



**PREMIER  
MINISTRE**

*Liberté  
Égalité  
Fraternité*

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

Report  
to the Public  
on the Work  
of **CIVS** 2020



**Speech delivered by President Jacques Chirac on 16 July 1995,  
at the commemoration of the Vel' d'Hiv' Roundup (16 July 1942).**

**Extracts**

"In the life of a nation, there are times that are painful for the memory and for one's conception of one's country.

It is hard to speak of these times because we sometimes struggle to find the right words to recall the horror and express the sorrow of those who lived through this tragedy: they are forever marked in their soul and in their flesh by the memory of those days of tears and shame. [...]

France, land of Enlightenment and of Human Rights, land of hospitality and asylum, France, on that day, committed an irreparable act. It failed to keep its word and delivered those under its protection to their executioners. [...]

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

In passing on the memory of the Jewish people and of its sufferings, and of the camps; in bearing witness again and again, in acknowledging 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 defending an idea of humanity, of human liberty and dignity. We are 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 the unacceptable."

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

**Article 1**

"The Prime Minister shall establish a commission charged with examining individual claims presented by the victims or their heirs to make reparations for damages resulting from spoliations of property that occurred due to anti-Semitic laws passed during the Occupation, both by the occupant and by the Vichy authorities.

The Commission is responsible for conceiving and recommending appropriate reparations or compensation."



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# FOREWORD



*Michel Jeannoutot,  
Chairman of CIVS*

While 2019 marked the Commission's twentieth anniversary and saw the establishment of the new organisation for the research and restitution of spoliated cultural assets, 2020 was decidedly unique in that CIVS began performing new missions.

With the Mission for Research and Restitution of Spoliated Cultural Assets as its main partner, CIVS focused its resources, skills and organisation on meeting the expectations of not only the public authorities, but more importantly the families of the victims. For these families, is there any fairer or more equitable compensation than having looted property returned to them? We know that their restitution poses no legal problems in the case of "Musées nationaux récupération" (MNR - National Museum Recovery) works. In 2020, cases were referred to the Commission about such works and, if it recommends that they be returned, the Prime Minister now holds the authority to make the necessary decision. However, cultural heritage law does not currently allow for non-MNR works to be removed from public collections, even in demonstrated cases of spoliation, due to the inalienable nature of the collections. CIVS raised awareness of this problem in 2020, and the public authorities are now well along in their consideration of the issue. This may initially lead to circumstantial laws, i.e. laws derogating from the principle of inalienability for clearly defined works, pending a more widespread reform. If it proves effective, the mechanism supported by CIVS and the French Ministry of Culture will encourage this type of general reform.

The health crisis, which erupted in the first quarter, naturally affected this momentum, but the Commission's commitment, adaptability and capacity for innovation helped limit the impact. Section two of this report provides an initial assessment of our initiatives along this line.

At the same time, we were able to continue our work aimed at addressing other cases of material, professional or bank-related spoliation. CIVS thus continued to perform its longstanding mission in accordance with the constant guidance of the public authorities since 1999.

It is supported in this mission by several partnerships, both in France and abroad, to determine the validity of spoliation, set fair compensation and identify the entitled heirs. By examining similar mechanisms, the relations established abroad also allow us to better position our practices. In France, CIVS assumes that applicants are acting in good faith when they claim compensation for damages incurred. However, its research departments review multiple archive centres in the course of their investigation. Despite putting these resources to work, it is sometimes impossible to collect evidence of the damages claimed. In these situations, the Commission adopts a pragmatic approach and presumes that the claimant is acting in good faith. Its recommendations also follow the principle that victims in similar cases should receive the same treatment. These principles – fairness, pragmatism and presumption of good faith – also govern practices pertaining to cultural spoliation. In this area, however, the Commission, which has been called on to review a greater number of cases, is also developing its own doctrine on the concept of forced sale, taking existing regulations into account - starting with the Ministerial Order of 21 April 1945, and taking into consideration legal developments implemented by other commissions in Europe.

Pursuant to the Ministerial Decree of 2 September 2020, the new CIVS Deliberative Panel was appointed for a term of three years. Janine Draï joined the Commission at that time. I would like to thank Dominique Schnapper, who did not wish to remain in office, for her work on the Panel from 2014 to 2020. The Panel is now operating under new guidelines for its activity, but continues to draw on the principles established in its twenty-year history.



Section  
One

# Reparations and remembrance



## Reparations and remembrance

**Continuing its mission during a health crisis** that disrupted, or altogether halted, most commercial and non-commercial activities alike for the majority of 2020 was a real challenge for CIVS. The reparation measures taken to address Anti-Semitic spoliation, decided and implemented in France almost sixty years after the Occupation, simply could not be further delayed, out of respect for the families of the victims, and particularly for older claimants. Furthermore, Ministerial Decree No. 2018-829 of 1 October 2018 created a number of expectations regarding the resolution of cases of spoliated cultural property. However, the late application of this new system prevented these expectations from being adequately met in 2019. 2020 could not be a wasted year.

At the same time, the Commission had to ensure the safety of its employees and of claimants heard - at formal hearings, in interviews or for consultations - calling for strict requirements to be met for a population often vulnerable due to age.

Two characteristics specific to the work done by CIVS made it even more complicated to reconcile these objectives:

- the Commission's work on sensitive personal cases and restrictions on access to the Prime Minister's IT network made it difficult to perform these duties remotely;
- while for some entities, the development of a continuity plan means isolating and prioritizing missions, and only keeping those considered vital to pursue, the nature of our work should be viewed as a processing "chain", starting with the registration of the claim, followed by research in the archives, investigation and deliberation on the claim, and the drafting and delivery of the recommendation. If any single link in this chain is removed, the entire chain comes to a halt.

Updated at the end of February 2020, and adapted to changes in what was being learned about the pandemic, CIVS was able to meet these challenges thanks to its Business Continuity Plan (BCP). First of all, it fully ensured the safety of all staff. Second, it guaranteed that CIVS could continue its operations, as explained in this report and reflected in the following figures: 86 new cases recorded in 2020 (126 in 2019), 17 hearings organised (29 in 2019) and 146 recommendations issued (207 in 2019).

In addition, we were able to keep claimants informed over the period via the Commission's website [www.civs.gouv.fr](http://www.civs.gouv.fr), e-mail [renseignement@civs.gouv.fr](mailto:renseignement@civs.gouv.fr) and by phone, with calls answered in turn remotely and on-site. As of 13 March, claimants and representatives whose cases were enrolled for review by the Deliberative Panel within the next three months were notified that the hearings had been suspended. In the following weeks, the department informed all claimants with cases pending enrolment that they would be submitted for a priority review by the Commission, as soon as permitted by government guidelines.

The pace of hearings increased significantly after the lockdown. CIVS sought more spacious conference rooms to comply with social distancing measures and established a protocol to ensure that claimants could be received safely at the Commission's offices. These efforts were aided by the resources allocated by the Prime Minister's administrative and financial services division. There was a special focus on hearings held pursuant to Article 3-1 of the decree establishing CIVS, which often involve around twenty people. In total, around fifty recommendations were issued on cases reviewed by CIVS between 18 June and 10 July.

There were very real restrictions placed on access to archives during this period, but these were limited thanks to the adaptability of CIVS partners. For example, 115 searches were conducted in 2020 in the German Federal Archives, 84 in the National Archives and 55 in the Paris Archives. Caisse des Dépôts et Consignations and the Police HQ were contacted about sixty times. We also continued working with the Office of Vital Statistics, facilitating genealogy research. The search for heirs carried out since 2016 on reserved portions was able to continue, further reducing outstanding reserved portions by around €500,000.

At CIVS also, this period provided **an opportunity to test out new solutions**, both on the technical front (e.g. sharing of network space, video-conferencing and audioconferencing) and the organisation of work. As a result of these new practices, hearings were held in hybrid mode (combining face-to-face and remote sessions) on a regular basis starting in 2021.

## 1. 2020 overview of reparations work

From the start of its work in 2000 through 31 December 2020, the Commission recorded 29,798 cases. 19,744 applied to material spoliation, within the meaning of Ministerial Decree No. 99-778 of 10 September 1999, and 9,994 to bank-related spoliation. 60 specifically applied to spoliation of cultural assets. 894 cases were dismissed due to failure to receive a duly completed questionnaire; 975 were withdrawn because they fell outside the Commission's scope of authority or due to insufficient provision of evidence by the claimants during the investigation.

CIVS recorded 86 new cases in 2020: 41 material spoliation cases, 16 bank-related spoliation cases and 29 cultural property spoliation cases, i.e. an average of 7 new cases per month (all categories combined).

Recommendations are taken by the CIVS Deliberative Panel, meeting in plenary or sub-committee sessions, or in accordance with the procedure under which the Chairman issues rulings alone (see *inset*). 11 hearings were organised in plenary sessions in 2020 to review a total of 47 cases. 6 hearings were also organised in sub-committee sessions to review a total of 44 cases. Lastly, 55 cases were examined in accordance with the "Chairman ruling alone" procedure.

**146 recommendations were issued in 2020** (207 in 2019), 99 of which addressed material spoliation, 36 bank-related spoliation and 11 spoliation of cultural personal property. The total amount of recommended compensation for the year was **€3,602,874** payable by the State (o/w €45,963 in respect of bank-related spoliation).

### "Chairman ruling alone" procedure

The Ministerial Decree of 20 June 2001 authorised the Chairman of CIVS to issue rulings alone. Claims reviewed under this procedure are selected based on the urgency involved, which is determined according to the claimant's personal situation and when the case does not present any particular challenges. In 2002, this procedure was extended to bank-related spoliation claims in which the banking institutions interviewed agreed in principle to the authorisation of compensation by the Commission.

The procedure is also used i) to establish recommendations on the collection of reserved portions for identified heirs not initially associated with the case, and ii) subsequent to the review of certain additional applications (crossing of the Demarcation Line, looting of shelters, assets confiscated during arrests or internments in French camps, etc.).

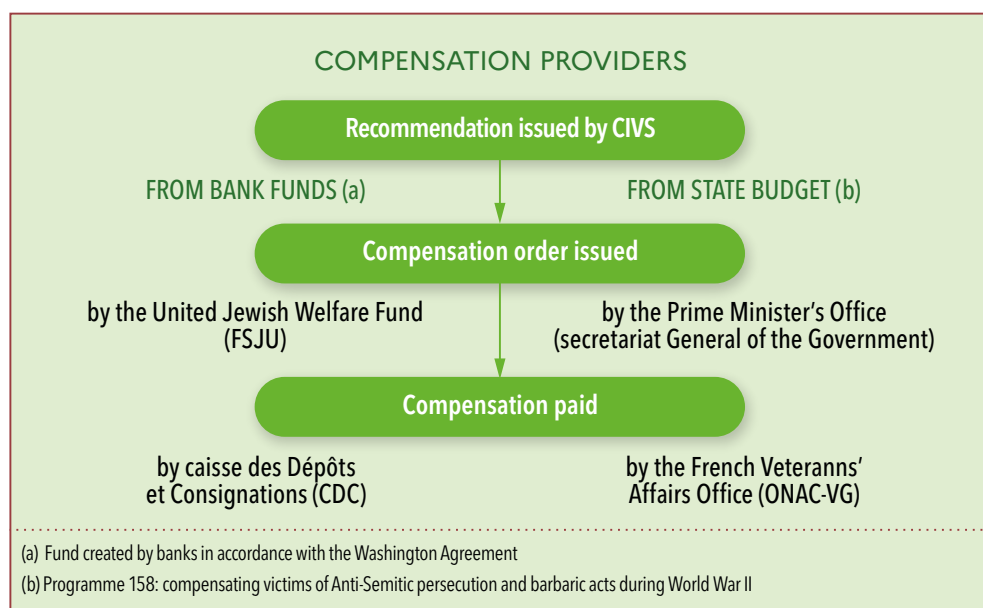
55 cases were reviewed in accordance with this procedure in 2020.

Of the 146 recommendations issued, 16 resulted in rejections (primarily due to lack of evidence of spoliation): 3 cases of material spoliation, 12 cases of bank-related spoliation and 1 case of cultural property spoliation. Lastly, 45 recommendations for the collection of reserved portions were issued (38 material and 7 bank-related spoliation cases)<sup>1</sup>.

## Compensation for losses incurred

CIVS is tasked with examining individual claims made by victims or their heirs to obtain compensation for losses resulting from the spoliation of material and financial assets arising from Anti-Semitic laws adopted during the Occupation<sup>2</sup>.

When CIVS issues a recommendation to the State to pay compensation, the Prime Minister makes a decision based on said recommendation, and payment is made by ONACVG (French Veterans' Affairs Office). When recommendations are issued to banks, payment authorisation is given by the FSJU (United Jewish Welfare Fund) and payment is made to the heirs by Caisse des Dépôts et Consignations.



While damages for mental anguish, such as psychological trauma and deportation conditions, do not fall within its scope of compensation, the French system does allow for an extended definition of losses eligible for compensation:

1 - See section two of this report for more detailed information on "reserved portions", the associated stakes and challenges, and the specific operations conducted in recent years by CIVS to reduce their volume.

2 - Article 1 of Ministerial Decree No. 99-778 of 10 September 1999, as amended by Ministerial Decree Nos. 2000-932 of 25 September 2000 and 2018-829 of 1 October 2018.

### **Looting of apartments and shelters**<sup>3</sup>

As from May 1940, German occupying forces removed furniture to fill office, apartment and home requisitions. They also looted homes, including shelters, abandoned by Jews who fled persecution or were deported (an operation conducted by Nazi looting organisation “Möbel Aktion”). Nearly 72,000 apartments were emptied of their possessions in occupied France, including 38,000 apartments in Paris<sup>4</sup>. This “civil theft”<sup>5</sup> by Nazi Germany covered all types of in-home property: clothing, furniture, silver, office equipment, pianos, etc. Most of these items were transferred to Germany.

- ▶ **Associated amount recommended by CIVS in 2020: €786,412<sup>6</sup>**
- ▶ **Associated amount recommended by CIVS since 1999: €162,866,576<sup>7</sup>**

### **Business and real estate spoliation**<sup>8</sup>

The objectives of this economic “aryanisation” policy, first conducted by the Germans in the occupied zone (orders and instructions of 20 May 1940, 27 September 1940 and 12 November 1940) and then by the Vichy government across the entire country (Act of 22 July 1941), were to confiscate property belonging to Jews and to ban them from the majority of professional activities. Under the authority of the CGQJ (Commissariat-General for Jewish Affairs), 50,000 businesses and buildings<sup>9</sup> were “Aryanised”<sup>10</sup> between March 1941 and June 1944. These sales and liquidation operations were carried out by temporary administrators. Economic “aryanisation” gave rise to spoliations valued at more than €450 million<sup>11</sup>. Moreover, numerous business assets were spoliated outside the scope of this procedure<sup>12</sup>.

- ▶ **Associated amount recommended by CIVS in 2020: €875,279<sup>13</sup>**
- ▶ **Associated amount recommended by CIVS since 1999: €174,128,277<sup>14</sup>**

3 - Fleeing their homes, often in the occupied zone, to seek refuge in the “free zone” or, for Alsace and Moselle natives expelled by Nazis, or for those going back into hiding, the Jews hid in shelters where some were later arrested and others escaped to flee yet again. Homes that served as shelters are eligible for compensation in cases where they were abandoned.

4 - 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, pg. 17.

5 - Mission d'étude sur la spoliation des Juifs de France, *General Report*, Paris, La documentation Française, 2000, pg. 41.

6 - Excluding shelters; including jewellery.

7 - Excluding shelters; including jewellery.

8 - The Commission does not offer compensation for the loss of income resulting from the spoliation of business capital. The Council of State backed this position (CE 27 March 2015: “*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 items, loss of income due to the impossibility of operating the business cannot be likened to spoliation of assets eligible for compensation.*”).

9 - Few claims address compensation for real estate assets. The restitution of real property and cancellation of sales were addressed by simplified procedures at the time of the Liberation.

10 - Aryanisation, a term of German origin, involves the transfer of property from “Jewish hands” to “Aryan hands”.

11 - Mission d'étude sur la spoliation des Juifs de France, *General Report*, Paris, La documentation Française, 2000, pg. 59.

12 - Because they were prohibited from doing business, merchants, craftsmen and independent professionals were forced to flee and go into hiding after abandoning the businesses stolen from them.

13 - Excluding shelters.

14 - Excluding shelters.

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

Looting of artwork began immediately 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>15</sup>. The ERR seized works over a period of four years, targeting 200 prominent collectors. Many cultural and religious items were also stolen from homes, and safes sometimes containing artwork were opened or broken into by the *Devisenschutzkommando*<sup>16</sup>. In total, 100,000 artworks and several million books were looted.

► **Associated amount recommended by CIVS since 1999: €52,933,315**

### **Payment of fees for smuggling to unoccupied France or across borders**

From June 1940 to November 1942, a 1,200km border separated occupied France from “free” France. Clandestine networks of smugglers formed to help people cross this “border”. Some smugglers charged fees for their services; others seized all the assets, cash, jewellery and silverware belonging to the people they transported. During this period, several thousand Jews had to call on the services of smugglers to flee persecution, often leaving behind cash and valuables. Lump-sum compensation is allocated to each person having used a smuggler.

### **Confiscation of valuables during internment in a camp**

About 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, Compiègne, Les Milles and Rivesaltes). All the assets they possessed were confiscated and the money was deposited with Caisse des Dépôts et Consignations. The spoliation totalled more than €750 million.

► **Associated amount recommended by CIVS in 2020: €111,276**

► **Associated amount recommended by CIVS since 1999: €22,059,665**

15 - Mission d'étude sur la spoliation des Juifs de France, *Le pillage de l'art en France pendant l'Occupation et la situation des 2 000 œuvres confiées aux musées nationaux*, Paris, La documentation Française, 2000, pg. 17.

16 - The *Devisenschutzkommando* (DSK, i.e. Nazi Looting Unit) blocked “foreign currencies and safe deposit boxes rented in banks, without consideration of nationality or faith. The DSK set up its base of operations at Banque Lazard on rue Pillet-Will. Safe deposit boxes in the occupied zone were inventoried in the box holder’s presence between summer 1940 and spring 1941. When box holders failed to hand over the keys, the boxes were opened by force in spring 1941.” (Mission d'étude sur la spoliation des Juifs de France, General report, Paris, La documentation Française, 2000, pg. 78).



## **Consignment of insurance policies and confiscation of bank assets**

A German order dated 28 May 1941 read as follows: *"Jews and Jewish businesses, for which an administrator has not been appointed, shall not dispose of payment instruments, receivables and securities or transfer them to another location without the approval of the Temporary Administrators Oversight Department"* (paragraph 1). The Act of 22 July 1941 went even further, stating that *"the balances of deposit accounts, and in general 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 blocked. Financial spoliation (insurance contracts, bank accounts and capital market holdings) amounted to €520 million<sup>17</sup>.

- ▶ **Amount recommended by CIVS for insurance policies since 1999: €255,938**
- ▶ **Amount recommended by CIVS for bank assets in 2020: €67,649 payable by the French State**
- ▶ **Amount recommended by CIVS for bank assets since 1999: €10,724,748 payable by the French State and €45,052,553 payable by banks<sup>18</sup>**

## **Supplements to previous compensation**

The amounts recommended as compensation for the aforementioned damages should be considered together with the supplementary compensation allocated after World War II by the French authorities (French War Damages Act) and German authorities (Brüg Act<sup>19</sup>), where the Commission deemed these reparations measures to have only partially compensated the victims for the losses incurred. This supplementary compensation relates to the looting of homes, the "aryanisation" of businesses, looting of businesses and pillaging of cultural personal property<sup>20</sup>, given that German compensation was most of the time limited to 50% of the value of the property in question.

- ▶ **Associated amount recommended by CIVS in 2020: €285,845**
- ▶ **Associated amount recommended by CIVS since 1999: €90,142,582**

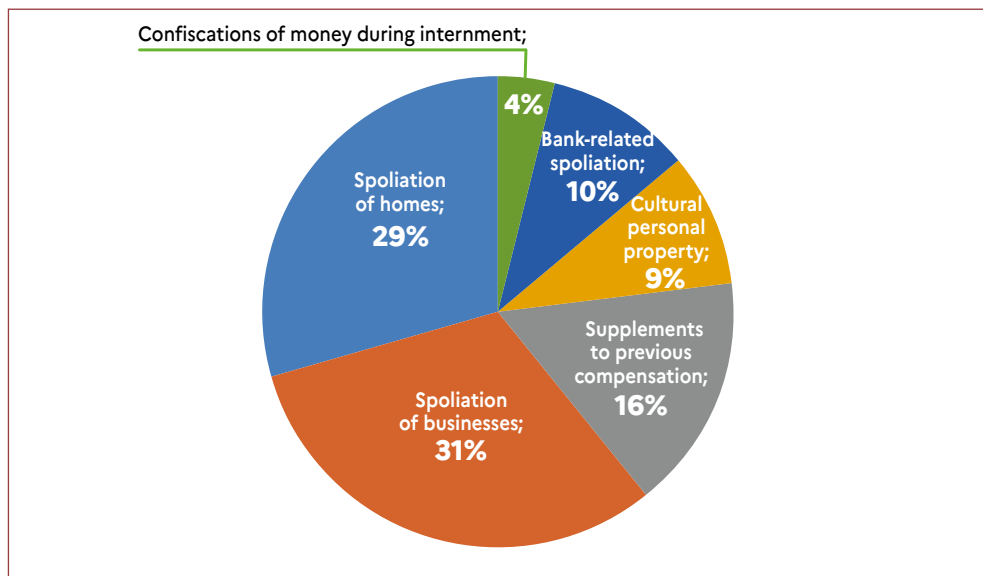
17 - Mission d'étude sur la spoliation des Juifs de France, *La spoliation financière. Volumes 1 and 2*, Paris, La documentation Française, 2000.

18 - Amount reported by Caisse des Dépôts et Consignations and the FSJU.

19 - The BRÜG Act (*Bundesrückerstattungsgesetz*, federal restitution act), passed in 1957, organised compensation for spoliated items outside the Federal Republic of Germany and Berlin. Under this legislative framework, over 40,000 claims submitted by French Jews were processed in two stages (from 19 July 1957 to 1 April 1959, then from 2 October 1964 to 23 May 1966).

20 - Until 2018.

## Distribution of compensation recommended by CIVS since 1999



### Reparations for bank-related spoliation

The terms and conditions of reparations for bank-related spoliation are set out in the Washington Agreement signed in 2001 between France and the United States<sup>21</sup>. “[...] a claimant’s application or a simple inquiry by the claimant as to the existence of a bank asset is sufficient to trigger an investigation [...]”<sup>22</sup>. Since the Commission began its work, 9,233 applications have been submitted by claimants.

However, it should be noted that 761 additional cases were established at the Commission’s initiative. In fact, when during the investigation of cases pertaining to material spoliation, documents uncover the existence of bank assets in the names of spoliation victims or their companies, the Commission acts outside the scope established by the Agreement and conducts banking research. Starting in 2007, the Commission began systematically checking the archive items contained in cases of material spoliation.

In 2020, **16 new financial spoliation claims** were recorded by the Commission on referral by the applicants, compared with 23 in 2019.

21 - For more details on the Washington Agreement, please see section two of the *Report to the Public on the Work of CIVS in 2016*.

22 - Ministerial Decree No. 2001-243 of 21 March 2001 publishing the agreement between the French and the United States governments concerning payments for certain losses suffered during World War II (comprising three annexes and an Exchange of Notes), signed in Washington on 18 January 2001, Annex B I. – B.

## **Bank-related research**

13 cases were reviewed or further investigated by the Bank-Related Claims Research Team in 2020, compared with 35 in 2019.

The research undertaken for 7 of these cases turned up nothing. Consequently, since their referral took place after 2 February 2005, they were rejected on the grounds of foreclosure attached to Fund B.

The 6 other cases proved the existence of 17 current accounts, securities accounts, or safe deposit boxes (61 in 2019).

<b>Breakdown of accounts confirmed in 2020 by credit institution</b>	
<b>La Poste Group</b>	29 %
<b>Crédit Agricole S.A. Group</b>	23 %
<b>BNP Paribas Group</b>	6 %
<b>Société Générale S.A. Group</b>	6 %
<b>Banque Lazard</b>	6 %
<b>Bank (unidentified)</b>	6 %
<b>Groupe BPCE</b>	6 %
<b>Crédit du Nord Group</b>	6 %
<b>Groupe CIC</b>	6 %
<b>Groupe HSBC</b>	6 %

For some of these cases, the Historic Archives of the banking institutions were consulted on some 20 occasions – offering as they do an additional resource for the Commission to make judgements on possible reparations.

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 (to which the banking institutions contribute), in the event of the spoliation of a personal account, or from the budget of the French State, in the event of a personal or business account managed by a temporary administrator. Note: supplementary compensation is provided for in the Washington Agreement, where applicable.

## **Investigation of claims**

**In 14 cases**, bank-related investigations were closed in 2020, compared with 32 in 2019:

- 10 of them (71%) were subject to the simplified procedure under which the Chairman of the Commission rules alone;
- the remaining 4 cases were submitted to the Rapporteur-General of the Commission with a view to being investigated by a judge-rapporteur.

## Communication

The Commission drew up interim reports on the processing of bank-related claims and the compensation granted and taken from Funds A and B and the State budget. These documents were distributed on 15 June and 15 December 2020.

### Washington Agreement

The Washington Agreement (Ministerial Decree of 21 March 2001) governs the compensation mechanism implemented by CIVS for cases of bank-related spoliation.

Two separate funds have been established by the financial institutions to handle compensation liable to be recommended. The first, known as the "Deposit" (Fund A), containing \$50,000,000, is intended to compensate victims whose assets have been identified. The second fund, known as "the Fund" (Fund B), containing \$22,500,000, provides for lump-sum compensation based on the signing of an affidavit for referrals made by victims or their heirs prior to 2 February 2005. The State budget is called on when the bank-related spoliation in question occurred in the context of aryanisation or sequestration of property.

The Agreement has been interpreted and successively amended by four exchanges of diplomatic letters, resulting in an increase in compensation rates. In response to each amendment, 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 compensation may be recommended:

- ▶ For claims filed prior to 2 February 2005 concerning alleged spoliation, total compensation of \$3,000 is awarded;
- ▶ For confirmed assets, it should be noted that compensation is awarded for each identified account:
  1. In cases of spoliation of personal or professional accounts with an identified, adjusted balance of less than \$3,000, the total compensation awarded is \$4,000;
  2. In the case of personal or professional accounts with an identified, adjusted balance of \$3,000 to \$10,000, the total compensation amounts to \$10,000;
  3. In the case of personal or professional accounts with an identified, adjusted balance of more than \$10,000, the total compensation awarded corresponds to the adjusted amount in euros.

**A one-time lump-sum supplement of \$15,000 has been set up for individuals qualifying as direct victims<sup>23</sup> under the provisions of the Agreement.**

## Searching for victims' heirs

The digitization of a large number of archives pertaining to vital statistics, coupled with the development of online tools, makes it easier to reconstruct genealogy today. However, identifying heirs of spoliation victims is still complex and sometimes time-consuming work.

To that end, CIVS benefits in particular from a partnership agreement entered into in 2016 with the CGJ (Jewish Genealogy Society), which was renewed in 2020. Cooperation with the CGJ was very much ongoing this year despite the health crisis, with regular communication and four meetings held. These meetings gave the Commission the opportunity to fully draw on the CGJ's expertise, particularly regarding the analysis of inheritance documents and old vital statistics records. The CGJ's contribution is also invaluable when it comes to rebuilding family histories, and particularly in obtaining foreign-language documents on rights arising from Polish branches. Through this cooperation, beneficiaries were identified and recommendations were issued on the collection of reserved portions in five complex cases.

The Commission is also increasingly making use of online genealogy sites. In October 2017, CIVS took out a membership to the Filae website ([www.filae.com](http://www.filae.com)). To expand its research options and scope of investigation outside France, two new memberships were also taken out: one to ancestry ([www.ancestry.fr](http://www.ancestry.fr)) in November 2020, and the other to Geneanet ([www.geneanet.org](http://www.geneanet.org)) in February 2021.

The system implemented in 2016 to search for heirs entitled to reserved portions has continued generating good results. In 2020, it resulted in 27 new recommendations for the collection of reserved portions, 22 of which were associated with "material" claims. At 31 December 2020, the total amount of reserved portions pending payment amounted to €24,986,565 covered by the French State (versus €25,435,990 at 31 December 2019).

For bank-related claims, according to payment authorising body FSJU, reserved portions amounted to \$1,848,751 at 31 December 2020 versus \$1,903,586 at 31 December 2019.

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23 - Direct victim (according to the diplomatic letters of 21 February 2006): Any direct Holocaust survivor, born prior to 1945, who lived in France between 1940 and 1945, was still alive on 11 January 2006 and has already received compensation, for his/her own assets, under the provisions of Annex B to the Washington Agreement (or who will subsequently receive compensation, for his/her own assets, under Annex B, Point IE, to the Washington Agreement).

## Appeals

CIVS is not an administrative jurisdiction, but rather an advisory body that issues recommendations to the Prime Minister. Claimants are entitled to dispute this opinion, which is then submitted for review, as provided for by Article 8-1-1 of the Ministerial Decree establishing CIVS<sup>24</sup>, as amended by Ministerial Decree No. 2001-530 of 20 June 2001. In addition, like any administrative decision, the Prime Minister's decisions (based on CIVS recommendations) can be appealed to the administrative court, with further appeal to the Administrative Court of Appeal and finally to the French Council of State. Similarly, a rejection recommendation issued by CIVS can be appealed to the administrative judge as a grievance.

Since the Commission began working, **630 cases** (549 cases of material spoliation and 81 cases of bank-related spoliation) have been reviewed. **Five new requests for re-examination were recorded in 2020.**

Furthermore, of the nearly 30,000 claims reviewed by CIVS, around forty were appealed to administrative courts, and half of these were rejected. In 2009, the Council of State did not proceed with the Commission's recommendation, asking it to compensate for intangible assets (loss of customers, leasehold rights), which it had not taken into account to date in compensating for aryanised companies and businesses. **At 31 December 2020, four cases were under examination by the administrative courts.**

## 2. Personal data protection at CIVS

The protection of personal data has **long been a priority for CIVS**. The processing of individual data is an inherent part of the Commission's work: for CIVS to be able to examine their claim, victims or their heirs are required to provide a series of information, including personal data identifying them and establishing their ties to the victims, as well as contact information (telephone number, e-mail address and postal address, for example). Due to its unique mission (compensation for cases of Anti-Semitic spoliation), CIVS is required to collect data qualifying as sensitive in that it pertains to religious beliefs. Furthermore, in carrying out its mission, the Commission works with other public agencies (including the Ministry of Culture, the Paris Police HQ, archive centres, the ONACVG, Caisse des Dépôts et

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24 - Article 8-1-1 of Ministerial Decree No. 99-778: "Claimants who challenge a recommendation issued by the Commission meeting in a sub-committee session may call for their claim to be re-examined in a plenary session. They shall submit this request to the Commission Chairman along with the new evidence, by indicating the new facts on which their challenge is founded, or by specifying the points on which the recommendation is thought to contain material errors. The Chairman shall grant the request for reconsideration, except where the supporting evidence provides clearly insufficient grounds for challenging the recommendation. When a case has been examined by the Commission meeting in a plenary session, without previously having been examined in sub-committee, claimants may, under the same procedure and conditions, call for their claim to be re-examined in sub-committee."

Consignations, the Prime Minister's administrative and financial services division) and private-sector organisations (in particular, bank archive departments, the FSJU and other associations) in France and abroad (such as the Holocaust Claims Processing Office in the United States). Well before the entry into force of the General Data Protection Regulation (GDPR<sup>25</sup>), all of these considerations required CIVS to handle personal data processing very carefully.

## Implementation of the GDPR

The GDPR, applicable since 25 May 2018, sets various obligations for the personal data controller, including in particular: proportionality and necessity (data collected must be essential and limited to the purpose of the data processing); informing data subjects (they must be informed of the data held and processed); exercising the right of access and rectification; protecting data against risks of data breaches and security incidents (e.g. resulting in loss or alteration of data).

In preparation for the implementation of the GDPR, CIVS appointed a data controller (the Chairman of the Commission and, by delegation, its Director) and a correspondent to the Data Protection Officer of the Prime Minister's Office, Richard Decocq<sup>26</sup>, in charge of ensuring that CIVS complies with the GDPR.

In the first quarter of 2018, CIVS identified all personal data processing operations implemented in a log, specifying in particular the date of their creation, the authorising opinions or regulations, and their purposes.

Data subjects were primarily informed on the CIVS website and in the questionnaires completed by the applicants. Since 2018, these questionnaires, written in four languages (French, English, German, Hebrew) have mentioned: the existence and nature of processing operations carried out, necessary for fulfilling the Commission's general-interest mission; the possibility of this data being transmitted to its partners for the fulfilment of its duties; data storage; entitlement to exercise the right of access, rectification, erasure or objection; the contact details of the data protection officer.

In 2019, the roll-out of the new CIVS Database, replacing the now-obsolete database<sup>27</sup>, was preceded by an impact analysis entrusted to an independent operator<sup>28</sup>, and the Commission now enjoys better protection after being connected to the Prime Minister's IT network.

25 - Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

26 - Gabriel Masurel held this position until September 2018.

27 - For information on the reasons for the replacement of the CIVS Database, and the underlying principles applied, please see section one of the *Report to the Public on the Work of CIVS in 2019*.

28 - Wavestone.

## Results of the audit conducted in 2020

The European Data Protection Regulation requires the Data Protection Officer (DPO) to monitor compliance with regulations, including the allocation of responsibilities, awareness-raising and training of staff involved in processing operations. The Secretary General of the French Government called on the Prime Minister's DPO to audit the Commission's GDPR compliance. The audit, carried out by the DPO in conjunction with the Prime Minister's organisation department, took place from 1 July to 30 November 2020. Multiple interviews were conducted, along with a risk analysis to assess the sensitivity level of processing operations, plus document-based and on-site controls.

The final audit report was issued in March 2021. It concluded in particular that *"In light of its missions, CIVS has fully incorporated the stakes and challenges associated with the sensitive nature of personal data. It has developed an appropriate culture and mindset for the protection of personal data. [...] The expected organisation for GDPR purposes has been put in place and is perfectly operational. [...] The migration of CIVS workstations to the Prime Minister's network also significantly raised the security level of the information system. [...] The CIVS business app was also brought into compliance. Overall, the auditors issue a positive opinion on the performance of an impact study on privacy and the complete overhaul of a long-used application that contained a significant number of failings."*

Despite the positive opinion issued by the auditors in their report, it nevertheless included thirteen recommendations, which CIVS incorporated an action plan that will be completed over the course of 2021.

## 3. CIVS' work in Germany

CIVS is able to stay active in Germany because it has offices there. In addition to the research it carries out in German archive collections, since 2018 the CIVS branch in Berlin has served as a WWII history and Holocaust contact for the French Ambassador to Germany. In 2020, the branch represented France at multiple commemorations and events associated with World War II and the deportation, including: the tour of the Langenstein-Zwieberge camp, participation in the online ceremony for the Ravensbrück memorial, the tour of the Plötzensee prison memorial (Berlin), participation in the International Holocaust Remembrance Alliance (IHRA) events, inauguration of the new permanent exhibition at the House of the Wannsee Conference memorial, tour of the Jewish Museum in Berlin and interview with its new director, interview with Buchenwald concentration camp survivor Günther Pappenheim, talks with Beate and Serge Klarsfeld in Berlin attended by the French Ambassador to Germany.



The branch also maintains regular relations with provenance researchers working in Germany, and serves as the Commission's direct liaison with *Deutsches Zentrum Kulturgutverluste* (DZK, German Lost Art Foundation) and with *Beratende Kommission*<sup>29</sup>, and conducts mediation initiatives.

### **Second annual Franco-German “Spoliated Art” workshop (30 September 2020)**

In conjunction with the attaché for university cooperation for North Rhine-Westphalia, Institut Français Bonn, *Deutsches Zentrum Kulturgutverluste* and Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945, CIVS organised the second annual Franco-German “Spoliated Art” workshop on 30 September 2020. Initially scheduled for 12 March and postponed until autumn due to the health crisis, the workshop ended up becoming an online event. This year's theme: “Provenance research and restitution practices in a Franco-German cooperative framework: new interdisciplinary approaches”.

Online talks were held in French and German, attended by nearly 130 researchers, representatives of ministries and auction houses or victims' families, and centred on: i) provenance research as a contribution to collective remembrance efforts, ii) spoliation parties viewed through the lens of their bios, iii) restitution understood as a social practice and phenomenon, iv) reconstruction of family histories thanks to restitution, v) methodology discussions between disciplines.

The workshop, which opened with a speech by the Chairman of the Commission (see inset), concluded with a speech by French Ambassador to Germany Anne-Marie Descôtes describing the new French research and restitution mechanism for property looted under National Socialism.

After the workshop, a Serger Klarsfeld conference was held entitled “*L'art dans la fumée des crématoires*”, stressing the need to consider research into cultural assets from the standpoint of the deportation experience.

This second annual workshop should give rise to a publication in 2021.

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29 - *Beratende Kommission im Zusammenhang mit der Rückgabe NS-verfolgungsbedingt entzogenen Kulturguts, insbesondere aus jüdischem Besitz.*

### **Speech by the Chairman of CIVS introducing the workshop on 30 September 2020**

*“One year ago, the Commission for the Compensation of Victims of Spoliation celebrated its 20th anniversary. During an international symposium organised in honour of this anniversary, the French reparations policy applied to the Occupation period was presented to the audience.*

*While the Commission’s expanded scope of expertise for the restitution of cultural property was highlighted at this event, the remembrance efforts undertaken by CIVS were also addressed. Compensation, restitution, remembrance: CIVS works in these three fields today, as determined as ever.*

*The issue of cultural spoliation during the Occupation is inseparable from the general history of aryanisation, deportation and the Holocaust. As demonstrated by the Commission’s work, most spoliated cultural items were not of high monetary value. These are not limited to items inventoried or exhibited in museums, but also objects of very high sentimental and historical value. Because they are the last vestiges and sometimes the only testimonials of deportees. It is important not to forget that aryanisation was meant to be the first step towards Nazi concentration and extermination camps, and that some families have only a book, a watch or a painting discovered after the war in remembrance of their ancestors.*

*Research into spoliated goods also contributes to the reconstruction of family histories. By fulfilling its duty, CIVS strives to repair biographies devastated by National Socialism and the Vichy regime. Whether the objects in question are paintings, general artworks, books, furniture or everyday items, our first mission has not wavered for the last twenty years: we seek reparations for the losses incurred, and in so doing provide claimants and their families with information on their past. We retrace the steps of those who had everything taken from them, even their very identity, many of whom never returned from the camps and deportation.*

*We do this work with David Zivie and his colleagues at the Ministry of Culture’s Mission for Research and Restitution. Although our work is challenging and complex, the organisation set up in 2018-2019 aims to increase the number of restitutions, while further raising public awareness of spoliated art.*

*The goal of the workshop we are holding today is to make the connection between the specific issue of spoliated art and the more general issue of deportation and the Holocaust. Because each found item is a rediscovered memory, a face and a name that we pull from oblivion. The research effort that we undertake, and the subsequent restitution, also contribute to remembrance and production of historical knowledge, which builds up the defence against revisionist history.*

*I am especially thrilled that the 'Spoliated Art' workshop resulted from Franco-German cooperation between CIVS, the Ministry of Culture's Mission for Research and Restitution and Deutsches Zentrum Kulturgutverluste. I would like to take this opportunity to congratulate the Franco-German working group created last year under a tripartite partnership, which we also designed to meet the needs of researchers. Like this workshop, the goal of this Franco-German partnership is not only to strengthen and connect the networks of researchers in France and Germany for their mutual benefit, but also to exchange information and manufacture shared research tools. Because I firmly believe that research into spoliated property is necessarily a cross-border effort. CIVS is thus committed, alongside Zentrum and its European partners, to achieving better international cooperation and greater transparency.*

*The 2019 creation of the European network of restitution committees also established spoliated art as a European cooperation initiative, which CIVS initiated and supports to this day.*

*Lastly, I would like to praise the work and commitment of the young researchers who will be speaking today. Your capacity for innovation and the maturity of your work are contributing to our reparations initiative. While scientific research must be independent from public action, the Commission clearly needs to rely on your efforts for its own work. The work being done by the Commission also, it needs to be stressed, goes beyond individual - sometimes competing - approaches that characterise some researchers, and instead relies on collective efforts.*

*I would like to conclude by recognising the work accomplished by our hosts in Bonn: on behalf of the Commission, I would like to sincerely thank Mr Charrier and his entire team for organising this workshop in spite of the health crisis. It goes without saying that the academic, cultural and political dynamics surrounding provenance research in France and Germany must not be stopped by a pandemic."*

### **"La mémoire au défi" round table (22 January 2020)**

In response to a joint request by the French Ministry for National Education and Youth and the Minister-President of North Rhine-Westphalia, who also serves as Plenipotentiary for Franco-German Cultural Affairs, calling for the theme of Franco-German Friendship Day to be set as "remembrance", CIVS organised a round table entitled "*La mémoire au défi*" (meeting the challenge of remembrance) at the French Embassy in Germany on 22 January 2020. In addition to the Chairman of CIVS, other round table participants included the heads of fast-growing memorial institutions. The memorials at Wannsee, Rivesaltes military camp, Compiègne-Royallieu internment camp and Langenstein-Zwieberge concentration camp were represented. The round table provided a forum for experts to hold a dialogue with

high school students on the digitisation of memorial tools, academic and student expectations, the particularity of the Holocaust and European contributions to collective remembrance efforts.

### **Promoting the testimonial of Holocaust survivors**

Despite the restrictions imposed by the health crisis, CIVS teamed up with Institut Français Bonn and charitable association *Demokratie Leben!* in Leipzig to co-organise videoconferences featuring the testimonial of Raphaël Esrail, President of the Union of Auschwitz Deportees. The talks were attended by French and German grade school students and centred on Esrail's written testimonial entitled *L'espérance d'un baiser*<sup>30</sup>, translated into German with the support of the Commission.

### **Round table/concert, "Musique dégénérée : concert et réflexions sur une culture mémorielle contemporaine au travers d'une perspective franco-allemande" (Degenerate music: concert and thoughts on contemporary memorial culture from a Franco-German perspective) (27 January 2020)**

At the invitation of Institut Français de Mayence, the CIVS branch in Berlin took part in a concert/debate organised on 27 January 2020 in honour of the International Day of Remembrance of the Victims of National Socialism.

Following the classical music concert given by Elodie Haas and Thérèse Bussière-Meyer ("*Voix étouffées*"), who played works created by persecuted and deported composers, the head of the CIVS branch in Berlin took part in a round table dedicated to expanding Franco-German remembrance initiatives. The discussion was moderated by Professor Birger Petersen (Université de Mayence).

### **Support for the "Rose Valland : en quête de l'art spolié" exhibition**

In cooperation with Musée Dauphinois, Musée Jagdschloss de la Shorfheide and the French Embassy in Germany, CIVS helped promote and distribute the exhibition entitled "*Rose Valland : en quête de l'art spolié*" (Rose Valland: in search of spoliated art) in Germany.

The aim of the exhibition was to highlight the story of a major historic figure, largely unknown to the German public, and to contribute to the general effort to raise awareness of spoliation and provenance research both in France and Germany.

### **Nicolas Rousseau canvas returned to France**

On 12 October 2020, representatives of CIVS and the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 attended the official hand-over of Nicolas Rousseau's "*Paysage*" to CIVS, which took place at

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30 - Raphaël Esrail, *L'espérance d'un baiser*, Robert Laffont, 2017.

Centre Mondial de la Paix, des libertés et des droits de l'Homme, for the purpose of returning the canvas to France. The ceremony was held in Verdun in honour of Franco-German and European Week (12 to 16 October 2020), attended by former minister and senator from La Meuse Gérard Longuet, former European Parliament President Martin Schulz and high school students from the Grand-Est region<sup>31</sup>. This restitution resulted from a mediation initiative conducted in 2019 and 2020. Peter Forner, a German citizen, had handed the canvas over to CIVS for restitution, however subsequent research failed to identify the rightful owners of the piece<sup>32</sup>. Consequently, the Commission suggested turning the work over to Centre Mondial de la Paix, and its director Philippe Hansch agreed. It is now permanently on exhibit at the Centre, accompanied by a plate underscoring Peter Forner's wish to return the canvas in the name of Franco-German friendship, until the rightful owners can be identified.



Messrs. Longuet, Jeannotot and Schulz © Centre Mondial de la Paix

### Three works from national collections, which vanished during World War II, are returned to France

In accordance with the tripartite agreement entered into in May 2019 with the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (French Ministry of Culture) and DZK<sup>33</sup>, CIVS conducted a mediation

31 - The ceremony can be viewed on YouTube at <https://www.youtube.com/watch?v=IWqBgqhab4k>

32 - For more details on this case, please see section one of the *Report to the Public on the Work of CIVS in 2019*.

33 - Section one of the *Report to the Public on the Work of CIVS in 2019* explains the conditions and objectives of this agreement, signed on 22 May 2019.

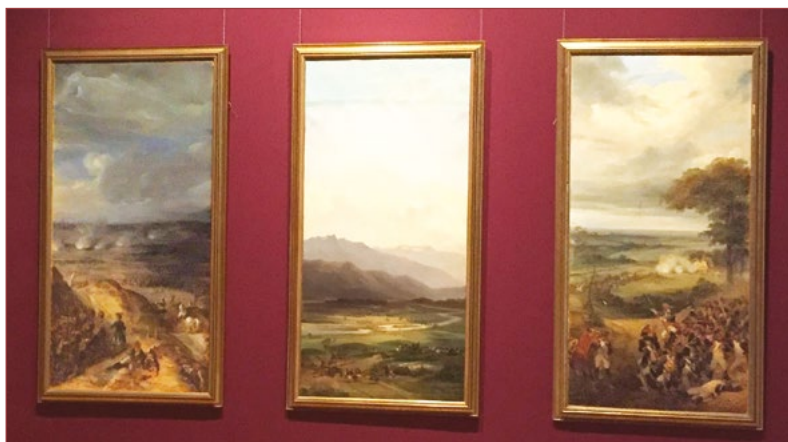
initiative in 2020 which resulted in the restitution of three works from the Château de Versailles collections that had vanished during World War II:

- ▶ Charles Caius Renoux (1795-1846), *Combat de Monteilla, 10 April 1794*, 1837, 126 x 65 cm;
- ▶ Hippolyte Bellangé (1800-1866), *Combat sous Charleroi, 26 May 1794*, 1837, 125 x 62 cm;
- ▶ Joseph Jouy (1809-1880), *Prise de Tirlémont, 13 March 1793*, 125 x 64 cm.

These three paintings, commissioned by King Louis-Philippe for the Galeries historiques de Versailles, had been left in 1913 at the Saint-Cyr military school, which was occupied by the German army during World War II. They were presumed to have been lost during the bombing of Saint-Cyr-l'École in July 1944, when in fact they had been removed by a German soldier, most likely when the German army evacuated the school just before the bombing took place. The canvases are thought to have been removed from their frames and backing, then rolled up and moved to Germany, where they were stored in the German soldier's home and remained with his family for many years.

In 2019, his grandson, a German citizen residing in Bavaria, knew the origin of the paintings and wanted to return them to France, but did not know they belonged to the Château de Versailles. He contacted CIVS, which oversaw the return of the paintings to France in late 2020.

They have now been restored to the national collections and the Château de Versailles, and are exposed in the Chimay Attic, located above the Queen's Apartments and dedicated to the history of the French Revolution under the Consulate.



Three works exhibited at the Château de Versailles

CIVS also facilitated the restitution in January 2021, to the heirs of French collector Jules Strauss, of the painting entitled *Portrait d'une dame en Pomone* by Nicolas de Larguillière (1656-1746), oil on canvas, 147 x 105 cm, which had been sold in 1941, probably under duress, and identified in the Dresde national art collections (*Staatliche Kunstsammlungen Dresden*)



## 4. Network of European Restitution Committees: an overview of Year 2



Established on 1 January 2019 and headed by CIVS in its first year of operation, the Network of European Restitution Committees on Nazi-Looted Art was overseen in 2020 by Austria's *Kommission für Provenienzforschung*. The health crisis, which affected the committees of all member countries to the same extent, hit the network's operation particularly hard. Even so, the network succeeded in publishing three editions of its newsletter in 2020. All published editions of the newsletter can be found on the CIVS website under "Partners": <http://www.civs.gouv.fr/en/our-network/partners/>

The Dutch *Restitutiecommissie* ran the secretary's office for the network in 2021.

# CENTRAL SECTION: CIVS RESOURCES IN 2020

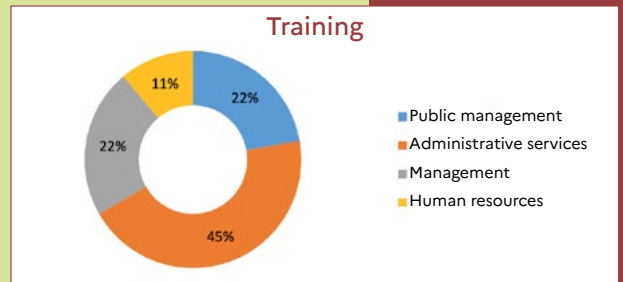
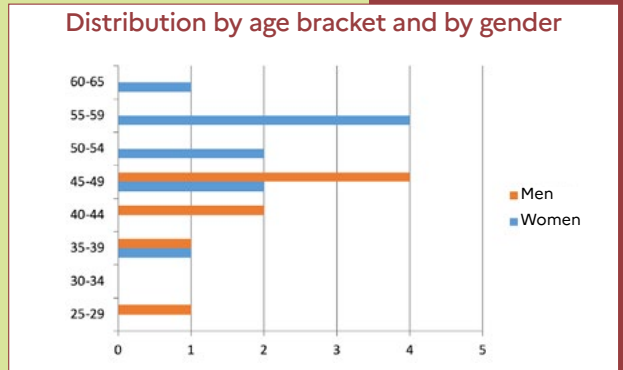
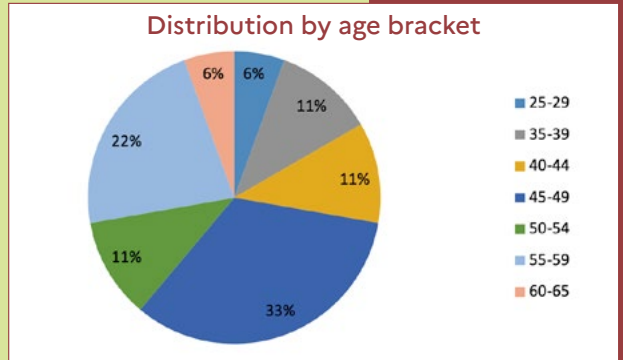
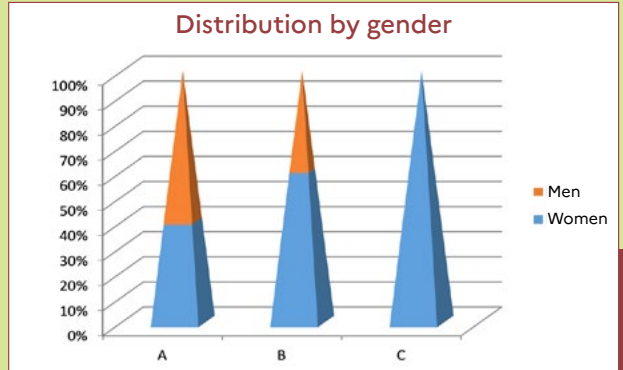
**18** permanent staff members

**71%** on civil service contracts

Average age: **45**

**56%** women

**9** training sessions delivered





## Deliberative Panel members

There are 14 in total:

- **7** women
- **7** men

Pursuant to Ministerial Decree No. 2018-829 of 1 October 2018, the Deliberative Panel – initially comprised of ten members – relies on four additional members when considering cultural property spoliations, specialising respectively in art history, the art market, World War II history and cultural heritage law, appointed by decree of the Prime Minister for a three-year term. These four qualified experts were appointed by the Decree of 6 May 2019.

## Judge-rapporteurs

In 2020, 11 judge-rapporteurs were placed under the authority of the Principal Rapporteur:

- **6** women
- **5** men
- 8** from the regular court system,
- 3** from the administrative court system.

## CIVS budget

<b>Staff expenses</b>	<b>2020 budget allocation:</b>	<b>€1.49m</b>
	<b>Budget used:</b> ow Paris Berlin	€1.35m €1.23m €0.12m
	<b>Employment ceiling</b>	<b>16 FTE</b>
<b>Operating expenses</b>	2020 budget allocation:	€0.27m
<b>Intervention expenses</b> (compensation appropriations)	2020 budget allocation:	€6.00m



**Speech delivered by Prime Minister Edouard Philippe on 22 July 2018,  
at the commemoration of the Vel' d'Hiv' Roundup (16 July 1942).**

**Extracts**

"The Republic started with words, then put those words into action... First with the 1997 establishment by the Alain Juppé administration of the Jean Mattéoli mission for research on the spoliation of Jews in France. Second with the creation two years later by the Lionel Jospin administration of the Commission for the Compensation of Victims of Spoliation. [...]

This commission has now largely completed its mission, and the question of its future will be raised one day. But that day has not yet come. Restitution of cultural property is an area where we have a duty to do better. As you know, the national collections harbour a number of works that were stolen from the Jews during the Occupation. Property that the State has not yet managed to identify in its entirety, much less return to its rightful owner. I do not underestimate the practical challenges that such operations pose. But we cannot be satisfied with this situation. This is about honour. About dignity. Respect for the victims of these spoliations, their memory and their descendants. This is why I have decided to assign a new remit to CIVS [...]

I have also tasked the Ministry of Culture with directly reviewing these claims and with playing a much more active part in these restitution efforts, rather than leaving this task solely to public cultural institutions [...] I am calling on the Minister of Culture and the Chairman of CIVS to make sure that these new procedures are applied with all the diligence and efficiency that are now necessary."

**Ministerial Decree No. 99-778 of 10 September 1999 establishing CIVS,  
as amended by Ministerial Decree No. 2018-829 of 1 October 2018.**

**Article 1-1**

"The Commission also holds the authority to recommend to the Prime Minister, at its own initiative or at the request of any interested party, any necessary restitution measures or, failing that, compensation measures, in cases of spoliation of cultural property arising from Anti-Semitic laws adopted during the Occupation, in particular where said property has been integrated in public collections or recovered by France after World War II and since entrusted to the custody of national museums."

**Article 1-2**

"At the request of any interested party or the Commission, or at its own initiative, the Minister of Culture investigates the cases of spoliation of cultural property referred to in Article 1-1, in particular by searching for their owners and their heirs."



Section  
two

Implementation  
of the new  
mechanism  
for cultural  
spoliation



# Implementation of the new mechanism for cultural spoliation

In response to concerns expressed for the last several years, the government authorities allocated new resources to research and compensation for cultural property spoliated during the Occupation<sup>34</sup>:

- the Ministerial Decree of 1 October 2018 assigned new remit to CIVS in this area, defining a special procedure for these cases of spoliation, authorising the Commission to self-refer cases and to receive cases referred by any interested party<sup>35</sup> and adding four new qualified experts to the Deliberative Panel;
- on 16 April 2019, a *Mission de recherche et de restitution des biens culturels spoliés entre 1933 et 1945* (M2RS - Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945) was created and placed under the authority of the Ministry of Culture. This Mission is tasked in particular with researching the provenance of such property and seeking out the rightful owners.

Established in summer 2019, the new organisation was soon disrupted by the multiple effects of the health crisis. In light of the multiple expectations placed on the Mission, CIVS and M2RS took it upon themselves to fully implement the new mechanism during this period. This implementation and its initial results are covered in section two of this report.

## 1. Self-referral

Since its establishment in 1999, CIVS has handled referrals submitted by claimants, specifically victims and their heirs. The self-referral procedure is one of the innovations introduced by the Ministerial Decree of 1 October 2018. CIVS used this procedure five times in the last year (twice in 2020, three times in H1 2021). To date, it is **predominantly employed in cases of book spoliations** submitted by the CIVS network in Germany. It should also be noted that, although the victims' heirs did not submit the claims in question, the Commission does make contact to notify them of its investigation in progress, and to obtain information. When it contacts heirs in these cases, it reminds them that they are entitled to file a claim for other losses, which ties back into Commission's original purpose.<sup>36</sup>

34 - Section two of the *Report to the Public on the Work of CIVS in 2018* explains the conditions and objectives of this new organisation.

35 - Article 1 of Ministerial Decree No. 99-778, as amended by Ministerial Decree No. 2018-829 of 1 October 2018.

36 - "a commission tasked with examining individual applications presented by the victims or their heirs" (Art. 1 of Ministerial Decree No. 99-778 of 10 September 1999)

## Restitution of spoliated books

Books spoliated during the Occupation did not receive the same attention as artwork. Their massive presence in French collections was only recently discovered, thanks in large part to the efforts of Ms Martine Poulain<sup>37</sup>. The number of books confiscated in France during the Occupation is nevertheless estimated at five million. This type of spoliation initially targeted collections before becoming more systematic starting in 1942 during the looting of Jewish homes. *“Admittedly, most of the stolen works do not have a high financial value. Even so, this type of theft clearly illustrates – perhaps even more clearly than theft of artwork – the exhaustive nature of Nazi crime and determination to annihilate not only the Jewish people, but also their very thoughts, expressions and culture.”*<sup>38</sup>

The Books Sub-Committee (1945-1950) of the Artwork Recovery Commission (CRA) took responsibility for books recovered in France (1.6m) and in the territory occupied by the Reich (773,000 in Germany and Austria). Only 2,248 people and 408 institutions have filed claims with the CRA. Next, a “select committee” (1949-1953) distributed 13,800 documents among 42 libraries, and 300,000 were sold by regional offices (87,000 were bought by libraries).

Some libraries are now conducting research to identify the works recovered at the time; however, the chance for restitution is limited due to the challenges of identifying the rightful owners.<sup>39</sup> More often than not, the books contain no record of their owners, and only rarely mention their name within their covers.

## Conservation of works in Germany

The first self-referral cases dealt with spoliated works conserved by German cultural institutions, museums or libraries. These cases were examined in response to “notification reports” established by the CIVS branch in Berlin. These reports are based on restitution initiatives carried out by public or private-sector individuals, corporate initiatives in conjunction with cultural institutions, or proactive research. After examining the reports, the Chairmen of the Commission decides whether or not to self-refer the associated cases.

The self-referral procedure addresses three of the Commission’s key concerns:

- Since beginning its work, CIVS has often recommended compensation for spoliated libraries, but has never issued an opinion in favour of returning works. These cases, which tend to be rarer and less prominent than restitution of artwork, now call for greater focus.

37 - We also have Ms Poulain to thank for building a database of claims for the restitution of works after the war, which can be found online at: [http://93.188.171.71/upload/minisites/bibliotheques\\_spoliees/document/personnes.php](http://93.188.171.71/upload/minisites/bibliotheques_spoliees/document/personnes.php)

38 - David Zivie, *“Traces can be found in the records...” Biens culturels spoliés pendant la Seconde Guerre mondiale : une ambition pour rechercher, retrouver, restituer et expliquer*. Report to the Ministry of Culture. February 2018.

39 - For more information about spoliated books, please see the presentation given by Benjamin Guichard (Bibliothèque Universitaire des Langues et Civilisations) at the 20 January 2021 session of the seminar entitled *“Patrimoine spolié pendant la période du nazisme (1933-1945)”* (Heritage stolen during the Nazi era (1933-1945)) organised by the National Art History Museum, in partnership with the National Heritage Institute and M2RS: [https://www.youtube.com/watch?v=uIF3Wllb6jg&list=PLsI8NWzVv6T1Vs\\_eafbgQS3UzDcF7HlOQ&index=5](https://www.youtube.com/watch?v=uIF3Wllb6jg&list=PLsI8NWzVv6T1Vs_eafbgQS3UzDcF7HlOQ&index=5)



- **The sentimental value of objects of lesser financial or artistic value** is regularly discussed at symposiums<sup>40</sup>. By electing to examine these cases and allocate similar resources in terms of research, the Commission is answering the call of researchers and historians to also take this type of spoliation into consideration.
- Self-referrals following on from contacts established with German institutions have consolidated and strengthened Franco-German cooperation in fulfilling the mission of CIVS.

## Two examples of self-referrals: Stern and Mandel cases

### The books of Dr Stern (self-referral of 14 May 2020)

Erich Stern (1889-1959) – psychologist, psychiatrist and teacher – was known first and foremost for his publications on psychosomatic disorders. He also received recognition as a clinical psychologist and for his work in the field of medical psychology. Because of his Jewish origins, he had to flee Berlin for Switzerland, then moved to Paris in late 1933. As a “foreign assistant” at the children’s neuropsychiatry clinic of La Sorbonne, he treated children suffering from behavioural disorders. At the same time, he ran a dispensary providing support to Jewish immigrants. He obtained French citizenship in 1938. After France was invaded by German troops, he fled to the south of France. He was stripped of his French citizenship in 1943.

On 6 March 2020, *Zentral- un Landesbibliothek* librarians in Berlin, entrusted with provenance research, reported having found thirteen books belonging to Dr Erich Stern in their collections:

- *Sadismus und Masochismus* (1911)
- *Zur Phänomenologie und Theorie des Sympathiegeföhle und von Liebe un Hass : mit einem Anhang über den Grund zur Annahme der Existenz des fremden Ich* (1913)
- *Die Herkunft des Menschengeschlechtes in den Anschauungen verschiedener Zeiten* (1911)
- *Zur Psychologie der primitiven Kunst : ein Vortrag* (1917)
- *Naturrecht und Soziologie* (1912)
- *Prolegomena zu einer wissenschaftlichen Psychologie* (1923)
- *Elemente der analytischen Geometrie* (1901)
- *Die Romantische Schule : Ein Beitrag zur Geschichte des deutschen Geistes* (1920)
- *Erinnerung, Aussage und Lüge in der ersten Kindheit* (1920)
- *Allgemeine Psychopathologie : Ein Leitfaden für Studierende ; Ärzte und Psychologen* (1913)
- *Lebensanschauung : Vier metaphysische Kapitel* (1918)

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40 - Pia Schönberger (*Kommission für Provenienzforschung*), speaking at INHA’s “spoliated heritage” seminar on 9 January 2020: “Alongside major, precious works of art we can find smaller pieces of lower financial value, such as books [...] becoming central to our work. Research into the history of each of these objects carries great potential, scientific appeal and emotional depth. While the general public may have a clear preference for objects with a strong personality and high monetary worth, each one holds equal value in our work.”

- *Allgemeine Physiologie : Ein Grundriss der Lehre vom Leben* (1915)
- *Der Hypnotismus oder die Suggestion und die Psychotherapie : Ihre psychologische, psychophysiologische und medizinische Bedeutung mit Einschluss der Psychoanalyse, sowie der Telepathiefrage* (1918)

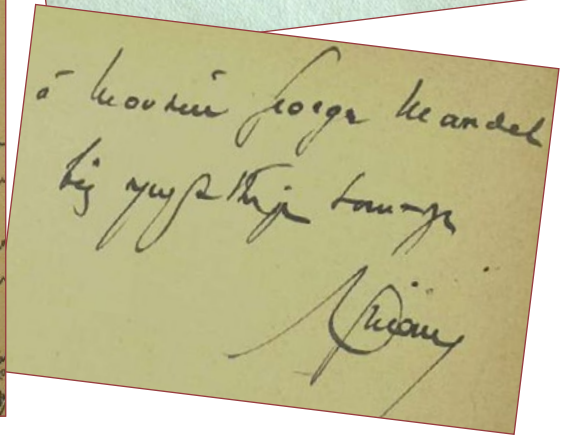
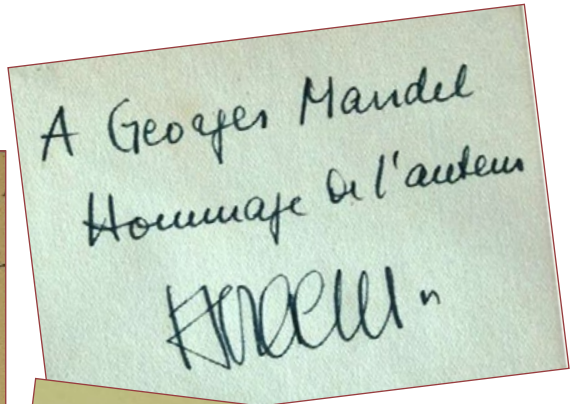
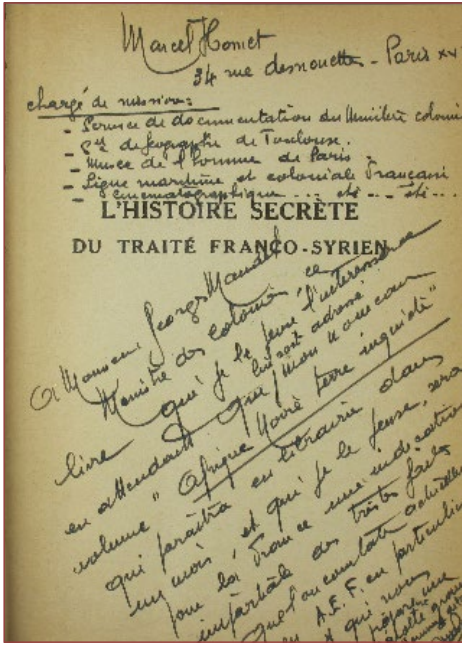
This collection of books predominantly specialises in the fields of medicine and psychology. The books came from a deposit at the RSHA central security office, consisting of books stolen from across Europe and divided up among various Berlin libraries. Most of the books contained Dr Stern's clearly identifiable signature. Having determined that the books are likely to have come from acts of Anti-Semitic spoliation committed in France during the Occupation, **CIVS conducted a self-referral on 14 May 2020**. Investigation into the case will be ongoing in 2021.

### **Restitution of three books to the heirs of Georges Mandel**

In 2018, the *Stiftung Preussischer Kulturbesitz* cultural foundation notified CIVS that it had found three works in its collections (at the Berlin State Library and the Dresde university library) which had been stolen by German soldiers from Georges Mandel's personal library in 1940:

- *De l'Alsace à la Flandre. Le mysticisme linguistique*, René Gillouin, 1930
- *Syrie terre irrédente. L'histoire secrète du traité franco-syrien*, Marcel Homet, 1938
- *Air-Afrique. Voie impériale*, Gaston Bergery, 1937

All three books are dedicated to Georges Mandel by their author.



Dedications to Georges Mandel in three stolen literary works

Former Minister and resistance fighter Georges Mandel was assassinated in 1944 by the French Militia. On 27 August 1940, the German ambassador to France issued an order to seize all property found in his apartment at 67, avenue Victor Hugo (Paris 16). Georges Mandel had amassed a library of nearly 15,000 volumes.

CIVS recorded this notification in the records (investigation in progress at the time) for the case opened at the request of Mandel's heirs. On 12 February 2021, CIVS held deliberations on the claim in a plenary meeting. **The recommendation taken resulted in the restitution of three works.**

## 2. Cases referred to CIVS by the Ministry of Culture

Another innovation introduced by the Ministerial Decree of 1 October 2018 is that cases of spoliation of cultural assets can be referred to CIVS by the Ministry of Culture or any other interest party (legal entities or individuals). Cases have been referred by M2RS (Ministry of Culture) on five occasions: four times in 2020 and once in 2021. Recommendations will be issued on these cases, investigated by judge-rapporteurs, in 2021. 2020 referrals involved a total of nine MNR (national recovery museum) works.

### MNR 645 (referral of 5 March 2020)

**It takes time to confirm cases of spoliation.** The same is true for MNR works, only a minority of which has been acknowledged as spoliated: *“Classification as an MNR work does not automatically imply any assumption as to the origin of the object [...] Of the remaining non-restituted works, only around fifty are considered as confirmed spoliated works, with their owner having been identified, while 46 works have been identified as confirmed non-spoliated works. The rest, i.e. the vast majority, is subject to uncertainty, presumptions and assumptions, but no demonstrated confirmation.”*<sup>41</sup> The most straightforward cases were settled first, and the cases currently being examined by CIVS are often the result of several years of research.

The first referral to CIVS by the Ministry of Culture involved a work that had already been subject to research by the MNR working group (in 2014, the working group’s final report specifically referred to progress made in researching the provenance of this specific item<sup>42</sup>) and had been examined by genealogists in accordance with the skills sponsorship agreement concluded in 2015 with the national genealogists organisation of France. Research conducted over the last twenty years<sup>43</sup> has confirmed the spoliation of works such as MNR 645 *“Bateaux sur une mer agitée près d’une côte rocheuse”*, seized in June 1944 by the ERR at 53, boulevard Victor Hugo in Nice, at the home of Abraham and Minna Bargeboer. Abraham died in January 1944 at the prison in Nice, while Minna was deported to Auschwitz in July 1944. However, the research conducted up to that point had failed to determine the rightful heirs entitled to the painting. The Commission’s expertise in this type of research proved invaluable in answering this question.

41 - David Zivie, *“Traces can be found in the records...” Biens culturels spoliés pendant la Seconde Guerre mondiale : une ambition pour rechercher, retrouver, restituer et expliquer*. Report to the Ministry of Culture. February 2018.

42 - The working group’s final report on the provenance of works recovered after World War II (November 2014) can be viewed on the website of the Ministry of Culture at:

<https://www.culture.gouv.fr/Espace-documentation/Rapports/Rapport-definitif-du-groupe-de-travail-sur-les-provenances-d-oeuvres-recuperees-apres-la-seconde-guerre-mondiale>

43 - In particular by the researchers of Mission Mattéoli, by Monique Leblois-Péchon as a member of the MNR working group where she represented the National Archives (2013-2014) and by Marc Masurovsky (2019).

The detailed notice for this MNR work can be viewed on the website of the Ministry of Culture:

-MNR 645: <https://www.pop.culture.gouv.fr/notice/mnr/MNR00645>



MNR 645, Anonymous, *Bateaux sur une mer agitée près d'une côte rocheuse*, oil on canvas, 65x81 cm  
©Musée de Dieppe – Bertrand Legros

### MNR 32 and OAR 64 (referral of 3 June 2020)

Unlike the previous case, CIVS was able to identify the heirs of the original owner of MNR 32 and OAR 64 without trouble. The challenge with this case had more to do with the recognition of spoliation.

These works are part of the “Goering catalogue”, visibly purchased by one of its agents, Walter Bornheim, in Paris, in August and September 1941, from Gabrielle Bénard Le Pontois. Gabrielle died in December 1941, just three months after selling the two works. Her apartment (located at 62, rue Pierre Charron, Paris 8) and collection were looted in August 1942 by the ERR. Although the two works were not apparently part of the collection stolen by the ERR, it is appropriate, however, to **question the legitimacy of the sale**: due to the person who made the purchase, the short period of time between the sale and the death of the seller, and the subsequent looting.

CIVS had to determine the circumstances surrounding the sale and, depending on its findings, would make a recommendation on the restitution of painting MNR 32 "*Portrait de femme*" and tapestry OAR 64 "*Tenture des mois de Lucas : le mois d'avril ou le signe du taureau*" from historic tapestry factory Manufacture des Gobelins.

The detailed notices for these MNR works can be viewed on the website of the Ministry of Culture:

- MNR 32 : <https://www.pop.culture.gouv.fr/notice/mnr/MNR00032>

- OAR 64 : <https://www.pop.culture.gouv.fr/notice/mnr/OAR00064>



MNR 32, Anonymous, *Portrait de femme*,  
oil on canvas, 127x86 cm

© RMN – Franck Raux



OAR 64, in the style  
of Bernard van Orley,  
*Tenture des mois*  
de Lucas :  
le mois d'avril ou  
le signe du taureau,  
tapestry,  
376x338 cm  
© Musée du Louvre



### REC 95, 99, 115 and 117 (referral of 17 July 2020)

This case drew on another CIVS area of expertise: the application of law, and specifically inheritance law, for the purpose of returning property to the rightful owner(s) after identifying the heirs. Determining the order of succession – and the rights of each heir – calls on **the legal skills of the Commission's judges**, and its departments, particularly when it comes to restitution of property. These rules are applied to the distribution of compensation among heirs, and determining the share attributable to each heir. An artwork cannot be physically divided up, however, and in such cases CIVS often encourages the heirs to reach an agreement.

The attribution of four sketches and watercolours – REC 95 "*Paysage*", REC 99 "*Portrait de femme*", REC 115 "*Portrait de femme*" and REC 117 "*Marée basse à Grandcamp*" – can be credited to Juliette Trey, then a curator with the graphic arts department of the Louvre, and to the Service des Musées de France (more specifically Alain Prévot).

These four works belonged to major Egyptian Jewish collector Moïse Lévi de Benzion, whose home, Château de Draveil, was looted in 1940. The Ministry of Foreign Affairs conducted research to determine how the inheritance was divided up among the children of Moïse Lévi de Benzion and the children from the first marriage of his second wife. The search for the solution went all the way to Egypt, where a Cairo court addressed the issue in 1950, but the research failed to provide an answer.

The detailed notices for these MNR works can be viewed on the website of the Ministry of Culture:

- REC 95 : <https://www.pop.culture.gouv.fr/notice/mnr/REC00095>
- REC 99 : <https://www.pop.culture.gouv.fr/notice/mnr/REC00099>
- REC 115 : <https://www.pop.culture.gouv.fr/notice/mnr/REC00115>
- REC 117 : <https://www.pop.culture.gouv.fr/notice/mnr/REC00117>



REC 95, Georges Michel, Paysage,  
watercolour, 10.5x17.3 cm  
© Musée du Louvre



REC 99, Paul Delaroche,  
Portrait de femme, sketch, 18.3x15.5 cm  
© Musée du Louvre



REC 115, *Auguste Hesse*,  
*Portait de femme*, sketch, 18.7x15 cm  
 © Musée du Louvre



REC 117, *Jules-Jacques Veyrassat*,  
*Marée basse à Grandcamp*,  
 watercolour, 16.3x34 cm  
 © Musée du Louvre

### MNR 708 and 709 (referral of 7 September 2020)

Like the referral of 5 March 2020, this case was opened after many years of research. The researchers of the **MNR working group** found, based on the ERR archives, that MNR 708 and 709 were two works seized by *Dienststelle Westen*, very certainly from 5, boulevard de la Tour-Maubourg in Paris. The works were taken to Jeu de Paume on 19 January 1944 and stored there until 3 May 1944.

They were later found at the Château de Nikolsburg in Czechoslovakia, on the Austrian border, where the Germans had stored a very large number of stolen works in autumn 1944. Many of these works had been assumed destroyed after the fire that ripped through the castle in 1945; however, these paintings were among the rare items to have escaped the destruction. The paintings, which

undoubtedly transited through the Altaussee storage site, were recorded at the Munich Central Collecting Point before being repatriated to France from Munich in the 14th transport on 30 October 1946. The two MNR works are currently held by the paintings department at the Musée du Louvre. Their titles:

- MNR 708 « *Nature morte au jambon* ». Detailed notice:  
<https://www.pop.culture.gouv.fr/notice/mnr/MNR00708>

- MNR 709 « *Mets, fruits et verres sur une table* ». Detailed notice:  
<https://www.pop.culture.gouv.fr/notice/mnr/MNR00709>

This case, investigated by CIVS in H1 2021, will be submitted to the Deliberative Panel by the end of the year.



MNR 708, Floris van Schooten,  
*Nature morte au jambon*,  
huile sur bois, 62x83cm  
© Musée du Louvre

MNR 709, Pieter Binoit,  
Mets, fruits et verres sur  
une table,  
huile sur bois, 56x77cm  
© Musée du Louvre



### 3/ Cooperation with M2RS

Cooperation between CIVS and M2RS is central to the new compensation policy for cultural spoliation. The success of the two organisations in working together would largely determine the success or failure of the directive given by the government authorities in 2018. For that reason, very early on, before M2RS was even created on 16 April 2019, plans were made to organise their joint efforts. A service level agreement signed on 1 July 2019 laid out the guidelines of their cooperation, which has since arisen from practices refined over time, rooted in trust.

#### Investigation of spoliation cases

M2RS performs research and analyses cases involving the spoliation of cultural property referred by CIVS or self-referred. On completing its work, it provides a summary during an interview attended by, in addition to M2RS, the judge in charge of investigating the case, the Commission's Principal Rapporteur and its Research Coordination Department. At the meeting, the outcome of the research is presented, along with the conclusions drawn by M2RS, any problems encountered and the issues raised over the course of the investigation. The case is then handed over for investigation by a CIVS judge designed by the head of M2RS<sup>44</sup>, at the proposal of the Principal Rapporteur.

44 - Pursuant to Art.1-2 of Ministerial Decree No. 99-778, as amended by Ministerial Decree No. 2018-829 of 1 October 2018.

In 2020, M2RS referred **thirteen cases** to CIVS for investigation (seven in H1 2021). At 31 December 2020, CIVS had examined **34 cultural property spoliation cases**.

At the end of each investigation, CIVS transmits a report to M2RS, which can then issue observations:

- in writing, before the Commission hearing,
- or orally, at the request of the hearing Chairman.

### **Pooling of information and archive feedback**

One of the keys to successful cooperation lies in sharing the information collected, whether it pertains to cases subject to joint investigation or, more broadly, to shared challenges. Information and documents are shared on the *Sémaphore*<sup>45</sup> platform. Archive feedback is shared on this collaborative platform, providing both entities with real-time access to the most recent advances made on each case.

The two organisations exchange information and documents by phone and electronically on a daily basis. The Commission's Research Coordination Department is specifically in charge of relations with M2RS.

### **Joint follow-up**

With the implementation of the new system, the two entities planned quarterly reviews aimed at following up on spoliation cases referred to M2RS by CIVS for investigation. These quarterly meetings provide an opportunity to inventory and prioritise joint cases and to establish forecasts - in terms of timetable and compensation amount - necessary for the planning of CIVS budget appropriations. They are also forums for discussing any problems encountered on specific cases, or addressing more general issues with the partnership.

CIVS and M2RS have met on a quarterly basis since September 2019: on 10 September and 12 December 2019; on 18 March, 24 June, 23 September and 18 December 2020; and on 30 March and 30 June 2021

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45 - Since autumn 2016, cooperation between CIVS and the Ministry of Culture (Service des Musées de France) and the rest of its network were already based on *Sémaphore*, the collaborative platform developed on the Ministry's intranet. For more information on *Sémaphore*, please see section one of the *Report to the public on the work of the CIVS in 2016*.

## New resources made available to M2RS

As of 27 November 2020, CIVS has provided M2RS with **additional resources in Germany** to contribute to its research efforts. These resources are allocated not only for spoliation cases referred by CIVS to M2RS for investigation, but also for spoliation cases that took place between 1933 and 1945 and falling outside the Commission's scope of authority.

### Note:

- \* CIVS holds authority for cases of cultural property stolen in France during the Occupation.
- \* M2RS holds authority for cases of cultural property stolen from 1933 to 1945 under the National Socialism regime, and currently located in France.

The service level agreement of 1 July 2019 states (in Article 8) that *"The Mission can ask CIVS to examine archives concerning cases of spoliation that took place between 1933 and 1945 and not directly falling under the Commission's scope of authority."*

These additional services are based on the specific knowledge and expertise of the Berlin branch of CIVS, including in particular: its command of the German language, which is crucial for examining archives; its knowledge of the archive landscape in Germany; its ability to mobilise a network of researchers and institutional agents; its ability to locally conduct mediation initiatives.

The branch in Berlin can thus provide support to investigations conducted by M2RS by combining research in various archive collections, research in Berlin into library catalogues of sales and secondary literature, implementation of mediation initiatives with cultural institutions and private individuals in Germany, mobilisation of networks of researchers and experts offering access to helpful research:

### Expanded BRÜG research

The historic mission of the CIVS branch in Berlin is to review German archives stemming from reparations policies for victims of National Socialism, starting with the archives subject to the BRÜG Act. The reports issued by the Berlin branch generally cover the research performed in the *Oberfinanzdirektion* (Berlin-Weißensee) and *Wiedergutmachungsämter* (Landesarchiv Berlin) archives.<sup>8</sup>

## German federal archives

The agents of the CIVS branch in Berlin have special priority access to the search engine and archives of the *Bundesarchiv*, most of which can be consulted in Berlin. The branch is thus able to examine archives of general use to the research conducted by M2RS, starting with the B 323 archives associated with restitution policies for cultural property in the Federal Republic of Germany, and the NS 30 (ERR) archives. The branch has also developed knowledge of other archives, such as: B 326 (*Abwicklungsstellen für Reichs- und Staatsvermögen bei den Oberfinanzdirektion*), NS 43 (*Außenpolitisches Amt der NSDAP*), NS 8 (*Kanzlei Rosenberg*), NS 26 (*Hauptarchiv der NSDAP*), R 70-Frankreich (*Deutsche Polizeidienststellen in Frankreich*), R 83-Elsass and R 56-I Reichskulturkammer<sup>46</sup>.

## Cooperation with the Federal Office in charge of foreign restitution

*Bundesamt für Äußere Restitutionen* is a department of the German Finance Ministry headquartered in Koblenz. Established by the allies in 1955, its mission is to research, record and, where applicable, carry out the restitution of cultural property looted and stolen by German troops during World War II. Its archives are neither classified nor listed, meaning it is not possible to explore them in a targeted, systematic way. However, the CIVS branch in Berlin has developed a relationship of trust with the director of the archives

## Military archives

Germany has two military archive sites: one in Berlin and the other in Freiburg. The archives are incomplete and fragmented, and cannot be viewed online. Much is also missing from the archives due to bombing during the war. However, the CIVS branch in Berlin has agents in the area who can facilitate research.

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46 - B 326: archives dedicated to organisations and commercial companies liquidated during the Nazi era – NS 43: the Office of Foreign Affairs of the NSDAP was founded on 1 April 1933 by Alfred Rosenberg with the aim of aligning Ministries with the ideological objectives established by the Nazi party in terms of international policy. This archive covers some of the archives pertaining to German occupation zones and reports in particular the policy measures implemented, such as seizures of cultural property or liquidation of real estate assets under racial laws – NS 8: the archives of the “Rosenberg cabinet” were notably used during the Nuremberg Trials – NS 26: refers to the “NSDAP central archives” created in Munich in 1934 primarily to document the history of the Nazi party and its dependent institutions, and is useful in provenance research: library inventories, testimonials, private archives, documents censured by the Nazi party, ... – R 70 provides information on aryanisation procedures in France during the Occupation; the police archives of the German occupying forces in France contain addresses where looting took place, the names of the victims and the types of property confiscated – R 83 reports in particular the activities of the Head of Civil Administration in Alsace starting on 13 July 1940. In Alsace and Lorraine, the spoliation of material property took place outside the scope of *Möbel Aktion* due to the application of an order issued by the Head of Civil Administration during the Occupation. In general, the confiscated property was sold to private individuals living in Alsace-Lorraine and called on to help “germanise” this area of the occupied territories. Fund R 83 kept a record of these transactions – R 56-I: the archives of central cultural institution *Reichskulturkammer*, providing access to private documents produced and transmitted in the course of cultural exchanges. This varying documentation may contain information of cultural importance that did not transit through official challenges including the seizure of cultural property.

### **Diplomatic archives in Germany and at other ministries** **(Auswärtiges Amt, Berlin)**

The contacts developed by the CIVS branch in Berlin facilitate access to these archives, which is sometimes necessary for research purposes.

### **Catalogues of property sales, centralised in Berlin**

Research of property sales catalogues is centred on two main libraries in Germany: *Kunstabibliothek* (library of art history) and *Deutsches Historisches Museum* (German historical museum). *Kunstabibliothek* in Berlin is an interdisciplinary research institution boasting one of the largest museum archives in Europe, and is seen as a top-tier source by researchers. *Kunstabibliothek* bridges the academic sphere and the museum sector: more than 65,000 property sales catalogues can be viewed there, but only in the reading hall. *Deutsches Historisches Museum* notably holds "National Socialism documents" and "exhibition catalogues", which can only be viewed on-site. *Deutsches Historisches Museum* was the one library in the German Democratic Republic authorised to collect catalogues and works from the National Socialism period, and to consider them as research items. The archive, held secret until reunification, contain untapped resources and can only be accessed on special request. The CIVS branch in Berlin can also access the "*Museums- und Ausstellungskatalogue*" archive, which contains more than 15,000 exhibition catalogues.

### **Mediation with German cultural institutions**

German cultural institutions, which handle their own research, can also contribute their expertise to provenance research conducted by M2RS

### **Mobilisation du réseau de la CIVS en Allemagne**

Through its Berlin branch, CIVS has developed a network of ties with provenance researchers in Germany. For example, the branch maintains close ties with *Arbeitskreis Provenienzforschung e.V.* and took part in the movement to create the "working group on France" (*AG Frankreich*).

### **Consultation of secondary literature in Berlin**

Provenance research can require historical contextualisation. To that end, the *Staatsbibliothek zu Berlin* archives (Berlin State Library) provide access to all literature examining the history of National Socialism and the history of spoliation.



### Access to private archives

In Germany and France alike, **access to private archives often ends up being either the key or the obstacle to provenance research**. Although government authorities have no control over private archives, the CIVS network in Berlin have developed close ties with the French Embassy and conduct mediation initiatives, paving the way for making contact with private individuals and institutions to promote cooperation or access to archives.

### Archive centres in Austria

Nazis predominantly stored spoliated property in Austria and southern Germany. During investigations in Vienna carried out in 2018 and 2019, multiple archive centres were identified as liable to contribute to the research efforts of CIVS and M2RS, such as: *Topographisches Archiv*, *Niederösterreich Landesarchiv (Nöla)* and *Oberösterreich Landesarchiv (Oöla)*, and the archives of the Federal Chancellery (*Bundeskanzleramt*). These archives contain applications to export cultural property filed by Jews seeking exile in France in 1938 and 1939. These applications list inventories of cultural property, some of which were transferred to France.

## 4. New plenary sessions

Pursuant to Ministerial Decree No. 2018-829 of 1 October 2018, the CIVS Deliberative Panel – initially comprised of ten members – relies on four additional members when considering cultural property spoliations, specialising respectively in art history, the art market, World War II history and cultural heritage law, appointed by decree of the Prime Minister for a three-year term<sup>47</sup>. In addition, when it rules on this type of spoliation, the Commission is assisted by a representative of the French Ministry of Foreign Affairs and a representative of the French Ministry of Culture<sup>48</sup>. Preliminary conclusions can be drawn from the 20 sessions held thus far under this new configuration.

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47 - Pursuant to the Ministerial Decree of 6 May 2019, Ines Rotermund-Reynard (art historian), Dominique Ribeyre (auctioneer), Claire Andrieu (university professor at IEP Paris) and Xavier Perrot (university professor with the faculty of law and economics at Université de Limoges).

48 - Article 3-1 of Ministerial Decree No. 99-778 (paragraph 2).



Number of hearings held	Date of hearing	Number of cases reviewed
6 hearings in 2019 (8 cases reviewed)	21 June 2019	New Panel established
	5 July 2019	1
	27 September 2019	1
	11 October 2019	2
	22 November 2019	2
	13 December 2019	2
6 hearings in 2020 (11 cases reviewed)	24 January 2020	2
	13 March 2020	1
	26 June 2020	2
	10 July 2020	3
	25 September 2020	1
	16 October 2020	2
8 hearings in 2021 (11 cases reviewed)	12 February 2021	1
	19 March 2021	2
	9 April 2021	1
	16 April 2021	1
	21 May 2021	1
	18 June 2021	1
	2 July 2021	2
	9 July 2021	2

### Greater diversity of profiles

From the beginning, the composition of the CIVS Deliberative Panel focused on obtaining a cross-section of varying areas of expertise, particularly in terms of legal and historical knowledge<sup>49</sup>. The advent of new qualified individuals to the Panel has further expanded and strengthened its expertise, especially in the art market, the Occupation, art history and laws applicable to cultural spoliation. The profiles of the new members, their education, experience and specific fields of research, have also brought new special expertise to the Commission, for example on the matter of spoliated books and how auctions were conducted at the time. By adding two ministerial representatives and the head of M2RS, the Panel boasts **a highly unique core of expertise** that put it in an ideal position to review the most complex cases, extending well beyond presumptions or hasty conclusions.

49 - Since CIVS was established on 10 September 1999, the Commission has been comprised of two Court of Cassation judges, two State advisors, two master auditors with the Court of Auditors, two university professors and two qualified experts.

### **Testimonial of Professor Xavier Perrot, member of CIVS, qualified expert in cultural heritage law:**

*"I agreed to sit on the Commission, not so much because of its principal 'material' mission, i.e. compensating victims of spoliation, albeit especially necessary as it happens, but more because of its healing philosophy: retroactively giving justice to the people and families persecuted by the Vichy regime and its Anti-Semitic policy. In my view, the Commission's humanist public policy brings honour to France, and I am therefore very proud to take part, in any small way, in this public service mission.*

*I would add that this general philosophy has proved unfailing, for over the course of the hearings I have been able to observe the Commission's major founding guidelines effectively combined [...] with a rigorous yet flexible procedure and extremely skilled administrative staff. This type of organisation could have ended up getting bogged down in red tape. However, in my experience nothing could be further from the truth [...] to me, all members of staff are driven first and foremost by the determination to do their best for the claimants, by helping them with their formalities. [...] The Deliberative Panel always has the victims in mind, practising 'controlled' empathy; while emotion is ever present, we do not allow it to overshadow historical facts or law, in the interest of fairness. [...]*

*As an administrative committee, CIVS does not issue formal rulings but instead gives recommendations. This specific characteristic determined a deliberation method and a positive relationship with the law, both of which are flexible and can be adapted to each case. This case-by-case approach was what struck me when I first arrived. In a dialogue between experts [...] based on documentation that is sometimes extensive but always tricky to interpret, the discourse takes shape, more often than not calmly and well conducted by the chairman, and very often as a consensus. This consensus can also be attributed to the considerable work undertaken prior to the hearing, from researching archives to drafting the final report. [...] The capital work done by the judge-rapporteurs sets the foundation for deliberations, without being binding on the members of the panel, however. The work is both fascinating and sometimes upsetting, especially for the legal advisors, to have to base a conviction strictly on law and on historical facts, all while bearing in mind the general environment of 'widespread violence' of the time and the government's present ideal of making reparations. The law historian in me is both pleased and interested to find the application of the definition of law given by ancient Romans such as Ulpian who described it as 'the art of the good and the fair.'"*

## Impacts on the organisation of hearings

CIVS has always **stressed the importance of putting claimants at ease** during its hearings. The day of the hearing is the key point of the procedure. It rounds out months, if not years of research and investigation. For claimants, it is a deeply emotional experience to bring up family drama and victims who have passed away. It is also a moment imbued with strong symbolism when the Commission acknowledges, on behalf of the head of the government, their capacity as victims or heirs of victims of spoliation arising from Anti-Semitic laws adopted during the Occupation. During the hearing, a dialogue is initiated between the members of the Deliberative Panel and the claimant, who is given the opportunity to provide additional information or to pose questions to the Commission. For all these reasons, CIVS is determined, from the moment the claimants are received, to explain how the hearings take place, what role each person plays and the end of the procedure, while making sure they are at ease with the conditions of the hearing. The aim is not to put them on the witness stand as might happen in a judicial proceeding, but instead to hear the analysis prepared by the judge called on to investigate the claim based on the information collected (before the hearing claimants are provided with a copy of the report and are given the opportunity to issue observations), take on board any observations to this analysis, and share their point of view.

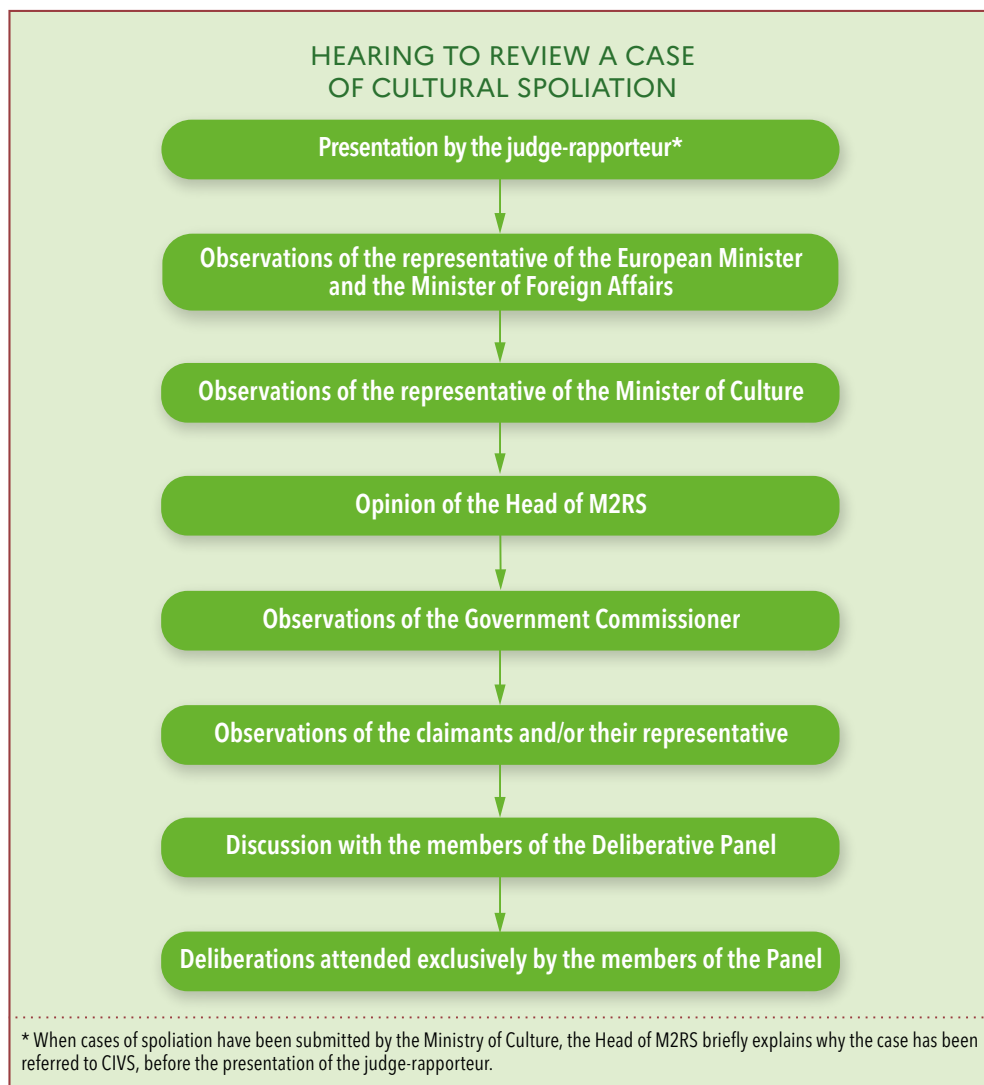
An expanded Deliberative Panel, with the addition (outside the deliberative process) of representatives of the Ministry of Foreign Affairs, the Ministry of Culture and the head of M2RS, assisted by the hearing secretary, may comprise up to 20 people during hearings. In this configuration, the Chairman of the hearing ensures that claimants are comfortable and explains the role of each party.

The new rules of operation for the Panel, expanded since the Ministerial Decree of 1 October 2018, is another focal point for the Chairman of the hearing. In particular, the Chairman makes sure to get all the opinions of the different participants in accordance with their regulatory prerogatives:

- the observations of the ministerial representatives are very valuable in reviewing cases of spoliation of cultural property. Observations can be formulated throughout the proceeding; during the hearing participants are invited to share them after the presentation by the judge-rapporteur, but they do not take part in the deliberations;
- M2RS participated in the investigation of the case examined by the Commission. The head of M2RS, who attends in accordance with the agreement of 1 July 2019, is regularly called on for his opinion during the hearing, but does not participate in the deliberations either. Only the fourteen members of the panel, holding authority in cases of cultural spoliation, may deliberate on the appropriate compensation measures;

- qualified experts in art history, the art market, World War II history and cultural heritage law are members of the Panel in accordance with Article 3-1 of Ministerial Decree No. 99-778 as amended. To that end, they participate in the deliberations on cases of spoliation of cultural property, but not for any other aspects of the case (material, bank-related spoliation).

With the combination of these rules, the standard procedure for a Commission hearing on cases of spoliation of cultural property is as follows:



### First recommended restitution: the Pechstein case (hearing of 10 July 2020)

At the plenary session of 10 July 2020, CIVS recommended its first restitution of artwork since the mechanism was introduced by the Ministerial Decree of 1 October 2018. The work in question was a painting by Max Pechstein, *Nus dans un paysage*, stolen from Hugo Simon during the Occupation.

A banker and philanthropist, Hugo Simon (1880-1950) was a key figure in Berlin society during the Weimar Republic. His villa in Berlin hosted VIPs such as Max Liebermann, Thomas Mann, Bertolt Brecht and Stefan Zweig, and the walls were decorated with works by Monet and Pissarro, alongside paintings by German expressionists such as Ernst Ludwig Kirchner, Erich Heckel and Max Pechstein. Like many German intellectuals, most of whom were Jewish, Hugo Simon was forced to leave Nazi Germany in 1933. He and his wife Gertrude found refuge in Paris in April, managing to take with them a large part of their collection (all of their property that was left behind in Germany was seized a few months later, in October). They lived in Paris until 1940, staying at various hotels and renting an apartment at 102, rue de Grenelle (Paris 7). In June 1940, they had to leave Paris for Marseille, and were ultimately forced to flee war-torn Europe altogether. They managed to escape to Brazil in February 1941. The ERR looted the majority of their collection. Certain assets remained at their Paris apartment, however, as was apparently the case for Max Pechstein's *Nus dans un paysage*.

In 1966, a set of artworks was found in the reserves of the Palais de Tokyo in Paris, including *Nus dans un paysage*, which was put into storage at the Musée national d'art moderne (MNAM). The back of the painting carried a label from the "Exhibition of Twentieth Century German Art", held in July 1938 at the New Burlington Gallery in London, labelling the work as "Modern German Art" and its "Owner" as "Hugo Simon", which confirmed that he had continued lending out items from his collection during his time in Paris. The catalogue for the exhibition only mentioned one Pechstein work belonging to Hugo Simon: *Paysage italien*, which could not have been confused with *Nus dans un paysage* because the two paintings were different sizes. We know, however, that the catalogue did not include all of the works displayed at the exhibition. The efforts of Lucy Wasensteiner and Martin Faass led to the discovery that Hugo Simon had loaned out "at least twenty pieces" for this exhibition<sup>50</sup>. Another exhibition took place a few months later in Paris, at the Maison de la Culture, rue d'Anjou, showing some of the same works and entitled "*Art allemand libre*", organised by art critic Paul Westheim, himself a refugee in Paris who had also helped organise the London exhibition. The Paul Westheim archives, stolen by the Germans in Paris, then seized by the Soviet forces and now stored in Moscow, revealed lists of works drawn up for London and Paris exhibitions, many of which belonged to Hugo Simon.

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50 - Lucy Wasensteiner, Martin Faass, *Defending "degenerate" art. Mit Kandinsky, Liebermann und Nolde gegen Hitler*. 2018.

From late 1940 to early 1941, the ERR looted the content of the apartment on rue de Grenelle. Only three Pechsteins, not including the painting stored at MNAM, were on the ERR's list. On 15 and 16 October 1941, six crates of items belonging to Hugo Simon were transferred from Jeu de Paume to Germany. The ERR's inventory classified the so-called "degenerate" work in Hugo Simon's collection as "vernichtet" ("to be destroyed"). Later, after the war, in the claim he submitted to the Commission to recover his art, Hugo Simon detailed his collection from memory, from his home in Brazil. He listed expressionist paintings by multiple artists, including Pechstein, but did not give their titles or sizes. A large part of Hugo Simon's apartment had been looted by the ERR. But not everything was removed: one witness, Rose Valland, reported that there was still furniture on the premises at the time of the Liberation. In 1944, the Bank of Algeria, which owned the building, prepared a list. The furniture was gradually used by the Bank for its offices. In 1964, the Bank's furniture and real estate assets were auctioned off, dispersing what was left of the furniture from Hugo Simon's apartment.

The rediscovery of the painting in the Palais de Tokyo reserves in 1966 remains a mystery. There are no documents explaining how it came to be at the Palais de Tokyo, there is no record of a voluntary acquisition, either against payment or free of charge, by the State or by a public institution. The painting's addition to the public collections can thus be classified as unusual. Based on the investigation conducted by MNAM, the memorandum prepared by M2RS and the report by the investigating judge, on 10 July 2020 CIVS recommended **returning the painting to Hugo Simon's heirs**<sup>51</sup>. The recommendation is appended to this report.

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51 - Based on this recommendation, the Prime Minister decided on 4 June 2021 to return the painting, and the decision was carried out on 1 July 2021. The case of Max Pechstein's *Nus dans un paysage* was covered by a conference at the seminar "Cultural heritage looted during the Nazi era (1933-1945)". It can be viewed at the following address: [https://www.youtube.com/watch?v=nZw5kWo2ZRM&list=PLsI8NWzVv6T1Vs\\_eafbgQS3UzDcF7HIOQ&index=18](https://www.youtube.com/watch?v=nZw5kWo2ZRM&list=PLsI8NWzVv6T1Vs_eafbgQS3UzDcF7HIOQ&index=18)



*Nus dans un paysage* © Philippe MIGEAT – Centre Pompidou, MNAM-CCI





# POSTFACE

## Ten years

When I took office in March 2011, I was only supposed to perform my duties a few years: it was a matter of gradually bringing an end to the work of CIVS, and the Prime Minister at the time was supposed to set a foreclosure date, i.e. a date after which new claims for compensation or restitution would no longer be accepted.

Every Prime Minister since then has given up on setting a foreclosure date, and on 22 July 2018, at the commemoration of the Vel' d'Hiv' roundup, the Prime Minister announced that *"this commission [CIVS] has largely completed its mission and the question of its future will be raised one day. But that day has not yet come. Restitution of cultural property is an area where we have a duty to do better."*

For my part, ten years have passed, and it is time, on 31 October 2021, to pass the torch on to someone else. And I would like to say a few words describing my experience, my emotion and the lessons I have learned from the history of CIVS.

Compensating victims of spoliation is not simply a matter of repeatedly listing the diversity of material assets stolen, destroyed, lost...in fact it is so much more. It is just one aspect of the process of exterminating the Jews of Europe, so exceptional that a new term was coined: genocide, now universally used and translated in all languages, along with another term: Holocaust, which needed no translation to be understood all over the world.

The myriad stories of spoliation form a spectacular description of a meticulous persecution, one of the least paradoxical aspects of which was seeing the homes of Germans destroyed by Allied bombings refurbished with items stolen from Jews interned in camps or forced to flee.

Reading the case files sheds light on the dramatic intensity endured by the families, going well beyond being dispossessed of their property, and often on the stories of their survival which are so very hard to imagine.

The interview process is critical in that it gives a voice to that which could not be written, expressing what was experienced or simply told. These dialogues bring to the surface a long-submerged past.

If I had to name just one of these oral testimonies that affected me, it would be the story of a man, just 10 years old at the time, who spoke of his experience during the Vel' d'Hiv' roundup on 16 July 1942 at his hearing with the Deliberative Panel.

Strangely, his name and the name of his mother were on the list of people arrested at the roundup, but not on the list of those interned at Drancy or another camp.

He explained that the men, including his father, were hiding in the basement because “everyone” thought that the women and children would not be arrested, only the men would be. Their presence was not betrayed.

Interned at Vel’ d’Hiv’, his mother saw women that the Gendarmes had allowed to leave go buy bread and come back.

After buying their bread, he and his mother took advantage of the crowd to escape and - after asking a passer-by if there were any Gendarmes on the elevated railway - managed to flee.

Only dialogue can bring these testimonials to light.

The satisfaction of participating in an initiative that speaks to the good in humanity in order to rectify the crimes they suffered can be felt every step of the way.

It starts with the collection of testimonials, stories, memories of varying clarity, the poorly understood yet invaluable work of archivists, which help rebuild the history of families all too often reduced to ash.

It continues with the exhaustive work of the judge-rapporteurs, which guides and more often than not underpins the decisive opinions of the Deliberative Panel, which in turn influence the decision taken by the Prime Minister.

The ultimate satisfaction comes from learning the Prime Minister’s decision, aligned with the Commission’s recommendation in the vast majority of cases.

Finally, the determination of the President of the Republic and the Government to call on Parliament to handle the restitution of a number of artworks is the final gratifying step for France to pay its “inalienable debt”, to borrow the phrase from Jacques Chirac.

All that is left is to wish a productive future for the Commission as it continues its work.

Cooperation with the German Federal Republic is prolific, even exemplary, and more modest with our close neighbours in Austria, Belgium, the UK and the Netherlands; however, for genealogical research and research into existing or lost artwork, the information that could be gained from countries in the rest of Europe (extending to the Ural Mountains) has yet to be obtained.

The Commission’s future is also its history. It will be interesting to try to find out why, and how to explain that only some 45,000 people have been compensated based on Commission recommendations, despite there being a Jewish population of at least 300,000 in France in 1939-1940, 76,000 of whom were deported, and only half of those who returned from the camps (around 3,000) submitted a claim and received compensation. The numbers are upsetting, so is the money, the exclusion, the truth. Telling the stories, however, makes it better.

The as-yet unwritten history of the Commission is contributing to the duty of remembrance. Knowing and sharing what happened is not the same as passing judgement. Explaining what happened is not the same as passing judgement.

Knowledge of what the Commission does will help us get closer to the truth. It is not too late.

Ultimately, in addition to the feeling of fulfilling a duty, what comes to mind is the gratitude of the families, their appreciation for the memory returned to them by putting together the puzzle of their tragedy.

We would also pay tribute to the resolve to break the silence that has so long prevailed, a refusal that thankfully now lies in the past to address and to face the horror.

Lastly, there is the feeling of honour restored to our cherished country, through the determination to conceal “nothing about the dark hours of our history.”

Nevertheless, we must understand that we will not come out of this confrontation with these dark hours unscathed.

**Pierre-Alain Weill**

Principal Rapporteur,  
CIVS (2011-2021)



# Appendices



# APPENDIX 1: Report on the amounts recommended from the creation of CIVS to 31 december 2020

## 1 - COMPENSATION FOR MATERIAL SPOLIATION:

**€526,135,767**

## 2 - COMPENSATION FOR BANK-RELATED SPOLIATION:

**€55,777,301**

This amount can be broken down as follows:

▶ Escrow Account – Fund A: €15,660,139 + €3,804,992 (in respect of Fund B since October 2008)

▶ Fund B: €24,080,820 (October 2008 official figure)

i.e. **€43,545,951** charged to banks, plus **€1,506,602** for reserved portions not yet paid out<sup>52</sup>

Plus the amounts allocated by the State for bank-related spoliation: **€10,724,748**

## 3 - TOTAL COMPENSATION PAID OR PAYABLE:

▶ State: **€ 536,860,515<sup>53</sup>**

▶ Banks: **€45,052,553**

52 - Data reported by Caisse des Dépôts et Consignations and the FSJU.

53 - €526,135,767 + €10,724,748.

# APPENDIX 2:

## CIVS organisation at 31 december 2020

### EXECUTIVE BRANCH OF THE COMMISSION:

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

### MEMBERS OF THE DELIBERATIVE PANEL

- ▶ **Claire ANDRIEU**, University Professor at the Paris Institute of Political Studies
- ▶ **Jean-Pierre BADY**, Honorary Master Auditor of the Court of Auditors
- ▶ **François BERNARD**, Honorary State Counsellor, Vice-Chairman of the Commission
- ▶ **Janine DRAI**, Qualified Expert
- ▶ **Frédérique DREIFUSS-NETTER**, Counsellor at the Court of Cassation
- ▶ **Anne GRYNBERG**, University Professor
- ▶ **Michel JEANNOUTOT**, Honorary Advisor to the Court of Cassation, Chairman of the Commission
- ▶ **Catherine PÉRIN**, Master Auditor at the Court of Auditors
- ▶ **Xavier PERROT**, University Professor at the Limoges Faculty of Law and Economics
- ▶ **Dominique RIBEYRE**, Auctioneer
- ▶ **Ines ROTERMUND-REYNARD**, Art Historian
- ▶ **David RUZIÉ**, University Professor Emeritus
- ▶ **Laurence SIGAL**, Qualified Expert
- ▶ **Henri TOUTÉE**, Council of State Division President



## GOVERNMENT COMMISSIONER

- ▶ Bertrand DACOSTA, State Counsellor

## JUDGE-RAPPORTEURS

- ▶ Monique ABITTAN, Magistrate of the regular court system
- ▶ Jean-Pierre MARCUS, Magistrate of the regular court system
- ▶ Christophe BACONNIER, Magistrate of the regular court system
- ▶ Rosine CUSSET, Magistrate of the regular court system
- ▶ Chantal DESCOURS-GATIN, Magistrate of the administrative court system
- ▶ François GAYET, Magistrate of the administrative court system
- ▶ France LEGUELTEL, Magistrate of the regular court system
- ▶ Ivan LUBEN, Magistrate of the administrative court system
- ▶ Jean-Pierre MARCUS, Magistrate of the regular court system
- ▶ Marie-Hélène VALENSI, Magistrate of the regular court system
- ▶ Sophie ZAGURY, Magistrate of the regular court system

## DEPARTMENT STAFF

Case Officer for Administrative & Financial Affairs

- ▶ Karine VIDAL

### Claims Examination and Review

Research Coordination Department

- ▶ Clément CANDON (manager)
- ▶ Isabelle RIXTE

Hearing Secretary's Office

- ▶ Sylviane ROCHOTTE (manager)
- ▶ Emmanuel DUMAS
- ▶ Matthieu CHARMOILLAUX
- ▶ Catherine CERCUS
- ▶ Nathalie LECLERCQ

Supervision Unit

- ▶ Richard DECOCQ
- ▶ Stéphane PORTET

## Claimant Communication and Support

Claimant Support

▶ Brigitte GUILLEMOT

Digital communications

▶ Richard DECOCQ

## Secretary's Office

Chairman

▶ Catherine CERCUS

Director

▶ Rosalie LAGRAND

▶ Nathalie LECLERCQ

Principal Rapporteur

▶ Myriam DUPONT

Rapporteurs

▶ Nathalie ZIHOUNE

Government Commissioner

▶ Catherine CERCUS

## Archive Search Units

National Archives

▶ Matthieu CHARMOILLAUX

Paris Archives

▶ Brigitte GUILLEMOT

Berlin Archives

▶ Julien ACQUATELLA (manager)

▶ Sébastien CADET

▶ Coralie VOM HOFE

## APPENDIX 3: Ministerial decree of 2 september 2020 renewing the CIVS deliberative panel

Pursuant to the Ministerial Decree of 2 September 2020, the following individuals have been appointed as members of the Commission for the Compensation of Victims of Spoliations Resulting from the Anti-Semitic Legislation in Force during the Occupation (CIVS), as from 15 September 2020:

- ▶ Michel JEANNOUTOT, Honorary Advisor to the Court of Cassation;
- ▶ Frédérique DREIFUSS-NETTER, Counsellor at the Court of Cassation;
- ▶ Henri TOUTÉE, Council of State Division President;
- ▶ François BERNARD, Honorary State Counsellor;
- ▶ Jean-Pierre BADY, Honorary Master Auditor of the Court of Auditors;
- ▶ Catherine PÉRIN, Master Auditor at the Court of Auditors;
- ▶ David RUZIÉ, University Professor Emeritus;
- ▶ Anne GRYNBERG, University Professor;
- ▶ Laurence SIGAL, Qualified Expert;
- ▶ Janine DRAI, Qualified Expert.

The following individuals have been appointed as Chairman and Vice-Chairman, respectively, of said Commission:

- ▶ Michel JEANNOUTOT and François BERNARD.

# APPENDIX 4:

## Recommendation no. 24384

### BCM–restitution of 10 July 2020

THE COMMISSION,

Meeting in plenary session;

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

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

Having regard to the claim dated 13 February 2002, submitted by Mr A., born ... in ..., residing at ..., acting on his own behalf and as a representative of:

- his mother Mrs B., ...,
- his brother, Mr C., ...;

All three together benefiting from the rights of their spouse and father, Mr D., ..., and Mrs E., daughter of Mr Hugo SIMON;

Mr A. and Mr C. are acting in their capacity as sole heirs of their great-grandfather, Mr Hugo SIMON;

Mrs B. is acting in her capacity as the spouse in the line of succession of Mr D...;

Having regard to the research undertaken by the Diplomatic Archives of the Ministry of Europe and Foreign Affairs, by the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945, and by the Commission for the Compensation of Victims of Spoliation;

Having regard to the letter, dated 7 July 2020, from the Director of the Musée national d'art moderne - Centre de création industrielle addressed to the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945;

Having regard to the letters, dated 30 June and 7 July 2020, from the head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 addressed to the Principal Rapporteur of the Commission for the Compensation of Victims of Spoliation;

Having heard the report of Mr AUGUSTIN, Rapporteur, and read the written observations of Mr DACOSTA, Government Commissioner;

And Mr SCHULMANN, Heritage Curator and Head of the Documentation and Collection Management Department at the Musée national d'Art moderne, Centre Georges-Pompidou;

Mr A. shares his observations with the Commission;

Based on the elements of the case, and particularly the statements of the claimants,

Mr Hugo SIMON and his wife Mrs Gertrude OSWALD were victims of spoliation arising from Anti-Semitic legislation in force during the Occupation, their apartment and a large portion of its contents, located at 102, rue de Grenelle in PARIS (7) having been looted by the agents of the *Einsatzstab reichsleiters Rosenberg* (E.R.R.) in late 1940/early 1941;

Mr Hugo SIMON also specifies, in a proceeding undertaken after the war with the Art Recovery Commission that his apartment on rue de Grenelle contained multiple paintings by German expressionists, such as Max Pechstein;

The claimants claim to have lost a painting by Max Pechstein entitled *Nus dans un paysage*, 1912, 71 x 80 cm, located in this apartment;

The other losses resulting, among other things, from the looting are subject to separate recommendations issued by the Commission meeting today, 10 July 2020, under case numbers No. 24384 BCM and 24384 M;

The research conducted and their results on file indicate that, following the looting by the agents of the ERR, six crates of items belonging to Mr Hugo SIMON were delivered to Germany from the Musée du Jeu de Paume on 15 and 16 October 1941; the inventory prepared by the ERR listed three Max Pechstein paintings, however none of those mentioned and described matched the features of the painting entitled *Nus dans un paysage*; it is therefore likely that this painting was left in the apartment;

In 1966, in the reserves at the Palais de Tokyo, a set of works was discovered that included the Max Pechstein painting *Nus dans un paysage*, which was then listed on the inventory of stored artwork under No. 28 823 and stored at the Musée national d'art moderne under number AM 4364 P; on the back of the painting, there two scraps of paper forming a label for the "Exhibition of Twentieth Century German Art" organised in London at the New Burlington Gallery in July 1938 with the words "*Modern German Art*" and "*Owner: Hugo SIMON*";

It is not known exactly what happened to the painting between the London exhibition in 1938 and its rediscovery at the Palais de Tokyo in 1966, nor is there any evidence that the painting was gifted by its owner, Mr Hugo SIMON;

There is no record of the painting being acquired, against payment or free of charge, by the State; accordingly, there are no proceedings or other administrative actions recording the addition of the painting to the public collections;

Consequently, having regard to the elements of the case file and the opinion expressed by the competent administrative authorities, there is call to return to the heirs of Mr Hugo SIMON ..., the Max Pechstein painting entitled *Nus dans un paysage*, 1912, 71 x 80 cm, registered in the State collections under number 28 823 and recorded in the inventory of the Musée national d'art moderne under number AM 4364 P;

**IS OF THE OPINION,**

- 1° - That Mr A., Mr C. and Mrs B. shall be recognised as heirs of victims of spoliation arising from Anti-Semitic legislation in force during the Occupation;
- 2° - That there is call to return the Max Pechstein painting entitled *Nus dans un paysage*, 1912, 71 x 80 cm, registered in the State collections under number 28 823 and recorded in the inventory of the Musée national d'art moderne under number AM 4364 P;

**REMINDS Mr A., Mr C. and Mrs B. to make it their personal business to resolve any disputes arising over the ownership of the artwork that may have been returned by the French State in accordance with this recommendation.**

**REMINDS the parties that this recommendation will be transmitted to the claimants.**

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

**And, for information purposes:**

- to the Director-General for Heritage, Ministry of Culture, 182, rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of the Diplomatic Archives, Ministry of Europe and Foreign Affairs, 3, rue Suzanne Masson, 93126 LA COURNEUVE cedex,
- to the Director of the Musée national d'art moderne - Centre de création industrielle, 19 rue Beaubourg, 75191 Paris Cedex 04.
- The Ministry of Europe and Foreign Affairs was represented by Ms de COQUEREAUMONT;
- The Ministry of Culture was represented by Ms CHASTANIER.

The Commission was comprised of Mr JEANNOUTOT - Mr BERNARD -- Mr TOUTEE - Ms DREIFUSS-NETTER - Ms BADY- Mr RUZIÉ - Ms SIGAL - Ms ROTERMUND-REYNARD - Mr RIBEYRE

Paris, 10 July 2020

The Chargé de Mission,  
Hearing Secretary

**Emmanuel DUMAS**

The Chairman,

**Michel JEANNOUTOT**



[WWW.CIVS.GOUV.FR/HOME/](http://WWW.CIVS.GOUV.FR/HOME/)



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