

UNITED NATIONS WAR CRIMES COMMISSION.

Belgian War Crimes Enactments.

The Belgian Representative on the United Nations War Crimes Commission, Monsieur M. de Baer, has made available to the Secretariat the Belgian Enactments, translations or extracts of which are circulated in this paper.

The paper contains:

- (1) Translation of the Arrêté-Loi of 29th April 1943, concerning the suspension of the prescription (limitation) both of public prosecutions and civil actions, arising from certain crimes.
- (2) A resumé of the Arrêté-Loi of 5th August 1943 whereby jurisdiction is conferred upon Belgian courts in respect of certain crimes and misdemeanours which have been committed during the war outside Belgium.
- (3) Translation of the Act of Parliament of 30th April 1947 amending the Arrêté-Loi of 5th August 1943.

The resumé of the Arrêté-Loi of 5th August 1943, and the translations have been prepared by Monsieur M. de Baer.

- (4) An explanatory Note by Monsieur de Baer on the Act of Parliament of 30th April 1947.

I. Translation of the Arrêté-Loi of 29th April 1943, as published in "Moniteur Belge" of 8th May 1943, concerning the suspension of the time of limitation in criminal matters.

Art. 1.

The time limit (prescription) on public and civil action, resulting from a crime or a misdemeanour is suspended until the day when the national territory shall be completely liberated from enemy occupation, for all the following crimes and misdemeanours:-

- (1) those set out in articles 101 to 136, 147 to 159 and 233 to 259 of the Penal Code (crimes against public safety, crimes against the constitution and crimes committed by officials);
- (2) the Military Penal Code;
- (3) those specified in the law of 10th April 1941 relating to the measures of dispossession carried out by the enemy;
- (4) those set out in the law of 10th April 1941 relating to the prohibition on economic relations with the enemy.

Art. 2.

The time limit is also suspended for all other crimes and misdemeanours, whose trial has been rendered impossible, hindered or deferred on account of the enemy occupation of national territory.

Art. 3.

This law will come into force on the day of its publication in the Moniteur.

II. Resumé of the Arrêté-Loi of 5th August 1943, as published in "Moniteur Belge" of 20th September 1943, concerning certain crimes committed in time of war outside Belgian national territory.

Article 1 lays down that where a Belgian has, in time of war, committed a crime abroad against a citizen of a country allied to Belgium, he can be tried in Belgium. The trial may be set in motion either on the plea of the foreign victim or his family, or on an official notice being served to the Belgian authorities by the authorities of the country in which the crime was committed, or of the country of which the injured foreigner is or has been a national.

Article 2 lays down provisions for the trial in Belgium of a foreigner who, outside the territory of Belgium, is guilty in time of war of the following crimes against a Belgian national:- homicide, wilful bodily injury, rape, indecent assault or denunciation to the enemy.

Article 3 provides for the trial in Belgium only of those Belgians who are charged with committing abroad in time of war treachery or forgery of Belgian legal currency or crimes committed abroad which would have been crimes by Belgian law if committed in Belgium; or the trial in Belgium of the foreigner covered by Article 2 above, provided only that such persons are found either on Belgian or in enemy territory, or if their extradition can be obtained.

Article 4 provides that a person having committed crimes within the category of this law shall not be tried in Belgium either if (1) he has already been tried in a foreign country for the crime in question and has been acquitted, or (2) having been condemned has served his sentence, or (3) has had his sentence remitted. The article also provides that all detention which has been undergone abroad, for the charge for which he is to be tried in Belgium, shall be taken into consideration when calculating the period during which he shall be deprived of his liberty.

Article 5 provides that the application of this law shall be effective even if the crime was committed before the law was promulgated.

III. Act of Parliament of 30th April 1947 as published in "Moniteur Belge" No.135 of 15th May 1947, amending the Arrêté-Loi of 5th August 1943.

Article 1.

Article 1 of the decree of 5th August 1943 conferring exceptional jurisdiction on the Belgian courts in the matter of certain crimes and misdemeanours committed outside national territory in time of war is replaced by the following article:

" The following addition shall be made to Article 8 of the preliminary chapter of the Code of Criminal Procedure:-

' A Belgian who, in time of war, committed outside national territory, a crime or misdemeanour against a national of a country allied to Belgium as defined in paragraph 2 of Article 117 of the Criminal Code, can be tried in Belgium, either on the request of the injured foreigner or of his family, or on receipt of an official notice served to the Belgian authorities by the authorities of the country where the crime was committed or of the country of which the injured party is or has been a national. This applies even if the crime is not one of those mentioned in the law of extradition.' "