

BELGIUM

Last updated: 16 November 2016

RULES/GENERAL LAWS	
General	<p>http://www.ejustice.just.fgov.be/loi/loi2.htm</p> <p>Belgian criminal law is applicable to the Belgian members of the armed forces abroad (Titre préliminaire du Code de procédure pénale (17 avril 1878), art 10bis: Toute personne soumise aux lois militaires qui aura commis une infraction quelconque sur le territoire d'un Etat étranger, pourra être poursuivie en Belgique. Il en est de même des personnes qui sont attachées, à quelque titre que ce soit, à une fraction de l'armée se trouvant en territoire étranger ou de celles qui sont autorisées à suivre un corps de troupe qui en fait partie.</p> <p>In Operations the Belgian Detachment is considered on duty on a 24/7 basis.</p>
SEA: military offence?	<p>http://www.ejustice.just.fgov.be/loi/loi2.htm</p> <p>The Belgian Criminal Code applies to the members of the armed forces, even abroad (Titre préliminaire du Code de procédure pénale (17 avril 1878), art 10bis).</p> <p>During Pre Deployment Training any military personnel receives briefings about SEA. It is a responsibility of each commander at each level to ensure that the law is strictly applied and to undertake the necessary measures if they suspect that members of their detachment do not abide by the law.</p>
Powers of the Commanding Officer (CO)	<p>The Commanding Officer has administrative powers. The General Officer promulgate general rules regarding behaviour such as non fraternization and confinement to camp for each mission.</p>
INVESTIGATION	
Who can investigate?	<p>http://www.ejustice.just.fgov.be/loi/loi2.htm</p> <p>SEA allegations are criminal offences. The judicial authorities are competent to investigate such allegations in the field. The authorisation of the Host State to conduct judicial proceedings and/or letters of request and/or the potential immunity of the personnel deployed in PKO may nevertheless hamper those investigations</p>
National Investigation Officer	<p>Belgian law provides for the sending of Belgian magistrates on the field as well as Belgian police specialized in military environment</p>
PROSECUTION	
Referral	<p>Sexual Exploitation and Abuse are criminal offences and must be reported to the judicial authorities, which are the only competent authorities to investigate criminal offences.</p>
Who can charge?	<p>http://www.ejustice.just.fgov.be/loi/loi2.htm</p> <p>A Belgian Prosecutor, See Art 24bis Code d'instruction criminelle</p>
JUSTICE	
Military justice	<p>http://www.ejustice.just.fgov.be/loi/loi2.htm</p> <p>Belgium has no Military Justice System. It has been abrogated in Belgium in 2003 (See Law of 10 april 2003 suppressing the military jurisdiction in peace time).</p>
Deployable Court Martial?	<p>Belgium has no Military Justice System. It has been abrogated in Belgium in 2003 (See Law of 10 April 2003 suppressing the Military Justice jurisdiction in peace time).</p>
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