Valitud keeleversiooni meie töötajad parajasti tõlgivad.

hollandi keel

Järgmised keeleversioonid: fr nl on juba tõlgitud.

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Defendants (criminal proceedings)

Belgia

These information sheets explain what happens when someone is suspected or accused of an offence which is dealt with by means of a hearing before a court. For information on minor offences such as breaches of the Highway Code which are normally punishable by a fixed penalty such as a fine, see information sheet 5. If you are the victim of a crime, you will find full information about your rights here.

Summary of criminal proceedings

Below is a summary of the normal stages in criminal proceedings.

Investigating courts

The Judges' Council Chamber and the (appeal) indictment division are investigating courts. They check that the arrest warrant is in order, rule on detaining the person on remand, direct the investigation and decide whether or not to commit the case for trial by the court with jurisdiction to hear the merits of the case.

Proceedings before the Judges' Council Chamber:
summons by recorded delivery letter;
consultation of the file at the court office;
request for additional duties to be carried out prior to the hearing;
hearing on the existence of sufficient charges for the case to be heard;
preliminary deliberation in chambers and setting of date for order to be issued;
committal order issued. Unless specified otherwise by law, the accused does not have any right to appeal against this order.

Criminal courts

If you are accused of a serious offence (an offence punishable by a fine of at least €26 and/or imprisonment of between eight days and five years), you will be summoned to appear before the criminal court, which will determine whether you are guilty of the allegations against you, will acquit or convict you and where appropriate will make an award of damages to the victims. The criminal court may sentence you to a maximum of 20 years in prison in the case of a crime reduced to a serious offence by statute.

Procedure before the criminal courts:
summons by court bailiff;
consultation of the file at the court office;
hearing before the court;
judge deliberates for one month;
judgment issued;
right of appeal.

Assize courts

If you are accused of a crime (an offence punishable by a maximum sentence of life imprisonment), you will be committed for trial by the assize court. A jury made up of 12 jurors chosen from among the population will determine whether you are guilty of the charges against you. With the court, composed of three judges, these jurors will decide, if you are found guilty, what sentence to impose. The court alone, however, will decide the amount of any damages payable to victims, if they so request.

Procedure before the assize courts:

committal for trial issued by the indictment court, and summons served by a court bailiff;
consultation of the file at the court office (free copy upon request);
preliminary hearing: composition of the list of witnesses to be heard, and of the jury by drawing lots;
oral investigation of the case;
discussion as to guilt, then potentially on the sentence, and then on the civil interests;
no appeal (possibility of appeal on a point of law).

You will find details of all these stages in the proceedings and about your rights in the information sheets. This information cannot take the place of consulting a lawyer and is intended only for guidance.

The role of the European Commission

Please note that the European Commission does not play any part in criminal proceedings within Member States and is unable to help you if you wish to make a complaint. These information sheets tell you how you can complain and to whom.

Click on the links below to find the information you need

1 – Consulting a lawyer
2 – My rights during the enquiries
Arrest and questioning by the police
Disclosure file
Investigation file
Special case: remand in custody
Closure of the investigation
3 – My rights during the trial
4 – My rights after the trial

5 – Breaches of the Highway Code and other minor offences

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