



INDEMNIFICATION COMMISSION FOR THE BELGIAN JEWISH COMMUNITY'S ASSETS

**PROGRESS OF THE EXAMINATION OF CLAIMS ON THE BASIS OF THE 2003 REPORT OF
ACTIVITIES AND THE BUDGET CONTROL DECISIONS OF 2004**

The year 2003 was a year of transition for the Indemnification Commission for the Belgian Jewish Community's Assets. On 9 September 2003, the final legal date for submission of claims for indemnification, the number of claims had reached 5,953, almost twice the number estimated at the beginning. The processing of the files, the deliberations of the Commission and the indemnification procedures entered their principal phase.

The Commission deals with each individual claim submitted by anyone (or by their rightful claimants to the third degree) who was resident in Belgium during the Second World War and who was a victim of proven despoilment of property or financial assets in Belgium. It gives priority to the claims submitted by the most elderly victims or claimants. Moreover, it investigates each claim constructively by adding to the claim each favourable item of information that it can find. However, the fact of having received compensation within the framework of the Belgian Reparations Act for losses sustained in the war (Act dated 6 July 1948) or on the basis of German Federal laws on restitution and compensation (BrüG Act) constitutes a reason for refusal.

It seems important to make clear that the Commission compensates exclusively for loss of possessions. Two types of compensation for possessions are possible; the first is calculated on the basis of clearly identified goods and assets while the second is based on fixed calculations and considerations of fairness where there is a clear presumption of despoilment without the sum concerned being capable of determination.

The fixed calculations have been made on the basis of certain concrete elements, more particularly, on the basis of the average compensation granted at the time in the framework of the German Reparations Act.

In this context it is important to stress that on the basis of the annual report on the activities of the Buysse Commission, everyone who lived partly or entirely in Belgium during the war as set out in Article 6, §1, of the Act of 20 December 2001, and their rightful claimants, who have submitted a claim for furniture or personal possessions will receive compensation insofar as the goods concerned have not already been the subject of compensation particularly in the framework of the so-called “BrüG Act”. According to the estimate of the Commission, this affects more than three-quarters of the claims submitted.

In this case, the Commission grants compensation amounting to 7000 euros for furniture on the basis of considerations of fairness in accordance with Article 8, §2, of the Act of 20 December 2001.

Victims of arrest and, above all, of deportation will receive further compensation of 400 euros for personal possessions which were seized from them.

The Commission Secretariat

The work of the Commission Secretariat focused in 2003 on four main tasks:

Informing potential claimants was a crucial step taken by the Secretariat in 2003. An important information campaign was conducted in foreign countries.

Particular attention was given to informing claimants directly, especially by answering the numerous telephone calls both national and international. Communiqués on the progress and manner of examination of the documents were also published.

As far as the management of the files and data is concerned, the Secretariat has progressively completed and enlarged the databank intended to support the Commission in preparing the files.

Finally, the procedure has been put in place for implementing the decisions of the Commission. When a decision is positive, a copy of the notice to the beneficiary is sent simultaneously to the Administration of the Treasury, FPS Finance. Execution follows without further formalities.

Progress on the files

The first files were submitted to the Commission from 8 September 2003. On 31 March 2004, 635 dossiers out of the 5,953 were submitted. Out of the 635 claims, 75% resulted in compensation.

The Commission is conscious of the fact that it must increase the number of files dealt with in each meeting. If the Commission continues its work at the current pace, and, taking into account that for some files there could be several claimants and therefore several claims, only half the claims will have been dealt with by 9 September 2006, the date when the Commission’s mandate comes to an end.

The problem is not the pace of work of the Commission but the preparation by the Secretariat of the dossiers submitted to it.

In the course of the year 2003, the staff was increased by 4 persons, two of them working part time. In addition, two researchers appointed by the PPS Scientific Policy contributed to the work and made it possible to supplement the data by creating three exhaustive and detailed folders.

In the future, with the additional Secretariat staff provided for at the time of the 2004 budget review, the Commission estimates that it will be able to implement a better structured support system for its work. It will also double the number of claims processed in each meeting. This increase in the speed of processing will allow all the claims to be dealt with in the time allocated and make it possible to bring to a close, at the latest by May 2005, the processing of the claims of those aged over 70, that is about 3000.