Consistoire Israélite du Luxembourg

AGREEMENT ON OUTSTANDING HOLOCAUST ISSUES

WITH BACKGROUND INFORMATION

JANUARY 27, 2021

World Jewish Restitution Organization

WJRO

ארגון יהודי עולמי להשבת רכוש (אל"ר)

Fondation Luxembourgeoise pour la Mémoire de la Shoah

January 27, 2021

The State of the Grand Duchy of Luxembourg, represented by the Prime Minister, the Consistoire Israélite de Luxembourg, the Luxembourg Foundation for the Remembrance of the Shoah, and the World Jewish Restitution Organization today signed an historic Agreement that settles Holocaust restitution issues and creates a major new Holocaust remembrance center in Luxembourg.

The origins of this agreement date back to 2009, when the United States, Luxembourg and 45 other countries committed to rectify the consequences of the Nazi-era wrongful asset seizures and to promote the welfare of Holocaust survivors around the world by endorsing the Terezin Declaration.

The United States government has actively engaged around the world on these commitments, and in February 2019, the U.S. Special Envoy on Holocaust Issues visited Luxembourg to help launch a working group between the Luxembourg government and the Jewish Community to resolve outstanding holocaust issues. In March 2020, the U.S. Department of State sent to Congress a report on how countries were doing in meeting their commitments – the JUST (Justice for Uncompensated Survivors Today) Act Report. This document, which included a chapter on Luxembourg, was intended to spur progress as the needs of aging Holocaust survivors have become more urgent during the coronavirus pandemic.

The United States Embassy in Luxembourg provided strong support to Luxembourg's working group over the last two years to find agreement. Thanks to the ambitions of this working group and the active participation of the signatories, the agreement creates landmark outcomes for Terezin Declaration commitments. Luxembourg promised to turn the Cinqfontaines Convent into a Holocaust research memorial, educational, and commemorative center so that those who perished in that dark time are remembered and their stories are preserved for future generations. The Government has also pledged to return Nazi-confiscated property, including inter alia dormant bank accounts, looted art, and unclaimed insurance policies. In doing so, Luxembourg demonstrates its leadership and sets an example for other countries.

There is no better way to begin a new year than to spread the news of the signing of this important, historic agreement. May other countries be inspired by Luxembourg's laudable example.

Chargé d'Affaires, a.i. Casey Mace

Text of the Agreement between the State of the Grand Duchy of Luxembourg and the Consistoire Israélite de Luxembourg

This agreement is concluded between:

The State of the Grand Duchy of Luxembourg, represented by the Prime Minister, Minister of State, on the one hand

(hereinafter "the State")

and

The Consistoire Israélite de Luxembourg, on the other hand

(hereinafter "the Consistoire")

The State and the Consistoire considered together are hereinafter referred to as "the parties".

The *World Jewish Restitution Organization* (hereinafter “the WJRO”) and the Luxembourg Foundation for the Remembrance of the Shoah (hereinafter “the Foundation”) are co-signatories of this agreement.

Purpose of the agreement

This Agreement settles all issues that have been raised in connection with *Outstanding Holocaust Asset Issues*. The signatories and co-signatories therefore acknowledge that the agreement provides answers to all unresolved questions in the context of the spoilation of Jewish property linked to the Shoah. Luxembourg and the Consistoire have agreed to promote and apply the principle of collective and comprehensive compensation. The signatories and co-signatories will consequently waive any additional and future request submitted to the Grand Duchy of Luxembourg that would not be taken into account by the agreement .

The parties agree as follows:

1. Direct support for Holocaust Survivors

The State commits to pay the survivors of the Shoah living in the Grand Duchy of Luxembourg, the Luxembourg survivors currently living abroad and the survivors who were in the Grand Duchy of Luxembourg at the time of the Shoah, a lump sum of 1,000,000 euros (one million euros).

WJRO's sister organization, the *Conference on Jewish Material Claims Against Germany*, is responsible for distributing these funds to survivors.

2. Luxembourg Foundation for the Remembrance of the Shoah

2.1. The State commits to pay into the Foundation's budget the sum of 120,000 euros (one hundred and twenty thousand euros) per year over a period of thirty (30) years in order to promote the remembrance of the Shoah and the other objectives provided for by the bylaws of the Foundation.

2.2. The State continues to provide an agent to serve as the Foundation's secretary general.

2.3. The bylaws of the Foundation are to be amended to include the following elements:

- the fight against the denial of the Shoah, revisionism, antisemitism, xenophobia, and racism;
- support for sites of Jewish historical heritage that have a link with the history of the Second World War (e.g. historic Jewish cemeteries) and related programs;
- support for the Shoah's survivors with close ties to the Grand Duchy of Luxembourg;
- maintaining the Foundation as a point of contact for all questions related to the Shoah;
- the addition of two new members to the Board of Directors of the Foundation, one of whom is appointed by the Consistoire, on the proposal of the WJRO, and the other is appointed by the Prime Minister, Minister of State.

3. Convent of Cinqfontaines

3.1. The State commits to acquire and renovate the Convent de Cinqfontaines and to designate the site to fulfill the following objectives:

- To create an appropriate educational and commemorative center;

- To commemorate the victims deported to and from Cinqfontaines during the Shoah and to pay tribute to their lives;

- To educate young people and adults about the persecution of the Jewish population of Luxembourg, historical facts that are an integral part of the history of Luxembourg;

To promote the fight against antisemitism and racism;

To promote humanism, Human Rights, etc.

3.2. The State commits to cover the operating costs of the Convent de Cinqfontaines.

3.3. The Foundation is included in all decision-making processes related to the Convent de Cinqfontaines.

4. The Committee for the Remembrance of the Second World War:

The annual budget of the Committee for the Remembrance of the Second World War is fixed and increased at 65,000 euros (sixty-five thousand euros) per year for a period of 10 (ten) years.

5. Research

5.1. The State commits to devote a total of 2,000,000 euros (two million euros) until 2025 at the latest for the following purposes:

- independent university research,
- provenance research,
- work facilitating access to the files of the National Archives relating to the Second World War and the Shoah.

5.2. The Foundation is consulted on the scope, method, and conduct of research and on any follow-up to be given to research results.

6. Development of a national strategy to combat antisemitism

The Luxembourg Government and the Consistoire are collaborating to develop a national strategy to combat antisemitism.

7. Items included in the agreement, but which are dealt with in separate working-groups:

7.1. **Dormant bank accounts:** The dormant bank accounts subgroup continues its work. The period from January 1, 1930 to December 31, 1945 will be the subject of this research. The sub-group will agree on the scope of the audit and the establishment of an independent auditor through a call for tenders, in accordance with the document submitted by the WJRO and the Consistoire in March 2020 entitled *"Discussion Document on Establishing an Audit Mandate"* All identified dormant bank accounts will be returned to the owners or their heirs. In the absence of heirs, the sum of the assets found will be transferred to the Foundation.

7.2. **Unpaid Holocaust-era insurance:** The dormant bank accounts sub-group will address the issue of unpaid Shoah-era insurance by following the same procedures as for dormant bank accounts with respect to the selection of the independent auditor and the transfer of assets due.

7.3. All research within the working groups will be based on the current and existing list of the Jewish population in the Grand Duchy of Luxembourg between 1930 and 1945, as well as the list of identified Jewish people who brought property to the Grand Duchy of Luxembourg. Research will continue until 2025 at the latest on the basis of additional names or information found in the archives.

7.4. **Works of art and other cultural property:** The provenance research will be carried out according to the principles of the Washington Conference of December 3, 1998 (Washington Conference Principles on Nazi-Confiscat ed Art) and of the Terezin Declaration of June 30, 2009. The works of art and other looted cultural property will be returned in accordance with these declarations. The institutions concerned by this research are the following: the National Museum of History and Art, the collections of the Villa Vauban, and the National Library of Luxembourg. All other institutions possessing works of art or cultural property are encouraged to research the provenance of their collections.

This agreement is governed by Luxembourg law. The French version of this agreement is recognized by all parties as the official version of this agreement.

Background on the History of Cinqfontaines Abbey: Cinqfontaines Abbey (*Fünfbrunnen* in German*)* was the only place of internment for Jews operated by the Nazis in Luxembourg during World War II. The Sacred Heart priests—also known as Dehonians in reference to their founder Leo John Dehon—founded the Abbey in 1903. On March 4, 1941, occupying forces closed the Abbey, and, at the beginning of August 1941, established a so-called "Jewish old people's home," where elderly and sick Jews were interned under harsh conditions. Between October 1941 and September 1943, 658 Jewish men, women and children—including some previously interned at Cinqfontaines—were deported from Luxembourg to concentration and extermination camps. In 1944, the American military converted the Abbey to a field hospital. After the war, the priests returned to the Abbey, which they transformed into a retreat and meditation center in 1973.

Ambassador Evans Remarks on What Happened at Cinqfontaines

October 16, 2020

During my tenure as United States Ambassador to the Grand Duchy of Luxembourg, we have commemorated many, many days in which we – the Grand Duchy and the United States– could take pride in a milestone of achievement or victory. These have included celebrating with Buzz Aldrin the 50th Anniversary of man walking on the moon or the 75th Anniversary of the Battle of the Bulge with heads of state, dignitaries, and survivors of that battle.

But not all commemorations reflect the culmination of victory or achievement, or even closure of open wounds that linger even today. Today is one of those days. It is notable that it falls during the same week as Solidarity Day as it marks one moral wrong on which solidarity of remedy has yet to come to bring the closure needed to move forward toward healing and true solidarity. Seventy-nine years ago, on October 16, 1941, the first of several Nazi trains departed Cinqfontaines Abbey in northern Luxembourg with Jewish prisoners destined for death camps in eastern Europe. The Nazis used Cinqfontaines Abbey as a temporary transit camp for roughly 300 mostly elderly and sick Jews. The transfer of Jews from Cinqfontaines to death camps continued from 1941-1943.

It thus marks a somber day in history – somber for the families of those on the trains; somber for a country itself – Luxembourg – that was a victim of Nazi occupation; somber for Holocaust survivors still in Luxembourg living with the memory of the fate the travelers on that train faced; and somber for all the rest of the world to know acts of such depravity were committed.

For that reason, it is important that we stop and remember what happened at Cinqfontaines. Seeing the walk the Holocaust victims walked, the tracks carrying the trains of death, and the last places they would see on their way to such horrific endings.

"Never again" are just empty words without remembering the past as it actually happened so that the pain and cruelty is not dulled by time so as to permit it to take on a different character than it really was – immoral and depraved. By reflecting on the suffering endured during the Holocaust, we can remain fervent in our commitment to future generations that this kind of atrocity will never recur.

As Ambassador of the United States to Luxembourg, I have been honored to have worked so closely with Prime Minister Bettel, members of the Government of Luxembourg and the local Jewish Community, among others, to resolve outstanding Holocaust Asset issues and to create the means for which the memory of those lost during the Holocaust can be remembered and honored.

While the Grand Duchy of Luxembourg could have hidden itself under the wrong it suffered as a victim of Nazi occupation, it has chosen to do more. It is consistent with the identity of this great country to lead even when others would follow, or stand when others would hide. The Grand Duchess Charlotte would be proud to see that her own country, notwithstanding the wrongs it suffered, nonetheless moves forward with the rest of the world to address an issue – the Holocaust – so that its evil lingering effect is eventually extinguished by bold acts of good people doing the right thing.

The Government of Luxembourg, under the exemplary leadership of Prime Minister Xavier Bettel, has taken an active role in remembering the genocide of Jews by Nazi Germany and addressing the numerous injustices perpetrated against Luxembourg's Jewish community by the Nazi civil administration.

In doing so, Prime Minister Bettel and others working with him never forget that Luxembourg itself suffered as well. But for the six million Jews sent to their deaths, and those shipped from Cinqfontaines, more needs to be done given the gravity of the wrongs committed as part of an attempted genocide of an entire people.

The creation in February 2019 of a working group addressing Holocaust issues is a great step forward and it is my understanding that the Government has outlined detailed, concrete steps to achieve resolution of the outstanding issues.

The sentiment found in the phrase "Never Again" drives our actions and propels us forward to resolve the last remaining issues from this great tragedy. Closure only comes with recognition of the wrong, restitution of that wrongfully held, and a commitment to document and preserve the evidence associated with it so that it truly never happens again.

To achieve this level of closure, we must all come together – the Government of Luxembourg, the Jewish Community, and other nations including the United States of American. Real closure involves four parts:

> (i) finding the means in conjunction with this site to create a perpetual memorial, research center, and point of reflection to learn the who, why, how, and lessons history can teach from it;
>
> (ii) committing to a process backed by evidentiary bases for determining (a) where restitution issues remain open including dormant accounts, insurance policies, and similar property right wherever they are, (b) who they belong to, and (c) how to return the proceeds to the rightful owners or those as appropriate under international and Luxembourg law;
>
> (iii) remembering those who suffered here through a designated memorial reflecting the names of those who are known and research those yet to be determined, so that families, relatives, and others can come and pay tribute to them and renew our collective commitment to never let this happen again; and,
>
> (iv) a mutual recognition among all that the Grand Duchy of Luxembourg has, like others who were also victims, done its part for the collective good of our world to take affirmative steps to recognize and redress those legally and morally wronged with concrete steps to make sure it never happens again.

Now, let us come together in commemorating the memory of those who lost their lives by resolving this and all outstanding issues from the Holocaust with a mutual commitment of 'never again.'

Abelis, Georg (46)

Abelis-Charcovitch, Anna (41)

Abelis Leo (16)

Abelis Jacques (19)

Abraham, Elfriede (38)

Abraham, Eduard (59)

Abraham-Isay, Ernestine (62)

Altmann, Samuel (55)

Altmann-Wachsmann, Feiga (49)

Aronow, Gerson (53)

Aronow-Herz, Sophie (44)

Baer, Hilde (27)

Basch, Germaine (47)

Beer, Abraham (33)

Beer-Sperling, Beila (30)

Beer, Susanna (1)

Bobrowski, Aron (36)

Bobrowski-Feiner, Rosa (28)

Bobrowski, Ruth Judith (2)

Bobrowski-Markiewicz, Flora (58)

Borenstein-Fuhrleiser, Golda (45)

Borenstein, Dina (17)

Borenstein, Esther (15)

Borenstein, Rachmil (6)

Borenstein, Isaak (31)

Borenstein-Lipka, Sara (32)

Borenstein, Marzellus (6)

Borenstein, Chaim David (52)

Borenstein-Leschinska, Nacha (62)

Borenstein, Hanna (30)

Borenstein, Moses (28)

Borenstein, Rosa (25)

Borenstein, Regina (26)

Borenstein, Elsa (22)

Cahen, Georg (58)

Cahen-Isaak, Therese (51)

Cechtinger, Abraham (48)

Cechtinger-Berman, Baila (50)

Cechtinger, Basia (16)

Cerf, Lucien (62)

Cerf, Bertha (58)

Cerf, Gabriel (60)

Cukier (S.), Isaak (37)

Cukier-Zelinska, Marga (37)

Cukier, Gitla (17)

David, Edmund (46)

David-Gompel, Martha (46)

David, Else (50)

Deutscher, Eisig (45)

Deutscher-Sessler, Richa (50)

Deutscher, Simon (21)

Deutscher, Bernard (18)

Deutscher, Hinda (17)

Deutscher, Rachel (12)

Dorflaufer, Sprinka (34)

Dura, George (68)

Dura-Juliusberger, Regina (66)

Dura, Margarete (40)

Dura, Hans (41)

Ermann-Rechtnitzer, Klara (60)

Ermann, Leo (41)

Ermann-Kahn, Berta (31)

Ermann, Sonja (3)

Faktorowitsch, Sally (39)

Faktorowitsch-Levy, Stella (34)

Faktorowitsch, Jacqueline (9)

Feiner, Abert (26)

Finkelstein, Jakob (37)

Finkelstein-Schutzmann, Esther (75)

Finkelstein, Julius (6)

Finkeldtein-Langwijz, Perla (37)

Fischmann, Isaak (47)

Fischmann-Rohovska, Rosa (39)

Fischmann, Lisa 18)

Fischmann, Gisela (11)

Fraenkel, Julius (61)

Fraenkel-Neuberger, Sara (54)

Friedberg, Benno (44)

Friedmann, Hugo (65)

Friedmann-Kahn, Eva (64)

Friedmann, Charles (63)

Gelber-Springut, Bronislawa (46)

Gelber, Lilly (18)

Gerson-Bock, Esther (56)

Gerson, Louis (20)

Gross, Markus (51)

Gross, Eva (48)

Gross, Ludwig (23)

Gutenberg, Markus (42)

Gutenberg-Geller, Rosa (40)

Gutenberg, Heinrich (13)

Gutenberg, Regina (10)

NEVER AGAIN