spoliations

The priority treatment required by the Washington Agreement has led to establishment of a very simplified procedure. Its implementation for the preparation of claims relating to "Fund B" *stricto sensu* is discussed below.

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

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

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

- Investigating requests for attribution of reserved portions of compensation

When the Commission knows of the existence of heirs that did not participate in the procedure even if, in most cases, they were aware of it and informed of the possibility of participating in the claim by personally appearing or by giving a proxy to the claimant, it sets aside the appropriate portion in its recommendation. When these heirs later make themselves known, the rapporteur who handled the initial claim verifies their identity and draws up a report for the purpose of attribution of the share the recommendation reserved for them.

In principle, this decision is taken by the Chairman ruling alone.

These cases do not generally create difficulties, but there is a sufficient number of them (332 in 2003) to give rise to considerable work, to the detriment of processing other claims. This effort could be saved if claimants made themselves known before the Commission made its recommendation on the claim of one of their co-heirs.

- Reports regarding requests for review of findings

The request is submitted to the rapporteur who dealt with the matter previously. After carrying out further investigations where appropriate and interviewing the claimant again, the rapporteur then decides whether any new facts, new evidence or material errors have been provided. According to the Decree of September 10, 1999 (as amended) these are the only grounds on which a request for a review of findings may be considered. He then writes a report on whether a new examination of the claim is necessary. This report, together with the view of the Government Commissioner, is given to the Chairman. If the Chairman so decides, the matter is submitted for consideration by the Commission meeting in plenary session, at which the rapporteur will naturally be present.

b) The role of the principal rapporteur

The limited number of rapporteurs, the fact that they work at the Commission on a part-time basis, and the wide variety of issues that need to be resolved, often as a matter of urgency, mean that a permanent Commission staff member must play a coordinating role. This is the job of the principal rapporteur.

This coordination relates to investigation on which the reports are based, their presentation to the Commission as well as to the opinions that the rapporteurs are called upon to give. To help meet these objectives, the principal rapporteur meets with the rapporteurs individually or in small groups. Group meetings would be useful, but are difficult to arrange because the days the rapporteurs spend at the Commission do not overlap. Their last such meeting was held on Saturday, October 19, 2002.

The principal rapporteur also takes part in meetings with the different services and units at CIVS and with the outside organizations whose collaboration is essential for the successful investigation of claims. He draws up and distributes a summary of recommendations that can help resolve questions of principle that have yet to be decided. He takes an active role in those sessions of the Commission in which such questions are discussed.

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

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

c) Update on the activity of the rapporteurs

There have been two successive increases in the number of authorized rapporteur positions. The number rose from the 8 who comprised the initial nucleus to 20 in July 2001 and then to 28 in January 2002. There are now only 26 positions on the rolls. Eighteen are magistrates, 5 are administrative law judges and 3 belong to the auditor's general's office (*Cour des Comptes*), while 7 are retired. The most recent increase in the number of rapporteurs was clearly essential, not only as a means of dealing with the already large volume of material spoliation claims, but also to tackle the influx of bank-related claims triggered by the Washington Agreement.

Already in previous years, the increase in the number of rapporteurs has led to a significant increase in the number of reports presented the Commission. This increase continued in 2003, a year in which 3,300 reports were made, as follows:

- 2,114 on material spoliations
- 777 on bank-related spoliations
- 332 on requests for attribution of portions set aside
- 77 on requests for re-examination of a file.

These are very satisfactory results, indeed un hoped for when all the circumstances are recalled: The 28 rapporteurs work part-time and represent only 11 full-time jobs; certain claims on very large estates are highly complex; research on art collections can include hundreds of pieces and require many days work for a single review.

Nonetheless, these results do not make it possible to envision the conclusion of the Commission's work before several years. The greatest possible advantage has already been gained from the rationalization of methods, and one cannot foresee these results improving significantly in the future, given the means provided and the conditions in which they are used.

The major issue is the status of the rapporteurs. Their part-time situation—they work only 2 days per week—is not conducive to continuity of service, a key element of efficiency.

Since the creation of the Commission, 19 rapporteurs out of 28 have resigned from their functions. There are several reasons for this: career development, transfers, job mobility requirements, promotion, etc. But the most frequently stated motive for those with positions in the administration is the difficulty in fulfilling their obligations to the

Commission in the absence of a real release from service in their principal assignment. Seven rapporteurs left the Commission in 2002, some after only a few months. Three left during 2003, and two have announced they will leave on February 29, 2004.

The arrival of replacements rarely coincides with the dates of departure, meaning that the rapporteur staff is rarely at full complement. Two positions are now vacant, one has been for almost a year. The fact is that with little encouragement from their administrative hierarchy, candidacies from the active magistrature are becoming increasingly rare. As for retired magistrates, they seem more interested in taking the positions of local judges for which they are eligible.

This situation is a matter of **serious concern** to the Commission.

In effect, when they announce their intention to leave their functions at CIVS, rapporteurs are not given new files and it often happens that when they leave they return files they have not been able to handle, which must be reapportioned among their colleagues remaining. These are of course in addition to those they normally receive, which disorganizes their work management and disconcerts claimants who must again explain their case to the new rapporteur now handling their file.

The solution to these problems lies less in increasing the number of rapporteurs, although this would be greatly appreciated, than in changing their status to permit additional days of service on the part of retired magistrates, or indeed in recruiting full-time rapporteurs.

This last suggestion could be realized by allowing administrative judges to carry out their two years out-of-service assignment with the Commission.

d) Development of the procedure of the Chairman ruling alone.

This procedure was nearly systematically used during 2003 to make recommendations on bank-related files compensated from "Fund B." No less than 2,824 bank-related recommendations were made using this formula. It is also used for cases of material spoliations presenting no difficulties, and for the attribution of reserved portions of recommendations.

This procedure was often used in the past year. However, the number of hearings before the full Commission or a sub-commission significantly dropped during the last six months, which was harmful to the Commission's output. Since the departure in May 2003 of one of the three responsible officials in the Hearings Secretariat, which is charged with organizing the work of the full Commission and sub-commissions and drafting and distributing their recommendations, the pace of work has declined substantially even as the number of claims addressed to CIVS remains important.*

This situation is very disturbing as it reduces the impact of the efforts accomplished by the services upstream. It must be corrected quickly before the Commission is criticized for a decline in the production of recommendations concerning material claims.

* As of December 31, 2003, a replacement for Mr. Hugues Cahen has neither been provided nor announced.

2/ A doctrine with precise guidelines

a) The Commission's practices

The Commission's practices, as presented in previous activity reports, have not changed significantly this year.

Firstly, measures were already taken to ensure that material and banking means be efficiently put at the Commission's disposal. Secondly, the Commission had already defined the criteria typically used to evaluate the reality and extent of the spoliations put forth by the claimants.

Under these conditions, the Commission's plenary session, which in the past had deliberated over questions of principle, now devotes more time to the most serious and complex matters, as well as to new claims. It should be noted that these claims, which are assessed by the Chairman and within the purview of the Decree that established the Commission, have grown in number. When these are not initiated in order to correct substantive errors, their success stems from the discovery of new elements, unknown to the entity which handed down the recommendation in question. The latter case is quite rare.

The role of the Chairman has evolved greatly. He now handles numerous claims that do not necessitate a meeting of the full Commission or a Sub-Commission, inasmuch as are these may be handled in a more streamlined manner due to prior jurisprudence. This process enables more rapid conclusions for elderly or destitute claimants.

Finally, the expertise acquired over the course of these last months confirms the importance rightly given to the **principle of fairness**, and to its numerous applications in compensating for wrongdoings that can not be fully accounted for through archival reference.

b) Artworks: few claimants for complex and difficult files

The report *"Art pillage during the Occupation, and the location of 2,000 artworks entrusted to National Museums"* (*"Le pillage de l'art pendant l'Occupation et la situation des 2 000 œuvres confiées aux musées nationaux"*), which was drafted as part of the Mattéoli Mission, stresses the fact that **61,233 pieces of art have been recovered in Germany, 45,000 have been returned, 12,463 have been sold by the government disposal agency***, and 2,143 pieces, "MNR"****, have been placed in the care of national museums.**

In accordance with the Decree (No. 99-778, September 10th, 1999) which created CIVS, **"...The Commission is in charge of carrying out investigations and suggesting suitable reparation, restitution, or compensation measures"** (article 1), particularly as concerns artworks.

* *"Art pillage during the Occupation, and the location of 2,000 artworks entrusted to National Museums"* (*Le Pillage de l'art en France pendant l'Occupation et la situation des 2 000 œuvres confiées aux musées nationaux*), Research Mission on the spoliation of Jewish people in France, La documentation Française, Paris, 2000, p.37.

** op.cit., p. 38

*** op.cit., p. 40.

**** MNR: Musées Nationaux Récupération (Refers to art works entrusted to National Museums). Artworks available for consultation on website www.culture.fr/documentation/mnr/pres.htm

Claimants expect restitution, or, in the least, compensation for the spoliation of artwork during the Occupation. Two types of files are submitted to the CIVS: claims lacking descriptive information on the works (at best, the name of the artist is known), or, claims that are detailed and that include an inventory and/or pictures.

-Handling Claims

The files are sent to various archive centers, such as the Ministry of Foreign Affairs, the Directorate of French Museums (*la Direction des musées de France-DMF*), the National Museum of Modern Art (*le Musée national d'art moderne-MNAM*), and the CIVS unit in Berlin. In order to make a copy of their records, German authorities require that claimants commit to paying back any amount of money that was collected, in accordance with the Brügel law, for compensation of artwork that is returned to them.

The research network carries out investigations (for regions outside Paris and foreign museums, the auction houses at “Hôtel Drouot,” etc.) on the various pieces and artists, in order to determine their individual value. The Network also consults the MNR database of the Ministry of Culture and encourages claimants to do the same.

- “Art Work” claims heard by the Commission: four possible cases.

Restitution. Restitution of artwork can be carried out without the intervention of CIVS. In such cases, the institutions (Ministry of Foreign Affairs, DMF, museums) and claimants in question come to an agreement. Since its creation, CIVS has recommended that three paintings be restored, a Vernet, a Courtois, and a Picasso, which were all on deposit with the MNR.

Compensation: two possibilities. The Commission always offers compensation for proven cases of spoliation. This is often the case when the claimants are the painters themselves, or when claims made by their heirs, collectors or gallery owners. In those cases, the Commission recommends overall compensation corresponding to the value of work at that time.

Indemnification may also be recommended if the spoliation, though not absolutely determined, may be clearly implicated by a variety of indices or circumstantial evidence (lifestyle and family income, attestations of the time, testimonies, insurance policies, etc.). In such cases the Commission suggests fair compensation.

CIVS adjustments to Brügel law compensations

These compensations are complementary. Brügel law experts having applied a reduction to the compensation for artworks, the Commission has granted fair compensations depending on the claims submitted (three claims).

Rejected claims. Rejections of claims are rare. Rejections are based on insufficient evidence in the files, or because of prior compensation for precious works

To date, **approximately fifty files have been examined by the Commission.** The resulting compensations have, until now, been of limited amounts.

-Assessment of requests for information transmitted to the artwork archives

CIVS has received 137 artwork claims, which have been sent to the Ministry of Foreign Affairs, and for which questions have been raised, in particular to the National Museum of Modern Art (MNAM) and the Directorate of French Museums (*Musée national d'art moderne et de la Direction des musées de France*).

- Suggestions

Improve collaboration between CIVS, museums, Ministry of Foreign Affairs, and foreign institutions.

Working meetings between and among various departments and institutions may be increased, as had been requested during a meeting held on April 12, 2002.

It was suggested that the Commission send a written request to the Staff of the Minister of Culture, in order to authorize museum curators, who are questioned by rapporteurs, to carry out and provide a professional evaluation of artworks. This official request should be drafted soon.

Following a visit from a German delegation on June 13 and 14, 2002, the creation of a Franco-German working group has been discussed. As of now, this endeavor has not materialized. Is it not time for the Ministry of Foreign Affairs, which is responsible for this initiative, to revive this project? It would undoubtedly improve the efficiency of the Commission's work. Important German law firms have taken a keen interest in the major cases involving artworks. These firms should soon bring more cases to CIVS, which means that, in the future working more closely with these firms would be useful.

Art Work Research Limitations

The Commission only restitutes pieces that are part of the MNR collections.

Archive centers that are consulted (Ministry of Foreign Affairs, DMF, MNAM, Drouot, etc.) rarely find information on lost artworks. It should be noted that most of the claimants had already submitted requests for restitution after the war. If the procedure carried out at the time gave no results, it is even more difficult, 60 years after the spoliations, to identify these works. It is therefore important to inform claimants' of the limitations of CIVS in this matter.

Other investigative possibilities

In order to improve the quality of the investigation process, close cooperation between CIVS and the following institutions could be considered:

United States:

- National Archives and Records Administration (Washington, D.C.), National Gallery, Picture Department (Washington, D.C.) and Getty Foundation (Los Angeles, Ca.).

Germany:

- **Lost Art Internet Database** (website with 36,000 artworks designed to aid owners of artwork that were pillaged by the Nazis), and the Koblenz Federal Archives (files of the German authority in charge of assessing claims for the restitution of cultural goods).

Switzerland:

- **Bern Federal Archives** (Files of German merchants that participated in the traffic of despoiled artwork and claims submitted by the victims of spoliation.).

Holland:

- **Origins unknown** www.originsunknown.org (website for artworks despoiled in Holland).

Great Britain:

- National archives (**Public office, Kew Garden, London**) and Art Loss Register www.artloss.com (**artworks stolen during the World War II.**)

Conclusion:

It is clear that close cooperation with foreign institutions in charge of spoliations (Germany, Belgium, the Netherlands, Italian customs administration), and with private French and Foreign organizations (Christie's, Sotheby's, Philips), would be advantageous to the work of CIVS. It would not only improve the quality of the complex investigative process related to artworks, but it would also contribute to the creation of an invaluable information network.

Finally, it is important to add that **the number of artwork claims received by CIVS has declined.** As of November 30, 2003, these represent **0.7% of total files registered by CIVS**, or 137 out of 19,391.

B. A YEAR MARKED BY SPEEDIER PRODUCTION OF BANK-RELATED AND MATERIAL-RELATED RECOMMENDATIONS

1/ A steady yet slowing influx of claims

As of December 31, 2003, the Commission had received **15,696** claims for damages, all categories taken together. These claims result from **19,482** files, which can be broken down as follows: **6,600** files for spoliations of tangible property only, **360** for bank-related spoliations, and **6,261** files related to spoliations both of tangible property and of bank assets, for a total 12,522 files.

994 claims were temporarily closed for the following reasons:

- Withdrawal by claimant
- Lack of information provided by claimant making it impossible to hear the claim
- Manifest lack of jurisdiction of the Commission.

Nevertheless, these claims may still be reopened for processing and hearing at a later date if the files were to be duly completed.

After receiving a steady influx of files in 2002, the Commission reported fewer new claims in 2003. While the monthly average for 2002 was 286 claims, that figure dropped by 33% to 191 in 2003. Material loss claims were down 16%. The number of bank-related

claims fell much more sharply, by up to 51%. All categories taken together, claims decreased by 38% between 2001 and 2003.

However, this number remains significant. After four years, the Commission still registers some 150 new files each month. The administrative team is waiting for the total monthly figure to fall below a hundred to confirm that the influx has slowed down.

Throughout 2003, the administrative team sped up the processing of Fund B claims. By hiring an additional agent in May and temporary help during the summer, the team is now fully up-to-date in its processing of files.

a) Material loss files: a contrasting progression

In 2003, the research network submitted 1,953 files fully completed by the archive centers to the Principal Rapporteur. It has a further 389 completed files to submit. With a total of 2,342 files processed by the archive centers, the research network has exceeded its monthly goal for 2003 of 180 completed files, and reached an average of 195 files, which is more than the rapporteurs can presently hear.

Despite these apparently positive results, the archive sections struggled to meet the Commission's goals. It should be noted that the research network was able to submit a satisfactory number of files thanks partly to a process of "**de-stocking**" and to a canceling of reference to the National Archives for files related to **home workshops and sellers at fairs**.

Since the five investigators who currently work for the CIVS-National Archives can handle only 120 files each month, CIVS was forced to make the above decisions. Despite attempts to hire an additional agent for the National Archives section, only a three-month contract could be obtained. The arrival of four new funds to be consulted has increased the workload of the CIVS-Paris Archives to such a degree that it will no longer be able to meet its monthly goal of 180 files – 140 is the best it can now manage.

b) Bank-related spoliation files: a controlled trend

From its creation in May 2001 to December 31, 2003, the banking section processed 5,246 files. These were systematically assessed on the basis of the CD-ROM provided by the Mattéoli Working Party, which identified all accounts frozen in 1941.

As of December 31, 2003, the following files were studied:

- 1,698 under "Fund A", i.e. 32.4% (compared to 46% as of December 31, 2002)
- 3,539 under "Fund B", i.e. 67.5% (compared to 54% as of December 31, 2002)
- 9 files with no corresponding account identified, which were received by the CIVS after the cut-off date of January 18, 2003, i.e. 0.1%.

As of that same date, 4,876 completed files were submitted to the Principal Rapporteur for hearing, including:

- 1,392 eligible under "Fund A", i.e. 28.6% (compared to 45% as of December 31, 2002)
- 3 476 eligible under "Fund B", i.e. 71.3% (compared to 55% as of December 31, 2002)
- 8 files with no corresponding account identified, which were received after the cut-off date of January 18, 2003, i.e. 0.1%.

Similarly, 2,193 completed files payable under “Fund B” were submitted to the Hearings Secretariat for signature by the Chairman ruling alone, i.e. 45% of all files submitted.

The number of files submitted each month to the Principal Rapporteur obviously does not match the number of files processed by the banking section. The section may indeed, in the case of “Fund A” claims, keep a file for one to six months while conducting further bank research.

2/ A strong increase in the number of recommendations

a) Recommendations issued: a steadily increasing rhythm

From the beginning of CIVS’s work, through December 31, 2003, **9,717 recommendations – including 5,204 on material loss files and 4,513 on bank-related spoliation files** – were issued by the Chairman ruling alone or during 533 plenary sessions or sub-commissions. 9,243 compensation recommendations, all categories taken together, represent **95%** of all claims assessed, for a total value of **€123,046,859** (each claim is **assessed individually**).

It should be recalled that there were 381 recommendations with portions reserved for undeclared heirs. These are included in the above figures.

Recommendations for the rejection of claims and the withdrawal of claims by claimants stand at 436 and 38 respectively. In most cases they arose from the existence of a previous compensation payment, or from the Commission’s lack of jurisdiction, e.g., with regard to spoliations which occurred abroad.

Some **5,170** recommendations were handed down by the Commission in all its forms, (including the Chairman ruling alone), in the 189 hearings held in **2003**. Over twice the total number of recommendations (2,857) were adopted in **2002**. In **2000** and **2001**, the Commission had adopted only 308 and ,382 recommendations.

The average value of compensation payments recommended for a **material loss** stands at 25,500 euros and has registered a 7% increase in one year. The breakdown of amounts recommended is as follows:

- less than €15,000 : 41 %
- between €15,000 and €30,000 : 31 %
- between €30,000 and €45,000 : 16 %
- between €45,000 and €75,000 : 8 %
- more than €75,000 : 4 %

The average length of time taken to process files, for all spoliations, from the time that claims are filed to the time they are considered at hearings or by the Chairman ruling alone, is as follows:

- more than 2 years : 51 %
- between 1.5 and 2 years : 18 %
- between 1 and 1.5 years : 16 %
- less than 1 year : 15 %

77 requests for review, as provided for in the Decree of June 20, 2001, were lodged in 2003 and a total of **192 since the creation of the Commission**, either to dispute the rejection of a claim or to submit evidence on matters that might lead to a reassessment of the amount of the proposed compensation payment. This last figure represents 2% of all adopted recommendations.

- The specific examination of bank-related recommendations

The Chairman ruling alone or, more rarely, the full Commission or a sub-commission, handed down 4,513 recommendations for bank-related compensation between June 1, 2001* and December 31, 2003. These represent 49% of the 9,081 recommendations (all categories of claims included) which were adopted in this period. The breakdown is as follows:

- **327** recommendations concerned only "**Fund A**,"
- **3,229** recommendations concerned exclusively "**Fund B**,"
- **797** recommendations concerned "**Fund A**" and "**Fund A**" with a supplement from "**Fund B**,"

- **160** recommendations to **reject** were pronounced, mainly for files only eligible for "Fund B" but without any element of proof or indication on the affidavit making them credible. Other bank files were rejected for exceeding the closing date for "Fund B" provided for in the Washington Agreement.

In 2003, the Commission, including or the Chairman ruling alone, adopted more than 3,230 bank-related recommendations, thus highlighting **the urgent attention given to bank-related claims**, as required under the Washington Agreement.

By way of comparison, 180 bank-related recommendations had been handed down by the Commission between June 2001† and December 31, 2002.

As of December 31, 2003, the FSJU has authorized, and CDC has paid out €1,279,746 from Fund A and €1,821,983 from Fund B, for a total of €3,101,729. **Indemnities paid under additional lump-sum payment from "Fund B," amounting to 6,666,937 euros, are included in this total.**

Thus far, 2.53% of Fund A has been drawn down, while the figure for Fund B is 58.4%.

b) The management of the deadline for "Fund B"

As regards the deadline set for "Fund B", certain provisions of the Washington Agreement should be recalled here:

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

† idem

In order to receive the US\$1,500 flat payment under “Fund B”, a claimant must have submitted a letter claiming a bank-related spoliation, a questionnaire mentioning the spoliation of one or several accounts, an affidavit, or some other document mentioning the spoliation of one or several bank accounts, dated January 18, 2003 at the latest. The deadline for bank-related claims eligible solely for payment from “Fund B” is January 18, 2003, inclusive. The affidavit itself may be dated after January 18, 2003 provided that one of the above-mentioned documents mentioning banking accounts is dated earlier than January 19, 2003.

On the other hand, a claim for material losses only submitted prior to January 19, 2003 may under no circumstance give rise to a flat payment of US\$1,500 under “Fund B” if the claimant cites bank-related spoliations after January 18, 2003. In such a case, the deadline will apply.

Bank-related files for which the claimants have not, despite renewed requests, returned the questionnaire or any other information needed for the claim to be heard (identification, victims’ address, etc.) are temporarily closed according to the same procedures as applied to material loss claims.

c) The processing of bank-related files in 2004: encouraging prospects

In 2003, the processing of files accelerated and archive research was launched for a large number of files. Nonetheless, it seems that the Commission’s services will also have to prepare a number of more sensitive files, which are either incomplete or deal with particularly complex issues.

Indeed, many claimants, and especially claimants who reside abroad, never met certain members of their families (uncles, aunts, grandparents or great-grandparents) and only know that these individuals spent time in France under the Occupation. Processing these files will be a major challenge for the Commission in 2004.

As regards bank-related claims, November 2003 marked the resumption of work by the ad hoc banking unit on files eligible under “Fund A”, but to be completed if need be from “Fund B”.

In addition to the usual priority rules applied to certain files, the service plans its work based on the submission date of those claims. All work on “Fund A” files received by the Commission before January 18, 2003 had been suspended following the CIVS’s decision in April of this year to accelerate its processing of claims and give absolute priority to “Fund B” files. As of December 31, 2003, 392 claims remained to be processed under Funds A and B, after which the banking section will focus on files submitted after January 18, 2003, for which no research has yet been undertaken. As of December 31, there remained 575 files under the latter category.

As of December 31, 2003, therefore, a total of 970 files (392 submitted to the CIVS before January 18, 2003 + 575 received after that date) remains to be processed.

The banking section estimates it can process each month some two hundred files that are eligible strictly under “Fund A” or that may be completed under “Fund B”. At this rate, it will thus need 5 months to exhaust the above-mentioned backlog, to which must be added the 2 months required by the banks to respond to the CIVS. The banking section believes it will have finished **processing these files** at the end of July 2004.

Nevertheless, in order to accurately gauge processing delays, one should add to the above-mentioned **file backlog** the **influx of claims** expected between January 1 and July 31, 2004. The administrative teams assesses the average monthly number of claims related to bank-related losses and to spoliations both of tangible property and of bank assets at 45. The banking section will require an extra month and a half to process the estimated 315 files yet to be received (45 x 7 months).

It may be presumed that as from August 15, 2004, the banking section will be in a position to process files as and when they are submitted to the Commission.

The banking section assessed these processing times based on its current workload and staffing levels. Currently, five people work fulltime in the section. The above-mentioned deadlines may only be met if staffing levels are maintained. It is therefore crucial that a temporary employee and a fulltime staff member from another service within the banking section be retained in addition to the three case officers. The results for processing “Fund B” files were only made possible by the leasing of fulltime officers from the Commission.

Moreover, the banking section did not take into account in the above estimates any overrun in the banks’ response times. Currently, certain banking establishments that are signatories to the Washington Agreement, and among those that deserve mention are *La Poste*, the *Crédit Lyonnais* and the *Société Générale*, are frequently called upon by the banking section yet have always responded within the requested deadlines. However, the sharp increase in requests by the CIVS may put the banking establishments’ research officers in a difficult position.

Thus, in order to respect its previously announced time limits, CIVS has decided that files submitted to the banks will be referred by the banking section to the Principal Rapporteur or to the Chairman ruling alone if two months pass without any response. The “**adversary rule**” will be deemed met, since the banks were contacted and requested to comment.

Indeed, boosted by the success of its accelerated processing procedure and its recommendations for those bank-related files eligible under “Fund B” alone, the CIVS recently adopted a similar system for claims eligible under “Fund A” (and completed if need be under “Fund B”). A summary report by the banking section and a simplified recommendation signed by the Chairman ruling alone will suffice for the most straightforward of files, for which it will be up to the claimants to decide how to divide the compensation granted between the beneficiaries.

In this way, the current high rate of banking recommendations may be maintained.

* *

CONCLUSION

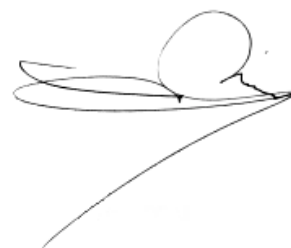
Throughout 2003, a number of memorable events marked the Commission’s work, including the processing of the last of the bank-related files eligible under “Fund B” only, the official visit of a delegation to Israel, and the return of several works of art.

These events, for satisfactory as they may be, do not diminish the CIVS's daily burden. At this stage, a general estimate of the Commission's lifetime may be suggested. In view of the file backlog and influx, it should still have more or less five years of work ahead of it.

CIVS has worked hard to make up for a lack of staff with temporary employees provided on a case-by-case basis. With some difficulty, yet never with a lack of energy, it has striven to become ever more efficient and to continuously improve its results. This would obviously be easier to accomplish with more permanent staff, more rapporteurs and more hearing secretaries.

It is crucial to avoid any discontinuity in the Commission's fulfillment of its tasks.

The image of CIVS in the eyes of our fellow-citizens and the mission entrusted to it by the government are at stake.

A handwritten signature in black ink, consisting of a series of loops and a long, sweeping underline that extends to the right.

Pierre Draï

APPENDICES

APPENDIX 1 : Visits to the website www.civs.gouv.fr since its launching (i.e., from April 2001 to December 31, 2003)

APPENDIX 2 : Average monthly number of claims received **for all types of damages** in 2001, 2002 and 2003

APPENDIX 3 : Monthly number of **bank-related and material claims** received in 2001, 2002 and 2003

APPENDIX 4 : Status of claimants

Distribution **by birth date** of victims of spoliation

Distribution **by occupation** of victims of spoliation

Distribution of spoliations **by types of damages**

Place of spoliations **by region**

APPENDIX 5 : Files sent to the Research Network to the archive centers for investigation and answers received between June 2000* and December 2003

APPENDIX 6 : Distribution of bank accounts by identified credit institutions

APPENDIX 7 : Distribution of **bank-related claims handled** from May 2001 to December 2003 and posted to "Fund A" and "Fund B".

APPENDIX 8 : Monthly **recommendations made by the Commission, for all types of damages**, from June 2001 to December 2003 inclusive.

APPENDIX 9 : Summary of **bank-related** recommendations made by the Commission from June 2001 to December 2003 inclusive.

* *
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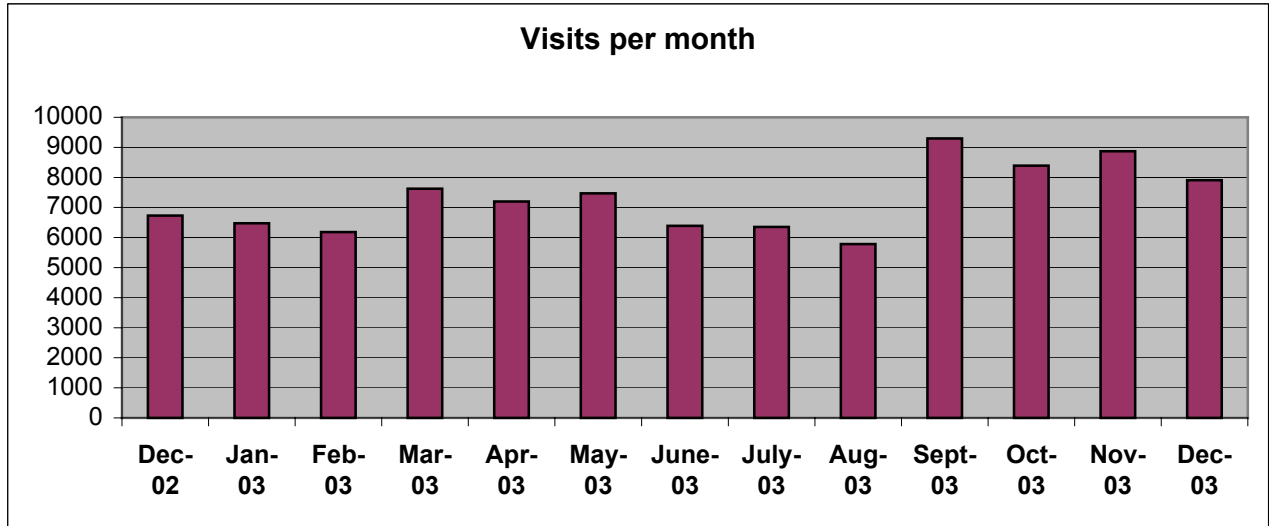
* Date of the Research Network's creation

APPENDIX 1

Visits to the website www.civs.gouv.fr since its launching
(i.e., from April 2001 to December 31, 2003)

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

I) VISITS PER MONTH FOR 2003



Visits to the site reached a high in September 2003 – 9,298 visits¹ - and this pace seems to be sustained.

From the date the site went online on December 31, 2003, there have been 151,900 visits.

II) NUMBER OF FORMS DOWNLOADED

from the date the site went online to November 30, 2003

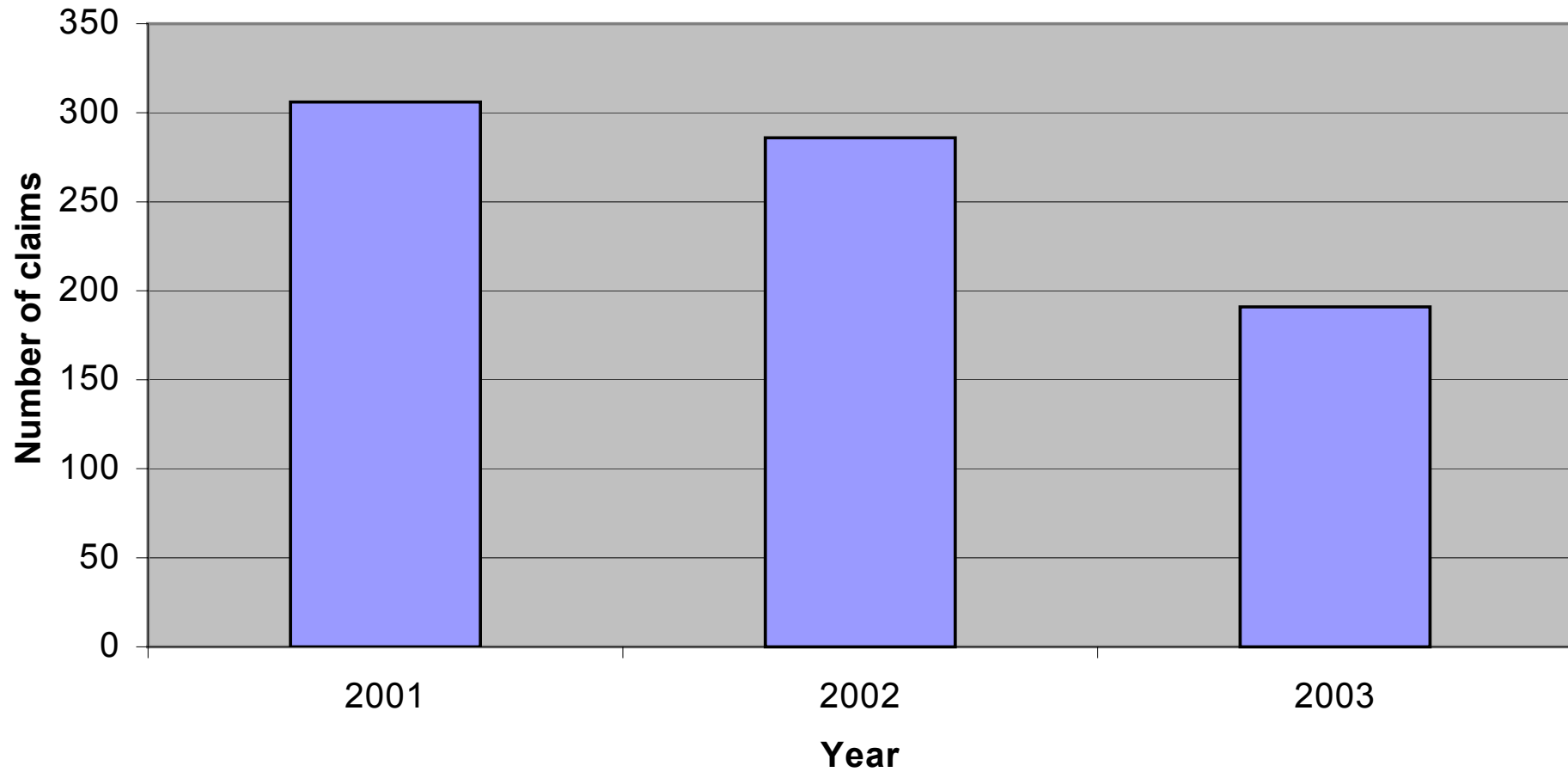
Language of the form (questionnaire/proxy/power of attorney)	Number of forms downloaded
French	9,760
English	5,670

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

APPENDIX 2

Average monthly number of claims received **for all types of damages**
in 2001, 2002 and 2003

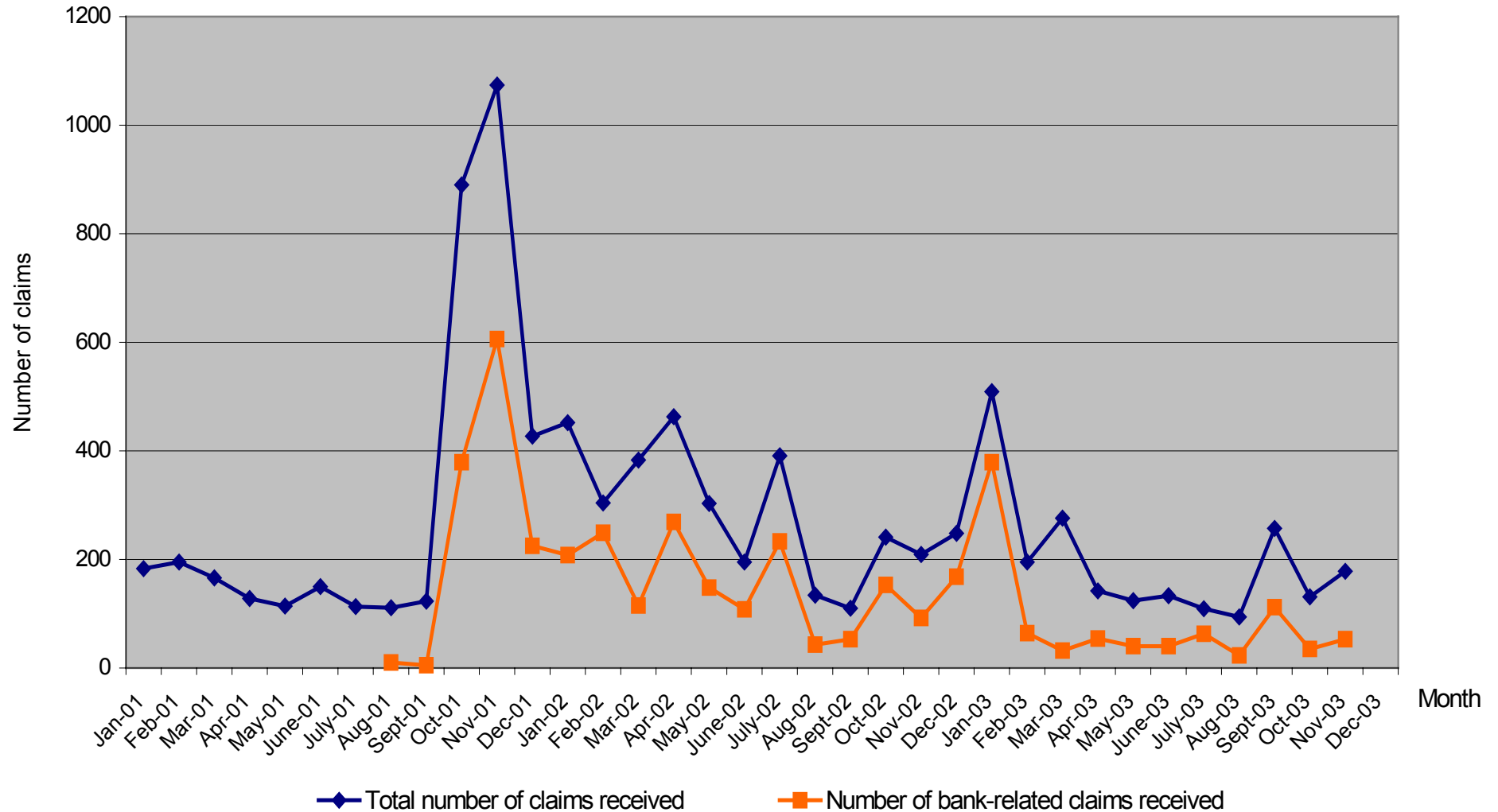
**AVERAGE MONTHLY NUMBER OF CLAIMS RECEIVED FOR ALL TYPES
OF DAMAGES
IN 2001, 2002 AND 2003**



APPENDIX 3

Monthly number of **bank-related and material claims** received
in 2001, 2002 and 2003

MONTHLY NUMBER OF BANK-RELATED AND MATERIAL CLAIMS RECEIVED IN 2001, 2002 AND 2003*



* Bank-related claims received have been counted since August 2001

APPENDIX 4

Status of claimants*

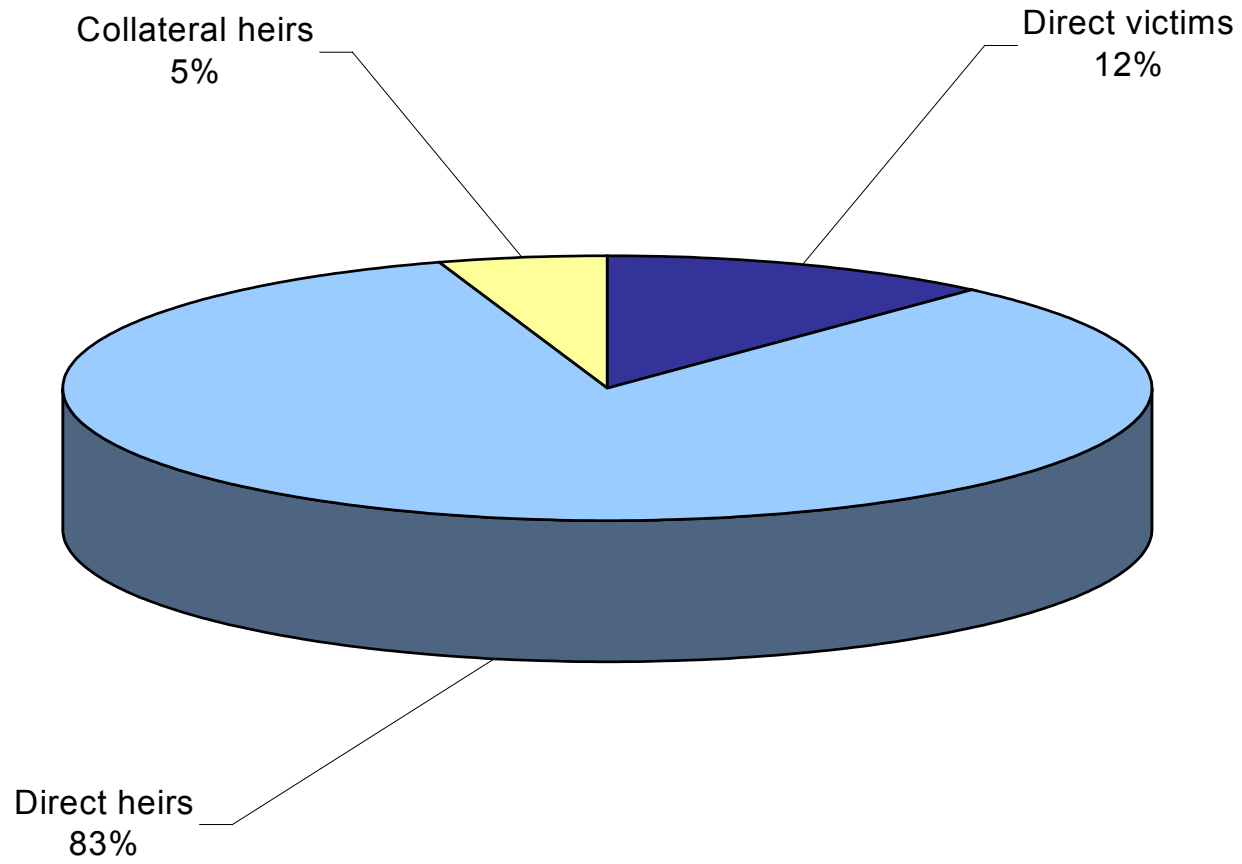
Distribution **by birth date** of victims of spoliation *

Distribution **by occupation** of victims of spoliation*

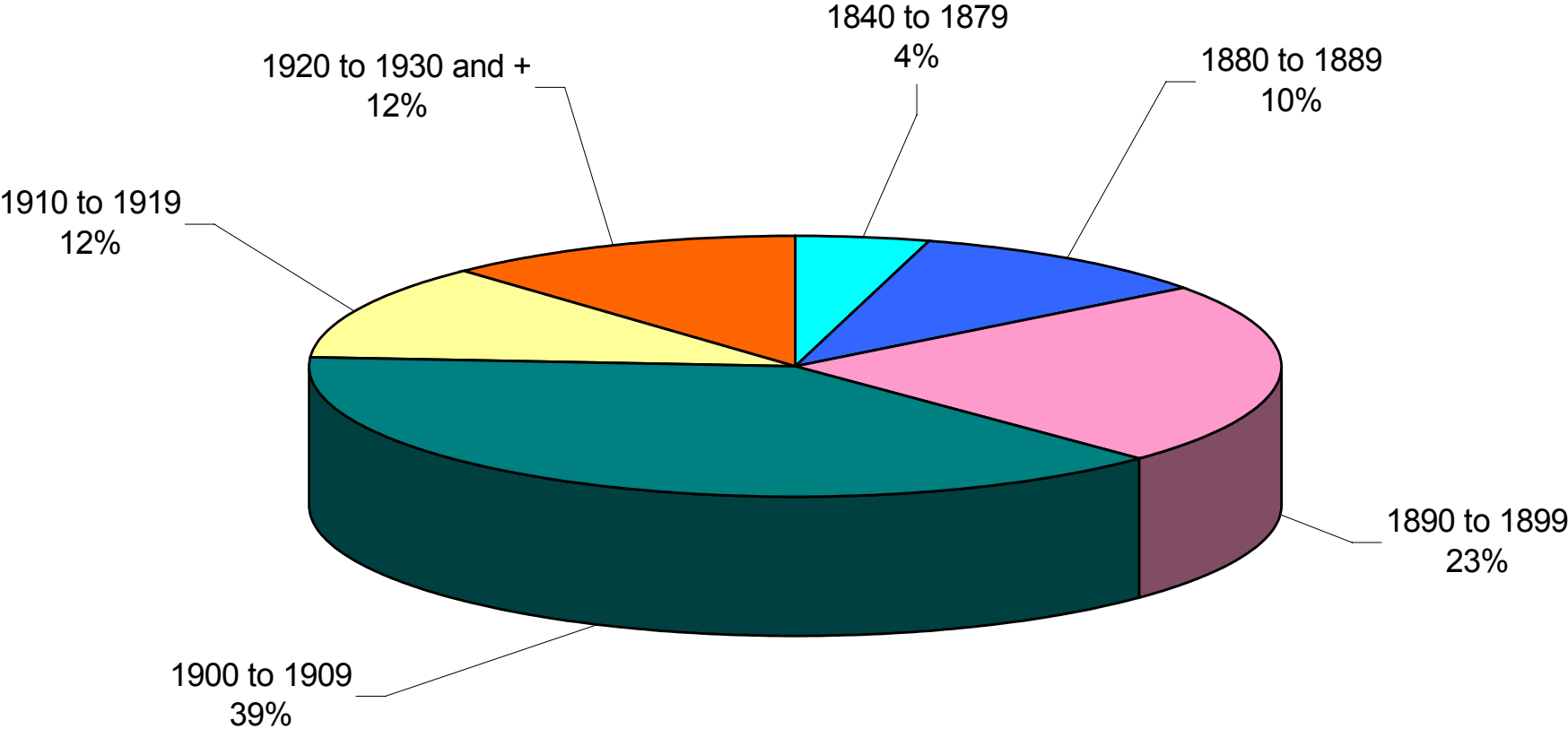
Distribution of spoliations **by types of damages***

Place of spoliations **by region***

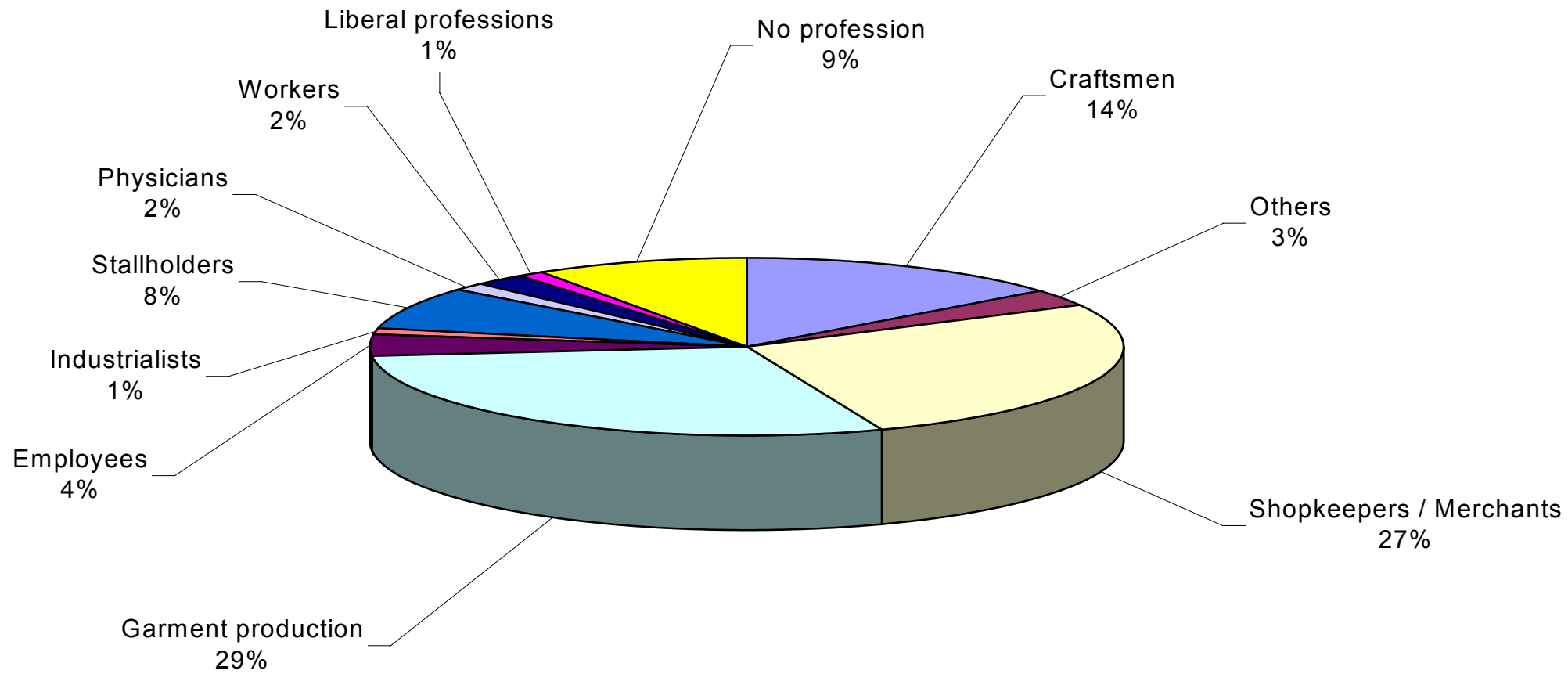
STATUS OF CLAIMANTS



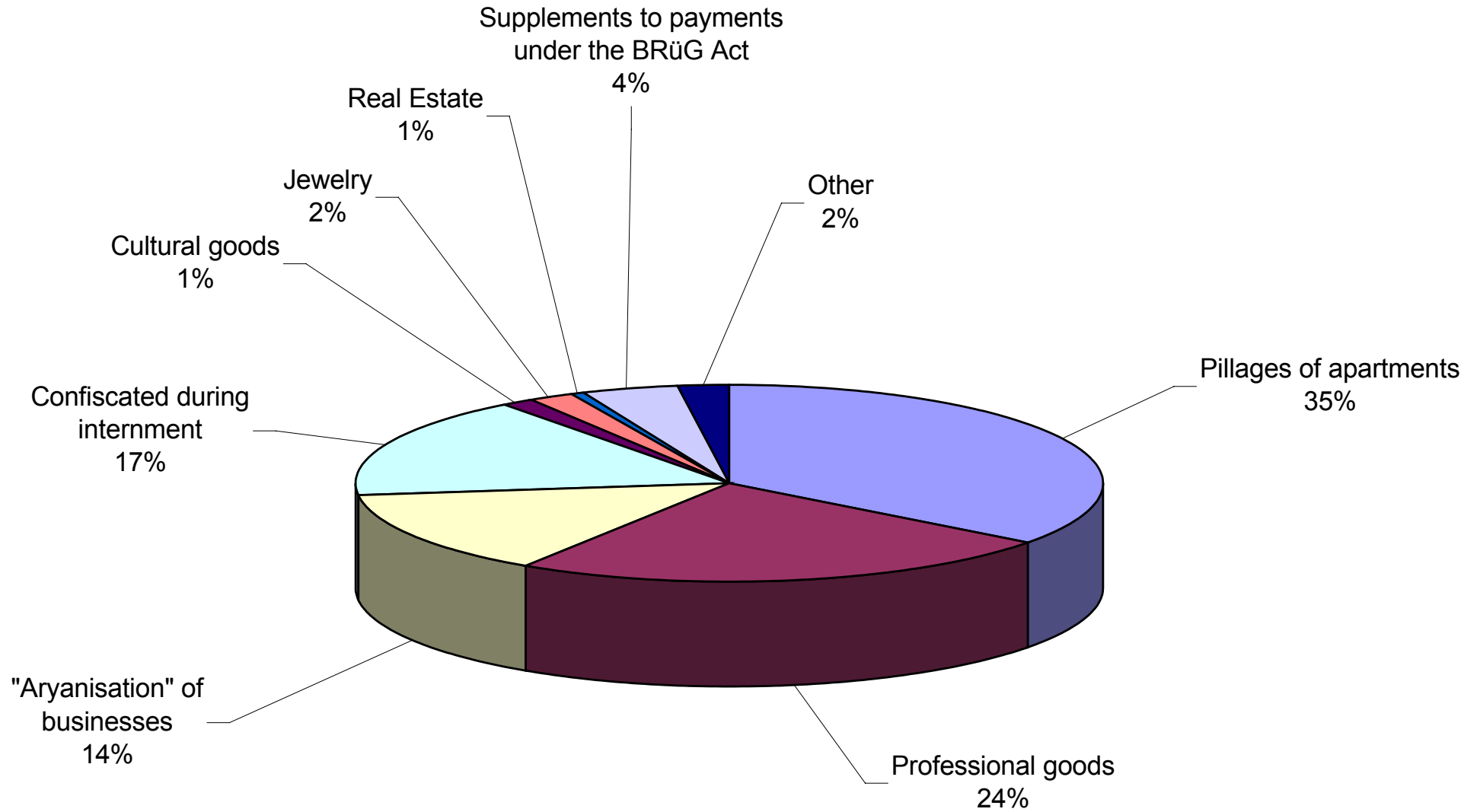
DISTRIBUTION BY BIRTHDATE OF VICTIMS OF SPOLIATION



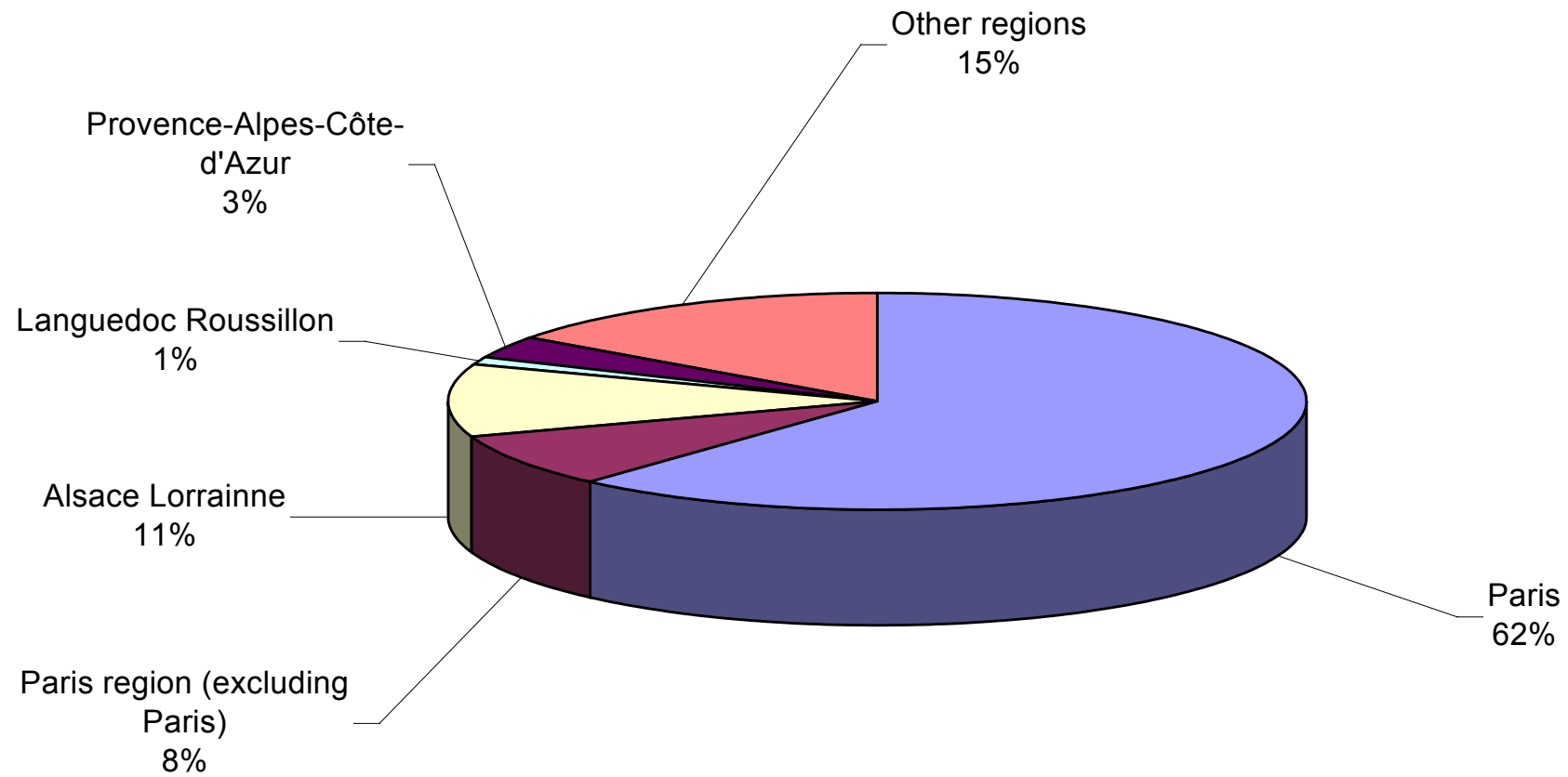
DISTRIBUTION BY OCCUPATION OF VICTIMS OF SPOLIATION



DISTRIBUTION OF SPOLIATIONS BY TYPES OF DAMAGES



DISTRIBUTION OF SPOLIATIONS BY REGION

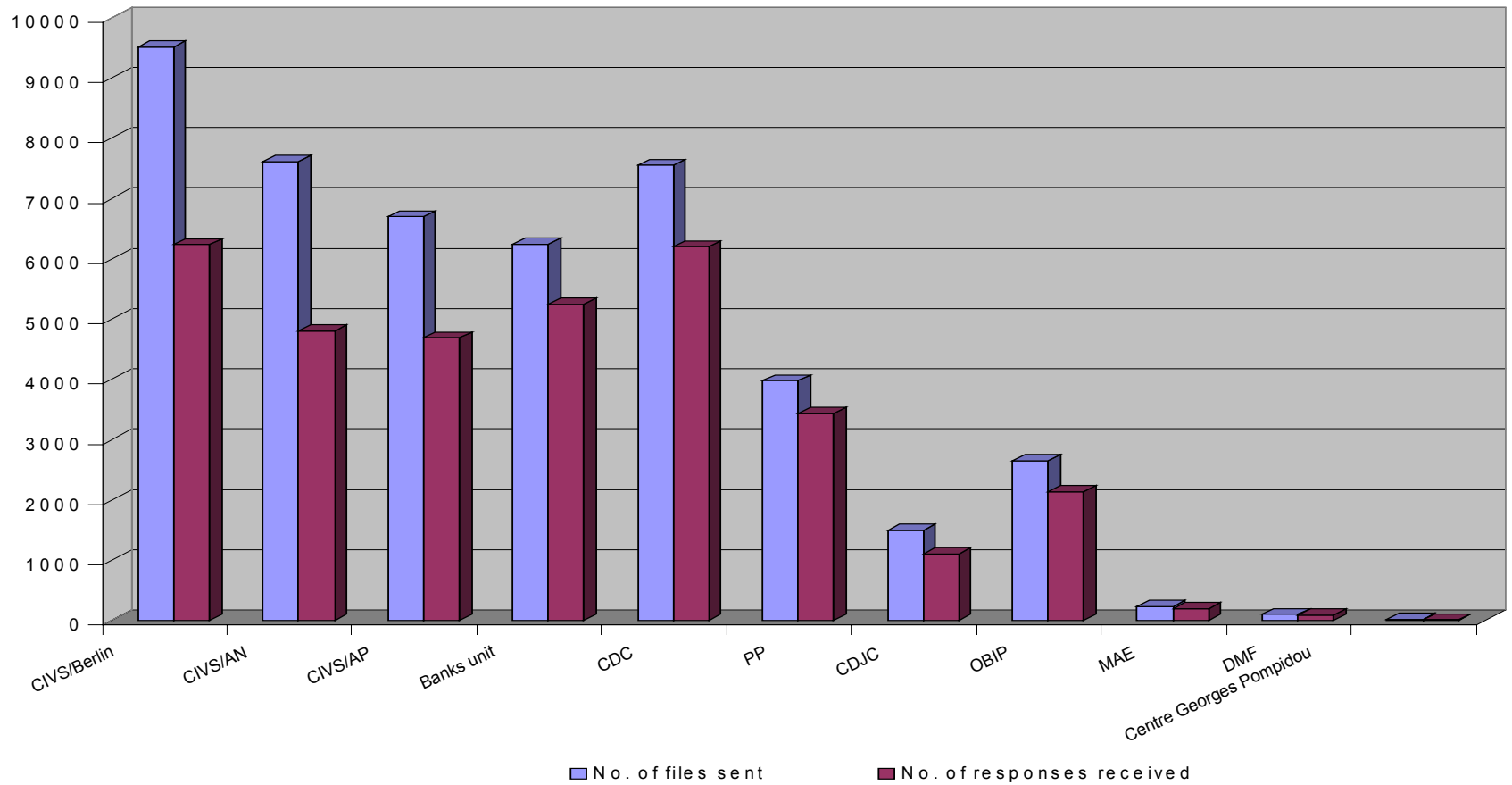


APPENDIX 5

Files sent to the Research Network to the archives centers for investigation and answers received between June 2000* and December 2003

* Date of the Research Network's creation

**FILES SENT BY THE RESEARCH NETWORK TO THE ARCHIVE CENTERS FOR INVESTIGATION
AND RESPONSES RECEIVED
BETWEEN JUNE 2000* AND DECEMBER 2003**

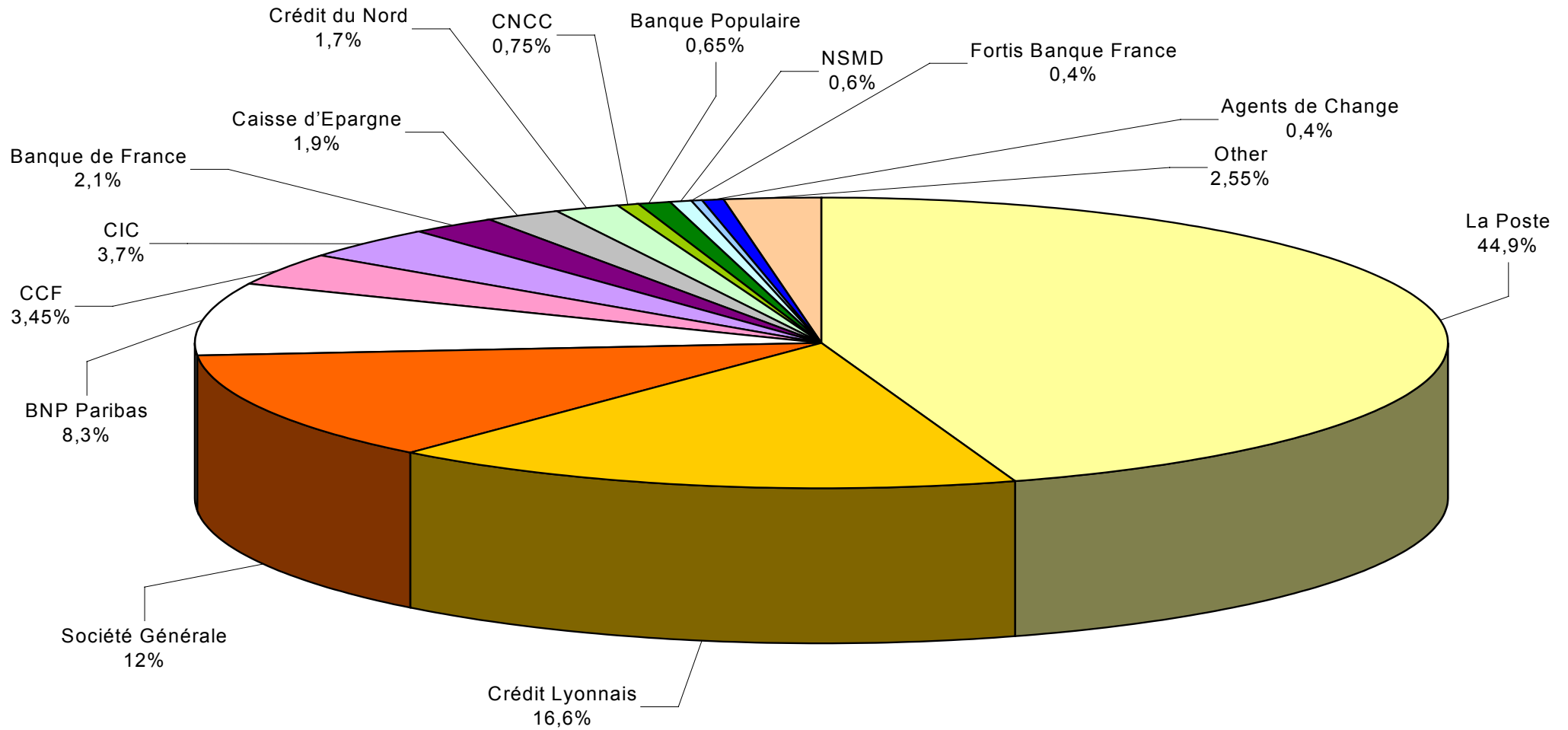


* Date of the Research Network's creation.

APPENDIX 6

Distribution of bank accounts by identified credit institutions

DISTRIBUTION OF BANK ACCOUNTS BY IDENTIFIED CREDIT INSTITUTIONS BETWEEN MAY 2001* AND DECEMBER 2003

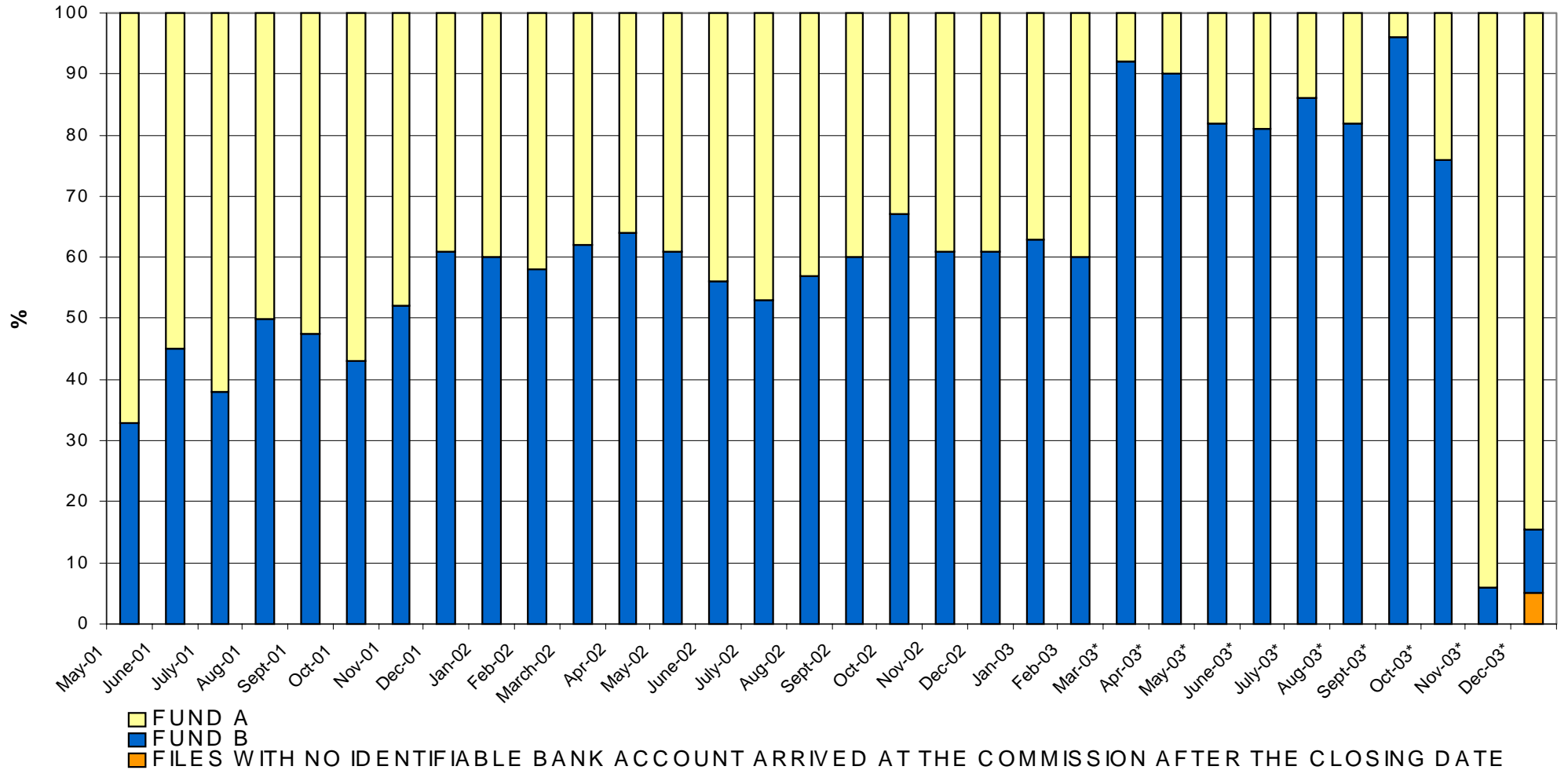


* Date of creation of the banking unit.

APPENDIX 7

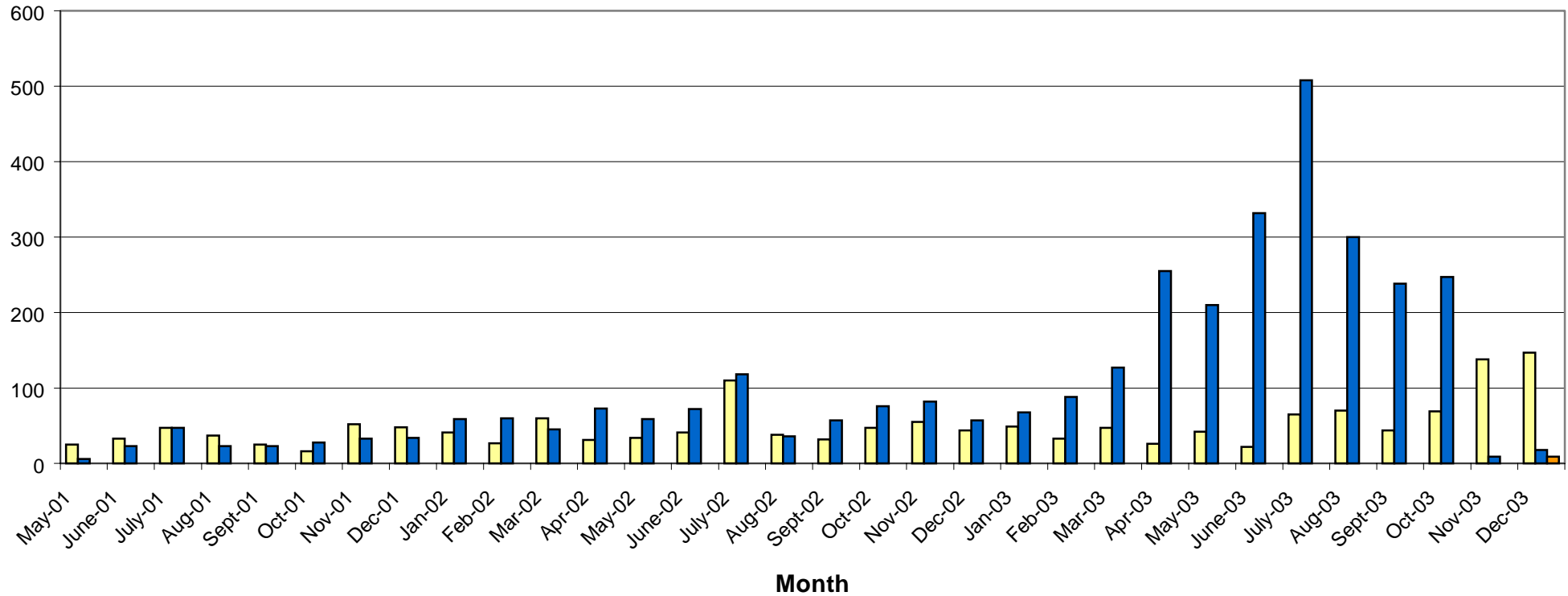
Distribution of **bank-related claims handled** from May 2001 to December 2003 and posted to the "Fund A" and the "Fund B". "

**TREATMENT OF BANK-RELATED CLAIMS
CONCERNING "FUND A" AND "FUND B"**



* Files for compensation from "Fund B" include those transmitted to the Principal Rapporteur for preparation for a hearing and those transmitted to the hearings secretariat for signature by the Chair ruling alone, in accordance with the procedures for speeding up treatment of "Fund B" claims.

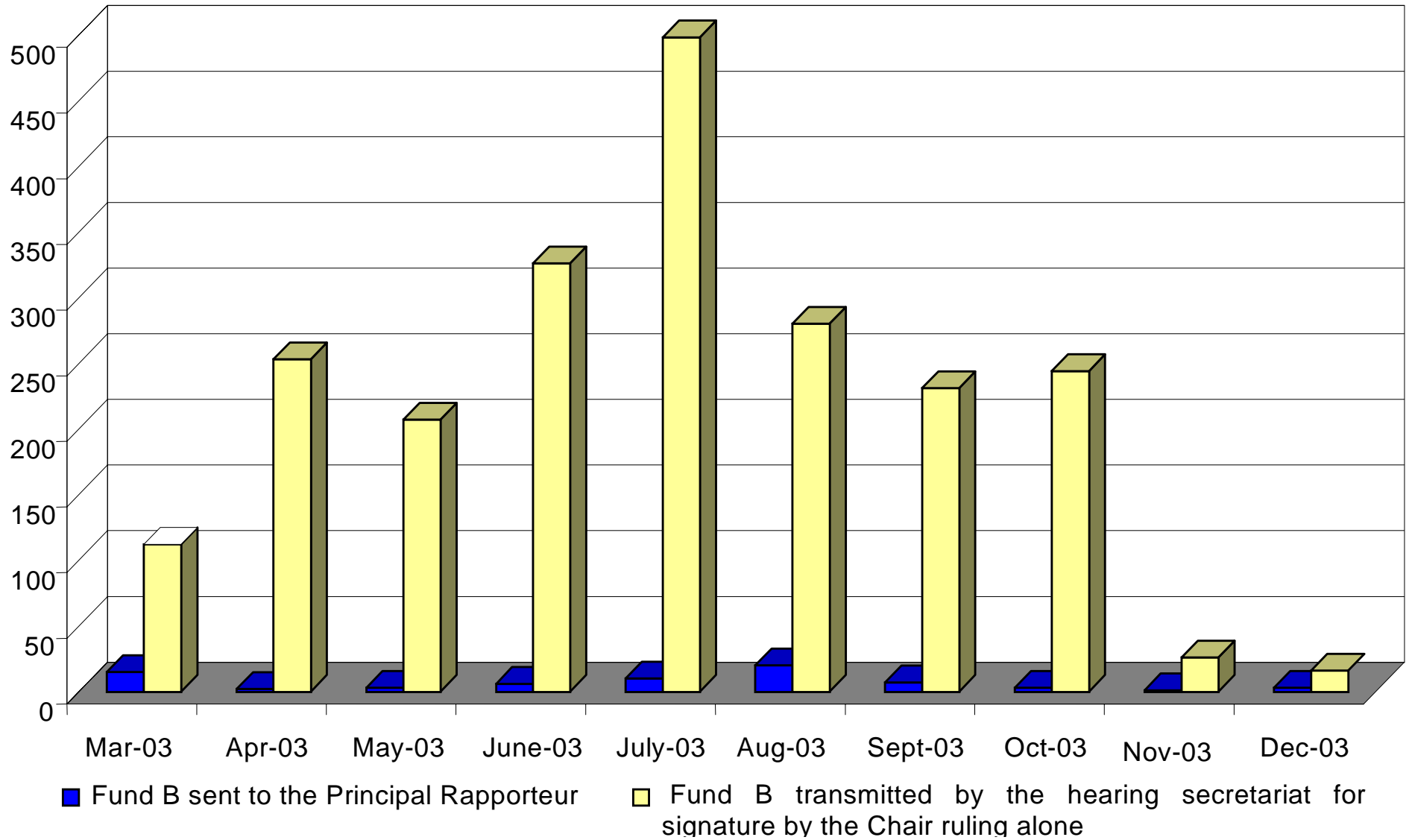
STATUS OF BANK-RELATED FILES SENT FOR INSTRUCTION



- FUND A
- FUND B
- FILES WITH NO IDENTIFIABLE BANK ACCOUNT ARRIVED AT THE COMMISSION AFTER THE CLOSING DATE

* Files for compensation from "Fund B" include those transmitted to the Principal Rapporteur for preparation for a hearing and those transmitted to the hearings secretariat for signature by the Chair ruling alone, in accordance with the procedures for speeding up treatment of "Fund B" claims.

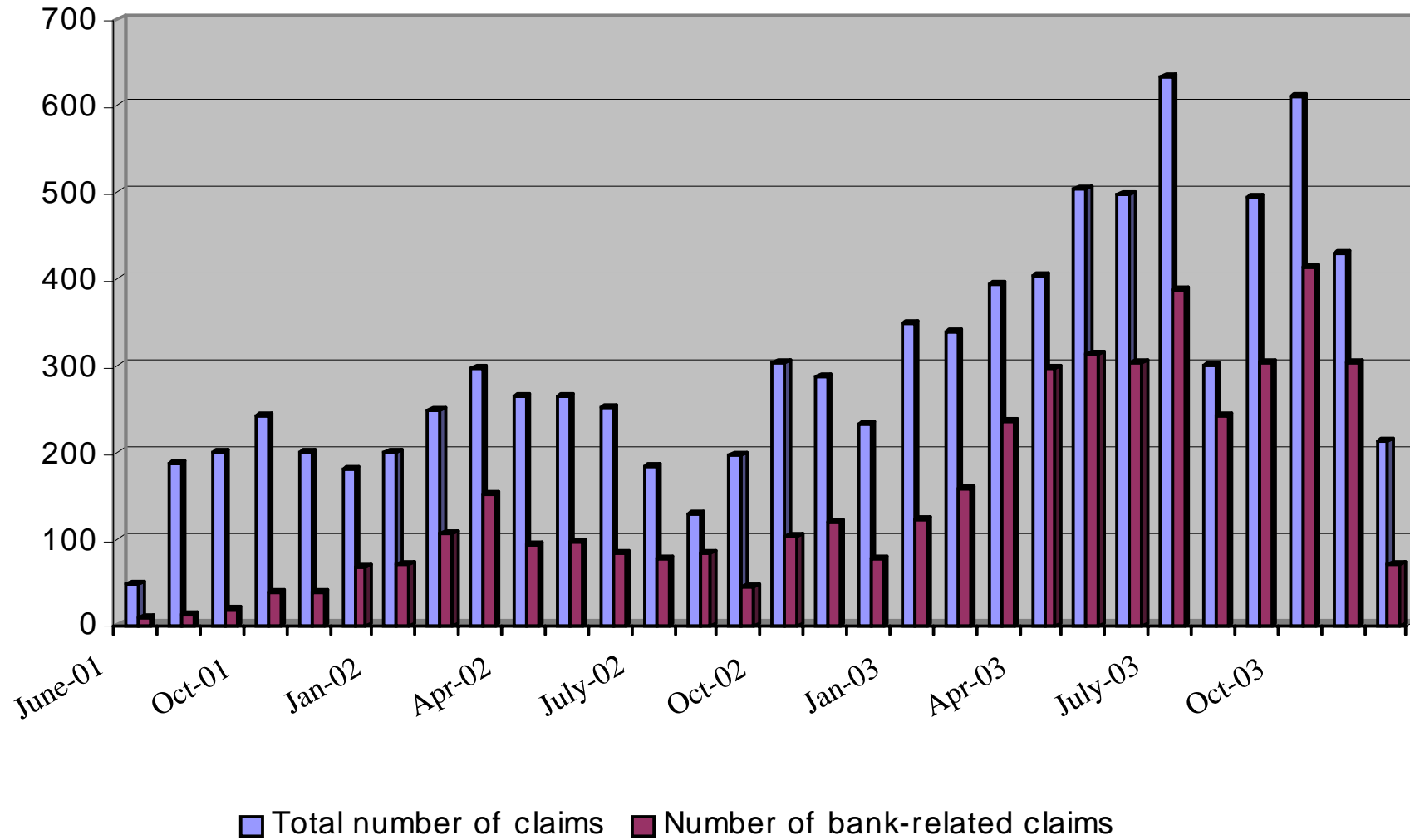
**"FUND B" FILES TRANSMITTED BY THE BANKING UNIT
SINCE TREATMENT WAS ACCELERATED IN MARCH 2003**



APPENDIX 8

Monthly **recommendations made by the Commission, for all types of damages**, from June 2001 to December 2003 included.

MONTHLY RECOMMENDATIONS BY THE COMMISSION, FOR ALL TYPES OF DAMAGES, FROM JUNE 2001 TO DECEMBER 2003



APPENDIX 9

Summary of **bank-related** recommendations made by the Commission from June 2001 to December 2003 included

**ALL BANK-RELATED RECOMMENDATIONS BY FORMAT OF HEARING
AND BY FUND FROM JUNE 2001¹ TO DECEMBER 2003 INCLUDED**

<u>Bank-related recommendations</u>	Fund A	Fund B	Funds A+B**	TOTAL
Recommendations by the Chair ruling alone	28	3 030	481	3 539
Recommendations made by subcommissions	288	186	303	775
Recommendations made in plenary session	11	13	13	37
TOTAL recommendations made by the Commission	327 o/w 261 CDC Fund A	3 229	797	4 353
		4 026		

Since the signing of the Washington Agreement, **4,353 bank-related recommendations** have been made by the Commission or by the Chair of the Commission ruling alone. These recommendations concern approximately 10,000 households and 24,000 **individuals** according to the INSEE index, or 40,000 according to the *Centre National des Études Démographiques* index.

These represent 48% of the total 9,081 recommendations, for all types of damages, that were made from June 2001 to December 2003 included.

¹ Date of first bank-related recommendations made in accordance with the Washington Agreement.

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