

False testimony or statement:

written by Dennis_ Rombaut_ | March 28, 2022

False testimony involves making a false statement under oath, fraudulently and with the intent to cause harm. It is essential for this offence that the witness had to be under oath, i.e. that the testimony was preceded by the taking of the oath. This is the case, for example, with witnesses before the Assize Court. You can never make statements about yourself under oath as a suspect, as you have the right to lie about yourself without this being punishable.

It is important to know that false testimony is only punishable if this false testimony can cause damage. This damage is that the false testimony can influence the decision of the judge, such as falsely accusing someone or providing an alibi. As a witness you have the right to refuse to answer a question, this does not count as false testimony. False testimony is not only punishable in criminal cases, but also in civil cases.

A false testimony can still be withdrawn until the conclusion of the debates before the court where the testimony was given. If this happens, it can no longer be punished.

A false statement is different from testimony. If someone is called to give information only, he makes a statement. This witness does not have to take an oath. Because it is not under oath, the penalties are lower than for false testimony.

False statements are only punishable if they are made in criminal cases (most serious crimes, punishable by imprisonment for more than 5 years). False statements made in criminal cases or in police cases are therefore not punishable. The false statement is not punishable if made by a minor under 16 years of age or by relatives who make a false statement in favour of a relative.

Inciting to make a false testimony or statement is also punishable. This is officially called enticing witnesses.

For more information on this crime, a concrete punishment and/or advice tailored to your needs, contact our criminal lawyers at info@studio-penale.be.