

*Translated from French*

1. **Regarding the competence of the Belgian judicial authorities**, the Code of Criminal Procedure provides that they may take official action in connection with crimes or offences committed outside the territory of the Kingdom. They are therefore authorized to punish crimes of a serious nature committed by Belgian nationals while serving as United Nations officials or experts on mission. However, this jurisdiction is not unconditional and varies according to the type of criminal conduct concerned or the category of person responsible for it.
2. In general, judicial authorities can prosecute any Belgian (or any person whose principal residence is in the territory of the Kingdom) if that individual is guilty of an act defined as a crime or offence by Belgian law, provided that such an act is punishable under the legislation of the country in which it was committed.
3. That being the case, if the crime has been committed against a foreigner (a person who does not have Belgian nationality), it can be prosecuted only at the request of the Public Prosecutor's Office and, furthermore, only after a complaint has been brought by the foreigner against whom the offence was committed or by his family, or after official notice is given to the Belgian authority by the authority of the country in which the criminal conduct took place.
4. Certain crimes specifically stipulated by law<sup>1</sup> may be prosecuted without meeting all the conditions set out in paragraphs 2 and 3 above.
5. Belgian courts are also competent to hear cases of crimes committed outside the territory of the Kingdom which fall under a rule of international treaty or international customary law or a rule of law derived from the European Union which is binding on Belgium, where by reason of such rule Belgium is required, in any way whatsoever, to submit the case to its authorities responsible for criminal prosecutions. In that case, the prosecutions, including preliminary investigation, can be initiated only at the request of the federal prosecutor reviewing all complaints.
6. It must be emphasized that the prosecutions indicated above are possible only if the accused is found in Belgium. However, in the case of certain crimes,<sup>2</sup> the Belgian judicial authorities may institute proceedings whether or not the perpetrator is in Belgian territory.
7. Lastly, the Code of Criminal Procedure provides that all persons subject to military law who have committed any offence in the territory of a foreign State may be prosecuted in Belgium whether or not they are found in Belgian territory. The same applies to persons, Belgian or foreign, who are attached in any capacity to an army unit serving in foreign territory, or persons who are authorized to accompany troops of an army corps.

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<sup>1</sup> Crimes and offences against national security; serious violations of international humanitarian law; terrorist crimes; crimes and offences against the public trust (counterfeit money, forged negotiable instruments, etc.); procuring; human trafficking; indecent assault and rape; mutilation of the genital organs of a female person; corruption of persons who exercise official functions.

<sup>2</sup> Crimes and offences against national security; serious violations of international humanitarian law; crimes and offences against the public trust (counterfeit money, forged negotiable instruments, etc.); violations of international law as referred to in paragraph 5.

8. **Regarding cooperation with other States and with the United Nations,** Belgium is of course ready, subject to the relevant provisions of its domestic law, to exchange information and facilitate any investigations and prosecutions implicating United Nations officials and experts on mission who are alleged to have committed crimes of a serious nature.

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