

23 AUGUST 2014. - Royal Decree on the organization of the Belgian Task Force for International Criminal Justice (BTF ICJ)

PHILIPPE, King of the Belgians,

To all present, and those to come, salutations.

Having regard to Articles 37 and 108 of the Constitution;

Having regard to the Law of 29 March 2004 on cooperation with the International Criminal Court and International Criminal Tribunals, modified by the Law of 26 March 2014;

Having regard to Article 143bis (2) (2°) and (6), and Article 144bis (2) (2°) of the Judicial Code;

Having regard to the Law of 5 August 1992 on the police function;

Having regard to the Law of 7 December 1998 organizing a two-level structured integrated police service;

Having regard to the opinion of the Inspector of Finance, issued on 4 April 2014;

Having regard to the opinion no. 56.336/3 of the Council of State, issued on 3 July 2014, in application of Article 84 (1) (1) (1°) of the Laws on the Council of State, consolidated on 12 January 1973;

Upon the proposal of the Prime Minister, the Minister of Defence, the Minister of Foreign Affairs, the Minister of Home Affairs, the Minister of Justice, the Minister of Finance, and the Secretary of State for Asylum and Migration,

We have decreed and hereby do decree:

CHAPTER 1. - Denomination of the Belgian Task Force for International Criminal Justice (BTF ICJ)

Article 1. A platform for coordination, consultation and information exchange named Belgian Task Force for International Criminal Justice (in abbreviated form BTF ICJ), hereinafter referred to as the BTF ICJ, is established as described in this Decree. It also covers the tasks of the Belgian Task Force for the International Criminal Court and the international criminal tribunals (in abbreviated form BTF ICC-ICT).

CHAPTER 2. - Chairmanship, composition, secretariat and internal rules of the BTF ICJ

Section 1. - Chairmanship and composition of the BTF ICJ

Art. 2. 1. The International Humanitarian Law Service of the FPS Justice, in the person of its Head of Service, Federal Coordinator for the cooperation with the international criminal jurisdictions and Chairman of the BTF ICJ, holds chairmanship and provides coordination of the BTF ICJ.

2. Besides the chairman, the BTF ICJ is composed as follows:

- one representative of the Directorate-General for Coordination and Legal Affairs of the FPS Chancellery of the Prime Minister;
- one representative of the International Humanitarian Law Service of the General Direction Legislation, Fundamental Rights and Freedoms of the FPS Justice;
- one representative of the General Direction Penitentiary Establishments of the FPS Justice;
- one representative of the General Direction Justice Houses;
- one representative of the Federal Intelligence and Security Agency;
- one representative of the Technical and Administrative Secretariat to the Minister of Justice;
- one representative of the Directorate-General for Legal Affairs of the FPS Foreign Affairs;
- one representative of the Directorate-General for Consular Affairs of the FPS Foreign Affairs;
- one representative of the Directorate-General for Bilateral Affairs of the FPS Foreign Affairs;
- one representative of the Permanent Representation of Belgium to the International Institutions in The Hague;
- one representative of the Directorate-General Legal Support and Mediation of the Ministry of Defence;

- one representative of the General Intelligence and Security Service;
 - one representative of the Coordination Unit for Threat Assessment;
 - one representative of the International Unit of the FPS Home Affairs;
 - one representative of the General Direction Crisis Centre of the FPS Home Affairs;
 - one representative of the Immigration Office;
 - one representative of the Office of the Commissioner General for Refugees and Stateless Persons;
 - one representative of the Group Humanitarian Law of the Federal Judicial Police;
 - one representative of the Witness Protection Service of the Federal Police;
 - one representative of the Federal Police in charge of the international descriptions;
 - one representative of the Aeronautical Police;
 - one representative of the Administration of the Treasury of the FPS Finance;
 - one representative of the college of general prosecutors;
 - one representative of the federal prosecutor's office.
3. A deputy representative is appointed for each full representative.
4. The authorities referred to in (2) of this Article appoint the full and deputy members who represent them permanently. Those authorities see to that those persons can have a security clearance of an appropriate level pursuant to the Law of 11 December 1998 on classification and security clearances, certificates and advice.
5. The members of the International Humanitarian Law Service of the General Direction Legislation, Fundamental Rights and Freedoms of the FPS Justice who are not referred to in the preceding paragraphs are permanent experts of the BTF ICJ.

Section 2. - Secretariat and internal rules of the BTF ICJ

Art. 3. The secretariat of the BTF ICJ is provided by a member of the International Humanitarian Law Service of the FPS Justice. That person has a security clearance delivered pursuant to the aforementioned Law of 11 December 1998, which is appropriate in relation to the records dealt with.

Art. 4. 1. The secretariat of the BTF ICJ writes the notifications to attend the meetings of the different components of the BTF ICJ referred to in the following Articles.

2. The secretariat of the BTF ICJ takes the minutes of any meeting of the BTF ICJ. The secretariat sends those minutes to the persons invited to attend the meeting and to the Minister competent for Justice.

Art. 5. Each year, the secretariat of the BTF ICJ writes a report on the activities carried out by the BTF ICJ. That report is submitted for approval to the members of the BTF ICJ during a plenary session. Once approved, the report is sent by the chairman of the BTF ICJ to all the authorities referred to in Article 2 (2) and (3) of this Decree. A version of the report which may be made public is sent to the Parliament for information.

Art. 6. The BTF ICJ may fix internal rules and submit them for approval to the Minister competent for Justice.

CHAPTER 3. - Competences of the BTF ICJ and holding of its meetings

Section 1. - Plenary meetings of the BTF ICJ

Art. 7. 1. The plenary meetings of the BTF ICJ aim at considering transversal issues relating to international criminal justice and, notably, to the cooperation with the international criminal jurisdictions, but not to a specific request for assistance or the execution thereof.

2. The representatives of the authorities referred to in Article 2 (2) of this Decree are invited to attend the meetings aimed at in the preceding paragraph.

3. Any member unable to attend is replaced by his or her deputy.

4. One representative of the strategic cell of each department referred to in Article 2 (2) is also rightfully invited to attend the plenary meetings.

5. If necessary, the BTF ICJ can also hear any person whose collaboration is deemed useful and punctually make that person a partner in its work.

Art. 8. 1. The plenary meetings of the BTF ICJ are chaired by the person appointed in Article 2 (1) of this Decree. In his or her absence, the chair is held by a member of the International Humanitarian Law Service of the General Direction Legislation, Fundamental Rights and Freedoms of the FPS Justice, appointed by the chairman.

2. A plenary meeting of the BTF ICJ is organized at least every four months.

3. Possible decisions during the plenary meetings of the BTF ICJ are adopted by consensus, in accordance with the international commitments of the Kingdom and the applicable provisions of its internal law.

Section 2. - Meetings of the BTF ICJ on specific files

Art. 9. 1. If necessary, notably due to a request for mutual assistance or for specific cooperation, the chairman of the BTF ICJ convenes a meeting of the BTF ICJ on one or several specific files. This notably includes the coordination required for the execution of:

1° requests for mutual assistance or for cooperation made to Belgium by the international criminal jurisdictions and vice versa pursuant to their status, to agreements for enhanced cooperation or to the applicable Belgian legislation;

2° requests for interstate cooperation regarding the punishment of the crimes referred to in Article 5 of the Rome Statute of the International Criminal Court;

3° requests regarding the application of the rules relating to the international immunities with a judicial impact in Belgium.

2. 1° Besides, the chairman of the BTF ICJ convenes ex officio a meeting of the BTF ICJ on a specific file when the file concerned deals with the specific enforcement of the bilateral agreements reached with an international criminal jurisdiction on witness protection, air transport of detainees, enforcement of sentences and provisional release.

2° Besides, at the request of the competent judicial authorities, the chairman of the BTF ICJ convenes a meeting relating to the preparation of the organization and the holding in Belgium of trials aiming at punishing gross violations of the international humanitarian law.

3. The representatives of the authorities referred to in Article 2 (2) of this Decree whose competences are relevant for the execution of the request in question, in relation to the object of the file(s) concerned, are invited to attend the meetings referred to in the preceding paragraphs.

4. Any member unable to attend is replaced by his or her deputy, or, as far as the Federal Intelligence and Security Agency, the General Intelligence and Security Service and the Coordination Unit for Threat Assessment are concerned, by the person who is specifically in charge of the file(s) which is or are the subject of the meeting.

5. The member(s) of the International Humanitarian Law Service of the General Direction Legislation, Fundamental Rights and Freedoms of the FPS Justice who is or are in charge of the management of that or those file(s) attend(s) those meetings as of right.

6. If necessary, the BTF ICJ can also invite any person whose collaboration is deemed useful for the good management of the file(s) concerned to attend those meetings.

Art. 10. 1. The person appointed in Article 2 (1) of this Decree or, in his or her absence, a member of the International Humanitarian Law Service of the General Direction Legislation, Fundamental Rights and Freedoms of the FPS Justice, appointed by the chairman, chairs the meetings of the BTF ICJ on specific files.

2. Possible decisions during the meetings of the BTF ICJ on specific files are adopted by consensus, in accordance with the international commitments of the Kingdom and the applicable provisions of its internal law.

Section 3. - Meetings of the BTF ICJ on classified files (BTF-R)

Art. 11. 1. Within the BTF ICJ, the Belgian Task Force ICJ - Restricted, hereafter referred to as the "BTF-R", is in charge of the coordination, the management and the information of the files

within the remit of the BTF ICJ which are or could be classified within the meaning of the Law of 11 December 1998 on classification and security clearances, certificates and advice.

2. The BTF-R is made up of the members of the BTF ICJ who have a security clearance delivered pursuant to the aforementioned Law of 11 December 1998, which is appropriate in relation to the records dealt with. Any member unable to attend is replaced by his or her deputy, or, as far as the Federal Intelligence and Security Agency, the General Intelligence and Security Service, the Coordination Unit for Threat Assessment and the Witness Protection Service of the Federal Police are concerned, by the person who is specifically in charge of the file(s) which is or are the subject of the meeting. When a member of the BTF-R and his or her deputy do not have such a security clearance, they are replaced by another person appointed by their authority who has that security clearance.

3. Only the representatives of the authorities whose presence is necessary for the management of the topics on the agenda are invited to attend the meetings of the BTF-R. The person in charge of the file concerned within the International Humanitarian Law Service of the General Direction Legislation, Fundamental Rights and Freedoms of the FPS Justice attends the meetings of the BTF-R as of right, provided that he or she has the required security clearances.

4. If necessary, the BTF-R can also hear any person having a security clearance of an appropriate level whose collaboration is considered useful and punctually make that person a partner in its work.

Art. 12. The BTF-R chiefly examines:

1° the requests for cooperation relating to information or documents which are or could be classified within the meaning of the Law of 11 December 1998 on classification and security clearances, certificates and advice;

2° the files aiming at the protection of threatened witnesses, on the request of the international criminal jurisdictions;

3° the possible spontaneous sending of originally classified information and documents within the meaning of the aforementioned Law of 11 December 1998, which are in the possession of the Belgian authorities and which can help the international criminal jurisdictions in their tasks;

4° any transversal issue relating to the matters dealt with under points 1° to 3° of this Article.

Art. 13. 1. The person appointed in Article 2 (1) of this Decree chairs the meetings of the BTF-R.

2. In the absence of the chairman, the chair is held by a member of the International Humanitarian Law Service of the General Direction Legislation, Fundamental Rights and Freedoms of the FPS Justice, who is appointed by the chairman and who has the required security clearances.

3. Possible decisions during the meetings of the BTF-R are adopted by consensus, in accordance with the international commitments of the Kingdom and the applicable laws.

Section 4. - Respect of other conferred competences

Art. 14. The provisions of this Decree are without prejudice to the competences specifically conferred to the minister competent for Justice, to the general prosecutors and to the federal prosecutor by Articles 151 of the Constitution and 143bis, 143quater, 144sexies and 146bis of the Judicial Code, as well as to the competences conferred to the central authority by the Law of 29 March 2004 on cooperation with the International Criminal Court and International Criminal Tribunals and those conferred to the International Humanitarian Law Service of the FPS Justice by the Royal Decree of 17 September 2005 regarding the creation of an International Humanitarian Law Service.

CHAPTER 4. - Final provision

Art. 15. The Minister competent for Justice is responsible for the execution of this Decree.

Done at Brussels on 23 August 2014.

PHILIPPE

By the King:

The Prime Minister,

E. DI RUPO

The Minister of Defence,

P. DE CREM

The Minister of Foreign Affairs,

D. REYNDERS

The Minister of Home Affairs,

M. WATHELET

The Minister of Finance,

K. GEENS

The Minister of Justice, responsible for Asylum and Migration,

M. DE BLOCK