



PREMIER MINISTRE

# Report to the public on the work of the **CIVS** 2015

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



Speech by French President Jacques Chirac,  
July 16, 1995, at the commemoration of the Vel' d'Hiv roundup (July 16, 1942).

### Excerpts

"In the life of a nation, there are times that leave painful memories and damage people's conception of their country.

It is difficult to evoke these moments because we can never find the proper words to describe their horror or to express the grief of those who experienced their tragedy. They will carry forever, in their souls and in their flesh, the memory of these days of tears and shame. [...]

On that day, France, land of the Enlightenment, of Human Rights, of welcome and asylum, committed the irreparable. Breaking its word, it handed those who were under its protection over to their executioners. [...]

Our debt to them is inalienable. [...]

In passing on the history of the Jewish people, of its sufferings and of the camps; in bearing witness again and again; in recognizing the errors of the past, and the errors committed by the State; in concealing nothing about the dark hours of our history, we are simply standing up for a vision of humanity, of human liberty and dignity. We are thus struggling against the forces of darkness, which are constantly at work. [...]

Let us learn the lessons of history. Let us refuse to be passive onlookers, or accomplices, of unacceptable acts."

### Decree No. 99-778 of September 10, 1999 establishing a Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation.

#### Article 1

"A commission shall be set up under the Prime Minister charged with examining individual applications presented by the victims or their heirs to make reparations for damage resulting from the spoliations of property that occurred due to anti-Semitic laws passed during the Occupation, both by the occupant and by the Vichy authorities.

The Committee is responsible for seeking and proposing appropriate means of reparation, restitution or compensation."



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## Foreword

Renewing the Commission's means and reflecting on its prerogatives, were the two areas which characterized 2015.

Leaving its historic base on *rue de la Manutention*, at the end of the year the CIVS set up in its new site at 66, *rue de Bellechasse*, in the 7<sup>th</sup> *arrondissement* of Paris. The operation was prepared and conducted in a remarkable spirit of cooperation with the staff. This relocation offers a more operational setting and has allowed for the updating and improvement of the information and guidance conditions of claimants.

The reconfiguration of the website of the Commission and the implementation of electronic referral files have strengthened its communication and accessibility. The specifics of the CIVS, in the eyes of the Prime Minister and the compensation measures implemented in France and abroad, now benefit from a greater visibility.

The CIVS exercises its remit at the heart of an institutional network. In order to modernize it, the CIVS' partnerships were reviewed and some were subject to agreements, for example: with the National Archives; with the Gurlitt Affair Taskforce ("*Schwabinger Kunstfund*"), an international group of experts created following the discovery of works of art held by Cornelius Gurlitt; and with the Diplomatic Archives a cooperation agreement will be signed in spring 2016. Dedicating the second part of our report on the CIVS' work to the archives means both highlighting the importance of this resource for our work on research and the understanding of acts of spoliation. It is also a testament to the CIVS' particular attention to the services which preserve them.

In 2015, the number of new case files opened stayed the same, continuing to mobilize the specific skills of staff from the Commission and the judge-rapporteurs. This renowned expertise led the Ministry of Culture and Communication (MCC) to renew the CIVS' mandate to lead the new working group dedicated to research on the origin of works of art recovered after the Second World War. The duty to find long-term solutions to identify the heirs of these works has, moreover, led the Ministry of Culture and Communication to propose a modification of the decree instituting the Commission, in order to grant it the option of "making referrals itself" and therefore increasing the possibilities, in the future, of returning spoliated property.

With modernized means and a reaffirmed legitimacy, the CIVS continues its mission with determination, at the service of the victims of spoliations.









# Reparations and memories

As rebuilding a future between people is a matter for politics, reparation for acts committed during the last world conflict must be undertaken by states. Therefore, since the war, most countries have put in place compensation measures. In France it is the Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation (the CIVS) which undertakes this public policy. Since its creation in 1999, the CIVS has recommended over 530 million euros of compensation for material and bank-related spoliations.

Its mission is not yet complete, as shown by the number of new case files registered in 2015 alone – 272, like the previous year. To ensure its mission of reparations and passing on memories, this year the Commission has updated its claim information and guidance conditions as regards claimants, researchers and citizens.

## 1) Making reparations

### A European concern<sup>1</sup>

Few countries escaped the genocidal campaign undertaken by the Nazis. The collective awareness of the Holocaust and of a necessary reparation led, after the war, to the creation of compensation and restitution measures in many countries. The comparative examination of these public policies allows for a better perception of the uniqueness of the French one: the extent of the damages concerned and the absence of a limit on the compensation amount paid out; the decree of 1999 instituting the CIVS does not set any time limit for the completion of its works, nor does it impose a nationality requirement.

The list of measures presented below is not intended to be exhaustive, but it is a testament, on the one hand, of the extent of the persecutions suffered by the Jewish populations in Europe and, on the other, of the diversity of responses provided by governments, which have occurred over the last 70 years in countries where Jews were despoiled, imprisoned or exterminated.

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1 - To get more detailed information, the reader can view the website:  
<https://www.jewishvirtuallibrary.org/jsource/Holocaust/claims1.html>

► **In Germany**, different compensation and restitution laws have been applied for victims of Nazi persecutions. An initial series of compensation programs were launched from the 1950s in the Federal Republic of Germany, with the compensation act (*Bundesentschädigungsgesetz, BEG*) and the restitution act (*Bundes-rückerstattungsgesetz, BRüG*). A second period began after the reunification of Germany, in 1990, with the spread of laws aiming to compensate victims of Nazi spoliations in the former territory of the German Democratic Republic, spoliations which were not covered by the compensation acts from the 1950s. Now these procedures are no longer in place. However, other compensation programs remain. They are managed by the *Claims Conference*<sup>2</sup> and can be applied to people who were victims of anti-Semitic persecution. They are the *Child Survivor Fund*, the *Hardship Fund*<sup>3</sup>, and even the specific compensation program dedicated to people who were subject to forced labor in the ghettos, managed by the Federal Office for Central Services and Unresolved Property Issues (*BADV*)<sup>4</sup>.

Concerning the return of spoliated art works, Germany recognized the principles of the Washington Conference of December 3, 1998 applicable to works of art confiscated by the national-socialists. The country therefore committed to returning spoliated works found in museums and public collections. In the event of a dispute between a museum in possession of a spoliated work of art and the former owner, or their heir, requesting the return of the work, it is possible to call upon the Advisory Commission<sup>5</sup>. This Commission can be required to play the role of a mediator. The head office is in Magdeburg, in the German Center For Lost Cultural Property, which is a unique representative for all issues relating to spoliations and the return of works of art<sup>6</sup>. This center also manages the *lostart*<sup>7</sup> database which lists the works of art spoliated, as well as the project entitled "Gurlitt origin research", aiming to determine the provenance of works of art belonging to the "Gurlitt collection". Furthermore, a collection made up of approximately 12,000 works

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2 - Conference on Jewish Material Claims Against Germany, an international organization created in 1952, the head office of which is located in Frankfurt. <http://www.claimscon.org>

3 - For more information: [www.claimscon.de](http://www.claimscon.de)

4 - Bundesamt für zentrale Dienste und offene Vermögensfragen  
[http://www.badv.bund.de/DE/\\_Functions/RelatedEnts\\_Merk.html?nn=27972](http://www.badv.bund.de/DE/_Functions/RelatedEnts_Merk.html?nn=27972)

5 - Beratende Kommission <http://www.kulturgutverluste.de/de/beratende-kommission>

6 - Deutsches Zentrum Kulturgutverluste, [www.kulturgutverluste.de](http://www.kulturgutverluste.de)

7 - <http://www.lostart.de/Webs/DE/Datenbank/Index.html>

of art, the origin of which needs to be established, is held by the Federal state. The Federal Office for Central Services and Unresolved Property Issues (BADV) is in charge of establishing the origin of works and returning them to the original owners. These works were found by the Allies after the Second World War in different depots created by the Nazis to house spoliated items. A database listing these works is viewable on the *BADV*<sup>8</sup> website.

- ▶ **In Austria**, an initial reparation fund was established by the parliament in 1995, the "General Compensation Fund for Victims of National Socialism". It organized a lump-sum compensation of 5,087 euros for any victim of persecution from the Nazi regime. 150 million euros were paid out to 30,000 people. Between 2001 and 2004, another fund, equipped with 150 million euros was able to compensate for the loss of leases relating to apartments and commercial premises<sup>9</sup>.
- ▶ **In Belgium**, the law of October 1, 1947 allowed for the compensation of war damage. The work of the commission, created in 1997, on the fate of property of members of the Jewish Community of Belgium, spoliated or abandoned during World War II, led to the Law of December 20, 2001 relating to compensation for the members of the Jewish Community of Belgium. It set a foreclosure date of March 19, 2003, postponed to September 9, 2003. 5,620 claims were examined by the Compensation Commission during the exercise of its duty from 2002 to 2007 and the amounts allocated reached 35 million euros.
- ▶ **In Denmark**, a law passed in the 1960s allowed Danes detained in a concentration camp and suffering from a disability resulting from this internment to receive compensation.
- ▶ **In Great Britain**, a commission (*Commission for Looted Art in Europe*), created in 1999, carries out research on stolen art works, at the request of families, museums or governments.

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8 - <http://www.badv.bund.de/DE/OffeneVermoegensfragen/Provenienzrecherche/Provenienzen/start.html>

9 - To find out more:

<http://www.bmeia.gv.at/fr/ambassade/ottawa/conseils-pratiques/services-consulaires/indemnisation-des-victims-du-national-socialisme.html>

- ▶ **In Hungary**, a law passed in 1991 allowed for reparations to victims or their heirs of a part of the private property stolen. Moreover, a compensation fund for heirs of victims of the Holocaust was created in 1998 and updated in 2003. The amount paid to each victim is approximately 2000 euros. Finally, 18,000 survivors receive a monthly income from the Hungarian government.
- ▶ **In Italy**, the parliament passed a law in 1980 allowing Italian citizens who were imprisoned in concentration camps to receive a monthly income of 400 euros. Two other laws, dating back to 1955 and 1980, allow victims of political or racial persecution to receive a pension.
- ▶ **In Lithuania**, in 2011, the parliament adopted a law on the compensation for property of the Jewish communities that was confiscated by the Nazis and then kept by the Soviet regime. The text provides for the payment, from 2013, of 37 million euros over ten years into a special fund managed by the Jewish associations of Lithuania. It will serve to finance cultural, sporting, educational and medical activities. Moreover, a sum of 600 dollars must be paid to the 1,775 Lithuanian victims of deportation.
- ▶ **In Luxembourg**, the war damages were compensated by the law of February 25, 1950. Assembled for the first time in 2002, the special Commission for studying the spoliation of Jewish property in Luxembourg concluded, in 2009, on the absence of discrimination to the detriment of the Jewish populations in reparations and compensations; it therefore considered that there were no grounds to reopen compensation case files.
- ▶ **In Monaco**, since 2006, the Commission for Assistance to Victims of Spoliation was charged with *“examining the claims reparation of natural persons, for victims or their heirs, regarding material or financial damage resulting from spoliations of property that took place in Monaco during the Second World War”* (Sovereign Ordinance of March 23, 2006). Fifteen compensation requests have been examined since its creation.
- ▶ **In Norway**, in 1999, the government put in place a compensation fund for people who were victims of anti-Semitic measures during the Second World War. 50 million euros were paid to people robbed of their property, and to their heirs, as well as to different international Jewish organizations.

- ▶ **In the Netherlands**, in 2000, the authorities paid the sum of 181 million euros to several Jewish associations designed to compensate victims of anti-Semitic spoliations. Moreover, a Committee – *Adviescommissie Restitutieverzoeken Cultuurgooederen en Tweede Wereldoorlog Restitutiecommissie*<sup>10</sup> – was created by decree on November 16, 2001 to advise the Minister of Education, Culture and Science on claims restitution for cultural items. The Committee focuses on works from the Nederlands Kunstbezit (NK) collection recovered after the war. The Committee can either agree on the return, or refuse it without financial compensation. For other works, several solutions are possible: a return, a return to the original owner with compensation for the current owner, no return with compensation for the original owner, the exhibition of the work with an indication of its background or the non-return of the work. The opinions are binding. For the NK works, all the recommendations were monitored by the Minister. For the other works, the cases of disagreement are dealt with according to the rules of Dutch private law. Since 2009, a certain number of Dutch museums have been undertaking research on the provenance of items that they have acquired since 1933.
- ▶ **In Poland**, any citizen who suffered during the Nazi occupation – in a death, concentration, work or transit camp, or underground – can, along with their spouses, receive a monthly allocation of 100 euros from the Polish Office of Veterans and Victims of Oppression. Moreover, in 1975, Switzerland reimbursed 463,000 Swiss francs from dormant accounts belonging to Polish people who disappeared during the Second World War without leaving heirs.
- ▶ **In the Czech Republic**, a compensation fund of 100 million korunas was created in 1998 to compensate victims of anti-Semitic spoliations that took place in the former territory of Czechoslovakia, notably regarding the loss of real property. Another law passed the same year allows for the return of works of art stolen and kept in a public institution.
- ▶ **In Slovakia**, in 2002 the government signed an agreement with the leaders of the Slovakian Jewish community regarding the creation of a compensation fund of 850 million korunas. This fund is designed to compensate victims of property spoliations, as well as 1,450 survivors.

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10 - <http://www.restitutiecommissie.nl/en>

► **In Switzerland**, in 1999, the confederal authorities signed an agreement with the World Jewish Congress for the compensation of survivors and heirs of spoliated victims for 1.2 billion euros. Five groups of people were affected: victims of Nazi persecutions who held accounts in Switzerland before the Second World War; those whose assets were spoliated and transferred in Switzerland; people confined to forced labor whose income from this work was transferred in Switzerland; Those who, in order to flee persecutions, tried in vain to enter Switzerland or who, after having successfully entered, were mistreated there; and lastly, anyone, whether a victim or not of Nazi persecutions, who undertook compulsory or forced labor in a site placed under the control or ownership of a Swiss body<sup>11</sup>.

### A late, yet comprehensive public policy in France

The law of October 28, 1946 on **war damages** provided for the compensation of "all of the destruction associated with the presence of the occupying forces (bombardments, pillaging)<sup>12</sup>", but this compensation procedure did not specifically concern Jewish people. The foreclosure deadline, initially set for January 1, 1947, was postponed to July 5, 1952. 6,296,000 case files were processed for the following damages: property, total destruction (300,000 case files); property, partial destruction (1,520,000); farms (745,000); industries, trades and crafts (640,000); furniture for everyday use (1,215,000); furniture for family use (1,785,000); industrial enterprises (91,000). This law was reserved for nationals, even though a significant number of Jews in France during the Occupation were of a foreign nationality. Reciprocal agreements were, however, concluded between France and Belgium (in 1953) then between France and Luxembourg (in 1955), to allow for the compensation of Jewish victims with the nationality of one of these border countries, but the compensation was a longer time coming, as it was subject to these agreements coming into force. Moreover, no agreement was concluded with the Eastern European countries, which a number of Western European Jews originated from.

11 - "Avoirs juifs : les banques suisses démarrent l'indemnisation" (Jewish assets: Swiss banks begin compensation), article by Muriel Jasoïr published on the Échos website on June 30, 1999: [http://www.lesechos.fr/30/06/1999/LesEchos/17931-106-ECH\\_avaïrs-juifs--les-banques-suisses-demarrent-l-indemnisation.htm](http://www.lesechos.fr/30/06/1999/LesEchos/17931-106-ECH_avaïrs-juifs--les-banques-suisses-demarrent-l-indemnisation.htm).

12 - Caroline Piketty, Christophe Dubois & Fabrice Launay, *Guide des recherches dans les archives des spoliations et des restitutions*, Working party on the Spoliation of the Jews of France, Paris, La documentation Française, 2000, p. 73.



After the war, the Federal Republic of Germany took charge of several types of compensation via the *BEG*<sup>13</sup> and *BRüG*<sup>14</sup> acts. **The *BEG* act** grants a pension to the victims of Nazism, and is not subject to nationality<sup>15</sup>. **The *BRüG* act** “concerns the return of spoliated Jewish property, or rather its value<sup>16</sup>”. The text was adopted by the German parliament on July 19, 1957. 30,000 individual case files were opened in relation to this act for Jews domiciled in France. The same person had the option of submitting several case files relating to as many claimed spoliations. 4,600 case files were regarding confiscation of jewelry in Drancy. “It is impossible, with the case of French Jews, to precisely calculate the number of people who have been compensated, or even the total amount of compensation. This difficulty is, in part, due to the lack of the statistical processing of the compensation by the German Finance Ministry, but also due to the fact that the compensation requests coming from French Jews were, in part, undertaken by representatives, such as the United Jewish Social Fund (FSJU), and, in part, due to individual initiatives.<sup>17</sup>”

Following the speech from the French President, Jacques Chirac, on July 16, 1995, at the commemoration of the Vel’ d’Hiv roundup, in 1997, the French government created a working party on the spoliation during the Occupation of property belonging to Jews residing in France, known as the **Mattéoli Mission**. This mission listed the confiscations of property and of all securities in Nazi occupied France resulting from anti-Semitic laws, including those concerning people deported from France. It produced a comprehensive report of 3,000 pages accompanied by recommendations to right these wrongs quickly and decisively. One of these recommendations aimed for the government to establish a body in charge of examining claims submitted by victims of anti-Semitic legislation in place in France during the Nazi Occupation. The French Republic followed the recommendation of the Mattéoli Mission and, in 1999, created the CIVS. At the same time, it established a reparation measure for orphans whose parents had been the victims of anti-Semitic persecution<sup>18</sup>.

13 - *Bundesentschädigungsgesetz* (the federal compensation law for victims of Nazi persecution).

14 - *Bundesrückerstattungsgesetz* (federal restitution law).

15 - Tal Bruttman (dir.), *Persécutés et spoliés des Juifs pendant la Seconde Guerre mondiale*, Grenoble, Presses universitaires de Grenoble, p. 19.

16 - Ibid.

17 - Ibid, p. 67.

18 - The Decree no. 2000-657 of July 13, 2000 confers the right to a reparation means for any person whose mother or father was deported from France in the context of anti-Semitic persecutions during the Occupation, if this person was under twenty one years of age at the time the deportation took place.

People of all nationalities can request compensation from the CIVS, the determining factors being that the spoliation took place in the territories where French sovereignty was exercised and that its origin was due to the application of anti-Semitic legislation. The vast majority of claimants reside in France, but a certain number live in the USA, in Israel or in other countries. A significant number of the victims of spoliations were born in Eastern European countries.

To properly undertake its mission, in other words to assess as accurately as possible the nature of each spoliation mentioned by the claimants, the Commission can rely on archive collection sources for compensation procedures implemented in France and Germany in the aftermath of the Second World War.

### **The reparations made by the CIVS for damages**

The CIVS is responsible for examining individual requests presented by the victims or their heirs to obtain reparation for losses due to the spoliation of material or financial assets that took place due to anti-Semitic legislation taken during the Occupation<sup>19</sup>.

When the CIVS sends a compensation recommendation on the State's behalf, the decision on the basis of this recommendation is taken by the Prime Minister, then paid by the National Office of Veterans and War Victims.

Although damages of a moral nature, such as psychological suffering and the conditions of the deportation, do not enter into the scope of compensation, the French measure is characterized by the extent of the damages which can be compensated for:

#### **► The looting of apartments and refugee shelters**

Beginning in May 1940, the German occupant removed personal property in the framework of requisitioning offices, apartments and houses, and also looted housing, including refugee shelters, abandoned by Jews who had fled persecution or were deported (the operation known as *Möbel Aktion*, or "Furniture Action"). Nearly 72,000 apartments were thereby emptied of their

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19 - Decree No. 99-778 of 10 September 1999 as amended by Decree No. 2000-932 of 25 September 2000.

contents in occupied France, including 38,000 in Paris<sup>20</sup>. This "civil theft"<sup>21</sup>, by Nazi Germany concerns all goods contained in that housing: clothing, furniture, silverware, professional equipment, pianos, etc. These objects were, for the most part, sent to Germany.

**> Total recommended in this respect by the CIVS in 2015:  
€2,369,341<sup>22</sup>**

**> Total recommended in this respect by the CIVS since 1999:  
€158,700,824<sup>23</sup>**

### ► Business and real property spoliation

The objectives of this economic aryanization policy, first conducted by the Germans in the occupied zone (orders and instructions of May 20, 1940, September 27, 1940 and November 12, 1940) and then by the Vichy government across the entire country (Law of July 22, 1941), were to confiscate property belonging to Jews and to ban them from the majority of professional activities. Under the authority of the General Commissariat for Jewish Questions (CGQJ), 50,000 businesses and buildings<sup>24</sup> were "aryanized"<sup>25</sup> between March 1941 and June 1944. These sales and liquidation operations were conducted by provisional administrators. Economic aryanization gave rise to spoliations valued at more than 450 million euros<sup>26</sup>. Moreover, numerous business assets were spoliated outside the framework of this procedure.

**> Total recommended in this respect by the CIVS in 2015:  
€1,946,812<sup>27</sup>**

**> Total recommended in this respect by the CIVS since 1999:  
€164,719,820<sup>28</sup>**

20 - Annette Wiewiorka, Floriane Azoulay, *Le pillage des appartements et son indemnisation*, Mission d'étude sur la spoliation des Juifs de France (Working party on the Spoliation of Jews in France.), Paris, La documentation Française, 2000, p. 17.

21 - Mission d'étude sur la spoliation des Juifs de France (Working party on the Spoliation of the Jews of France), *General Report* Paris, La documentation Française, 2000, p. 41.

22 - Excluding shelters; including jewelry.

23 - Ibid.

24 - Few claims concern compensation for real property. The restitution of real property and cancellation of sales were addressed by simplified procedures at the time of the Liberation.

25 - "Aryanization", a term of German origin, refers to the transfer of property from "Jewish hands" to "Aryan hands."

26 - Mission d'étude sur la spoliation des Juifs de France (Working Party on the Spoliation of the Jews of France), *General Report* Paris, La documentation Française 2000, p. 59.

27 - Excluding shelters.

28 - Ibid.

### In 2015, the Council of State confirmed no compensation for income losses (shortfalls)

The heirs of a metal recovery business leader in Paris, placed under provisional administration from May 1941, then liquidated in 1942, filed a claim with the CIVS with a view to compensating the spoliations suffered. Deeming the compensation granted by the decision of the Prime Minister on February 27, 2004 and May 31, 2006 as insufficient, based on the recommendations of the Commission, the heirs appealed to the Paris administrative court.

Following an appeal presented by the Prime Minister, on March 27, 2015, the Council of State confirmed the CIVS' position, which does not propose compensation for the loss of income resulting from the spoliation of business capital: *"although, in the case of a business, compensation must allow reparations to be provided for its permanent loss, taking into account all tangible and intangible elements, the revenue loss due to the impossibility of operating the business cannot be likened to a spoliation of assets that qualifies for compensation."*

#### ► The confiscation of banking assets and consignments of insurance policies

A German order dated May 28, 1941 stated that: *"Jews and Jewish businesses, for which an administrator has not been appointed, shall not dispose of means of payment, receivables and securities or transfer them to another place without the approval of the Control Service of the provisional administrators"* (paragraph 1). The Law of July 22, 1941 goes even further, stating that *"the balances of deposit accounts and more generally all sums belonging to Jewish people shall be transferred to Caisse des Dépôts et Consignations"* (Article 21). During the war, 80,000 bank accounts and 6,000 safe-deposit boxes were placed in escrow. Financial spoliation (insurance contracts, bank accounts and securities holdings) amounted to 520 million euros.

> **Amount recommended by the CIVS for insurance policies since 1999: €241,639**

> **Amount recommended by the CIVS for banking assets in 2015: €451,769 at the State's expense and €592,008 at the expense of the banks<sup>29</sup>**

> **Amount recommended by the CIVS for banking assets since 1999: €9,749,526 at the State's expense and €42,659,169 at the expense of the banks<sup>30</sup>**

29 - Data provided by Caisse des dépôts et consignations.

30 - Data provided by Caisse des dépôts et consignations.

### ► Theft or forced sale of cultural personal property (including works of art and liturgical objects)

Looting of art began in the first days after the occupation of Paris. From autumn 1940, this activity was assigned to a German organization, the ERR (*Einsatzstab Reichsleiter Rosenberg für die besetzten Gebiete*, or *Reichsleiter Rosenberg Taskforce*, in the occupied territories)<sup>31</sup>. The ERR seized works over a period of four years, targeting 200 prominent collectors. Numerous cultural and religious objects were also stolen from homes. Overall, 100,000 art objects and millions of books were spoliated.

> **Total recommended in this respect by the CIVS since 1999:**  
**€35,198,872**

### ► The payment of fees for smuggling to unoccupied France or across borders

From June 1940 to November 1942, a 1,200km frontier separated occupied France from so-called "free" France. Clandestine networks of smugglers formed to help people cross this "frontier". Some smugglers charged fees for their services; others seized all the assets, cash, jewelry and silverware of those they transported. During this period, several thousand Jews had to call upon the services of smugglers to flee persecution, often leaving behind cash and valuables.

### ► Confiscation of money during internment in a camp

75,000 Jews were deported from France to foreign extermination camps. 67,000 passed through the Drancy camp. Others were interned in other camps scattered across France (in particular, Pithiviers, Beaune-la-Rolande, Gurs and Compiègne). All the assets they possessed were confiscated and the money was deposited into Caisse des Dépôts et Consignations. This spoliation amounted to over 750 million euros.

> **Total recommended in this respect by the CIVS in 2015:**  
**€299,184**

> **Total recommended in this respect by the CIVS since 1999:**  
**€21,214,122**

31 - Mission d'étude sur la spoliation des Juifs de France (Working Party on the Spoliation of Jews in France), *Le pillage de l'art en France pendant l'Occupation et la situation des 2 000 oeuvres confiées aux musées nationaux* (The Looting of Art in France During the Occupation and the Status of 2,000 Works Entrusted to the National Museums), Paris, La documentation Française, 2000, p. 17.

### ► Previous supplementary compensation

These sums should be considered together with supplementary compensation allocated after World War II by the French authorities (French War Damage Act) and German authorities (*Brüg*<sup>32</sup> Act); the Commission judged these supplements insufficient in view of the damages that victims endured.

> **Total recommended in this respect by the CIVS in 2015:**

**€1,302,459**

> **Total recommended in this respect by the CIVS since 1999:**

**€72,370,225**

### The CIVS' work in figures

Since the start of the work in 2000 up to December 31, 2015, the Commission has registered 29,101 case files. 19,332 relate to material spoliations, as defined in the Decree no. 99-778 of September 10, 1999<sup>33</sup>; 9,769 are bank-related spoliations. 897 were closed because a duly-completed questionnaire had not been received; 933 were closed because they were withdrawn, the Commission lacked competence, or the claimants provided incomplete information during the investigation.

#### The number of recipients of compensation from CIVS

Since 1999, the number of victims of spoliation or their heirs, who have benefited from compensation from the Commission, was:

**47,289** for material spoliations and

**18,186** for bank-related spoliations.

**N.B.:** these two figures cannot be added together, those who have been compensated in terms of bank-related spoliations, have also been compensated for material spoliations.

32 - The *BRÜG* act (*Bundesrückerstattungsgesetz*, federal restitution act), passed in 1957, organizes the compensation of spoliated items outside of the Federal Republic of Germany and Berlin. This legislative framework has allowed for the processing, over two stages (from July 19, 1957 to April 1, 1959, then October 2, 1964 to May 23, 1966) of over 40,000 case files coming from French Jews.

33 - Losses can concern looting of apartments, commercial and industrial businesses, business assets (aryanization), confiscation of property in internment camps and the payment of fees for smuggling.

In 2015, the CIVS registered **272 new case files**: 158 material and 114 bank-related. The previous year, the same number of case files had been opened; however, the share of bank-related case files increased by 15%. The number of reports submitted rose to 243 in 2015, compared to 346 in 2014.

Recommendations are made by the Deliberative Panel, meeting in plenary session or subcommittee, or under the Chairman ruling alone procedure (see box). In 2015, 16 hearings were held in a plenary session. They allowed for the examination of 57 case files (50 in 2014). 34 hearings were held in subcommittee, during which 270 case files were examined (311 in 2014). 185 case files were examined under the procedure known as "Chairman ruling alone".

**514 recommendations** were made in 2015 (495 in 2014), of which 340 concerned material spoliations and 174 bank-related spoliations. The total amount of compensation recommended for 2015 amounted to **€8,678,385** at the State's expense.

### Chairman ruling alone procedure

The Decree of June 20, 2001 gave the CIVS Chairman the possibility to rule alone. Claims examined in this fashion are selected based on the urgency of the personal circumstances of the claimant when the claim does not present particular difficulties. In 2002, the procedure was extended to bank-related claims for which the banks concerned had agreed in principle to accord any compensation the Commission may grant.

This procedure is also used to establish recommendations for collection of reserved portions for heirs who are identified but not associated with the initial claim, and also as a result of the review of certain additional claims (e.g. fees for refugees being smuggled to unoccupied France, looting of refugee shelters, money confiscated during an arrest, internment in French camps).

Among the 514 recommendations, 122 were rejected (spoliations not proven, reactivated bank accounts, etc.): 54 in the context of a material case file; 68 in the context of a bank-related case file. Finally, 104 recommendations for the collection of reserved portions were made (85 material and 19 bank-related)<sup>34</sup>.

34 - For an explanation of the notion of "reserved portions", the reader should see the "reserved portions and the search for heirs" paragraph of this report.

## Compensation of bank-related spoliations

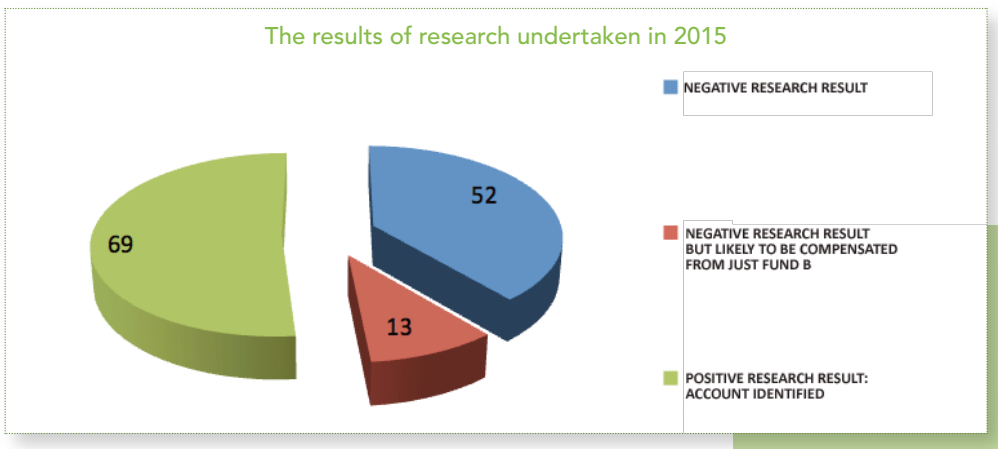
The Decree of March 21, 2001<sup>35</sup> including the publication of the agreement between the French government and the Government of the USA relating to the compensation of certain spoliations that took place during the Second World War set the compensation conditions of bank-related reparation: “[...] a request from a claimant or even a letter from a claimant asking about the existence of a bank account is sufficient to trigger an investigation [...]”.

Since the start of the Commission’s work, the specific claims in terms of reparation for bank-related spoliations represented 9,060 case files. However, during investigation of a case file, the documents obtained relating to material spoliations, documents hidden in the context of investigations, may **reveal the existence of bank accounts** in the name of the victim of the spoliation or of his business. Consequently, out of a concern for fairness in the processing of the case files that it examines, the Commission was required to go beyond the framework of the Washington Agreement and to take the initiative to conduct specific research regarding banking. Therefore, 709 supplementary case files were created, bringing the number of bank-related case files registered to 9,769.

For 2015, the archive document control procedure allowed for research to be undertaken for 22 new case files (15 in 2014).

### Bank-related research

**134 case files** were studied or subject to supplementary research by the Bank-Related Claims Search Team in 2015, compared to 114 in 2014.



35 - The Decree no. 2001-243 of March 21, 2001 publishing the agreement between the French and the United States governments concerning compensation for certain spoliations during World War II (comprising three annexes and an Exchange of Letters), signed in Washington on January 18, 2001, Annex B I. – B.



For some of these case files, consulting the historic Archives of banking institutions is vital and offers an additional asset to the Commission to make judgments on a possible reparation.

The investigations undertaken relating to 69 case files proved the existence of 141 bank accounts, securities accounts and safe-deposit boxes.

Répartition par établissements de crédits des comptes attestés en 2015	
<b>La Poste Group</b>	<b>22.0%</b>
<b>Crédit Agricole S.A. Group</b>	<b>12.0%</b>
<b>BNP Paribas Group</b>	<b>12.0%</b>
<b>Société Générale Group</b>	<b>11.3%</b>
<b>Lazare Frères Banque</b>	<b>6.4%</b>
<b>BPCE Group</b>	<b>6.3%</b>
<b>HSBC Group</b>	<b>5.7%</b>
<b>Banks (unidentified name)</b>	<b>4.9%</b>
<b>Banque de France</b>	<b>4.3%</b>
<b>CIC Group</b>	<b>4.3%</b>
<b>Banque Rothschild</b>	<b>2.8%</b>
<b>Foreign exchange broker</b>	<b>2.1%</b>
<b>UBS France S.A. Group</b>	<b>1.4%</b>
<b>National Westminster Bank Plc</b>	<b>1.4%</b>
<b>Other institutions*</b>	<b>3.1%</b>
<i>*This category combines banks representing less than 0.7% of identified accounts.</i>	

In accordance with the provisions of the Washington Agreement, if the Commission recommends compensation, it is likely to be withdrawn from the Fund A escrow account, in the event of the spoliation of a personal account, or from the State's budget, in the event of a personal or professional account the management of which was ensured by a provisional administrator. As a reminder, supplementary compensation, if it takes place, is organized via the Washington Agreement.

## The Washington Agreement

The Washington Agreement (Decree of March 21, 2001) prescribes the system the CIVS uses for compensation of bank-related spoliation.

Two separate funds have been established by the financial institutions to handle compensation that may be recommended. The first, known as the "Deposit" (Fund A), with 50,000,000 USD, is intended to compensate victims whose assets have been identified. The second, known as the "Fund" (Fund B), with 22,500,000 USD, provides for a lump-sum compensation awarded in view of the filing of a signed affidavit for cases filed prior to February 2, 2005 by the victims or their heirs. Compensation is charged to the State budget when the bank-related spoliation took place in the framework of aryazation or when assets were placed in escrow.

The Agreement has been interpreted and modified successively by four exchanges of diplomatic letters, which resulted in an increase in the rates of compensation. In response to each modification, the Commission reviewed all claims for bank-related spoliation to respect the principle of equity among claimants.

Since 2006, when the last exchange of diplomatic letters took place, the following compensations may be recommended:

- > For claims filed prior to February 2, 2005 concerning alleged spoliation, a total compensation of 3,000 USD is awarded;
- > For proven assets, it should be noted that compensation is awarded for each account identified:
  - 1/ In the case of spoliation of a personal or professional account whose identified, adjusted balance is less than 3,000 USD, the total compensation awarded is 4,000 USD;
  - 2/ In the case of a personal or professional account whose identified, adjusted balance is between 3,000 USD and 10,000 USD, the total compensation amounts to 10,000 USD;
  - 3/ In the case of a personal or professional account whose identified, adjusted balance exceeds 10,000 USD, the compensation awarded corresponds to the adjusted amount in euros.
- > An additional and unique lump-sum compensation of 15,000 USD has been implemented for individuals who meet the criteria of a direct victim under the provisions of the Agreement.

In the case of the 65 remaining case files, they come from Fund B due to the negative result of the research conducted. For 13 of them, the Commission received them before February 2, 2005, the foreclosure date associated with Fund B,

therefore, they are likely to be subject to a compensation recommendation on the basis of an affidavit and to benefit from a total compensation of 3,000 USD. The other 52, which were received after, were rejected due to the foreclosure associated with Fund B.

### **Investigation of the case files**

In 2015, bank-related investigations were finalized for 148 case files, compared to 123 in 2014:

- ▶ 104 of them (or 70% of these case files, compared to 47% in 2014) had the simplified procedure applied to them in which the Chairman of the Commission rules alone. Compensation was recommended for 55% of them. The other 47 (45%) were rejected due to the foreclosure associated with Fund B.
- ▶ The 44 remaining case files were submitted to the Principal Rapporteur with a view to their investigation by a judge-rapporteur.

In the spirit of the Washington Agreement which advises regular monitoring and information, the Commission establishes bi-annual notes relating to the processing of bank-related case files and the use of Fund A and B. In 2015, these notes were circulated on June 15 and December 15.

### **Reserved portions and the search for heirs**

Under the terms of the compensation recommendations, the Commission may choose to reserve a portion of the sum allocated for the benefit of one or more heirs absent from the proceedings, until those heirs request payment of this amount from the CIVS. Therefore, in the case of a family of three brothers who are heirs of victims of spoliation, from whom only one was identified by the Commission, one third will be allocated to him and the other two thirds will be reserved.

The Commission strives to identify all heirs concerned in order to avoid the creation of new reserves. However, this cannot always be avoided. The claims currently addressed to the CIVS often come from heirs from the third or fourth generation, or even beyond, or from collateral branches. In some cases, family ties no longer exist, so research cannot be conclusive. Sometimes, although they have been identified, heirs sometimes refuse to assert their rights to the Commission. In the absence of a claim, the reserved portion cannot be paid.

As of the year-end 2015, 4,328 recommendations were issued for collection of reserved portions, of which 3,562 concern "material" case files. On the same date, the total amount of reserved portions pending payment amounted to €27,552,062 borne by the French government<sup>36</sup>. This figure has risen by nearly one million additional euros this year compared to the previous one. The collection of reserved portions throughout the year did not compensate for the reserved portions from recommendations made during the same period. The remaining portions to collect concern 2,377 heirs, as well as 2,020 branches of succession representing an unknown number of people.

In the second half of 2015, the CIVS, along with the United Jewish Social Fund (FSJU), committed to a process to resolve 114 "bank-related" case files, 50 of which are case files the portions of which were collected under the "material" component, but not under the "bank-related" one. The undertaking of this **quality measure** will be completed at the end of 2016 and will follow the Chairman ruling alone procedure so that it is quicker. It will therefore allow for certain differences observed between the CIVS' files and those of the FSJU to be resolved.

## 2) Collecting and passing on memories

The French measure for compensation of spoliations relies on a case by case assessment. Its implementation therefore requires, in addition to lots of research in archive collections, the gathering of the accounts of claimants. These take place at the start of the process, they are followed up during the investigation stage ensured by the judge-rapporteurs, and, up to now, the hearing in which the claimants are invited to take part. The CIVS mobilizes its resources to encourage the mentioning of personal or family stories, which are, more often than not, painful.

### The updating of information and guidance conditions

The CIVS has always strived to provide quality information and guidance to claimants. The **Commission's move to its new premises**<sup>37</sup> at the end of 2015 has allowed for the updating of the conditions of this information and guidance:

36 - For bank-related claims, the amount reported by the Unified Jewish Social Fund (FSJU) is 2,011,507.91 USD, or 1,836,322.72 EUR (€1 = \$1.0954). 991 recipients are concerned.

37 - Since November 30, 2015, the CIVS departments have been based at 66, rue de Bellechasse, in the 7<sup>th</sup> arrondissement of Paris.

- ▶ An area reserved for the information and guidance of claimants was designed on the ground floor of the building. There are various uses for this space: a claimant waiting room before they go into a hearing; an interview area with a member of staff or judge; a consultation area for their individual case file; an additional meeting room. To this end, the Commission has designed this room with the requirements of both comfort and modularity in mind.
- ▶ A new hearing room: during the move, the CIVS was especially concerned with maintaining the physical working conditions of the Deliberative Panel.
- ▶ A new area dedicated to consulting case files was designed in the archives of the Commission.
- ▶ A new information and guidance protocol for supporting claimants was set out when the Commission moved into its new site.

### The new hearing room of the CIVS



© CIVS

In 2015, the CIVS received 277 claimants and heirs. 59 of them came to meet a member of staff or a judge from the Commission, 43 to consult their case file and 175 participated in a session of the Deliberative panel (277 people were called to hearings in 2015).

### Account from a claimant

"I knew that there was a compensation commission for victims of spoliations during the war (...) through a friend who belonged to the AMEJD\*. After our father and grandfather's deportation from the small village where we were hidden among the Resistance and where we were denounced by people from the neighboring village (.....) we returned to Paris after the war, mom, grandmother, my brother and I. Mom had to work day and night to meet our needs, we were grade-schoolers. We had not been able to do any serious studies, nevertheless, we went back to a normal life by working. I must say that I was touched by the hospitality, the interest and the welcome that were shown to us in our meetings at the office of the Commission."

(Ms. L., in a letter addressed to the CIVS)

*\*Association pour la Mémoire des Enfants Juifs Déportés (Association for the Memory of Deported Jewish Children)*

## A more accessible Commission

### The implementation of the referral submission electronically

On November 7, 2015 the Decree no. 2015-1404, relating to right of users to submit referrals electronically, came into force. This decree organizes the implementation of teleservices to allow users to get in contact with the administration, the sending of an acknowledgment of registration within 24 hours and an electronic acknowledgment of receipt within seven days with compulsory notices.

Anticipating this decree's entry into force, the CIVS prepared itself, in terms of its organization and tools, to satisfy these new obligations:

- ▶ A working inbox [renseignement@civs.gouv.fr](mailto:renseignement@civs.gouv.fr) is dedicated to information or questionnaire requests. This inbox is shared between two members of staff from the Commission in order to ensure the continuity of this service and in particular, the sending of an acknowledgment of registration within 24 hours.

- ▶ This working inbox is also dedicated to receiving completed questionnaires and their attached documents. This reception triggers the sending of an acknowledgment of registration within 24 hours and, within seven days, the sending of an acknowledgment of receipt, which complements the postal method.

To date, there has been little recourse to this CIVS request method. However, electronic submission, which can be directly implemented from the Commission's website, must eventually facilitate its accessibility, notably for questionnaires for claimants who are further afield, replacing the sending of questionnaires *via* fax or post.

### **A note to clarify bank-related recommendations**

In order to make the complex process of bank-related reparation, set by the Decree no.2001-243 of March 21, 2001 and interpreted and modified by the agreements in an exchange of letters on August 7 and 10, 2001, May 30 and 31, 2002, February 2, 2005 and February 21, 2006, more intelligible, the CIVS has created an explanatory note for claimants. Since spring 2015, this note has been sent along with the bank-related recommendations.

### **A Commission that is better at communicating**

The CIVS website is its main vehicle for information. Both in substance and style, the [www.civs.gouv.fr](http://www.civs.gouv.fr) website was redesigned in 2015. This new version offers better accessibility (notably on tablets and smartphones) and is part of the strategy for the redefinition and modernization of the CIVS' visual identity. Moreover, it responds to the intention to **clarify the presentation of its missions** and provides the visitor with a more user-friendly browsing experience.

In addition to its informative function, mainly for claimants, this new portal aims to bring together a large number of resources on the history of anti-Semitic spoliations and compensation policies, in France and the rest of Europe. The uploading of the new site in French took place in December 2015; and the English and German versions in January 2016.

During 2015, the old version of the site recorded 21,388 connections<sup>38</sup>, or a reduction of 55.4% compared with the previous year (47,727 connections in 2014). This significant reduction can be explained by the reconfiguration of the site into a static version, first

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38 - Number of page views.

implemented within the framework of the VIGIPRATE plan in January, then again following a computer attack experienced in May.

The geographical location of the website's visitors has slightly changed compared to 2014. Although the percentage of French users increased (92% compared to 76.4%), the percentage of North Americans decreased (2.2% compared to 6.2%). The website is mainly viewed via its French version (69.8%), then in English (23.8%), followed by German (2.9%) and finally Hebrew (1.6%). Due to the low percentage, the new version of the website no longer offers information in Hebrew, with the exception of the questionnaire required to deposit a claim. Within France, the website's visitors mainly come from Île-de-France (84.4%) followed by the Provence-Alpes-Côte d'Azur (1.4%) and Rhône-Alpes (1%) regions.

### The development of the Facebook page

In December 2013 the Commission opened a *Facebook* page<sup>39</sup>. This tool allows firstly for the presentation of the general missions of the Commission and its news and, secondly, for wider communication regarding the compensation and restitution procedures. By the end of 2015, the CIVS' *Facebook* page had received 1,146 "Likes".

### Account from a claimant

"(...) during a conversation with a family member, they encouraged me to make contact with the CIVS in order to have a compensation case file investigated concerning my parents - born in 1903 and 1910 - following all the suffering experienced during such a dramatic period. My father, who had to flee Germany and my mother, who was originally from Alsace, were living in a small village (...) and had to quickly flee in the middle of the night, with, of course, two young children - born in 1939 and 1940 - who they had to leave in a convent (...). It was a judge in charge of the case file assigned by the compensation Commission who took responsibility for piecing together the past, providing me with precious information regarding such a painful period, piecing together a working life getting more detail *via* archive research, tracing the property in order to make a compensation proposal. I was received by the Commission with kindness and would like to offer them my thanks for the case file investigation and all the research undertaken. Afterwards, the Commission contacted me again for the investigation of the case file concerning my maternal grandparents, who I unfortunately never knew, as they were deported, but the research from the Commission allowed a cousin to piece together a past that she was completely unaware of (...)".

(Ms. A., in a letter addressed to the CIVS).

39 - <https://www.facebook.com/pages/Commission-pour-lindemnisation-des-victimes-de-spoliations-CIVS/1417561255145-914?ref=stream>



## The link with other compensation measures

Via its claimant support and its website (especially the “Questions/Answers” heading, the CIVS offers claimants a great amount of information that can facilitate their processes: the opening of a case file, the monitoring of research and investigation, the examination by the Deliberative panel and the different aspects of the payment procedure for allocated compensation.

However, it is often the case that claimants’ questions fall under other measures. The CIVS therefore ensures the link with the bodies responsible for these measures. Over time, **a close collaboration** has therefore been established with these organizations, especially the National Office of Veterans and War Victims (ONAC-VG) and the office of the Claims Conference.

### The ONAC-VG

The ONAC-VG pays out the compensation decided upon by the Prime Minister on the recommendation of the CIVS. Furthermore, it is responsible for other measures: the pension granted when the “political internee” and “political deportee” titles are recognized – established by the law no. 48-1404 of September 9, 1948 and the Decree no.50-325 of March 1, 1950; the reparation measures for orphans whose parents were victims of anti-Semitic persecution and died during deportation – established by the Decree no. 2000-657 of July 13, 2000. In 2004, the Decree 2004-751 widened the scope of application by recognizing the suffering endured by orphans whose parents were victims of acts of barbarism during the Second World War.

### The Claims Conference

The *Claims Conference*<sup>40</sup> is still not distinguished from the CIVS by claimants. It is therefore a case of explaining the missions of each body, but also the compensation that they are responsible for. The negotiations undertaken by this international organization with the German government led to the implementation of compensation programs including the following three funds:

- ▶ The “Article 2 Fund” concerns Jewish victims of Nazism who were persecuted and who meet one of the following criteria: having been detained in a concentration camp, imprisoned in a ghetto, hidden or even having lived with false identity documents or illegally.

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40 - *Conference on Jewish Material Claims Against Germany*, an international organization created in 1952, the head office of which is located in Frankfurt. <http://www.claimscon.org>

- ▶ The “Hardship Fund” is for Jewish victims who either fled the Nazi regime, or suffered restriction of liberty under the Nazis or their allies – for example wearing a yellow star, curfew, assigned residence, etc.
- ▶ The “Child Survivor Fund” is for Jewish victims of Nazism, born on or after January 1, 1928, considered as having been persecuted as a child and who meet one of the article 2 criteria.

### The CASIP-COJASOR

A Claims office was made available to claimants wanting to be assisted in creating their compensation case file, thanks to a partnership between the *Claims Conference* and the CASIP-COJASOR Foundation (Jewish social action and reconstruction committee in Paris and the Paris region)<sup>41</sup>. This foundation responds to the social needs of people in difficulty and helps the survivors in their compensation processes.

The person responsible for supporting claimants from the CIVS and the Claims Conference Project Officer have frequent discussions in the context of their day-to-day missions and regularly meet so that the claimants can benefit from the compensation procedures offered by the two bodies.

### The French-American agreement of 8 December 2014

The CIVS has contributed to the information on the implementation of a French-American bi-lateral agreement establishing a compensation fund for certain Victims of the Holocaust deported from France.

This agreement, signed on December 8, 2014 and coming into force on November 1, 2015, completes the pension scheme in place. Although successive compensation mechanisms have gradually widened the scope of reparations since the end of the war, it was found that some victims of deportation from France had not been able to access the French disability pension scheme due to their nationality. From the start of the last decade, surviving deportees not covered by the scheme in place in France have tried to obtain reparations via

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41 - Fondation CASIP-COJASOR 8, rue de Pali-Kao 75020 Paris - <http://www.casip-cojasor.fr/fondation-casip-cojasor.html>

other means, notably through the American courts. In this context, while bills were being introduced into the American Congress to allow American courts to pursue any company that played a role in the transport of the victims of deportation, therefore giving rise to a fear over the development of major litigation, discussions were undertaken between France and the USA to find a solution to the situation of these victims and some of their heirs, who were not able to be covered by the disability pension scheme of war victims.

Since December 2014, the **CIVS has been informing** claimants of the terms of this agreement – eligibility, implementation methods, schedule, etc. – over the phone and on its website.

## Returning works of art and the international dimension

### The restitution in New York of MNR 801

The “MNR 801” painting (*Portrait d’homme* by Giovanni Battista Moroni) formed part of a collection of 2,000 works coming from Nazi spoliations, recovered after the war. While awaiting their return to the victims and their heirs, these MNR<sup>42</sup> works remained in the custody of the French museums, under the legal responsibility of the Ministry of Foreign Affairs (MAE).

The painting by Moroni was found in storage at the Louvre, where it had been kept since 1951. It is a copy of the *Portrait of Jacopo Foscari*. On the back of the painting there is the handwritten inscription “Aug. L; Meyer [sic]. / Rue [deleted] 12. Mont Thabor”, providing information on the name and address of the owner. On February 12, 2014 the CIVS recommended the painting’s return to the daughter of the despoiled victim.

This return was done in cooperation with American and German attorneys of the claimant and the combined efforts of the specialized “*Holocaust Claims Processing Office*” (HSPCO), within the Financial Services department of the State of New York. The CIVS decided to finance the transport of the painting to the USA.

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42 - “MNR” for “Musées Nationaux Récupération”.

In February 2015, MNR 801 left French soil to be entrusted to the Consul General of France in New York. It was returned on May 5, 2015 during a ceremony organized at the New York Museum of Jewish Heritage, in the presence of a representative from the CIVS.

The return of MNR 801 to New York on May 5, 2015



© CIVS

The continuation of research work on the origin of art works

On July 9, 2015, the Ministry of Culture and Communication (MCC) tasked Ms. France Legueltel, judge-rapporteur of the CIVS, with continuing to chair the working group on provenance research for property coming from artistic recovery ("the MNR"). This relaunching of the working group, which had submitted its first report on November 27, 2014, is a part of a new framework:

- ▶ Provenance research will not be limited to just the 145 works for which the spoliation was established, rather all of the MNR (approximately 2,000 works).

- ▶ This work will rely on the use of sales catalogs kept in the History of Art National Institute, in the archives relating to illegal profits and in the inventories attached to the restitution orders.
- ▶ The provenance research approach is being continued.

At the same time, the Ministry of Culture and Communication signed a convention with the national organization representing the genealogists of France. Via this skills-based sponsorship the genealogists will continue with the research necessary for the identification of heirs of six owners of MNR works. Five of these owners were identified by the working group on provenance research.

### The partnership with the *Taskforce Schwabinger Kunstfund*

The CIVS and the *Taskforce Schwabinger Kunstfund*, a body in charge of shedding light on the provenance of works of art coming from the "Gurlitt" collection, signed a **convention on July 10, 2015**. The challenge of the cooperation between the two institutions was to allow for the identification and restitution of works of art coming from the two "Gurlitt lists" (mentioning the works discovered in Munich and Salzburg), which would have been spoliated in France during the Occupation.

After an initial meeting in Paris on April 8, 2015, it appeared that the CIVS, with its collected data and expertise developed during the first fifteen years of its work, had resources which could be useful at the *Taskforce* in their provenance research on works seized by Cornelius Gurlitt and bequeathed to the museum of Berne. On July 10, 2015, the CIVS and the *Taskforce* signed a convention to formalize this partnership. This convention, which defines the rules for communication and consulting information held by each party, was also realized through the welcoming of a researcher from the *Taskforce* who was able to access the archives of the CIVS. On November 16, the CIVS and the *Taskforce* created an initial report on this partnership<sup>43</sup> and planned for the follow-up to this cooperation with the new German administrative organization regarding the Nazi looting and spoliated art works<sup>44</sup>.

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43 - To date, the CIVS has created two reports, concerning *Le Louvre, vu du Pont-Neuf* (Camille Pissaro) and *Sa. Giustina in Prà della Vale* (Antonio Canaletto); moreover, the CIVS has continued with the cross-referencing of its database with the list of claimants who have approached the *Taskforce*.

44 - Since January 2016, the remit of the *Taskforce* has been incorporated within the *Deutsches Zentrum Kulturgutverluste* based in Magdeburg.

### **The mission in Monaco on 29 September 2015**

On March 23, 2006, via Sovereign Ordinance, Prince Albert of Monaco created a commission charged with examining *"the claims reparation of natural persons seeking reparation, for victims or their heirs, regarding material or financial damage resulting from spoliations of property that took place in Monaco during the Second World War, during the occupation of the Principality<sup>45</sup>."*

The group of experts trained in Monaco was able to establish that, in total, 76 Jews were arrested in Monaco then deported; and, furthermore, that 16 Jews residing in Monaco were arrested outside of the Principality then deported. Only nine of them survived deportation.

On September 29, 2015, the Chairman, the Director and the Principal Rapporteur met the President, Jacques Wolzok and the members of the Monegasque Commission for the assistance of victims of spoliation, including Mr. Serge Klarsfeld. This meeting allowed for common issues to be discussed, but also the differences between the two bodies. At the end of the day, the representatives of the two commissions met in front of the memorial stone commemorating the victims in the cemetery of Monaco.

This meeting was also a chance to initiate an information exchange able to establish that, since its creation, the CIVS was called upon by seven Monegasque victims. The Commission had made a compensation recommendation for six of them and rejected a claim for the seventh.

### **The Kandinsky Library summer university (from 2 to 11 July 2015)**

Between July 2 and 11, 2015, an event with an international dimension, the Kandinsky Library summer university, brought together historians, researchers, artists and staff from the museums in the Pompidou Center in Paris around the theme of *"Sources at work - The spoliation of art work by the Nazis - the Parisian scene"*.

*Le Journal de l'Université d'été de la Bibliothèque Kandinsky* (no.2), published in January 2016, follows up on this event. It includes articles written by two of the members of the Commission who participated in this event.

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45 - Art. 1 of Sovereign Ordinance no.461 of March 23, 2006 relating to the assistance of victims of property spoliations suffered in Monaco during the Second World War as well as their heirs.

## The History Committee

The History Committee from the CIVS was created in order to “contribute to a better understanding of the French compensation policy for anti-Semitic spoliations, the history and working of the Compensation Commission for victims of spoliations, as well as to undertake an analysis of the comparative bodies in other countries<sup>46</sup>”.

In order to be aware of the most up-to-date news from the CIVS, the planned publication of two volumes has been postponed for a few months. In 2016, firstly a history of the CIVS and a report on its work will appear and, secondly, a collection of accounts and life stories.

In the fall of 2016, in the next edition of the university journal *Yod*<sup>47</sup>, the History Committee will publish the texts coming from discussions which took place during the international research workshop that it designed and coordinated during the summer of 2013 around the theme of *The Politics of Repair: Restitution and Reparations in the Wake of the Holocaust*, which took place in the United States Holocaust Memorial Museum of Washington. This work directly corresponds to the third part of the mission which was entrusted to it: carrying out a comparative analysis of the reparation policies implemented throughout Europe (both in the West and the East) from immediately after the war up to the present day. Several communications presented during the study day organized by the History Committee at the Holocaust Memorial on April 14, 2013 – *Restitutions des “biens juifs” spoliés, indemnisations, “réparation(s)”* (Return of spoliated “Jewish property”, compensation, “reparations”) – also appear in this special edition of *Yod*, notably to illustrate the French case over the long term.

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46 -Article 2 of the modified Decree of August 3, 2007.

47 - *Yod* (<https://yod.revues.org>) is a journal from the Institut national des langues et civilisations orientales (French National Institute of Oriental Languages and Civilizations).

# THE COMMISSION'S MEANS IN 2015

**27** permanent staff

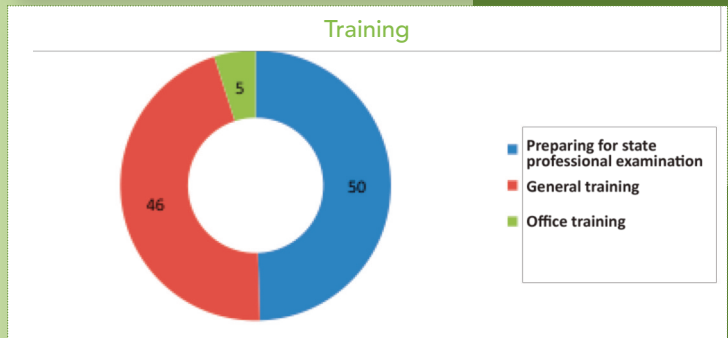
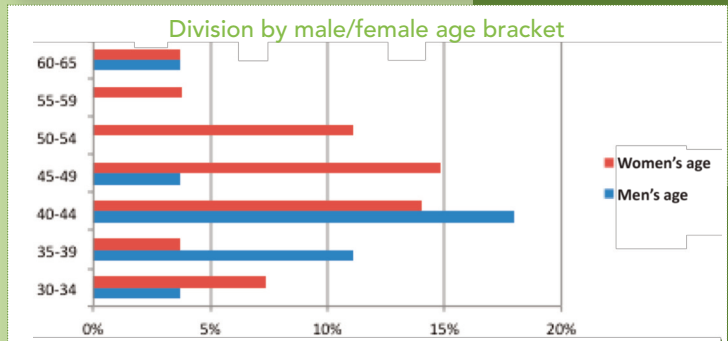
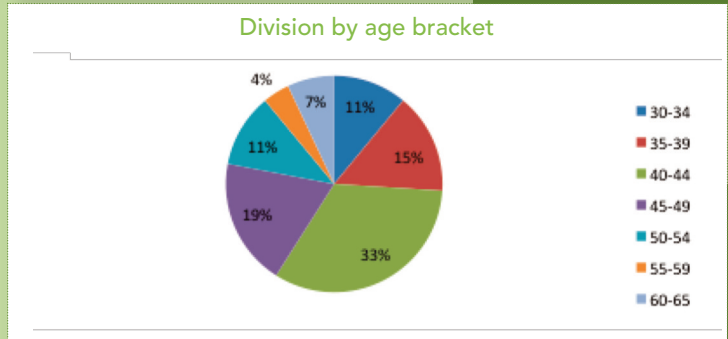
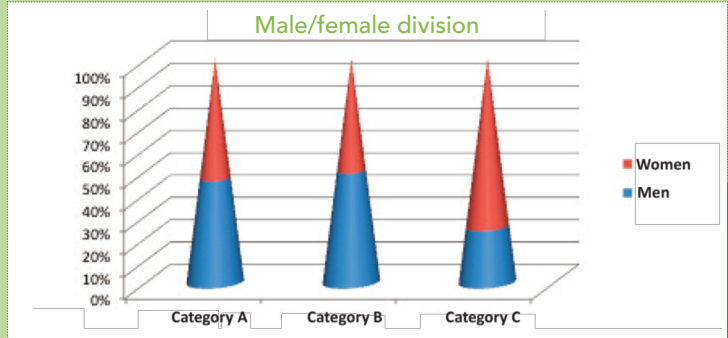
**74%** of civil service employees

Average age

**44** years old

**59,3%** of women

**101** days of training provided





## The judge-rapporteurs

In 2015, **14** judge-rapporteurs placed under the authority of the Principal Rapporteur:

- **8** women
- **6** men

**10** from the regular court system,  
**4** from the administrative court system.

## The budget of the CIVS

	<b>2015 Budget</b>	<b>€1.66m</b>
<b>Staff expenses</b>	<b>Consumption</b>	<b>€1.58m</b>
	<i>in Paris</i>	€1.45m
	<i>in Berlin</i>	€0.13m
	<b>Employment</b>	<b>24 FTE</b>
<b>Operating expenses</b>	<b>2015 Budget (excluding rent and excluding ONAC)</b>	<b>€0.29m</b>
<b>Intervention expenditure</b>	<b>2015 Budget</b>	<b>€6m</b>







# The archive, at the heart of the Commission's work

For each case file opened, the CIVS investigates a network of archives. It is about both confirming and assessing the property actually spoliated and taking stock of the compensation already allocated. The archive is therefore the "materia prima" of the Commission's work: it complements the questionnaire completed by the claimant, provides the judge-rapporteur with the elements upon which his report will be based and allows the Deliberative Panel of the CIVS to formulate its compensation recommendation.

In 2015, the CIVS updated the measures for coordination and monitoring of its teams – six staff, working directly in the Paris Archives, the Berlin Archives and the National Archives – and reviewed its operating processes with the partner archive centers.

## 1) The CIVS present in the archives

### The CIVS at the Paris Archives

From 2000, it became necessary to create a CIVS team at the Paris Archives to consult the different collections which were located there. This team has been asked, since, to carry out **research**, essentially in the war damage funds, the registers of trade, professions and companies' articles of association and restitution orders. These archives cover the geographical area of inner and greater Paris.

These collections can confirm the existence of compensation paid after the war by the French government, the existence or removal of a business or workshop, the possible restitution of real property, furniture, businesses, works of art, cash or real estate.

To carry out this research, different archive media are used like manual records and physical and digital inventories, which are able to locate the corresponding class numbers. So that no document useful to the creation of a case file is omitted, it is essential to consult several files and confirm the relevance of the documents collected. This work requires great rigor and a long research process.

The war damages case files were mainly pulped and for greater transparency, the consultation of "furniture" accounting records was implemented. However, sixteen years ago, this research collection was not viewable. The CIVS Paris Archives team carried out this classification to allow for its use. Despite the absence of the war damages case file, the accounting record mentions the recipient, the compensation amount and potentially the tax liability of national solidarity.

A store from the Paris Archives



© Patrice Clavier, Archives de Paris

Since its creation, **the team has expanded its area of investigation.** Since 2003, the Paris Archives has been receiving the collections of trade registers and the team from the CIVS can view them directly. Since 2007, the completed case files have been systematically integrated for the companies concerned.

Progress is being made in terms of the research supports *via* the digitization of restitution orders. Research is being perfected and developed over time *via* in-depth studies. It can lead to more specific collections, notably from national solidarity taxes, the High Court, duties, land registers and auctioneers.

### The CIVS at the National Archives

The CIVS French National Archives Team is called upon when the spoliations mentioned in the questionnaire or in the archive records received stipulate **an aryanization on French soil**, or a real property or business spoliation in the provinces. Implemented in February 2000, the team has, since 2012, been based at the Pierrefitte-sur-Seine site.

The National Archives site of Pierrefitte-sur-Seine



### Methodology

Following the investigations carried out in the archive collections of the General Commissariat for Jewish Questions (CGQJ), especially the Mattéoli Mission, the team was able to determine the different files required for its research. In order to standardize the work within the team, a research type record was created. After investigations in the archive deposits, the staff select the relevant items from the original aryanization files which will be sent to the judges accompanied by a report.

### The collections consulted

The team works mainly on the **AJ38 collection** (CGQJ and Department for the Restitution of Spoliated Property belonging to Victims of Spoliation Laws and Measures).

On the decision of the Vichy government, from March 29, 1941 to August 17, 1944, the CGQJ executed the anti-Jewish policy. It was responsible for creating a new status for Jews in France, collaborating with the Occupant in the preparation of roundups, internments and deportations, and, as regards spoliation, supervising the economic aryanization by applying laws aiming to remove "all Jewish influence in the national economy". Following the Liberation, the Department for the Restitution of Spoliated Property was put in place to right these injustices.

The AJ 38 sub-series includes approximately 62,000 aryanization files concerning the *départements* of the Seine and the provinces. The research is undertaken, on the one hand, from the files from the period and, on the other, thanks to a computing tool that is not yet accessible to the public. In these files items essential to the judge-rapporteurs of the Commission in charge of the investigation of the case files can be found:

- ▶ the different reports from provisional administrators, which give a physical and financial description of the company or real property;
- ▶ the company's balance sheets;
- ▶ the different stock inventories of the company's goods and equipment;
- ▶ the notarized deeds of sale, of undertaking of the precedent conditions of sale;
- ▶ the extracts from the business and trade registers;
- ▶ the expert report on the deal.

The research is completed by the files from the provisional administrators and the auditors who managed and audited the deals. The National Archives also has documents subsequent to the war which give an idea of the extent of the spoliation or which are able to give indications on possible reimbursements, such as:

- ▶ The response to the circular of Professor Terroine, addressed to all those who were subject to spoliation to know the extent of their property following the Liberation.
- ▶ The case files relating to the initial compensation undertaken by France.



- ▶ The spoliation notes, which, in the form of inventories of real property and looting evidence, mention the thefts and damages experienced in homes.
- ▶ The restitution reports or lack thereof for furniture and pianos.

The consultation of the **F9 file** known as the "Jewish file", which brings together people arrested by the Prefecture de Police (Prefecture of Police) and imprisoned in Drancy, Pithiviers et Beaune-la-Rolande, also provides more precise information on the name of the despoiled person, their address, their profession and the date of their arrest.

The quality of the aryanization files is not consistent, some are comprehensive, others have many gaps. The queries of the CIVS and the records found may well not match up. It is not unusual, for example, to not find any mention of a person's property, or, conversely, to note the existence of a company or real estate while the claimant did not mention this in their claim.

Between meticulous research and a **duty to remember**, the documents discovered are essential for the Commission – firstly for the judge-rapporteur – but also for the family. Very often it allows for the history of a real property or a company during the Occupation to be traced, and this, above all, corresponds, for each case file, to a personal and moving family story.

### Collections of the National Archives



© CIVS

### A cooperation based on an agreement

On December 15, 2015, the CIVS and the National Archives agreed a **cooperation agreement** which formalized the support – in terms of resources, skills and operation – provided by the National Archives to the Commission's team:

- ▶ The agreement organizes and authorizes CIVS staff's access to an extensive number of collections, notably the collections of the national museums, transferred to the National Archives at the start of the first half of 2015. To make use of them, four staff members from the Commission benefited from training provided by Mr. Alain Prévét, from the Museums of France department.
- ▶ The agreement formalizes the provision by the National Archives of operational means – notably computing and logistical – to the CIVS team.

This agreement strengthens the agreement of principle which was concluded in 1999 between the CIVS and the Direction des Archives (Archives Directorate) to install a team responsible for research undertaken by the CIVS within the 20<sup>th</sup> century section of the National Archives; it also renews the partnership with the Historic Center of the National Archives.

### Access to new sources

The agreement with the National Archives allows the CIVS team to use new collections:

- ▶ the archives of the National Museums, which will be able to document the history of the spoliation of works of art during the Second World War; the "MAUSSION", "MORAND", and "CHAMSON" files; the R series (spoliations of private collections during the Occupation); the SIV (the virtual inventory room) which authorizes research online in over 20,000 inventories describing the archives, over 10,000 notes describing those who produced the archives and over a million digitized paper records.
- ▶ the AJ40 (German archives), Z6 (law court and after-war cleansing) and F21 (archives of trade and industry) collections.

### **The CIVS in Berlin**

The CIVS has a branch in Berlin, in place since the start of the Commission's work in 1999. It is mainly responsible for consulting archive collections from the records of the Finance Directorate of the *Land* of Berlin and the Restitution Offices, with

a view to extracting all the items to provide information on the circumstances and extent of the spoliations and to identify the compensation already paid after the war, therefore avoiding double compensation. The team is also required, in the context of more complex research, to investigate other archive centers in Germany. The offices of this team are currently located in the French Embassy in Berlin.

### Methodology

The research method consists of firstly identifying possible compensation requests filed with the German authorities in terms of the federal restitution act of 1957, the *Bundesrückerstattungsgesetz*, known as the *BRÜG* act. From 1957, two administrations of the Land of Berlin, the *Oberfinanzdirektion* and the *Wiedergutmachungsämter*, process the compensation requests filed, especially by French Jews. On the basis of the information contained in the requests now filed with the CIVS, in particular the civil status of despoiled persons and their heirs, the staff from the team carry out research in the two archive collections based in Berlin, in order to discover the compensation files opened after the war. These collections are located at the BADV, the Federal Office for Central Services and Unresolved Property Issues<sup>48</sup>, as well as in the Regional Archives of the Land of Berlin<sup>49</sup>.

#### The archives of the BADV



© photo BADV

48 - Bundesamt für zentrale Dienste und offene Vermögensfragen.

49 - Landesarchiv Berlin.

The **BRÜG files** are especially rich in information concerning the circumstances and extent of the spoliations. They can contain accounts, civil status documents, detailed inventories of spoliated furniture or goods and expert opinions and descriptions relating to works of art or companies. These files can consist of several hundreds of pages.

Furthermore, the research undertaken in the German archives allows for the amount of compensation allocated by the *BRÜG* act to be known, which will guide the claim file investigation work by the judge-rapporteur. This compensation also takes into account the compensation allocated before, in France, under the law of 1946 on war damages. This completes the research in the other teams, as, in France, some compensation files, like those relating to the compensation linked to war damages, were, for the most part, pulped. In certain cases, the *BRÜG* compensation process and the discussions between the German administrations and the claimants were continued from the 1950s up to the last decade.

On the basis of these *BRÜG* files in German, the Berlin team writes research reports in French, which summarize and explain the German compensation processes. These reports now allow the judge-rapporteurs from the CIVS to reconstruct the events of the spoliation and to have the details of the compensation already allocated. In addition, the work of the Berlin team allows the claimants to complete entire chapters of their family history.

During their research in the Archives of the *Land* of Berlin, the team systematically consults two files, in order to identify the claimants or the victims who filed a claim for compensation with the CIVS: the "general file" containing compensation requests filed for spoliations in France, Belgium, Germany, Austria and the Netherlands, as well as the "France file" which contains compensation requests filed for spoliations in France. The "France file" contains case files which are not found in the "general file" and the opposite is also true, which is why these two collections need to be consulted.

The two files, containing the names of victims and claimants, list the class numbers of compensation requests processed under the *BRÜG* act by the Berlin Offices of Restitution from 1957 for spoliations which took place in France. Up to now, the research was conducted manually, by looking through the records kept in the box files. However, the Regional Archives of Berlin recently digitized

the “general file”, providing access, via their website,<sup>50</sup> to a database allowing for the remote consultation of some 440,000 records making up this collection. The digitization now allows for quick and targeted searches, from the offices of the team.

### **The digitization of the “France” files**

In agreement with the Archive Center of the Land of Berlin, the CIVS took the initiative in autumn 2015, financing the digitization of the “France” file itself, in order to allow for its remote consultation and the conservation of a source of data rich in information for its reparation mission.

The digitization project, launched at the end of 2015, has several stages: the digitization of some 17,000 records from the “France file”; the indexation with the help of a specific software package, which will allow for directed browsing and will make research easier and access to the data via a search engine.

This operation therefore completes the digitization of the “general file”. It makes the research undertaken by the team and that of the researchers who will work on the compensation case files concerning France easier.

## **2) The CIVS and its partners**

In 2015, out of a desire to renew relationships with the partners who have archive collections essential to its work, the CIVS initiated meetings with Caisse des Dépôts et Consignations and with the Records and Cultural Affairs Department of the Prefecture de Police of Paris.

### **The archives of Caisse des Dépôts et Consignations**

Several meetings and discussions took place in 2015 with Caisse des Dépôts et Consignations (CDC). CDC played a central role in the spoliation and restitution procedures. The so-called act of July 22, 1941 “relating to companies, property and securities belonging to Jews” made it responsible for receiving all the sums coming from spoliations.

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50 - <http://wga-datenbank.de/de/startseite.html>

In April 2015, the Commission received the representatives of the CDC department responsible for processing the requests, including the manager of the Consignments Agency, their assistant, the manager of the Administration Systems Center - technical support and managers from their team. Following this, during the summer, exchanges took place aiming to define and improve the methodologies and research tools.

Called upon weekly, the CDC has been providing its support to the work of the CIVS since its creation in 1999. Consulting their archive collections is crucial to the work of the Commission.

### **The role of Caisse des dépôts et consignations (via the Administration Systems department - Technical support of the Consignments Agency)**

"During the Second World War, Caisse des dépôts et consignations received a significant share of the sums coming from the spoliation of Jewish people under the Vichy regime. The archives from this period were sorted, classified, analyzed and itemized at the end of the 90s. This work was undertaken to allow the CIVS to investigate research requests coming from heirs of despoiled persons.

The information coming from these files has been summarized in a database used during the research undertaken for the CIVS. At the same time, the CDC put in place, within the Consignments Department, a team dedicated to responses for the Commission.

The investigation of files is centralized within an IT application which is able to not only provide information specific to the request, but also to quickly search for potential occurrences in the database. At the same time, the team sends the list of requests to CNP Assurances monthly, in order to confirm the existence of sums still held by the institution.

This research is undertaken based on common criteria like: the date of birth, surname, maiden name, street name or even the town/city. If a hit is positive (or suspected to be so), the file needs to be examined. If required, a communication request is sent to the Blois Archive Department. The record accompanied by the positive hit is then sent to the CIVS. If no mention is found, the negative response is sent to the CIVS."

### **Records and Cultural Affairs Department of the Prefecture de Police**

At the start of *July*, the Director and the Manager of the CIVS Administrative Unit / Control and Investigation Network met with the Assistant Head of the Records

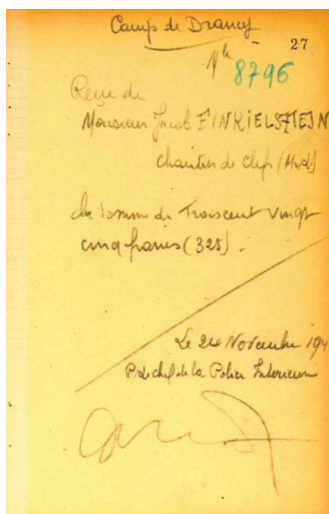
and Cultural Affairs Department (SMAC), the manager of the Archives of the Prefecture de Police (Prefecture of Police) and the archivist who processes the requests at their Pré Saint Gervais site.

The Archives of the Prefecture de Police (Prefecture of Police) are made up of files created by the different departments in the context of their regulatory remits. These documents are kept in the interest of the administration and the public. They come under their competence and their territorial jurisdiction, the former *département* of the Seine during the period of the Occupation.

The collections from this department are especially relevant when investigating case files filed with the Commission. For example, the SMAC preserves the accounting records from the Drancy camp all the way back to July 1943, even if they only contain the names of people from whom money or items of value were confiscated<sup>51</sup>. Research is also carried out in the archives of the Prefect's Office, or in the general information ones.

The two bodies have been working together since 1999 and **the time frames and quality of the responses** from the Prefecture de Police (Prefecture of Police) are worth highlighting. The requests from the CIVS have always been dealt with as a priority. N.B.: the transfer of collections relating to the Second World War is not yet complete.

#### An accounting record from the Drancy camp



51 - The rest of these registers can be viewed on the website of the Centre de Documentation Juive Contemporaine (Contemporary Jewish Documentation Center).

## The Département-level Archives

Following a 2001 circular from the Ministry of Culture and Communication to the Prefects and the General Councils, access to the *Département*-level Archives is facilitated for the CIVS<sup>52</sup>. In 2015, 75% of the case files processed by the CIVS French National Archives Team concerned the provinces. The team is responsible for coordinating the responses from the *Département*-level Archives. The responses are essential for Alsace and Moselle, for which the National Archives have not kept any aryanization files, but also for the other *départements* who have additional documents to those presented in the aryanization files, such as:

- ▶ census extracts and evacuation records;
- ▶ extracts from the business and trade registers;
- ▶ extracts from the conservation of mortgages and land charge registers;
- ▶ war damage files;
- ▶ National Solidarity Tax files.

The investigations and responses from the *Département*-level Archives are increasingly carried out electronically, for greater speed and due to its practical nature. The *Département*-level Archive Centers have, moreover, started to put numerous archives from the period online.

## The banking archives (By Ms. Anne Brunterc'h)<sup>53</sup>

"For almost 15 years, each claim sent to the Historic Archives departments of the banks has been an opportunity to carry out as in-depth research as possible, to retrace the way in which the assets entrusted to us by our clients before 1944 were managed after that date. It is about allowing the Commission to assess if there was a spoliation and *in fine* its reparation.

This complex research requires linking different well identified archival sources from the work undertaken under the aegis of the Mattéoli Mission: firstly, public archive collections, which are the richest in terms of information due to the administrative organization of the spoliations by the State; and to a lesser extent, the archive documents coming from collections kept by our institutions. We do not have the accounting records from this period as they were destroyed upon

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52 - The AD/DEP-465 Circular of May 2, 2001.

53 - Ms. Anne Brunterc'h is responsible for the historic archives within the Directorate of General Affairs of Crédit Agricole SA.



expiry of their legal conservation period. However, we can rely on the main files, which shed light on the process of spoliation implementation and occasionally on the documents which are able to trace inheritance items or the fate of a safe, for example.

**The commitment undertaken in March 1999** by the French Association of banks to fully shed light upon the role played by the banking institutions in the different spoliation, restitution and prescription processes is still on-going. No foreclosure date was set concerning the missions entrusted to the CIVS. Our group therefore intends to continue to honor its commitments for as long as necessary. Beyond the desire to accurately respond to each claim on the material level, *via* this research, we want to contribute as much as possible to reestablishing the historical facts, in order to contribute modestly to the essential duty to remember, undertaken by the historians and institutions, to whom and to which the French state has entrusted this mission."

### **The diplomatic archives**

To investigate the claims which are addressed to it, the CIVS calls on the Direction des Archives (Archives Directorate) of the Ministry of Foreign Affairs and International Development (or "diplomatic archives") which keeps the archive collections from the French Artistic Recovery departments:

- ▶ Initially created in 1919 to safeguard the property of French nationals abroad, the Office des biens et intérêts privés (Office of Private Property and Interests or OBIP) is responsible, according to the ordinance of December 13, 1944, for *"identifying and returning all of the property spoliated in France by the occupants and transported outside of the national territory"*.
- ▶ Created in 1944 and dissolved in 1949, the Commission de récupération artistique (CRA) was responsible, after the Liberation, for assessing the 2,300 restitution claims and participated in the return of 45,000 works found in Europe.

The important work of counting these collections, combined with the need to mobilize the skills necessary for their use, does not allow the diplomatic archives to respond within time frames compatible with the demands for swift reparation for damages suffered by victims. Also, in the fall of 2015, the CIVS and the diplomatic archives undertook the creation of a convention to advance their cooperation methods. This convention will be signed in spring 2016.

### 3) The use of the archives by the judge-rapporteurs of the CIVS (*by Mr. Christophe Baconnier*)<sup>54</sup>

“The point of view of the rapporteur, expressed in the report established in each case file that he investigates, must, preliminarily, be put back in its context.

Firstly, the rapporteurs are volunteers and, essentially, they investigate the claims while considering the duty to remember, aware that if the history of man could be written on a page, we would see a black mark against this area.

Then, the rapporteurs place what is at the heart of their legal duties at the heart of their investigatory duties, the regard for justice and truth, so that the only criterion which guides their investigation is the criterion of fairness, excluding all others.

Lastly, the rapporteur works to assist the decision so that he answers three questions, which determine the compensation process: What are the spoliations? What compensation has already been paid out and what reparations have already taken place? What compensation is still to be received? Therefore, generally, the rapporteur proposes compensation that he has previously presented and debated with the claimants during a face to face interview or a telephone interview. This compensation proposal is made by applying the compensation principle according to which the damage must be completely repaired. There are two methods of complete reparation:

- ▶ Reparation on a precise basis when the case file contains items from archives allowing, with a certain amount of precision, to determine the extent of the damages suffered; such is the case for example, when the archive documents on the looting of apartments contain an insurance policy, the insured capital was therefore retained as a basis for evaluating looted property; this is also the case when the file from the archives of the General Commissariat for Jewish Questions (CGQJ) contains accounting data (turnover, profits, stocks, inventories, reports and profit and loss accounts) which allow one to know or work out the value of the work-related spoliations, both for material assets and spoliated immaterial items from commercial, craft or professional enterprises.

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54 -Mr. Christophe Baconnier is a Counselor at the Court of Appeal of Paris and a Rapporteur at the CIVS.

- If proposing compensation on an exact basis is not possible, the compensation proposal is made on a flat-rate basis when the archives available only establish the identity of the despoiled persons and the addresses of the spoliated premises, without containing figures.

The archives communicated by the source departments have a probative value and they therefore constitute **prima facie evidence** or items of evidence essential for determining, as accurately as possible, the damages suffered.

These initial developments, which are able to show how the archive documents are useful in determining spoliations and the damages which result from them, must be complemented by documents relating to the compensation already paid out. In this regard, all of the response items lead to completed archives within the framework of the BRÜG act and the "War damages" act.

Often, the archive documents also allow the claimants to recreate the "micro-history" of their family. They discover, during the interview with the rapporteur, and upon reading the records added to the case files by the CIVS, certain essential aspects of their family and their history. Sometimes names of "missing" people are absent, such as names of children deported with their parents, or the name of an uncle or aunt deported when it regarded a branch of the family that had not been considered since the war, due to the lack of a representative. Sometimes property, companies, professions or dramatic events surface from archive documents, which had not been able to be recalled by families.

I am thinking especially of the arrest of all the members of a family in Lot, in which the men were executed on site and the women had been imprisoned then deported to Auschwitz and whose shelter home was burnt; in the Cahors village in question, this house had become, for everyone, "the burnt house"; the war crime perpetrated on site had ended up being subject to quick investigations by the police who concluded that "the carelessness" of one of the daughters was the cause. Fortunately, the content of this official report was able to be "corrected" during the investigation of the case file at the CIVS: the accounts collected from people contacted on site thanks to the son of the former elementary school teacher and the town hall secretary, allowed for this arrest to be repositioned, not in the context of the carelessness of the claimant (she had suffered deportation), but a denunciation made against a member of the Resistance whose parents lived near to the house of the victims, upon whom the Germans had taken out all their anger after the escape of the young Resistance member.

There are archive documents that the rapporteur showed and which he recommended that the family kept because they enrich the family story; there are others, on the other hand, which are not shown but the presence of which is indicated with a warning regarding their content and the delicate nature that there would be in keeping them at home. Such is the case for reports from provisional administrators from the CGQG or investigators from the police when the terms used show a virulent antisemitism on the part of the authors and supporting documents for the sinister memory of the stamps; there is little use in showing these documents which insult the memory of the victims and can also cause unspeakable memories to resurface.

Some documents help to piece together the puzzle of the family story. It was thus that, in an archive file sent by the National Archives, there was a note from the SNCF found mentioning that the suitcase confiscated on (*date*) at (*deposited station*) with a view to its transport to (*delivery station*) had been taken by the Germans in the Vierzon station, at the border control; this document, unknown to the claimants, established the existence of a spoliation of precious property, as it is difficult to see the Germans being interested in a suitcase full of household linen. Following the announcement of this spoliation picked up on under the initiative of the rapporteur, the claimants indicated that "*my father kept on saying to us that what was stolen from him during the war would have been able to buy a castle in Spain*".

These archive documents attached to the case files created at the CIVS therefore participate as much in the piecing together of the histories of despoiled families as the search for spoliations and their extent."

## 4) The CIVS' own archives

### **A collection that is always accessible to the claimants and their representatives**

The claimants who wish to, can, at any time in the process, have access to the archive documents being researched by the CIVS in the context of the investigation of case files. Via a simple and free meeting, claimants and their heirs can consult documents and, if they wish, photocopy the documents which interest them. There is no time limit for them. Some families are therefore confronted with their past, an unknown family history, or the violence of the words used, among others, in the reports published by the provisional administrators. In rare cases, the *Département*-level Archives provide refugee records – records accompanied by photos – as well as a face which can be given to a missing member.

The completion of a long project undertaken in advance by the staff and researchers from the CIVS, consulting archives offers the claimants the chance to recreate a past – familial or work-related, for example – that is often unknown.

### **Streamlined archiving**

The CIVS' move to the site at *66 rue de Bellechasse*, in the 7<sup>th</sup> *arrondissement* of Paris, led to the move of 600 meters worth of archives. To host these collections, prior planning and packaging work was necessary. It was carried out in November, with the cooperation of the Directorate of Administrative and Financial Departments of the Prime Minister (DSAF).

The case files investigated, as well as the other collections making up the up-to-date archives of the Commission, are now spread over the five floors occupied by the CIVS and are fully accessible to the staff.

### **The upgrading of the electronic archiving**

On March 12, 2015, the computing network of the CIVS was the victim of a *Cryptolocker* type computer virus attack. Very quickly, all of the computing equipment of the Commission was isolated from the network to limit the spread of the virus, which, however, affected 79,506 files in a few hours. The IT departments of the DSAF worked to copy the infected files to a removable media

for analysis. Two weeks later, the data, coming from a previous backup, was returned to the Commission to be reinstalled on the network. Following the advice from the National Cybersecurity Agency of France (ANSSI), forty desktops equipped with a new office suite and an anti-virus were replaced in the days following March 12. At the same time, the DSAF updated and strengthened the security of the server, particularly deficient up to then with: a new networking cabinet; the replacement of equipment; the addition of an inverter to deal with power cuts; the placement of a *Firewall*; and the installation of a second ADSL line. The CIVS' move to its new site has allowed for the finalization of the updating of the data safeguarding measure.

At the same time, computing file sorting operations were undertaken to alleviate an overloaded server. Numerous documents were subject to multiple unclassified copies, others did not need to be stored there. Also, to streamline the classification and day-to-day use of the shared network space, a reorganization of the network tree was undertaken. A procedure aiming to organize and make its long-term development more reliable was also undertaken. The use of the computing network by the Commission was therefore streamlined and the collection of files stored was reduced by 70%. Therefore, the CIVS departments are now working on a better protected network with standardized and up-to-date tools.



# Appendices





# APPENDIX 1:

## Total amounts recommended since the start of the CIVS' work until December 31, 2015

### 1 - COMPENSATION FOR MATERIAL SPOILIATIONS:

€491,699,356

### 2 - COMPENSATION FOR BANK-RELATED SPOILIATIONS:

€52,408,694

This last amount is broken down as follows:

- ▶ Escrow account - Fund A: €15,280,865 + €3,297,484 (concerning Fund B since October 2008)
- ▶ Fund B: €24,080,820 (terminated in October 2008)  
Total **€42,659,169** borne by the banks<sup>55</sup>

Together with the amount allocated by the French government for bank-related spoliations: **€9,749,526**<sup>56</sup>

### 3 - TOTAL COMPENSATION PAID BY:

- ▶ The French government: **€501,448,881**<sup>57</sup>
- ▶ The banks: **€42,659,169**

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55 - Data provided by Caisse des dépôts et consignations.

56 - The amount reported on December 31, 2014 has been readjusted to €9,340,768.

57 - €491,699,356 + €9,749,525.

## APPENDIX 2: Organization of the CIVS on December 31, 2015

### EXECUTIVE BOARD OF THE COMMISSION

- ▶ Chairman: Mr. Michel JEANNOUTOT, Honorary Advisor to the Court of Cassation, former Chief Justice of the Court of Appeal
- ▶ Vice Chairman: Mr. François BERNARD, Honorary State Counselor
- ▶ Director: Mr. Jérôme BENEZECH, Senior State Administrative Officer
- ▶ Principal Rapporteur: Mr. Pierre-Alain WEILL, Honorary President of Chamber at the Paris Court of Appeal

### MEMBERS OF THE DELIBERATIVE PANEL

- ▶ Mr. Jean-Pierre BADY, Honorary Master of the Court of Auditors (Cour des Comptes)
- ▶ Mr. François BERNARD, Honorary State Counselor, Vice Chairman of the Commission
- ▶ Mr. Bernard BOUBLI, Honorary senior advisor at the Cour de cassation
- ▶ Ms. Anne GRYNBERG, Professor at the National Institute of Oriental Languages and Civilisations (INALCO), Researcher at the Institute of Contemporary History (IHTP)
- ▶ Mr. Gérard ISRAËL, philosopher, writer and member of the steering committee of the Representative Council of Jewish Institutions in France (CRIF)
- ▶ Mr. Michel JEANNOUTOT, Honorary Advisor to the Court of Cassation, Chairman of the Commission
- ▶ Mr. Pierre PARTHONNAUD, Honorary Master of the Court of Auditors (Cour des Comptes)
- ▶ Mr. David RUZIÉ, Honorary Dean and Professor Emeritus
- ▶ Ms. Dominique SCHNAPPER, Director of Studies, School for Advanced Studies in the Social Sciences
- ▶ Mr. Henri TOUTÉE, President of the Finance Section of the Council of State

## GOVERNMENT COMMISSIONER

- ▶ Mr. Bertrand DACOSTA, State Counselor

## RAPPORTEURS

- ▶ Ms. Monique ABITTAN, Magistrate of the regular court system
- ▶ Mr. Jean-Michel AUGUSTIN, Magistrate of the regular court system
- ▶ Mr. Christophe BACONNIER, Magistrate of the regular court system
- ▶ Mr. Brice CHARLES, Magistrate of the administrative court system
- ▶ Ms. Rosine CUSSET, Magistrate of the regular court system
- ▶ Ms. Chantal DESCOURS-GATIN, Magistrate of the administrative court system
- ▶ Ms. Marie FRANCESCHINI, Magistrate of the regular court system
- ▶ Mr. François GAYET, Magistrate of the administrative court system
- ▶ Ms. France LEGUELTEL, Magistrate of the regular court system
- ▶ Mr. Ivan LUBEN, Magistrate of the administrative court system
- ▶ Mr. Jean-Pierre MARCUS, Magistrate of the regular court system
- ▶ Ms. Éliane MARY, Magistrate of the regular court system
- ▶ Ms. Marie Hélène VALENSI, Magistrate of the regular court system
- ▶ Ms. Sophie ZAGURY, Magistrate of the regular court system

## PERMANENT STAFF

### General Services

Claimant Support

- ▶ Ms. Sandrine CADET

Communications Officer and Webmaster

- ▶ Mr. Nicolas BENARD

Archivist/Editor

- ▶ Ms. Isabelle RIXTE

Case Officer for Administrative and Financial Affairs

- ▶ Ms. Karine VIDAL

Ushers

- ▶ Mr. Christophe CHENET
- ▶ Mr. Benjamin NAND

## Claims Examination and Investigation

Administrative Unit / Control and Investigation Network

► Ms. Éloïse GARNIER

Bank-Related Claims Search Team

► Ms. Sylviane ROCHOTTE

► Ms. Brigitte GUILLEMOT

Cultural Personal Property

► Ms. Muriel de BASTIER

Hearings Secretariat

► Mr. Emmanuel DUMAS

► Ms. Sarah INTSABY

► Mr. Gabriel MASUREL

Database Supervision Unit

► Ms. Sandrine CADET

► Mr. Richard DECOCQ

► Mr. Stéphane PORTET

## Secretariats

Chairperson and Hearings Secretariat

► Ms. Elvire STEELS

Director

► Ms. Rosalie LAGRAND

Principal Rapporteur

► Ms. Myriam DUPONT

Rapporteurs

► Ms. Monique STANISLAS-GARNIER

► Ms. Nathalie ZIHOUNE

Government Commissioner

► Ms. Catherine CERCUS

## Archive Search Units

National Archives

- ▶ Ms. Émilie BOULANGER
- ▶ Mr. Matthieu CHARMOILLAUX

Paris Archives

- ▶ Ms. Brigitte GUILLEMOT

Berlin Archives

- ▶ Ms. Laura MEIER-EWERT (Manager)
- ▶ Mr. Julien ACQUATELLA
- ▶ Mr. Sébastien CADET
- ▶ Ms. Coralie VOM HOFE





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