

Manslaughter:

written by Dennis _ Rombaut _ | March 28, 2022

Unintentional manslaughter:

If a person is killed due to lack of caution or precaution of another person, this person commits a crime. In this crime, there is no intention to kill the other.

Examples of this crime are falling asleep at the wheel and causing a fatal accident, a surgeon leaving an instrument in the body during an operation, non-compliance with legal and safety regulations resulting in a fatal accident, ...

If one only intended to hurt another, but e.g. in an argument or fight the victim dies, one speaks of intentional blows or wounds resulting in death, without the intention to kill. This is also unintentional manslaughter.

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

Intentional manslaughter:

In order to speak of 'intentional' manslaughter, the victim must have been killed and the victim must have acted with the intention of causing this death. It is the intention to kill that will make the difference between an unintentional and intentional manslaughter.

If an intentional act of violence leads to someone's death, without the perpetrator having intended this death, one speaks of intentional blows and wounds resulting in death (see further in list).

The difference between manslaughter and murder is in the premeditation. A murder is planned in advance - 'premeditated' - whereas manslaughter is an impulse. Manslaughter committed with a previously planned killing intention ('premeditation') is therefore qualified as murder (see further in list).

The intention to kill is a factual element that must be evident from the circumstances. Amongst other things, the degree of violence, the part of the body affected (e.g. the head or other vital parts), the possible statements made during or afterwards ("die!"), the duration of the violence, the objects or weapons used, etc. are taken into account.

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