

## **PRESS RELEASE, 21 February 2005**

The Commission handed its progress report for the year 2004 to the Prime Minister on 21 February 2005.

In that report, it drew the Prime Minister's attention to a number of important points.

### **1. It recalled the criteria on the basis of which it assesses indemnification claims.**

***First of all, it would be as well to emphasise that the Commission may only award compensation for assets of which restitution has not been made by the State, by financial institutions or by insurance companies and which have not been the object of any compensation, indemnification or reparation.***

***Furthermore, it is NOT empowered to restore despoiled assets as they existed on the eve of the war!***

***The criteria that the Commission applies to determine indemnification for each dossier, on a case-by-case basis, may be consulted in the slightest details on the website <http://premier.fgov.be> (click on "Welcome"; "Indemnification Commission" and "Communication - 20 September 2004").***

### **2. The 2004 annual report presents the progress of activities to the end of the period concerned.**

The Secretariat groups the claims together and refers them individually "for each despoiled person" to the Commission, for decision. This analysis is therefore based on the number of "despoiled persons" already treated and not on the number of claims, which is different, since a same person may be a claimant for several despoiled persons (grandparents, parents, in a personal capacity, brother or sister, uncle or aunt ...).

From the very beginning, the Commission has adhered to the principles of its policy and continues to examine claims according to the claimants' age (year of birth). The age group currently coming into consideration concerns persons born from 1926. To clarify matters, it is worth pointing out that approximately 2000 claimants were born before 1926.

All in all, the Secretariat has registered **6,008 despoiled persons** for which one or more claims were submitted.

**Total decisions taken as to 31 December 2004.**

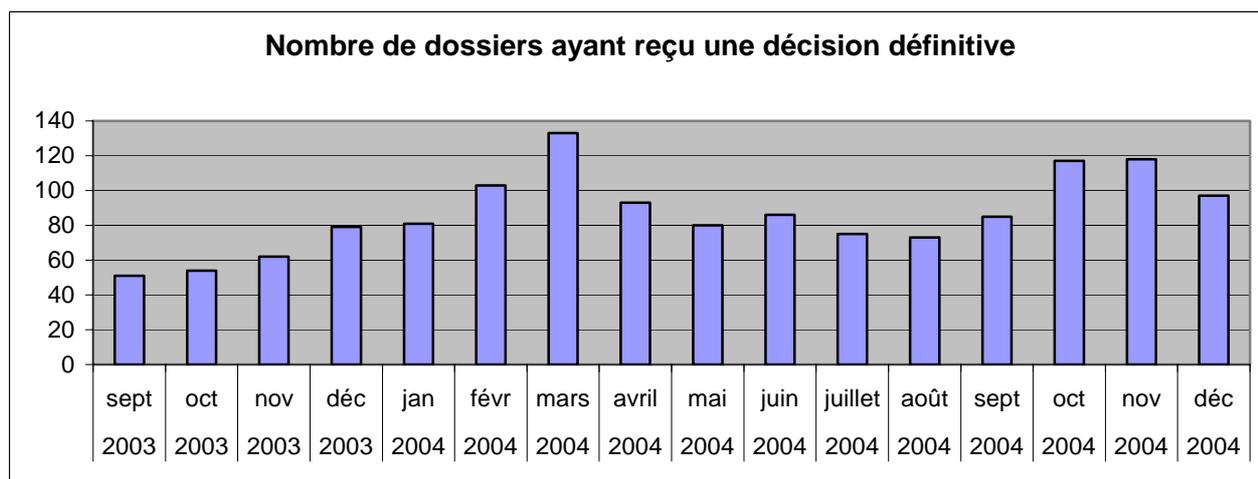
	Positive decisions		Negative decisions		Total indemnifications awarded (euro)
	Number	%	Number	%	
Sept-Dec. 2003	187	76	59	24	385,052
1 <sup>st</sup> half-year 2004	467	81	109	19	2,280,566
2 <sup>nd</sup> half-year 2004	482	85	83	15	3,797,502
	<b>1.136</b>	<b>82</b>	<b>251</b>	<b>18</b>	<b>6,463,120</b>

All in all, taking all positive and negative decisions together, 1,387 final decisions have therefore been taken and as many “despoiled persons” dossiers have been processed.

The negative decisions are based on the following elements:

- either, no despoilment (which has not yet been the object of indemnification) could be identified,
- or, the residence conditions or degree of kinship requirements – as respectively laid down in paragraphs 1, 1) and 3 of Article 6 of the Act – were not fulfilled.

The figures hereafter clearly reveal that the Commission has succeeded, in the course of the year, in increasing the number of dossiers having received a final decision, and this was done as and when staff numbers were increased (May and September/October)



It is further worth analysing this upward trend in the light of the task entrusted to the Secretariat, at the beginning of 2004, which involved gradually stepping up the pace of the investigation of the more complex

dossiers (real estate, financial interests, life insurance, companies under German management, etc.). In a first phase, it had been knowingly decided to devote oneself to the simple dossiers (despoilment of goods, small business concerns, etc.).

The investigation of the bulkier dossiers is more time consuming (research in the most varied “business” records, in the land registry office, at the ICHEIC, in the financial structure of commercial companies, etc.). The result of that new series of investigations is reflected in the progress of the average indemnification per dossier:

September-December 2003: 2,059 euro  
 1<sup>st</sup> half-year 2004 : 4,883 euro  
 2<sup>nd</sup> half-year 2004: 7,679 euro

In the light of the foregoing, it may be estimated that the Secretariat’s investigation team, of which all the members appointed in the course of the year should be quite familiar with the fundamentals of the job, must now be able to achieve a higher output both from a quantitative and qualitative point of view.

It is worth underlining that the decisions of the Commission have to be properly motivated in pursuance of the Law on the formal motivation of administrative acts.

### **3. To sum up, the Commission indicated the following points to the Prime Minister:**

- a. In 2004, staff figures were increased to attain 16 units, some of whom are engaged full time.  
 After have reached the full complement and trained the new colleagues, the trend of work progressed at a favourable pace from two points of view:
  - - the number of dossiers referred to the Commission for decision at each meeting is on the increase and
  - the quality and the reliability of the work of investigation carried out by the Secretariat have considerably improved.
- b. As regards the latter point, it is however worth pointing out that **many claims are incomplete and need to be completed and corrected, which means that several dossiers require more time.**  
 It should be further pointed out, concerning this in-depth analysis and correct assessment by the Secretariat, that **an increasing number of “complicated dossiers”** are entered on the agenda. These dossiers require meticulous examination on account of their specific nature. These include, for example, financial interests in limited liability companies, firms placed under German management during the war (“Verwalter” accounts), firms having several subsidiaries, sales of real estate, etc.

During the start-up phase of its work, the Commission had deliberately decided to give priority to the examination of “simple” dossiers (personal property, small firms, etc.), while taking the claimants’ age into

consideration. That made it possible to reduce the pressure weighing on the high number of dossiers somewhat. That “simple” period is now a thing of the past.

***That obviously means that it will take longer to process the dossiers than had been forecast at the outset.***

***The Act dated 20 December 2001 and the decrees providing for its enforcement moreover oblige the Commission (and the Secretariat) to deal with each dossier thoroughly and correctly.***

- e. **In the light of the foregoing, the Commission drew the Prime Minister's attention to the fact that the total number of dossiers to be processed, which was still over 4,600 as at 31 December 2004, necessarily requires an extension of the Commission's mandate beyond 9 September 2006.**