



**Indemnification
Commission for the Belgian
Jewish Community's
Assets**

WETSTRAAT 16
1000 BRUSSELS
TEL. 02 501 02 11
FAX 02 511 17 37

NOTE ADDED TO THE NOTIFICATION

The Commission recalls that its key task involves **restoring**, at the reassessed value, **assets not restored by the State, financial institutions or insurance companies**, nor giving rise to any indemnification, compensation or reparation. This task is specified in article 6 of the relevant Law.

The Commission also makes widespread use of the powers given to it by §2 of Article 8 of the relevant Law, in order to give consideration to the unfairness that would inevitably arise from a stringent and restrictive application of Article 6, of that same law. In particular, this concerns cases where the circumstances clearly indicate that assets were despoiled, even though investigations involving the State, financial institutions or insurance companies do not make it possible to identify those assets, or when no funds were retained by the State, financial institutions or insurance companies for the despoilment of the property.

The Commission therefore offers an award **in the interests of equity, ex aequo et bono**, in the following cases:

- **Furniture**: the indemnification of €7,000 is the rounded-up average of what was paid out pursuant to the German reparations law. The average paid in this context was DM 21,600, converted into the current exchange rate of 12.50 : BEF270,000, or €6,993. The Commission has rounded this sum of €6,993 up to the higher thousand. It points out that as no funds were retained by the State for the despoilment, the protocols concluded on the basis of articles 6 §2 and 10 of the Law, where the reassessment coefficient was established, are not applicable.
- **Personal belongings** : for personal belongings for which the State did not retain any funds, the indemnification is set at €400. The €400 awarded as indemnification represents the rounded-up average compensation paid in pursuance of the German reparations law. The average paid in this context was DM 1,200, converted into the current exchange rate of 12.50: BEF15,000, or

€371.84. The Commission has rounded this sum up to the higher hundred. It points out that the protocols concluded on the basis of articles 6 §2 and 10 of the Law are not applicable to this despoilment.

- Businesses :

- When the Commission finds, in its documentation, traces of a frozen account which has not been cleared, the basis for indemnification is evident: amount x re-assessment coefficient of 24.78*.

Although it is obvious that a large number of firms were despoiled, it is often not possible to detect any proceeds from the sale of those stocks. In those cases, the Commission considers it fair to grant a lump sum of €1,500 as indemnification, which is also the minimum amount in the sector.

- The indemnification of €1,500 takes into account an average despoilment of BEF10,000, in circumstances where the proceeds of the compulsory liquidation had to be paid in cash to the owner, when the resulting amount did not exceed BEF20,000. In actual fact, the outcome proved to be highly theoretical in practice. Above BEF20,000, the proceeds were entered in a frozen account at the *Société française de Banque et de Dépôts* (French Banking and Deposit Company) and can be identified.

- Diamond sector :

- The basis for indemnification is evident in a number of cases: final balance (identified by the lists of liquidated amounts of the “Frensel accounts” discovered after the war) x re-assessment co-efficient of 24.78*. In all other cases, where no information is available but the despoilment of a stock of diamonds is confirmed the Commission grants a lump sum of €2,500 as indemnification, which is the minimum amount applied in that sector.
- The indemnification of €2,500 represents the average, rounded up (BEF4,016 = reassessed: €2,466) of the non-liquidated amounts of the list of diamond merchants identified by the German authorities (the aforementioned “Frensel” list), reassessed by means of applying the 24.78 coefficient*.

* coefficient determined by the protocol of 27.06.2002, approved by the Royal Decree of 02.08.2002, between the Federal State and the National Bank of Belgium, on the one side, and the National Commission of the Belgian Jewish Community for Restitution, on the other.

The Commission approved the present note on November 04 2004 and revised it on September 26 2005