

*Translated from French*

**Sixty-eighth session of the General Assembly**  
**Sixth Committee**  
**Review of the report of the International Law Commission on the work of its sixty-fifth session**  
**Comments of Belgium on the topic "Immunity of State officials from foreign criminal jurisdiction"**

Belgium requests the International Law Commission to find below its comments in response to the questions put by the Commission in chapter III of its 2013 report relating to the immunity of State officials from foreign criminal jurisdiction (ILC report 2013 - chapter V).

The Commission requests States to provide information, by 31 January 2014, on their practice, as reflected in court decisions in particular, relating to the meaning ascribed to the phrases "official act" and "acts performed in an official capacity" in the context of the immunity of State officials from foreign criminal jurisdiction.

In this connection, Belgium would like to draw the Commission's attention to a court decision in which the concept of "official act" was clarified.

That decision, which was rendered by the Court of Cassation on 10 September 2002, contains the following relevant passages: "Consular officers who are nationals of or permanently resident in the receiving State shall 'enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions' (article 71, paragraph 1, of the Vienna Convention on Consular Relations of 24 April 1963). **If an honorary consular officer goes to the consulate to discuss various matters, that does not constitute an official act performed in the exercise of his or her functions**" (Cass. (ch. 2), 10 September 2002, RG P.01.0531.N., *Larcier Cass.*, No. 1575).<sup>1</sup>

<sup>1</sup> *Chronique de la jurisprudence 1993-2003*, RBDI, Ed Bruylant, Brussels, 2003/2, § 74.