

REPORT 

# PROJECT TARGET

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## Firearm Trafficking and Gun Violence in Belgium

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## Colophon

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**Final editing:** John Linnegar

**Publisher:** Nils Duquet, Leuvenseweg 86, 1000 Brussels

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# Abbreviations

AEW	Acoustic expansion weapons
AZG	Agentschap Zorg en Gezondheid ( <i>Agency for Care and Health</i> )
ANG	Algemene Nationale Gegevensdatabank ( <i>General National Database</i> )
CWR	Centraal Wapenregister ( <i>Central Weapons Registry</i> )
CZ	Česká zbrojovka
dCSG	dienst Controle Strategische Goederen ( <i>department for the control of strategic goods</i> )
DJSOC	De directie van de bestrijding van de zware en georganiseerde criminaliteit ( <i>directory for combatting serious and organized crime</i> )
EU	Europese Unie ( <i>European Union</i> )
FGP	Federale gerechtelijke politie ( <i>federal judiciary police</i> )
FN Herstal	Fabrique National de Herstal
HFD-List	Lijst van vuurwapens met een historische, folkloristische of decoratieve waarde ( <i>list of firearms with historic, folkloric or decorative value</i> )
NATO	<i>North Atlantic Treaty Organization</i>
NICC	Nationaal Instituut voor criminalistiek en criminologie ( <i>national institute for criminalistics and criminology</i> )
OCG	Organized criminal groups
OMG	Outlaw Motorcycle Gangs
PZ	Police zone
SMG	Sub-machinegun
Statbel	General directory for Statistics Belgium
UNODC	United Nations Office on Drugs and Crime
Weapons Act	Law of 8 June 2006 concerning the regulation of economic and individual activities with weapons
WHO	World Health Organization

# Introduction

Belgium has acquired an internationally-acclaimed reputation as a gun producing country, including worldrenowned arms manufacturers like the *Fabrique National de Herstal* (FN Herstal). Yet, Belgium has also become known as a hub for the movement of illicit firearms. The spotlight was first put on the illicit firearms market in Belgium when in the 2010s it turned out that terrorists had made use of that market to arm themselves so as to carry out several deadly assaults in France and Belgium. Belgium's bad reputation with regard to firearms is exacerbated by various export scandals and Belgium's lenient weapons legislation until 2006. Illicitly-held firearms and trafficking became a salient issue in political debates over the last decade. While current research reports have documented the scope and characteristics of illicit firearms trafficking and the overall availability of guns in the country, little to no research actually documents gun violence and the impact thereupon of illicit firearms trafficking.

The purpose of this chapter is to close that intelligence gap – to the extent that it is possible – and examine the impact of illicit firearms trafficking on the scope and dynamics of gun violence in Belgium. After outlining the general scope and characteristics of firearms holdings in Belgium (section 1), we turn specifically to the scope (section 2), characteristics (section 3) and contexts (section 4) of gun violence in Belgium. We conclude with a discussion of the challenges Belgium faces with regards to firearms trafficking and violence (section 5).

### Box 1: Research methodology

Data for this study was gathered using predominantly desk research and semi-structured interviews. We analyzed both publicly-available and internal police data (provided by the relevant authorities), which includes crime statistics, academic studies, police statistics and an internal police analysis of gun violence made available by *the Directory for Combatting Serious and Organized Crime* in Belgium (DJSOC). We also analysed (1) ballistics data made available by the National Institute for Criminalistics and Criminology (NICC) covering firearm incidents in Belgium between 2006 and 2020 as our 'Ballistics-Analysis' and (2) media articles that mention lethal gun violence (2010-2020) and other violent firearm incidents (2018-2020) in our 'Media-Analysis'. We received medical data from both national (Statbel) and regional (AZG) agencies to document firearm mortality. To complement our analysis of this data, we reviewed the existing literature and the findings from earlier studies, international reports, policy and legal documents, and open-source media reports. The research team also conducted semi-structured, in-depth interviews with experts from key authorities in Belgium involved in the fight against illicit firearms trafficking and gun violence:

**1 April 2021 and 9 March 2022:** Interview with representatives of **DJSOC**

**29 April 2021 and 25 March 2022:** Interview with representatives of the **Federal Judicial Police (FGP) Liège**

**10 March 2022:** Interview with a representative of the **FGP Brussels**

**10 March 2022:** Interview with a representative of the **NICC**

**11 March 2022:** Interview with representatives of **FGP Antwerp**

**11 March 2022:** Interview with **Prof. Antoinette Verhage** (UGent)

Next to publicly accessible sources, this study also uses two unique resources, namely a media-analysis (referenced as 'Media-Analysis') and an analysis of ballistics data provided by the NICC (referenced as 'Ballistics-Analysis'). These sources are not publicly available, but saved as internal documents by the Flemish Peace Institute. They are described in more detail in **Box 2** and **Box 3**.

## Box 2: Special resources (1): media analysis (referenced as: 'Media-Analysis')

We built a database of all cases of lethal gun violence reported in the Dutch-speaking media in Flanders and Brussels for 2010-2020 and all cases of non-lethal gun violence for 2018-2020. We omitted all reports of firearm incidents in Wallonia since media articles from Dutch-speaking media were less likely to report these. We located a total of 2,606 media articles that covered 1,167 incidents of gun violence.<sup>1</sup> These articles were coded systematically using the following four variables:

*Information on the case:* case reference, description of the incident, date and location of the incident.

*Context of the case:* type of target, number of non-lethal and lethal victims, number of perpetrators, type of violence, month and year of the incident, time of day, type of crime scene, whether the area was urban or rural, arrondissement where the crime occurred, motive for the incident.

*Firearms:* number of firearms used, type of firearm, technical information on the gun, firearm modifications, how did the perpetrator acquire the firearm, legal status and type of license, whether the firearm was shot or used to threaten, reasons as to why the perpetrator possessed a firearm.

*Information on the source:* name and type of the media outlet.

This media-analysis complements data provided through official statistics. In particular, media articles provide much more information on the perpetrators, their motives, the victims, the type of violence and the spatial-temporal characteristics of the event. The drawback of a media analysis is fourfold: (1) the information in the newspapers is usually not verified against official sources and so tends to be less reliable; (2) media articles are also most often published before a final judicial decision is taken in court, which makes the exact legal classification of the incident unclear (official decisions on cases are rarely reported in the media); (3) media articles mostly lack more precise information about firearms and, when it is indeed available, it is mostly unreliable; (4) media attention is not given to events objectively, but on that basis of what a society deems to be of interest.

Therefore, the media-analysis is used mostly to detail the contexts of firearm violence, rather than more technical details about firearms or legal classifications. We will have also to bear in mind that the information gathered from screening media articles is not an objective representation of reality.

<sup>1</sup> Much of the work coding these articles were done by interns at the Flemish Peace Institute. In particular, Our gratitude goes to Kobe Hautekiet, Eva-Luna Yperman and Solana Onzia for their assistance.

### Box 3: Special resources (1): analysis of ballistic data provided by the NICC (referenced as: 'Ballistics-Analysis')

The National Institute for Criminalistics and Criminology (NICC) made their database of ballistic analyses of firearm incidents between 2006 and 2020 available to the research team. The NICC can be requested to perform a ballistics analysis on a firearm in the context of a court proceeding by a public official. Far from all firearm incidents are subjected to ballistics analysis and, occasionally, non-state experts can provide a (competing) ballistics analysis. This means that this database is far from a comprehensive analysis of all firearm incidents in Belgium.

We requested information and analyzed the database according to the following categories.

*Context of ballistics analysis.* A ballistic analysis is run in the context of a certain legal classification (detailed through the 'notitienummer'), including most importantly offences against the Weapons Act, various forms of armed robbery, threat, injuries and deaths by firearm, terrorism, family violence, violence against public authorities.

*Police zone.* The ballistics analysis is requested by an actor from within one of Belgium's 185 police zones (PZ). These can coincide with a town/city, be comprised of multiple towns or be part of a city.

*Weapon type.* The firearm is classified according to weapon type, including artisanal, carbine, machine gun, pistol, revolver, rifle, shotgun and submachine gun.

*Trademark, manufacturer and type.* The firearm is, when possible, classified under a certain trademark, manufacturer and sub-type. For instance, an FN GP-35 is a pistol of the trademark FN and produced by the Fabrique National de Herstal in Belgium.

*Calibre.* The calibre of firearm is determined, which is the internal diameter or bore of a gun barrel. This determines what type of ammunition can be fired from the firearm.

*Loading mechanism.* The loading mechanism of the firearm is determined, which can include single-shot, repeater, semi-automatic or fully automatic. The ballistics analysis also includes whether automatic firearms have a selector function to switch between automatic and semi-automatic firing.

*Legal classification.* The legal classification of the firearm is determined, which can include a firearm subject to license (classification 1), a firearm that is free-to-acquire (classification 2) and a firearm that is forbidden (classification 3).

*Modification.* It is determined whether the firearm has been modified in any way, which can include alarm\_transf (a modified alarm gun), caliber\_changed (the caliber of the firearm has been altered), canon\_crosse\_sciee (the butt and barrel are shortened),



canon\_scie (the barrel has been shortened), crosse\_sciee (the butt has been shortened), neutralized (the firearm has been neutralized), original (unmodified), reactivated (the firearm has been reactivated after been deactivated) and remontage (the firearm has been assembled).

The information afforded through this ballistics analysis is performed by experts and is thus highly reliable, where all sort of information can be connected to the context of the ballistics analysis. There are two major issues to bear in mind when using this database.

First, the a large group of ballistic analyses (47%) are requested under the heading of 'Offences against the Weapons Act.' This context signals that the firearm was held illegally or transported illegally. It does, however, not exclude that the firearm was involved in a different offense. It could be that the firearm was seized in the context of a drugs operation, but that the request for analysis was made under 'Offences against the Weapons Act'. It is impossible to gather which firearm analyzed under this context were actually complicit in other kinds of offences.

Second, not all offences are subjected to ballistic analysis, especially not when a public official finds this to be unnecessary or impossible. Public officials usually request ballistic analyses in order to connect a gun to a shooting, where the striae on various bullets or casings are compared. In cases where a firearm incident is believed to be unconnected to other incidents, it would be deemed unnecessary. This can happen predominantly in cases of domestic violence. In other cases where there would be no useable marks on the bullets or casings, such as with smoothbore firearms, a ballistic analysis will usually not be requested. Smoothbore firearms are typically held by hunters. This means that the (sort of) firearms analyzed ballistically go through a *selection process*, which can skew statistics towards certain types of firearms and certain contexts. For instance, we found that long guns were likely to be underrepresented as they can have a smoothbore; firearms that are encountered less commonly, such as forbidden or modified firearms, will be more likely to be submitted for ballistics analysis.

# 1

## Firearm Holdings in Belgium

### 1.1 Legal firearm holdings

Belgium's effective firearms law (in full: Law of July 8th, 2006 concerning the regulation of economic and individual activities with weapons), hereafter Weapons Act, was adopted in 2006 in order to domesticate the EU Firearms directive of 1991 (91/477/EC). The new law replaced the outdated and more lenient law of 1933. Although the process of enacting the Weapons Act had already begun in 2001,<sup>1</sup> it took until a fatal shooting in the Flemish city of Antwerp in 2006 to accelerate the process of adopting the new law. This incident sparked particular controversy because a young man could purchase a hunting shotgun upon the mere presentation of his identifying papers, a gun he used later that day to kill one woman and a toddler, and injure one more person.<sup>2</sup>

The new Weapons Act did not merely regulate firearms but all weapons. When we hone in on its relevance for firearms, we note that it made the conditions for acquiring and owning a firearm considerably stricter than before. Next to introducing several generic criteria for firearm possession, it also introduced an obligation for gun-owners to prove that they have a legal reason for possessing a firearm, such as hunting, sports shooting or collecting weapons.<sup>3</sup> The new law thus made prior authorisation mandatory to purchase certain firearms which were previously freely available, such as certain types of shotgun and sport weapons.<sup>4</sup>

The new Weapons Act introduced three categories of firearm:

- ⇒ those which civilians are prohibited from owning or using as they are purposed for military use (such as automatic assault rifles)
- ⇒ those for which no license is required (such as deactivated firearms<sup>1</sup> and alarm pistols)
- ⇒ those for which authorisation or a license is required (all other firearms).<sup>5</sup>

<sup>1</sup> An amendment to the law in 2019 made deactivated firearms in Belgium subject to declaration.

Before obtaining a firearm in the third category, prior authorisation must be obtained from the licensing authority.<sup>6</sup> The licensing authority will look at several generic criteria:

- ⇒ be at least 18 years old
- ⇒ not be convicted of a defined set of crimes
- ⇒ provide a certificate of good health, physically and mentally
- ⇒ prove their knowledge of the firearm legislation and of the use of firearms.
- ⇒ do not live with someone who objects to their firearm possession.

Applicants must also prove that have a legitimate reason, which include:

- ⇒ hunting and management of fauna
- ⇒ sports and recreational shooting
- ⇒ exercising a riskful profession
- ⇒ personal defence
- ⇒ the intention to start a collection of historical firearms
- ⇒ participating in historical, folkloric, cultural or scientific activities.<sup>7</sup>

The adoption of the new Weapons Act was in line with European Directive 91/477/EEC of the Council of the European Union (EU) of 18 June 1991, which regulates the acquisition and possession of weapons by civilian actors (hereafter, the EU Firearms Directive). The Weapons Act also called to improve the system of registering firearms in the Central Weapons Registry (CWR), centralise the executive powers regarding firearms in the person of the Minister of Justice and transfer the competency to issue such licenses from local police zones to provincial governors. All firearm-owners had to comply with the new rules and register their weapons if necessary. Those who did not fulfil the new rules or did not want to go through the regularisation procedures were offered the possibility of surrendering or transferring their – now illegal – firearms as part of a weapons amnesty which ran, after being extended twice, until October 2008, and in which at least 198.000 firearms were surrendered.<sup>8</sup> A large majority of these were surrendered in the northern part of the country.<sup>9</sup>

Given the new and improved system of firearm registration in Belgium, we can assess the levels of legal firearm possession in Belgium. With an estimated 7 firearms per 100 of the population in 2019, legal possession of firearms in Belgium is roughly around the EU average.<sup>10</sup> We do note strong regional differences in firearm possession across the different regions of Belgium: Wallonia, Flanders and Brussels.<sup>1</sup>

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<sup>1</sup> Belgium is a federal state that is made up of three regions, Flanders in the north, Wallonia in the south and the capital region of Brussels roughly in the center of the country surrounded by Flanders. The population is spread unevenly across these regions, with 58% in Flanders, 32% in Wallonia en 10% in Brussels.

**Table 1: Legal Firearm Holdings in Belgium, 2006–2019**

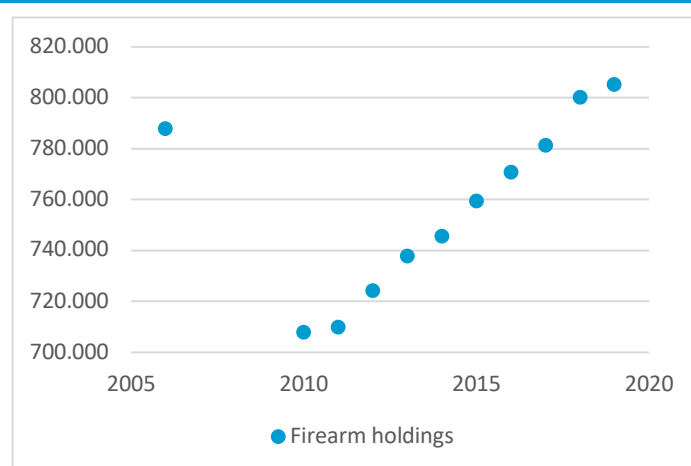
Registered firearms	2006	2010	2013	2016	2017	2018	2019
Wallonia	–	–	–	–	–	–	351,375
Flanders	–	–	–	326,018	323,694	335,866	335,210
Brussels	–	–	–	–	–	–	76,754
Proof House	–	–	–	–	–	–	41,809
<b>Total</b>	<b>787,858</b>	<b>707,869</b>	<b>737,971</b>	<b>770,644</b>	<b>781,419</b>	<b>800,301</b>	<b>805,148</b>

Sources: de Labbey (2021),<sup>11</sup> Cops & Duquet (2020),<sup>12</sup> Duquet & Van Alstein (2012),<sup>13</sup> Duquet & Van Alstein (2011)<sup>14</sup>

On 1 August 2019, 805,148 firearms<sup>I</sup> were registered in the CWR, which is the national repository that keeps records of registered firearms in civilian possession.<sup>15</sup> These are spread unevenly over the population, with at the time, 44% registered in Wallonia (9.8 per 100 of the population), 42% in Flanders (5.1 per 100 of the population) and 10% in Brussels (6.4 per 100 of the population)

The levels of registered guns have fluctuated over the years. **Figure 1** shows their evolution since 2006.

**Figure 1: Legal firearm holdings in Belgium, 2006–2019**



Source: CWR

This figure shows first a steep decline in 2006–2010 after which the number of registered firearms increased annually by roughly 10,000 to 15,000. The 2006–2010 decrease can be attributed to the regularisation period that followed the adoption of the new Weapons

<sup>I</sup> This number includes 76,754 firearms which were stored at the national Proof House awaiting destruction.

Act in 2006. Previously free-to-own firearms had to be regulated through the proper licencing; numerous firearm owners decided to surrender their firearms rather than get the proper licencing.

When we compare the evolution of registered firearms to registered licenses, we note that the situation is rather different. In 2006–2010, we note that the number of registered firearms decreased impressively but the number of license holders increased by about 4% (from 393,704 to 409,062). This makes sense since numerous firearm owners did apply for proper licencing following the new Weapons Act.<sup>16</sup> When looking at the most recent data, we note that the number of active firearm license holders in Flanders alone has doubled in 2010–2019 (from 41,986 to 94,947), which is mostly due to the increasing popularity of sports shooting.<sup>17</sup> The increase in license holders is stronger than the increase in registered firearms, which means that the average number of firearms per license is decreasing: more individuals own a firearm, but firearm owners tend to own fewer firearms (in 2019, the average Flemish firearm owner kept 3.5 firearms).

Privately-owned firearms are usually imported into Belgium by arms dealers. The Flemish department that coordinates strategic goods (*dienst Controle Strategische Goederen* (dCSG)) oversees and grants the licenses for these imports. Their data suggests that the number of licenses for the import of firearms, munitions and essential components had more than doubled between 2005 and 2018 (from 228 in 2005 to 481 in 2018). The value of licenses for importing firearms and ammunition increased markedly between 2005 and 2018 from €1,3 million in 2005 to €10,3 in 2018 for firearms and €1,7 million in 2005 to €24,6 million in 2018 for munition. However, this does not mean that there imports are actually that much higher since one can acquire a license to import a certain value of firearms but not actually import that many firearms. Recent research shows that the actual imports are significantly lower than the amount licensed by dCSG.<sup>18</sup>

Firearm ownership in Belgium is driven primarily by hunting, sports and recreational shooting; with sport shooting being more prominent in the north and hunting more prominent in the south. **Table 2** below gives an overview of the types of license registered in the CWR, excluding firearms stored at the Proof House awaiting destruction.

**Table 2: Firearms by type of license in CWR (1 August 2019)**

License	Flanders	Wallonia	Brussels	Total
Recreational and sports shooting	129,470	101,610	9,037	240,117
Hunting and management of fauna	74,635	79,174	7,059	160,868
Other license <sup>1</sup>	66,795	83,607	5,261	155,663
Service weapon, government	20,689	18,228	46,586	85,503
Old defence and war weapons	18,289	50,850	4,821	73,960
Collection	24,880	16,837	3,360	45,077
Historical, folkloric, cultural activities	311	987	38	1,336
Negligible (risk activities, scientific activities, self-defence, private security)	141	82	592	815
<b>Total</b>	<b>335,210</b>	<b>351,375</b>	<b>76,754</b>	<b>763,339</b>

Source: CWR<sup>19</sup>

The main types of license granted to firearm-owners in Belgium are for recreational and sports shooting (31%) and hunting (21%). Service weapons registered by government actors such as law enforcement agencies (excluding the armed forces) represent 11% of all firearms registered. Firearm collections represent 6% of all licenses.<sup>20</sup>

What this table shows is that some firearms are registered in the current system under categories which no longer exist. Under a license for old defence and weapons of war 73,960 firearms are registered, which represents 10% of all firearms registered. This category of firearms, which existed under the previous legislation, was, however, deleted with the adoption of the Weapons Act in 2006. Similarly, although the HFD list of firearms was deleted in 2013, some 1,336 firearms (0,2%) are still registered in the CWR as firearms with a historic, folkloric or decorative character. The category 'other license', which represents 20% of firearms, also holds a number of types of licenses past their expiration date. Three factors can explain how such a large amounts of firearms are registered problematically.

<sup>1</sup> The CWR also records certain categories of firearm without providing information on the motive for which they are held, which we classified under 'other license' for the purposes of the analysis above. These licenses are: possession without ammunition, no motivation old CWR, found weapons, one-year license under the new Weapons Act, model 6 other, article 44.2 transition measures, seizure and voluntary surrender.

- (1) After the adoption of the Weapons Act in 2006, the provincial weapons administration in charge of the new registration of firearms was faced with serious administrative backlogs. Many firearm-owners who had applied for the correct authorisations did not receive their new documents immediately and their firearms remained registered under the former categories for several years.<sup>21</sup> In the meantime, it is unclear to what extent the administration has caught up with the backlog and reduced the delays. Neither is it clear how many firearms that were regularised by their owners in 2006–2008 are still incorrectly registered under former categories.
- (2) Some firearm-owners who held their weapons legally under the former legislation have not applied for a new authorisation or have failed to surrender their – now illegal – weapons. These firearms are still listed under outdated categories.<sup>22</sup> This implies that some of the firearms listed under these outdated categories are now held illegally. This creates the paradoxical situation that a firearm that is held illegally is registered in the national database.
- (3) Interviews with law enforcement officials suggest that the CWR database is inaccurate and outdated. A good number of firearms registered under outdated these categories could then in reality already be destroyed or regularized.<sup>23</sup>

There are marked regional differences in the types of license between the three Belgian regions. First, more firearms are registered under outdated categories in Wallonia than in the other regions. Two-thirds of the outdated category of old defence weapons are registered in Wallonia, as are three-quarters of the outdated HFD-listed firearms. Although there may have been some administrative delay in the registration of regularised firearms, it is likely that some of these firearms are now owned by people who failed to regularise their firearms in 2006–2008 and 2013. Second, more than half of the licenses for recreational and sports shooting are registered in Flanders (54%), whereas nearly half of the licenses for hunting are registered in Wallonia (49%). More than half of all service weapons owned by the police are registered in the region of Brussels (54%). Third, collecting firearms is more prevalent in Flanders than in the other regions. This suggests some regional differences with regard to gun culture.

Research has shown that the effective reason for owning a firearm can differ from the legal reason for owning a firearm. Although only 0.019% of registered firearms are under a defence license in Flanders (for a total of 65 firearms), a household survey conducted by the Flemish Peace Institute in 2019 showed that 13% of the firearm-owners that responded to the survey stated to own a firearm for self-defence or self-protection.<sup>124</sup> The survey also noted that an increased feeling of insecurity can affect a person's willingness to purchase a firearm. In the immediate aftermath of the terrorist attacks in Paris in November 2015 and in Brussels in March 2016, the number of requests for firearm authorisations increased significantly.<sup>25</sup> Although self-defence is legally

<sup>1</sup> Other differences concerned hunting (22% firearms officially registered for hunting in Flanders, as against 4.9% of respondents to the survey), collection (7% in the CWR as against 5.8% in the survey) and sports shooting (39% in the CWR against 41.4% in the survey). These differences may be explained by the fact that hunters, sports shooters and collectors tend to possess more than one firearm.

permitted as a reason for firearm possession in Belgium, very few people qualify for this legal reason as it is interpreted very restrictively. This can create an incentive for these people to turn to other legal reasons, such as sports or recreational shooting, for which it is easier to obtain a license. For those who feel insecure and wish to protect themselves with a firearm, membership of a shooting club is often the easiest route to legal possession.<sup>26</sup>

The Belgian firearm sector consists of a limited number of manufacturers and a larger group of arms dealers. The main manufacturer of firearms is FN Herstal, which specialises in the export of military firearms to law enforcement and armed forces. In addition, a number of smaller artisanal workshops specialise in the manufacture of firearms, mainly luxury hunting weapons.<sup>27</sup> Data from the Ministry of Economic Affairs indicated that there were 121 retailers dealing in firearms in Belgium in 2019. This number had decreased from 144 in 2008.<sup>28</sup> These dealers have diverse profiles. A small number of specialised arms dealers focus on the market for the armed forces and the law enforcement agencies. Most Belgian firearms dealers, however, focus on the civilian market. These dealers specialise in firearms for hunting and recreational and sports shooting. Some dealers are also dedicated to the trade in historical weapons and a small number of retailers deal in weapons for collectors.<sup>29</sup>

Legal firearm holdings in Belgium are thus, in conclusion, regionally diverse. With the south more saturated with firearms primarily for hunting, the north has a firearm culture mostly centred around sport shooting. Firearm registers appear to be less up to date in the southern part of the country, where more firearms are found in outdated categories.

## 1.2 Illegal Firearm Holdings

Legal firearm holdings are only one part of the story. There are an unknown amount of firearms held illegally in Belgium. We begin this chapter by outlining how these slowly became a policy issue in Belgium. After this, we turn to estimates of the scope, characteristics and sources of illegally held firearms in Belgium.

### 1.2.1 Attention to Illegal Firearms in Belgium

Illegally held firearms and firearm trafficking became a policy focus in Belgium mostly over the last decade. The attention given to that phenomenon appears to be event-driven. Certain violent events, especially in 2010–2011 and 2015–2016, caused for legislative, policy and policing changes to the way illegal firearms were treated. In this section, we will give an overview of those changes in order to understand Belgium's peculiar rapport to the illegal firearms market.

We begin by outlining the actors involved in seizing and registering illegal firearms in Belgium in **Box 4**.



#### Box 4: Actors involved in registering illegal firearms

Multiple actors are involved in combatting firearm violence in Belgium, which they do from their own perspective. Most fundamentally, the local and federal police are charged with registering gun offenses and confiscating firearm that are held or used illegally. When a firearm is seized, they register this in their general national database (ANG) and the system that registers all pieces of court evidence (PaCos-database). Next to that, they are supposed to – although this is not done consistently – register the seizure in the Central Weapons Registry (CWR) using a document called a Model 10 (which is also used to communicate the surrendering of a firearm).

During the ensuing legal procedure, the firearm(s) can be submitted to ballistic analysis by the prosecutor or the judge overseeing the investigation. This is often done at the request of a police officer. This can be done by the National Institute for Criminalistics and Criminology (NICC) or a private expert. This analysis not only compares the striae on the bullets and cases to a large database, but it also gathers information about the firearm (such as type, brand, caliber, whether it is modified in any way, etc.). If the procedure determines that the firearms is forfeit, it will be send to the Proof House in Liège for destruction (also called the CIP, or *Commission Internationale Permanente pour l'épreuve des armes à feu portatives*). This means that several databases – the ANG, PaCos, CWR, NICC database, CIP database –register a firearm involved in a legal procedure, but do so from their own perspective and can offer complementary data. However, because the information is then also spread over various databases, this offers problems with regard to developing a comprehensive view with regard to all problems concerning firearms in the country.

Different police officers are involved in policing firearm violence. Belgium has a unitary police that is structured both locally and federally. There are a total of 185 local police zones, which can consist of one town/city, part of a city or multiple towns. At the federal level, there is one centralized office (the *Commissariaat-generaal*), which consists of the directory of the administrative (DGA), judiciary (FGP or DGJ) and managerial and information (DGR) police. The judiciary police has one central directory and twelve deconcentrated directories, one in each judiciary arrondissement. At the federal level, the judiciary police has a special directory, which is geared to combatting organized crime (DJSOC), which has a special subdivision that specializes in weapons (*DJSOC/wapens*). As such, there is, in principle, a structure to register and combat firearm violence.

Starting early in 2010, there were a series of criminal events involving military-grade, automatic firearms that sparked high levels of public outcry. In January, a police officer was seriously hurt by an automatic firearm while trying to stop a robbery;<sup>30</sup> in April, three masked men robbed a supermarket with automatic firearms;<sup>31</sup> in July, the police of Brussels intercepted two inhabitants of Liège travelling in a stolen vehicle with a Kalashnikov-type automatic rifle in their possession;<sup>32</sup> in August, two men armed with

Kalashnikov-type rifles robbed a supermarket in Kraainem.<sup>33</sup> The presence of Kalashnikov-type firearms can be traced to smuggling of conflict legacy firearms out of former Yugoslavia that made their way to the illegal firearms market after the economic crisis of 2008.<sup>34</sup>

Responding to these events, the Federal Government drew up an eight-point programme to deal with security in Brussels, including (1) a better tracking tool for lost, stolen and seized firearms; (2) a task force to fight illicit firearms trafficking by criminal groups in Brussels.<sup>35</sup> Belgium also made use of its presidency of the European Council at the time to formulate an European Action Plan against so-called 'heavy' firearms used in criminal activities. The Action Plan included three objectives, namely to improve the existing crime image, to strengthen cooperation between national and EU law enforcement agencies, and strengthen control over the sources of illegal trafficking.<sup>36</sup>

The focus on illegal firearms was heightened after a shooting at the Christmas market in Liège in December 2011. This event, the perpetrator and his firearms became a symbol of the country's problematic way of dealing with illegal firearms. The perpetrator had been convicted of a sexual assault in 2003 and received a two-year suspended sentence. In 2007, police raided his home in the context of a drugs operation, where they found a cannabis plantation, an AK47-type rifle, a MP40 machine pistol, a FN FAL assault rifle, a riot gun, several handguns, a rocket launcher, a silencer, large amount of ammunition and over 9,000 firearm parts. Given the nature and the quantity of firearms and firearm parts, it seems obvious that perpetrator trafficked in firearms. Yet, he was indicted only for illegal possession of firearms (next to drugs possession with the intent to trade). He would finally be convicted – including the suspended sentence – for 6 years in prison, where the initial case of illegal firearm possession (16 months) was later dropped by the appeal's court. The perpetrator's lawyer had argued that since a weapon's amnesty ran in Belgian at the time, he could not be convicted for illegal possession. He would be released early in 2010.<sup>37</sup> In December 2011, the perpetrator was summoned to appear for a police hearing in connection to a sexual assault. Instead of answering the summons, he had shot a 48-year-old neighbour and walked to the city centre in Liège, where he took up position on the roof of a building and started shooting and throwing hand grenades. He killed five individuals – two teenagers, a one-and-a-half-year-old toddler, a 75-year-old woman and a 20-year-old man – and injure 123 more. He was armed with an FN FAL assault rifle and a Smith & Wesson revolver. When one of his grenades exploded prematurely, he used the revolver on himself.<sup>38</sup> Police investigations revealed that the firearms were likely acquired on the illicit market. The revolver had been part of a gun shop heist in Verviers in 2009; the assault rifle was composed of several parts, and had been decommissioned by the Israeli army after which every trace of it went lost.<sup>39</sup>

This case became illustrative for Belgium's poor policy attention to illegal firearms and firearm trafficking. In his arrest in 2007, the perpetrator's collection of illegal firearms seemed to have been viewed as of secondary importance to his drugs trafficking. This event resulted in a number of policy and political changes. In March 2012, a Weapons Action Plan was adopted that included: (1) to establish a new committee to coordinate the fight against illicit firearms and firearm trafficking; (2) to scrap the HFD-list (which

will be done in 2013).<sup>40</sup> The national security plan 2012–2015 would include fighting firearm trafficking as an operational priority, which included improving the intelligence picture of illicit firearms trafficking and the misuse of heavy firearms in criminal activities.<sup>41</sup> In a confidential circular (COL 14/2012) issued by the Minister of Justice and the Board of Public Prosecutors at the Courts of Appeal, further priorities for the judicial approach to illicit firearms trafficking were set out aiming to improve the operational and tactical intelligence picture, improve information-sharing among the police and with the public prosecutor's office, and a better division of roles and responsibilities in the fight against illicit firearms trafficking.

The fight against illicit firearms trafficking was given a new impetus after the 2015 Paris attacks and the 2016 Brussel terrorist attacks. Several studies have shown how the firearms that were used in the Paris terror attacks were acquired on, or had passed through, the Belgian illicit firearms market. The same appeared to be true for the foiled terror attack on the Thalys train in August 2015 and the shooting between terrorists and police officers in Verviers in January 2015.<sup>42</sup> One political intervention included the parliamentary bill of 27 April 2016 that allowed phone taps in order to detect infractions on the weapons regulation.<sup>43</sup> Again, measures were taken to improve information-sharing between police, such as: an inter-federal advisory committee on illicit firearms trafficking;<sup>44</sup> a working group of police experts from the local and federal level;<sup>45</sup> a plan to combat radicalism, violent extremism and terrorism which specific attention for firearm trafficking (the 'kanaalplan').<sup>46</sup>

The fight against firearms trafficking remained a priority in the national security plan of 2016–2019 (still in effect today). With regard to firearms trafficking, this plan specifically aims to improve the monitoring of illicit firearm possession and trafficking in Belgium. Further key objectives were to enhance the expertise of the actors involved, their coordination and operational cooperation against illicit firearms. *To improve the intelligence picture*, the national security plan aspired to a better recording of registered, lost, stolen and seized firearms. It encouraged police to crosscheck their data with the CWR in order to identify points of diversion.<sup>47</sup> *To improve cooperation and expertise*, the national security plan encouraged the development of expertise and information-exchange in a more harmonised context of cooperation within the country and the EU. This included a (1) network of firearm experts within the police; (2) better exchange of information between all law enforcement agencies; (3) to use efficiently the existing European and international information-exchange systems and platforms, such as SIENA, iArms, EMPACT Firearms, the European Firearms Group, Europol and Interpol; (4) to harmonise national legislative frameworks with the EU Firearms Directive to close the legislative loopholes and variations that create opportunities for trafficking.<sup>48</sup> *To improve operational work against illicit firearms*, the national security plan proposed for the search of illicit firearms to be systematised (including through phone tapping). It also required better monitoring of legal firearms so as to detect and prevent diversion and, more specifically, non-regularisation.<sup>49</sup>

At the time of publishing this report, the government had not yet released a new National Security Plan 2022–2025. We cannot therefore judge whether illegal firearms will remain

a priority and, if so, where the focus will lie. The government agreement 2020 – which does not have legal weight – did name the fight against illicit firearms and drug-trafficking as one of the security priorities of the Belgian policies.<sup>50</sup>

### 1.2.2 Illegal firearm possession in Belgium

Estimates of illegal firearm holdings in Belgium are wildly divergent. They range from several ten thousands<sup>51</sup> over a good 100,000<sup>52</sup> to over one million.<sup>53</sup> When the Belgian government enacted the Weapons Act in 2006, they estimated a range between 1.5 and 2 million firearms in Belgium. At the end of the amnesty period, some 1.1 million were accounted for, which could mean that up to 900,000 firearms were held illegally. It is unclear how the Belgium government arrived at its estimates, but existing research does suggest that the levels of illegally held firearms are high in Belgium.<sup>54</sup>

The best proxy for estimating the scope of illegal possession in a national context is through detailed information on firearm seizures. Seizures are, however, an imperfect tool for two reasons. First, seizures can occur for different reasons, which need not necessarily refer to illegal holdings or trafficking. For instance, they can occur because of criminal misuse of legally held firearms or as preventive measures. Second, seizure levels are also a measure of policing activity as low levels of firearm seizures can signal low policy attention to illegal firearms.<sup>55</sup>

The normal procedure for a firearm seizure in the context of illegal possession is where the local or federal police will register a firearm offense against the Weapons Act in the national database (ANG) and the database for judiciary exhibits (PaCos). The latter allows for very detailed description, while the former has several problems with registering firearm offences. Looking at cases of illicit possession of a weapon, registered in the ANG, we can show its evolution in **Table 3**.<sup>1</sup>

<sup>1</sup> The numbers in the crime statistics are regularly, and occasionally retroactively, updated. This means that there can be some variance on the basis of when the statistics are consulted. The variances are however usually below one percent. We extracted the table on 20 October 2020.

**Table 3: Records of offences for possession of illicit firearms in Belgium (ANG), 2009–2019**

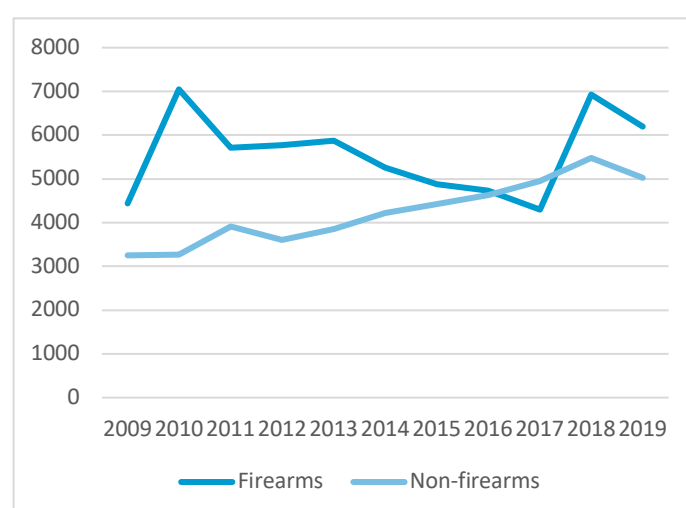
Records of illegal possession	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Firearms	4,443	7,047	5,772	5,773	5,876	5,260	4,886	4,735	4,282	6,796	5,925
Bladed weapons/ non-firearms	3,252	3,262	3,915	3,611	3,848	4,213	4,422	4,629	4,952	5,460	4,937
Ammunition	298	352	426	400	502	599	641	643	637	670	774
Parts/ components	44	67	66	60	77	64	80	71	65	99	123
Unknown type	271	497	225	168	226	103	129	137	135	198	453
<b>Total</b>	<b>8,308</b>	<b>11,225</b>	<b>10,404</b>	<b>10,012</b>	<b>10,529</b>	<b>10,239</b>	<b>10,158</b>	<b>10,215</b>	<b>10,071</b>	<b>13,223</b>	<b>12,212</b>

Source: Belgian Federal Police (2019)<sup>56</sup>

The above numbers represent cases of illegal possession, which implies at least one illegally held firearm. If we take the average of the last five years with data available, we get at least 5,300 registries of illegally possessed firearms in Belgium.

**Figure 2** shows the evolution of seizures in the period 2009–2019.

**Figure 2: Firearm seizures ANG, 2009–2019**



After the amnesty period of 2006–2008, police started to look more expressly for illegally held firearms, which could explain the peak in 2010. Generally, most registrations of illegal possession in the ANG occur in Wallonia and Brussels rather than Flanders. In

2019, for instance, most instances of illicit firearm possession were recorded in Charleroi (1,654), Mons (1,517), Liège (1,462), Brussels (including Brussels–Capital (1,200) and Brussels–Halle–Vilvoorde (916)), and Antwerp (954).<sup>57</sup> The types of firearms that were registered as possessed illegally were largely category C, or subject to license, firearms (88%), where category A, or prohibited, firearms made up only about 8% of cases. According to the police, most cases of illegal possession regard administrative violations rather than criminals contexts.<sup>58</sup>

Interviews with various (police) experts mention difficulties with the ANG regarding registering firearm offenses. First, not all firearm violations are registered in practice, especially when they occur in contexts that are considered to be more important (such as drug offences).<sup>59</sup> There might then not be a registration of illegal firearm possession, while a firearm is held illegally. Second, the quality of the registration is not guaranteed as this depends upon the expertise of the individual police officer. The federal police mentions a occasional lack of expertise and a large amount of incorrect registrations.<sup>60</sup> Third, the ANG, according to the police, is not particularly user–friendly as it is very difficult to connect guns, their origin and their possible connections with illicit firearms trafficking activities.<sup>61</sup>

Firearms can be seized for other reasons than illegal possession, including illegal use and preventive measures. Whenever a firearm is seized, the law enforcement officer assigned to the case communicates the seizure to the CWR with a document called ‘Model 10’ (the same document is used for a surrender of a firearm). The CWR can then be checked whether the firearm is held under a valid license or whether it is held illegally. The CWR holds information on all firearms that are held legally, lost, found or seized and can be checked by police officers. This means that, in theory, more firearms would have to be registered in the CWR as seized than the number that are registered in the ANG as possessed illegally. This is, however, not the case: the ANG registers a total of 56,758 cases of illegal possession of firearms in 2010–2019; the CWR only has, in that period, a total of 23,144 registered as seized. **Table 4** shows the firearms registered in the CWR as seized for 2010–2019 by firearm type.

**Table 4: CWR data on seized firearms, 2010–2019**

Types of firearm seized	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Long smoothbore barrel firearm	539	281	252	368	494	647	750	652	1,210	943	6,136
Long rifled-barrel firearm	304	296	238	305	460	585	757	779	1,056	819	5,599
Pistol	553	214	247	273	332	426	494	560	658	535	4,292
Old CWR	826	215	215	288	278	272	291	279	553	449	3,666
Revolver	364	126	138	173	242	288	308	294	355	318	2,606
Other	17	16	13	11	39	61	55	49	97	90	448
Machine pistol	20	4	5	5	19	17	20	56	53	21	220
Machine gun	3	3	5	0	4	14	11	23	31	21	115
Mixed weapon	3	2	7	6	6	4	13	9	9	3	62
<b>Total</b>	<b>2,629</b>	<b>1,157</b>	<b>1,120</b>	<b>1,429</b>	<b>1,874</b>	<b>2,314</b>	<b>2,699</b>	<b>2,701</b>	<b>4,022</b>	<b>3,199</b>	<b>23,144</b>

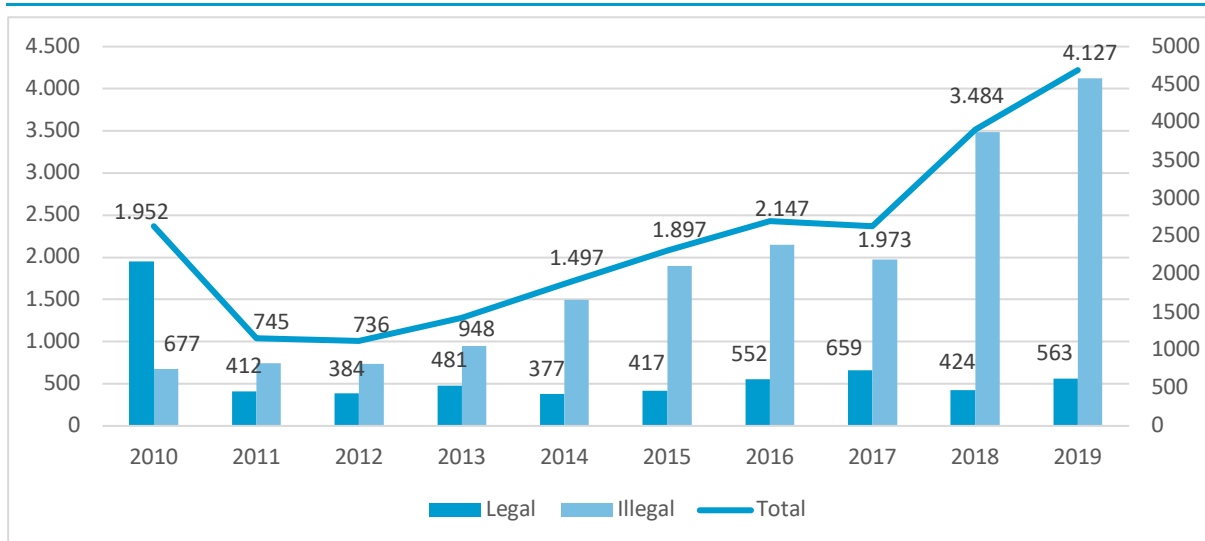
Source: CWR<sup>62</sup>

The CWR indicates that most firearms seized in Belgium between 2010 and 2019 were consistently rifles, including long smoothbore barrel firearms (27%) and long rifled barrel firearms (24%). Handguns represent another important share of seizures, with more pistols (19%) seized than revolvers (11%). The number of automatic pistols and rifles was very low. It is also noteworthy that firearms registered under outdated categories that were deleted with the introduction of the new Weapons Act in 2006 continue to be seized by the authorities. Of all seizures in 2010–2019, 16% involved firearms categorised as ‘old CWR’.

Next to the types of firearms, the CWR also registers whether the seized firearm was held illegally. The legal status of firearms seized over the years has undergone some peculiar evolutions, as evidenced from **Figure 3**.



Figure 3: Legal status of firearms seized CWR, 2010-2019



Source: Figures for 2010–2016 were retrieved from de Labbey (2021) and are based on a written communication with the Belgian Police.<sup>63</sup> Figures for 2017–2019 are from Van Quickenborne (2020)<sup>64</sup>

Four things can be noted about the evolution of the repartition of legal and illegal firearms.

- (1) 2010–anomaly and the sudden decline afterwards. The year 2010 is the only one with more legal than illegal firearms seized. What is more, after 2010 the total amount of firearms registered as seized in the CWR dropped from 2,629 to 1,157. That decline is wholly caused by a steep decline in legal firearms seized. The CWR only started to register illegally held firearms systematically from 2010 onwards. In 2000–2009, a total of 38 illegally held firearms were registered in the CWR as seized (and 6,554 legally held ones).<sup>65</sup> The high amount of legally held registered firearms might be a residue of this period where, at the time legally held, firearms surrendered during the amnesty were finally being registered.
- (2) After 2012, there is a consistent increase in the total number of firearms seized. As we discussed above, certain violent events caused increased attention to illegally held firearms after 2011, which resulted in increasing political attention to illegally held firearms.
- (3) The share of illegally held firearms increases consistently. This is likely caused by increasing attention to illegally held firearms (and less of a focus on abuses with legally held firearms).
- (4) Increases after 2017. There was an amnesty period in 2018–2019.<sup>66</sup> Many of the firearms surrendered would have been submitted to the CWR.

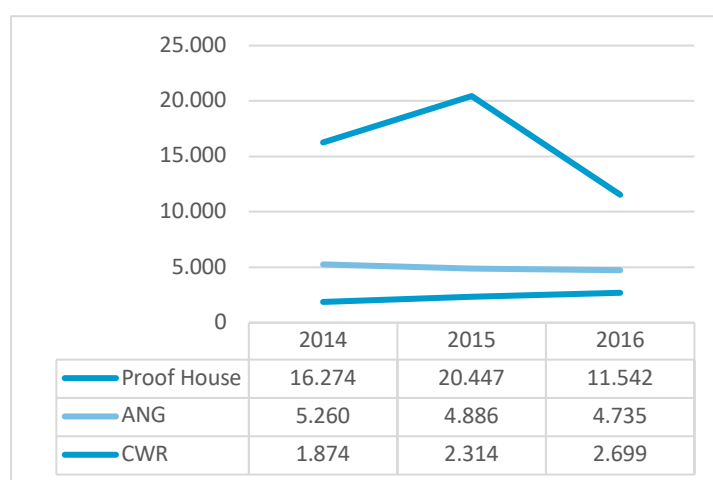
While the CWR testifies to several evolutions to policing firearms in Belgium, we note that only a small share of firearms registered as held illegally in the ANG are actually registered in the CWR. This makes it difficult to assess the scope and characteristics of illegal possession in Belgium. Comparatively, we can say – on the basis of a 2020 UNODC report – that Belgium had the seventh highest number of seized firearms (in absolute numbers) among the European countries that responded to the survey.<sup>67</sup> Most of the



countries ahead of Belgium in the list are significantly larger and higher in population than Belgium.

When a firearm is judged to be held illegally, it will be sent to the Proof House in Liège for destruction. We have data for the total amount of firearms destroyed by the Proof House in 2014–2016, which could also occur for other reasons (such as surrendered or surplus firearms).<sup>68</sup> The numbers are shown in **Figure 4** next to the amounts registered in the ANG as held illegally and the total amount of firearms registered as seized/surrendered in the CWR for those years.

**Figure 4: Firearms destroyed by the Proof House compared to data from CWR and ANG, 2014–2016**



When we compare the amounts from the Proof House with the ANG and CWR, we note the Proof House destroys many more firearms than are registered in the CWR. If we assume that all cases of illegal possession are registered in the ANG, then we are given to believe that each case concerns many firearms. There is, however, usually a delay on the destruction of a firearm, which can be stored for some time at the Proof House.

### 1.2.3 Illicit firearms trafficking in Belgium

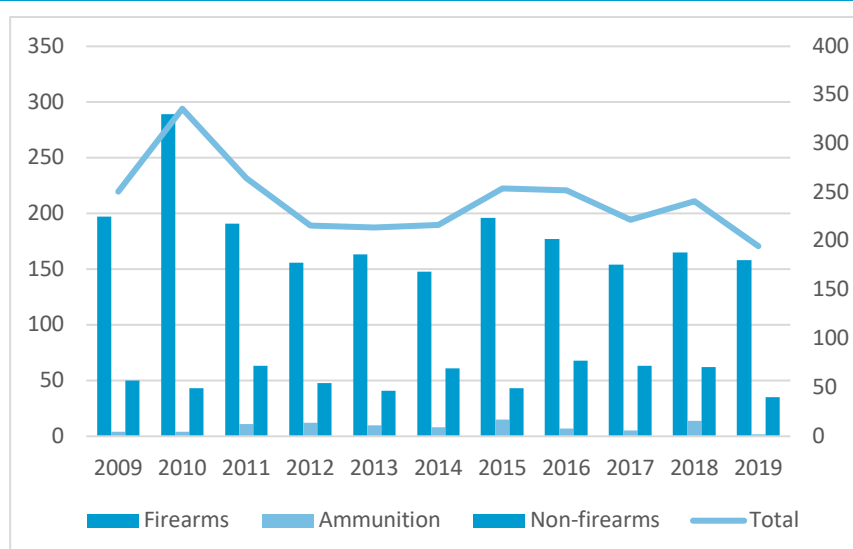
Various forms of illicit firearms trafficking make Belgium function as a source, transit and destination country for firearm trafficking. The three most abiding methods are smuggling, conversion and reactivation, but we will also discuss a number of less extensive methods of trafficking.

There is not a lot of detailed, publicly-available information to describe the scope of firearms trafficking in Belgium. For instance, data from the ANG and CWR do not allow us to determine the origin of a firearm or whether or not it had been modified. We requested ballistics data from the National Institute for Criminalistics and Criminology (NICC), which examines a firearm in more detail in the context of a court proceedings. These allow us to make some additional determinations on the topic of trafficking, but

these analyses represent only a fraction of firearms moving illicitly in Belgium. We can therefore not assess the scope of firearm trafficking determinatively in Belgium, but can say some things about its characteristics.

When we want to approximate a view of the scope of firearm trafficking, we can look at the police data on records of cases of illicit weapons trade in the ANG. There, we note that – with the exception of 2010 – the number of cases of illegal trade in firearms has been holding fairly steady between 150 and 200 cases per year (which can involve more than one firearm). **Figure 5** shows the evolution of the illicit trade in firearms, other weapons and ammunition.<sup>69</sup>

**Figure 5: Illicit trade in Weapons (ANG), 2009-2019**



Police statistics also indicate that illicit trade in weapons in 2010–2019 occurred mostly in Brussels – including Brussels-Halle-Vilvoorde (753) and Brussels-Capital (335) – as well as in the Walloon regions of Liège (321) and Namur (245), and in the Flemish regions of Limburg (315) and Antwerp (269).<sup>70</sup> Older studies suggest that the types of firearms involved in illicit trade tend to be those subject to license. When looking at the evolution of this, we note that the share of firearms subject to license is decreasing (from 82% in 2009 to 68% in 2015) whereas the share of prohibited weapons is increasing (from 9% in 2009 to 14% in 2015). A 2017 report by the Flemish Peace Institute clarifies that this increase in prohibited firearms reflects both an increased availability in military-grade firearms as well as an increased demand for these firearms in the illicit milieus in Belgium.<sup>71</sup>

It is important to note that many cases of firearm trafficking will be registered by the police as cases of illegal possession. The burden of proof for trafficking is significantly larger than that of illegal possession. Either of these will get the firearm ‘off the streets.’ Lack of firearm tracing and intensive attention to trafficking networks thwarts a comprehensive view of firearm trafficking in Belgium. We note that this is a complex

phenomenon that can take on multiple guises. In the Belgian context, we note predominantly smuggling, conversion, reactivation and a number of less extant modi operandi. We will describe these in turn.

### Firearm smuggling

Firearms can be smuggled into Belgium from outside (mainly Western Balkans) and inside (mainly Eastern Europe) the EU. These tend to be conflict legacy firearms, stolen firearms or military surplus firearms (ie firearms decommissioned by the military). There is a real possibility that new founts of firearms will be exploited in the near future, including conflict legacy firearms from Ukraine, North Africa and the Middle East.<sup>72</sup>

In Europe, firearm smuggling tends to move from South-East to North and North-West Europe. The smuggling routes for firearms tend to be the same as those for illegal drugs. Traffickers can take the land route via Slovenia/Hungary or the sea route via Italy, where relatively small amounts of firearms tend to accompany larger amounts of narcotics through a constant stream (so-called 'ant-trade').<sup>73</sup> Whenever firearms make it into the EU, it is deemed relatively easy to move them around within the EU.<sup>74</sup> Another port of entry is the Antwerp harbour, where shipments of drugs (mostly cocaine) can be accompanied by smaller shipments of firearms. This route is, however, used less intensively for firearm smuggling. According to customs data for 2014–2017, a total of 1,378 weapons were seized at custom location where firearms and ammunition represented a minority of seizures (respectively 3% and 9%), followed by tasers (10%) and bladed weapons (74%).<sup>75</sup>

We can get a view of the types of firearms that enter Belgium through smuggling by means of the NICC database of ballistic analyses. When we look at firearms that are in category A ('prohibited firearms'), we note a significant amount of fully-automatic pistols and rifles from former Yugoslavia (mainly Zastava), Romania (mainly Romtehnica) and Bulgaria (mainly Arsenal). The former one tend to be conflict legacy firearms from the conflicts in the Western Balkans, the latter two tend to be surplus firearms. These fully automatic firearms tend to stand out among ballistic analyses, as they are in original form ('Ballistics-Analysis'). Firearm trafficked through different means tend to be modified in some way (such as reactivated – see below). With regard to firearms subject to license, it is much more difficult to determine whether they were smuggled into Belgium or purchased legally.

### Firearm reactivation

Firearms can be reactivated in a number of ways: (1) firearms that have been deactivated improperly can be reactivated; (2) firearms that have been converted into acoustic expansion weapons (AEW) can be reconverted into live-firing firearms; (3) firearms that have been converted into Flobert-caliber firearms can be reconverted into higher-caliber firearms. After such deactivation, the firearms were subjected to no or fewer legal checks and could be sold fairly easily, especially in countries that were slow to domesticate the

amendments of 2008 and 2017 to the firearm directive. These amendments sought, among others, to address the trafficking in these firearms. Especially Czech and Slovak arms traders have been known to sell easy-to-reconvert or reactivated firearms.<sup>1</sup>

Firearm reactivation is known to take place in Belgium.<sup>76</sup> There are media reports of even small ‘businesses’ of firearm reactivation. In 2015, for example, the police seized more than 250 firearms, weapon parts and rounds of ammunition in Lennik (in Flemish Brabant) for which the owner did not have a license. These included handguns, semi-automatic rifles and assault rifles.<sup>77</sup> On several previous occasions, large stocks of unlicensed firearms had been discovered at his home. The police had suspected the man of years-long activities of reactivating deactivated firearms.<sup>78</sup> In 2017, 11 people from Liège and Verviers were found guilty in a scheme involving the illicit reactivation and assemblage of firearms. They would acquire deactivated firearms, reactivate them and sell them to unauthorised users. Some of them were former employees of the FN Herstal who would use their expertise and knowledge to reactivate the guns. Police found 100 handguns and rifles, approximately 1,000 pieces of ammunition and hand grenades.<sup>79</sup>

The ballistics database of NICC mentions this form of firearm reactivation as the most common form of firearm modification. In their ballistics database, the category ‘firearm reactivation’ refers to the reactivation of deactivated firearms only. A total of 211 reactivated firearms were analysed in 2006–2020, which were mostly pistols (78%) then SMGs (9%) then carbines and rifles (7%) and finally revolvers (3%). The most common trademarks for all categories (except revolvers, which is Smith & Wesson) are FN (Belgian) and CZ (Czech). These concern firearms that were inadequately deactivated in Belgium or Czechia. These firearms are subjected to ballistics analyses mostly in the context of offences against the Weapons Act (42%), organized crime (19%) and other criminal contexts, such as armed robberies (5%) and drugs (6%) (‘Ballistics-analysis’).

Illicit reactivation can also involve surplus firearms from Central or Eastern Europe that were converted into AEW.<sup>80</sup> In Slovakia, these firearms could be sold to adults upon the presentation of an identity card. For many criminals and weapons enthusiasts, it is, however, fairly easy to reactivate them. As a result, many firearms deactivated in Slovakia have circulated in the Belgian criminal underworld in recent years.<sup>81</sup> In 2021, Czechia has changed its law to curtail this problem and Slovakia followed suit in 2022. Some estimates put the amount of AEW and converted Flobert firearms that have been sold in this manner throughout Europe well above 10,000.<sup>82</sup>

Reactivated AEW would be registered in the ballistics database of the NICC as a transformed alarm weapon. This category, as discussed below, also holds original alarm weapons that have been converted to live-firing firearms. When we filter these from the analysis, we note ballistics analyses on particularly Czech firearms, usually the VZ 61 or

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<sup>1</sup> A fourth form of firearm reactivation that has not been observed in Belgium concerns fully-automatic firearms that are converted to fire semi-automatically only. According to the original version of the firearm directive (1991), these could be sold as subject to license. These could then be reconverted to fire automatically. The 2017 amendment determined that these firearms remain in their original category (ie prohibited firearms).

the VZ 58, that have been submitted for analysis from the area of Liège or Brussels, usually in the context of organized crime ('Ballistics-analysis').

Illicit reactivation of converted Flobert-caliber firearms has also been observed in Belgium. Flobert-caliber firearms are normally low-velocity firearms between 4mm-6mm in caliber, and are deemed to hold very few safety risks in some countries. Since these could be sold with little or no restrictions in some countries, some firearm dealers would convert surplus firearms into Flobert-caliber firearms. These could, however, be reactivated through reconverting them to higher-caliber, higher-velocity firearms. Such firearms are registered in the NICC database under the heading of caliber change, a category that holds some other kinds of modifications. When we focus on those firearms that are most likely reactivated firearms that were converted into Flobert-caliber firearms, we note that all of these are analysed in the context of organized crime and were submitted for analysis from the regions of Mons, Charleroi, Brussels and Antwerp. These concern a number of Glock pistols, ZVS Slovakian pistols (P20 en P21) and Czech automatic firearms VZ 58 and VZ 61. Most recently, a trend is observed in Europe were original Flobert firearms (often of Turkish brands) are converted into higher-caliber, higher-velocity firearms.<sup>83</sup>

### Firearm conversion

Firearm conversion refers to the act by which a blank-firing weapon is converted into a live-firing firearm. The most common way for this to occur is through converting alarm pistols into live-firing pistols. Belgium's Weapons Act states that alarm and signal weapons are free to obtain, but it follows the EU Firearm Directive in that certain alarm and signal weapons that are of such a nature that they can be converted using normal tools into live-firing firearms are to be regarded as firearms subject to license. The most common converted firearms in Belgium are Italian (Tanfoglio and Bruni) and Turkish (Zoraki), with the latter increasing precipitously in recent years.

The illicit conversion of alarm and gas pistols has shown a sharp increase in Belgium since the 2000s.<sup>84</sup> In the past, alarm pistols of Italian origin were often found in Belgium, especially Tanfoglio alarm pistols (more specifically the GT 28 model), which were often converted and used in certain branches of the Belgian criminal environment. The Italian company, however, stopped the production of the GT 28 model some years ago, precisely because they were frequently converted in various European countries.<sup>85</sup> The converted alarm and gas pistols currently encountered in Belgium are primarily manufactured in Turkey, such as the Atak Zoraki and Ekol ASI.<sup>86</sup> These weapons, which are often sold on the internet, are cheap and easy to convert.<sup>87</sup> Converted alarm pistols are often encountered in the drug milieu and among petty offenders. They are often converted by their owners, perhaps aided by training videos on the internet. In other cases, they are smuggled into Belgium and converted in workshops before being sold.<sup>88</sup>

While most police services claim that converted blank-firing firearms are on the rise in Belgium, it is quite difficult to estimate its scope for a number of reasons. One of the

reasons for this is that alarm pistols can be rebranded after conversion in order to increase their recognizability. These alarm pistols – even if not converted – are popular among street robbers as they are very difficult to distinguish from live-firing firearms. There have been 128 ballistic analysis on converted alarm pistols, most of which originated in Italy (84), Turkey (27) and Germany (17) ('Ballistics-Analysis').

### Other methods

Other ways of acquiring or trading illegal firearms that need to be mentioned are illicit manufacture, fraud, theft and the HFD-list.

The illicit production of firearms takes place in Belgium, although it is not considered a major source of illicit firearms trafficking. In 2010–2019, the Belgian police recorded 126 cases of the illicit production or repair of firearms. No information was available on the types of firearm involved. During the same period, there were 15 cases of the illicit manufacture or repair of ammunition and 12 cases involving components and accessories.<sup>89</sup> A possible emerging threat is the 3D-printing of firearms. Europol has warned that technological progress will make 3D printing widely available, and this will also offer opportunities for the illicit production of firearms. Because of the technical complexity of printing and the availability of relatively cheap firearms in Belgium, they did not believe – in 2015 – that 3D printing of firearms would soon grow into an important source of weapons.<sup>90</sup> While 3D printing of firearms has not been observed in Belgium so far, the exponential increase in cases of 3D printing – especially connected to right-wing extremism – might see this turn around soon. Recent cases in the UK, the Netherlands and Spain attest to this.<sup>91</sup>

Trafficking in firearms has been helped along in Belgium through fraudulent activities, by providing false information or forging documents in order to trade firearms. The police have pointed out the practice of people using forged transfer licenses to purchase firearms abroad and leak them onto the illicit firearm market. In 2015, for example, Belgian residents pretended to be certified firearms dealers and ordered firearms directly from a German manufacturer using forged documents. Around 200–250 firearms were diverted this way.<sup>92</sup> Licensed firearm dealers can play a role in fraudulent activities, often precisely because of their expertise in firearms and their knowledge of the legislation and procedures.<sup>93</sup> Although the exact scope of this (very discrete) phenomenon is unknown, there is the potential for many firearms being trafficked each year through fraud.<sup>94</sup>

Firearms that are stolen can also be offered on the illicit market. On average, the Belgian police record around 790 thefts of firearms each year.<sup>95</sup> The main types of firearm stolen in Belgium are pistols (34%), followed by revolvers (19%). Rifles (adding up long smooth-bore-barrels and rifled-barrels) represent 30% of all firearm thefts. Theft of military-grade firearms are negligible. The owners of some firearms which belong to outdated categories (eg recorded under the category 'old CWR') sometimes still declare them stolen to the police. Consequently, non-regularised firearms continue to circulate



in the illicit firearm milieu in Belgium. Although most thefts target private homes, they can also occur at other locations, such as shooting ranges or firearm shops. The theft of firearms from weapons manufacturers in Belgium has been a problem in the past. Firearms stolen from particulars are generally hunting weapons and can be found occasionally by police during public disputes or cases of domestic violence.<sup>96</sup> In the 2000s, FN Herstal was targeted by a gang of thieves, who stole at least three rifles, 15 pistols and tens of thousands of cartridges. They were sold to illicit users.<sup>97</sup> Nowadays, according to the FGP Liège, thanks to increased security measures, it is almost impossible to steal fully assembled firearms from the manufacturer, although they do not exclude the possibility of stealing smaller components and assembling them illicitly at home.<sup>98</sup> Burglaries at police stations or military barracks occur more rarely; they tend to involve handguns, assault rifles and ammunition. Several cases have been reported where dozens of weapons stored insecurely at police stations were stolen and sold among criminal circles.<sup>99</sup>

A final source of illegal firearms and trafficking in Belgium stems from a legal loophole in the 2006 Weapons Act, namely the list of firearms with historical, folkloric or decorative value (HFD-list). It was believed that firearms on this list were relatively rare and their ammunition was not available. One antique firearm concerned the Nagant 1895 revolver, designed by Léon Nagant and favoured in Russia of the early 20<sup>th</sup> century. It is believed that Nagant revolvers were involved in the assassination of Russian imperial family, Tsar Nicholas II of Russia, his wife and their five children by Bolshevik revolutionaries. The Russian наган (nagan) would become a synonym for revolver.<sup>100</sup> While ammunition for the Nagant 1895 revolver might not have been particularly prevalent in Belgium, the ammunition was readily available throughout Eastern Europe.<sup>101</sup>

This resulted in the situation that Nagant revolvers could be sold legally to anyone in Belgium, which is why many criminals from other Member States purchased these in Belgium (especially, Dutch criminals). In 2012, a person was shot dead in the Netherlands with a revolver of this kind. In 2013, the HFD-list would be scrapped and firearm-owners were given one year to surrender their firearms. About 6,000 firearms on the HFD list were regularised as part of this campaign compared to the many more of such firearms sold in Belgium between 2007 and 2013.<sup>102</sup>

These Nagant revolvers are encountered mostly outside of Belgium, but they are seized not infrequently in Belgium. According to the NICC database, 64 of them have been subjected to ballistic analyses in 2006–2020. Most of these analyses were done in the context of organized crime (31%), illegal possession (22%) and armed robberies (9%). Of these analyzed in the context of organization crime (in total: 20), 18 were seized in one police operation – a confiscation in Brussel sent in to the NICC in February of 2019. Over forty firearms were confiscated in this operation, most of which were reactivated – except for the Nagant revolvers ('Ballistics Database'). It is safe to assume that most of the Nagant revolvers sold legally in 2006–2013 are likely transported out of Belgium. They could be purchased rather cheaply (around €170) and one was in the possession of the perpetrator of the Hypercacher supermarket terror attack in Paris 2015.<sup>103</sup>

# 2



## The Scope of Gun Violence in Belgium

Guns are more than instruments of sport or hunting, collection or export items. They are uniquely suitable as instruments for all sorts of incidents: from administrative violations to illicit carrying over to accidental harm to threats and injuries so as to end in lethal events such as suicide or even homicide. In this chapter, we will discuss three forms of harmful events with firearms, excluding accidents, namely suicide by firearm, homicide by firearm and non-lethal firearm violence.

Our discussion of lethal and non-lethal gun incidents (excluding accidents) is based on four sources, namely mortality statistics, internal police statistics and analyses, ballistics analyses, and a media-analysis of gun violence in Flanders and Brussels for 2010–2020. These sources can complement each other, but they have to be approached carefully.

*Mortality statistics* can give us the most objective elements of gun violence in Belgium (scope, evolution, demography). We use official mortality statistics from Statbel and data – for Flanders – from the agency for care and health (AZG). This will also allow us to say more about the spread of gun violence across Belgium. These statistics do differentiate between cases of suicide, accidental death and homicide, but these assessments are usually made by medical professionals during autopsies and are not necessarily updated after a criminal trial. Also, a certain amount of cases of ‘justified killing’ (such as lethal force during police interventions) will be taken up as firearm homicide in these statistics, but are not cases of lethal gun violence.

A special division within the Belgian Federal Police – DJSOC weapons – ran an *analysis of gun violence in Belgium in 2019*, which is based on cases of gun violence registered in the national police database (ANG). While limited to just one year, this analysis is very reliable and helpful towards assessing gun violence in Belgium. Their analysis uses standard categories of police offences which, as we discuss above, do not always align with the terminology we use throughout this and the next chapters. Furthermore, the ANG is not well-suited to registering gun offences (as we will note throughout this chapter).



Our analysis of the *NICC database* offers insight into the kind of firearms that are used in various contexts of gun violence. During a criminal or a judicial investigation, the public prosecutor or the investigating judge may resort to using a ballistics expert. This expert analyses the weapons, bullets and/or cartridges found at crime scenes. For this report, we produced our own analysis of the ballistics data collected and processed by the NICC between 2006 and 2020. During ballistics examinations led by the NICC, all the technical parameters of bullets and shells found on crime scenes are listed by ballistics experts. The data are then compared to those of unsolved shooting incidents in Belgium (so-called ‘cold-hits’). To identify cold hits, NICC experts consult the ballistics database kept by the NICC, which contains a few thousand bullets and shells.<sup>104</sup> Moreover, if a firearm is found at a crime scene, police shoot a few test shots to compare the bullets and shells found (so-called ‘hot hits’). The Mechanical Department of Ballistics is also involved in restoring erased serial numbers.<sup>105</sup> The ballistics database our research team accessed for the purposes of compiling this report was at the time composed of 4,169 ballistics analyses conducted between 2006 and 2020. The NICC keeps data on different types of weapon but also on all components analysed, for example, crossbows, barrels, breeches or drilling – although in this report we focus on live-firing firearms. We have outlined the methodology for composing our analysis of these ballistics data in **Box 2**.

Finally, we find further information on gun violence by an analysis of *media articles* in the period 2010–2020 that mention lethal gun violence and for 2018–2020 for non-lethal gun violence. While this does not paint an exhaustive picture of gun violence, and is generally less reliable, it does offer information that is not readily available from other sources, namely context, location, motives, etc. we have outlined the methodology for composing this media analysis in **Box 2**.

## 2.1 Lethal firearm incidents

National mortality statistics for 2003–2017 show that gun mortality – both suicide and homicide – has declined impressively. **Table 5** gives an overview of all mortality by gun shot for that period.

**Table 5: Firearm-related deaths, Belgium, 2003–2017**

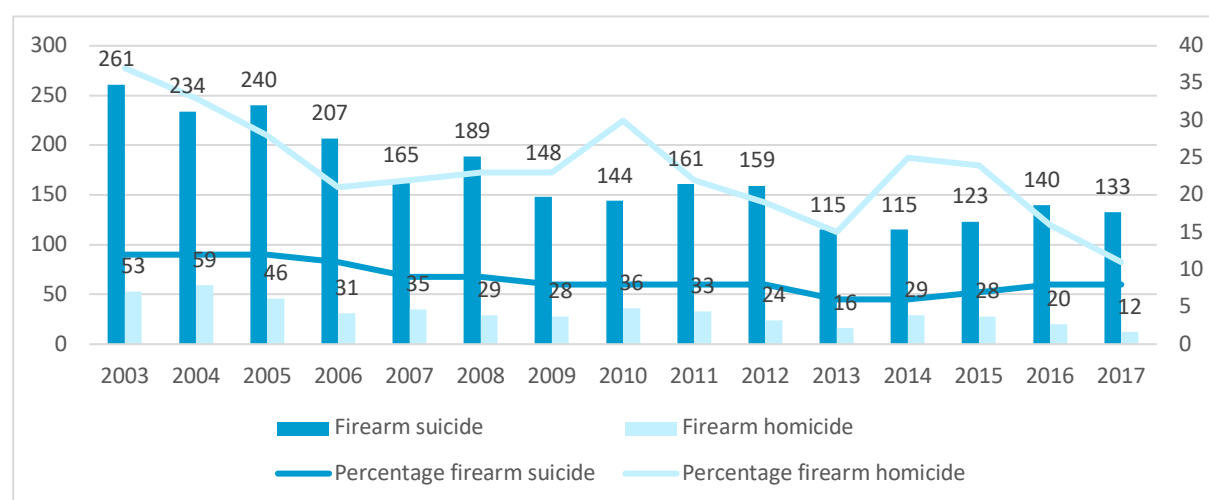
	Suicides		Homicides		Other		Total
	With firearm	Total	With firearm	Total	Death by gunshot, intent undetermined	Accident with firearm	Gun-related deaths
2003	261	2,091	53	144	-	-	330
2004	234	1,986	59	178	-	-	309
2005	240	2,028	46	163	-	-	315
2006	207	1,934	31	146	-	-	256
2007	165	1,856	35	157	-	-	210
2008	189	2,000	29	128	-	-	231
2009	148	1821	28	122	2	1	179
2010	144	1877	36	122	15	2	197
2011	161	1957	33	151	5	3	202
2012	159	1979	24	128	18	0	201
2013	115	1781	16	108	6	0	137
2014	115	1775	29	114	19	2	165
2015	123	1816	28	117	3	5	159
2016	140	1851	20	125	6	7	173
2017	133	1668	12	112	12	3	160
Total	1,238	16,525	226	1,099	86	23	1,573

Source: The figures for 2003–2008 are based on WHO data and were retrieved from Duquet & Van Alstein (2015),<sup>106</sup> the figures for 2009–2017 were retrieved from Statbel (2021)<sup>107</sup>

Total gun mortality has decreased from 330 firearm death in 2003 to less than half of that – 160 –in 2017. This decrease is mostly attributable to a decrease in gun suicides, which have halved over that time frame. After a strong and steady decrease during 2003–2007 (by 36%), the number of gun deaths fluctuated following an irregular but overall downward trend in 2008–2017 (by 31%).

Let us look at the evolution of firearm homicides and suicides vis-à-vis the total amount of homicides and suicides. **Figure 6** shows the evolution of firearm suicides and homicide, as well as the percentage of suicides of homicide committed by firearm in 2003–2017.

**Figure 6: (Firearm) homicide and (firearm) suicide in Belgium (Statbel), 2003–2017**



Source: The figures for 2003–2008 are based on WHO figures and were retrieved from Duquet & Van Alstein (2015)<sup>108</sup>; figures for 2009–2017 were retrieved from Statbel (2021)<sup>109</sup>

There is a overall decrease in suicides and homicides, but the decrease is more marked when it comes to firearm suicides and firearm homicides. Suicides with firearms and suicides overall have decreased in 2003–2017, but where suicides overall have decreased by 20%, firearm suicides have almost halved in that timeframe. Similarly, homicides overall have decreased by 22% while firearm homicides have decreased by 77%. Admittedly, there were very few firearm homicides in 2017, but if one takes the average amount of firearm homicides for the last three years with data, the decrease in firearm homicides is still 62%. This shows that lethal gun violence followed the downward trend of lethal violence, but at a much faster pace. Given that the population in Belgium has increased in that timeframe, the standardized rates of lethal firearm incidents has decreased even more impressively.

This means that while lethal incidents have decreased generally, the decrease is significantly more marked when it concerns firearm lethal events. Particularly of interest is the sudden acceleration in and after 2006, which likely does not coincidentally line up with Belgium’s introduction of the Weapons Act. One does have to approach this data cautiously, as it is based on medical statistics. In medical statistics, it can be difficult to ascertain whether the wounds are self-inflicted or other-inflicted, and whether the dead was intentional or accidental. Police statistics, for instance, mention a total of 1,627

deadly assaults in 2003–2017<sup>110</sup> while Statbel only mentions a total of 1,099 in that timeframe.<sup>111</sup> This would suggest that a number of almost 600 cases of lethal violence are likely listed as ‘unknown intent’ (other accident/suicide) in medical statistics that more properly belong under the category homicide. When we then look at the category ‘unknown intent’, which has 84 cases in 2009–2017, this could signal that up to 10 cases of firearm homicides would have to be added to the total number of firearm homicides each year, which – given the generally low amounts of firearm homicides – could have a fairly extensive impact on the statistics.

If we focus on Flanders, we notice that the decrease in firearm homicides has decreased more potently in this region than in Brussels or Wallonia. **Table 6** shows all firearm-related deaths in Flanders in 2000–2017.

**Table 6: Firearm-related deaths, Flemish region, 2000–2017<sup>1</sup>**

Year	Suicides		Homicides		Total mortality with firearm*
	With firearm	General	With firearm	General	
2000	110	1,774	24	70	138
2001	113	1,139	16	85	133
2002	115	1,100	20	76	136
2003	104	1,074	18	51	125
2004	101	1,085	32	90	135
2005	111	1,115	22	71	134
2006	76	980	10	57	89
2007	64	984	6	56	70
2008	64	1,027	7	51	73
2009	65	1,102	19	62	84
2010	50	1,066	17	53	57

<sup>1</sup> The total mortality rate involving a firearm also includes, besides suicides and homicides, a number of accidents (on average 1.3 per year during 2004–2017) and deaths in which the cause is unclear (on average 4.6 per year during 2004–2018).

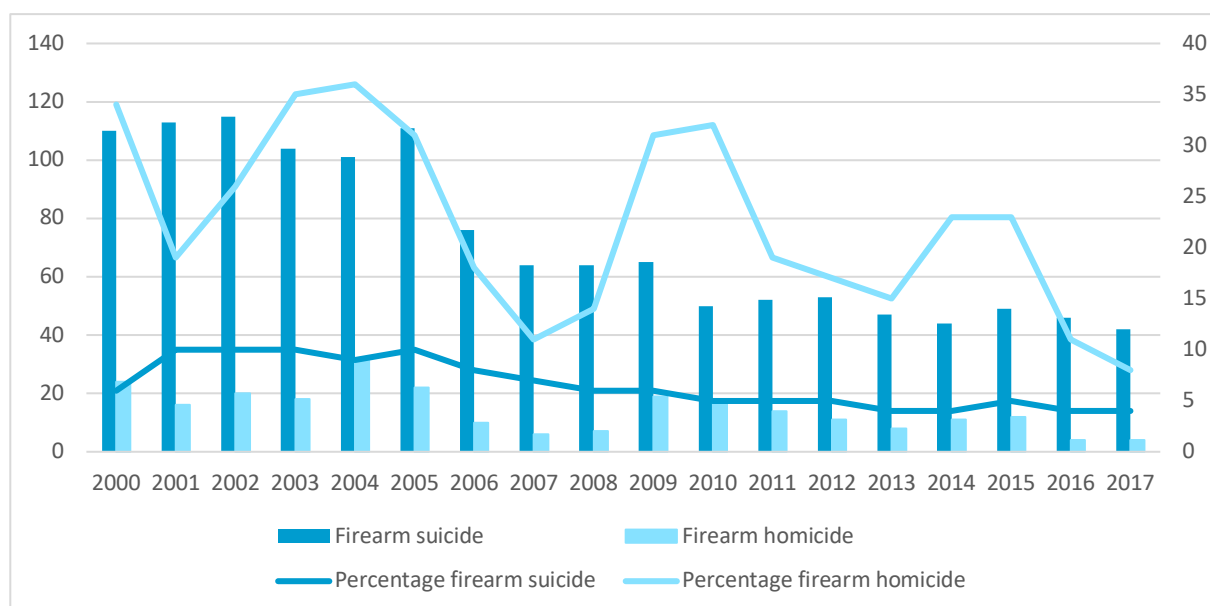
2011	52	1,152	14	75	67
2012	53	1,112	11	64	70
2013	47	1,052	8	55	56
2014	44	1,065	11	47	59
2015	49	1,050	12	52	63
2016	46	1,055	4	38	55
2017	42	978	4	49	53

Sources: The figures for 2000–2003 are based on data from the AZG retrieved from Duquet & Van Alstein (2015);<sup>112</sup> the figures for 2004–2017 were retrieved from the website of the AZG<sup>113</sup>

We note the same decreasing trend in (firearm) homicides and (firearm) suicides. While homicides have decreased in 2000–2017 by 30%, firearm homicides have decreased by 83%; while suicides have decreased in that period by 44% (a decrease mostly achieved between 2000 and 2003), firearm suicides have decreased by 62%. While there is thus less homicide and suicide generally in Flanders, the rates of firearm homicides and firearm suicides have dropped more impressively. Given that the population in Flanders has also increased in that timeframe, the standardized rates of lethal firearm incidents has decreased even more impressively.

**Figure 7** shows the evolution of firearm homicides and firearm suicides in Flanders, as well as their part in homicides and suicides generally.

Figure 7: (Firearm) homicide and suicide in Flanders (AZG), 2000–2017



Sources: The figures for 2000–2003 are based on data from the AZG retrieved from Duquet & Van Alstein (2015); the figures for 2004–2017 were retrieved from the website of the AZG

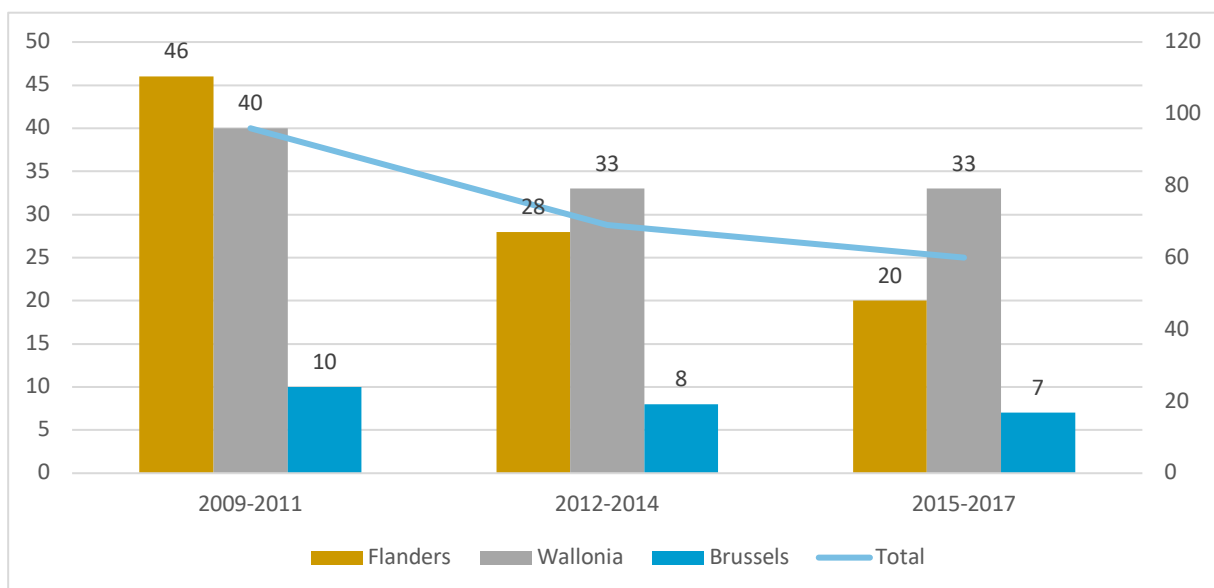
The number of gun deaths decreased by 47% during the period 2007–2012 compared to the period 2000–2005. After 2012, the decrease continued, but at a slower pace: by 18% during the period 2013–2017 compared to the period 2000–2005. While the annual number of firearm-related deaths stood at 801 in 2000–2005, it fell to 421 in 2007–2012 and 354 in 2013–2018. This decrease reflected a decrease both in the number of firearm-related suicides and in the number of firearm-related homicides.

The percentage of gun suicides in total suicides stayed at 7–9% prior to 2006 and then dropped below 5% afterwards. Every year, an average of more than 1,100 suicides are recorded in Flanders, among which 6% are committed with a firearm. The statistics show a remarkable decrease in the number of gun-related suicides during the period 2007–2012 compared to the period 2000–2005: from an average of 109 suicides by gunshot during 2000–2005 to 62 during 2006–2021. The decrease continued after 2011, with an average of 46 suicides by gunshots during 2012–2018. The total number of suicides decreased significantly between 2000 and 2018 (7%), but the decrease in gun suicides was even more significant (59%). Interestingly, the total number of suicides first experienced a decrease, before increasing again. Compared to the period 2000–2005, the annual average of suicides decreased by 13% in the second period, 2006–2011. It then increased by 2% during the period 2012–2018. In contrast, gun suicides experienced a strong decrease directly after the legislative change in 2006, and the decrease continued, although to a slower pace in the years after that. Compared to the period 2000–2005, the average number of gun suicides decreased by 43% during the period 2006–2011. It then decreased by 26% during the next period, from 2012–2018. Because of this specific timing (a strong decrease in gun suicides in the year following the 2006 legislative change), we

can conjecture that the change in legislation – which restricted legal access to guns – had a positive impact on the reduction of guns used in suicides in Flanders, perhaps even on the total amount of suicides.

When we compare firearm homicides in the different regions of Belgium, we notice that the decrease in firearm homicides overall is caused mostly by a decrease in Flanders. The numbers for Wallonia and Brussels are holding more or less steady, while the number of firearm homicides has more than halved in Flanders between 2009 and 2017.

**Figure 8: Firearm homicides in 2009-2011, 2012-2014 and 2015-2017**



Bron: AZG en Statbel

There are no final official statistics to describe lethal gun violence after 2017. When we look at lethal firearm incidents in 2018-2020 according to our media-analysis, we note a total of 17 mortalities by firearm violence in Flanders and Brussels – of which four occur in the context of police interventions ('Media-Analysis'). This would result in around five firearm homicides per year in 2018-2020, which is consonant with the amounts in 2016-2017.

There is another source of information for lethal firearm incidents in the year 2019, namely an extensive analysis of firearm incidents registered in the ANG by DJSOC/weapons. In that year, their analysis records only one case (and 34 attempts) of firearm homicides, with a total of three casualties, for the whole of Belgium.<sup>114</sup> The other cases from the media-analysis could not be located in the ANG. DJSOC/weapons offered the following explanations. Cases of mortality during police interventions will not be registered as homicides and police officers have to register a 'firearm' as a 'relevant object' in the ANG for it to be registered as a firearm homicide. The latter is often difficult – as discussed in chapter five – if there is insufficient information about the firearm at

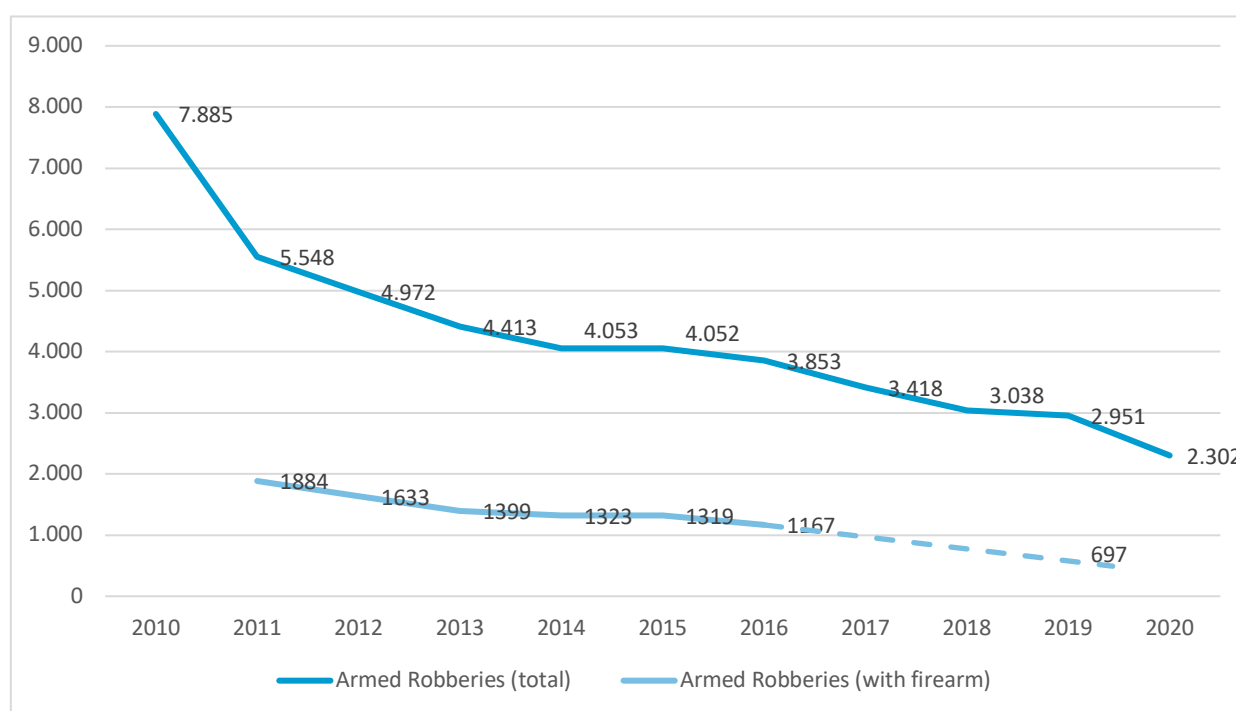
the time of registering the offense. All of this suggests that the scope of firearm homicide might be significantly larger than declared in police statistics.

## 2.2 Non-lethal firearm incidents

There are fewer sources to describe non-lethal firearm incidents. Such incidents concern events where firearms are used illegally without killing, such as to threaten (firearm threat) or wound (firearm injury).

One of the most extensive contexts of non-lethal firearm incidents are armed robberies. Official crime statistics on these in Belgium do not separate firearm from non-firearm armed robberies. It is therefore difficult to tell what proportion of armed robberies involves firearms. When we consult those statistics, we note that the amount of armed robberies has been decreasing steadily since 2010. Earlier analyses of gun use in armed robberies allow us to add armed robberies with a firearm in the years 2011–2016 and 2019. This is shown in **Figure 9**.

**Figure 9: Armed Robberies, 2010–2019**



Source: Belgian Federal Police, European Sourcebook of Crime and Criminal Justice Statistics and DJSOC.<sup>115</sup>

Belgian crime statistics do not disambiguate between armed robberies committed with and without a firearm. We located specific information in this regard in *European Sourcebook of Crime and Criminal Justice Statistics* (2011–2016) and from DJSOC/weapons (2019). Comparing this information, we note that the part of firearm robberies in armed robberies stays relatively stable in the range of 25–33%. DJSOC/weapons notes that most

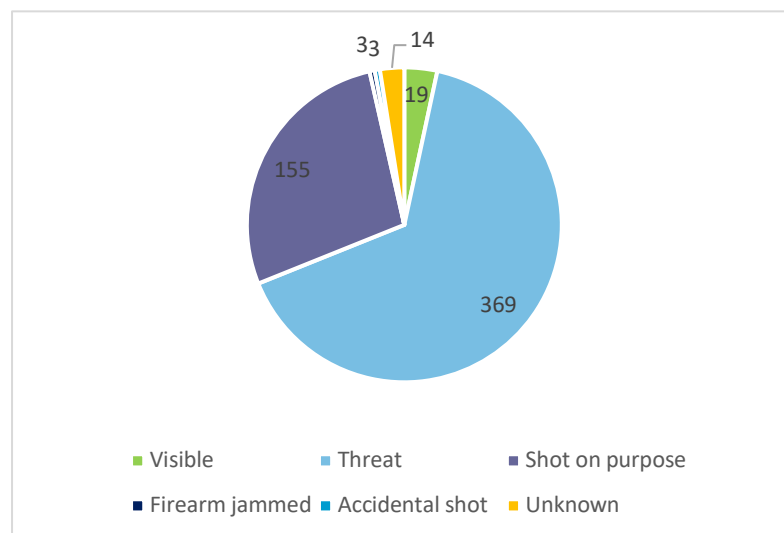


of the armed robberies with firearms are classified as aggravated theft (66%), then extortion (15%), car theft (6%) and burglary with a firearm (6%). Most robberies take place in low-profile target, such as convenience stores, pharmacies, gas stations, restaurant or bars.<sup>116</sup>

In order to locate the number of armed robberies that involved a firearm, one has to scan the ANG for all robberies that mention a firearm as a ‘relevant object.’ As we have noted in the above discussion of lethal violence, there can be a number of cases of lethal gun violence where the gun is not mentioned as ‘relevant object’ (for instance, when the gun cannot be registered easily). In order to register a ‘relevant object’ meaningfully in the ANG, one has to be able to add a serial number. When this is not known or present, it could be that the firearm is not registered as ‘relevant object.’ As such, the amount of armed robberies with a firearm could be, and most likely is, significantly higher than can be ascertained from a survey of the ANG.

While armed robberies are a major context for non-lethal firearm violence, they are not the only context. Based on our media-analysis for 2018–2020, we can show a rough distribution of the ways that firearms are used in non-lethal incidents. We have isolated 563 mentions of non-lethal firearm use in 2018–2020 that targeted a person. The use of the firearm is shown in **Figure 10**.

**Figure 10: Non-lethal firearm use, 2018-2020**



The media-analysis thus shows that the majority of cases of non-lethal firearm use are firearm threats (74%). Media reports have to be approached carefully when assessing the scope of incidents, as they are more likely to report on incidents that are believed to have high societal impact.

When we look at the legal category of firearm threats and injures, we can assess the non-criminal contexts in which these have occurred. If a criminal threatens another person during an armed robbery, this will be registered as a violent theft rather than a threat. This legal category thus holds totally different events than our media-analysis. We can gather information from the aforementioned DJSOC-analysis for 2019.

- ⇒ Firearm threats. There are 307 cases of firearm threats in 2019 registered in the ANG. Most of these occur in the context of domestic violence, public disputes or in the context of road aggression.<sup>117</sup> Very few of the cases are mentioned in our media-analysis, which sees firearm threats almost exclusively in the context of armed robberies. This suggests that firearm threats in the context of domestic disputes are seldom reported in the media.
- ⇒ Firearm injuries. There are 34 cases of firearm injuries ('slagen en verwondingen') in 2019 registered in the ANG. Only in 30 cases were the injuries inflicted by the firearm. This concerned almost exclusively short firearms. These occur mostly within the domestic context, but also in – both criminal and non-criminal – instances of taking revenge.<sup>118</sup> This roughly accords with our findings in our media-analysis (see next section).

# 3



## The characteristics of firearm violence in Belgium

Firearm violence has a number of distinctive features, discussed in this chapter, namely the victims of firearm violence, the locations and contexts of firearm violence, and the types of firearms used in different forms of firearm violence. In the next chapter, we will zoom in more closely on the contexts of firearm violence.

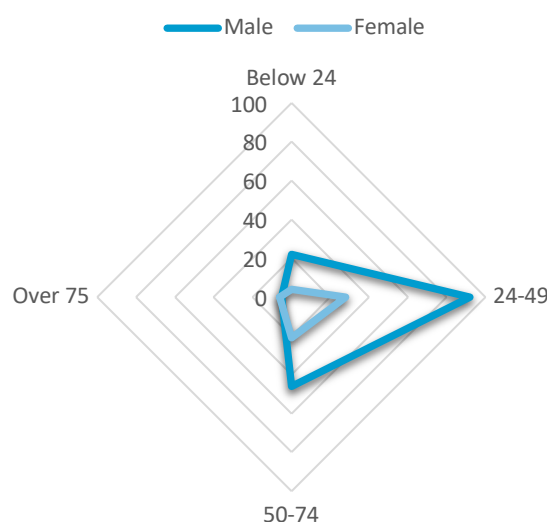
### 3.1 Victims of firearm violence

Young men (below 40) tend to be the primary victims and perpetrators of firearm violence globally.<sup>119</sup> This seems to apply to Belgium as well, even though a good portion of the victims of lethal firearm violence tend to be rather old. Older men tend to be victimized more in the context of domestic or other disputes while younger men tend to be victimized mostly in the context of criminal violence.

Mortality statistics from Statbel for 2009–2017 show a total of 1,238 suicides by gunshot in Belgium, with 95% of victims being men, and 226 firearm homicides, with 75% of the victims being men. For suicides, most of the victims were middle-aged (45–74 years old: 586 cases) with 25% between 25 and 44 years of age (326 cases) and slightly less than 25% above 75 years of age (275 cases). Young victims were rare in comparison (51 cases, or 4%).

If we focus on firearm homicide, we get a somewhat different picture. **Figure 11** shows the age and gender repartition of firearm homicide victims.

Figure 11: Age and gender of firearm homicide victims, 2009-2017



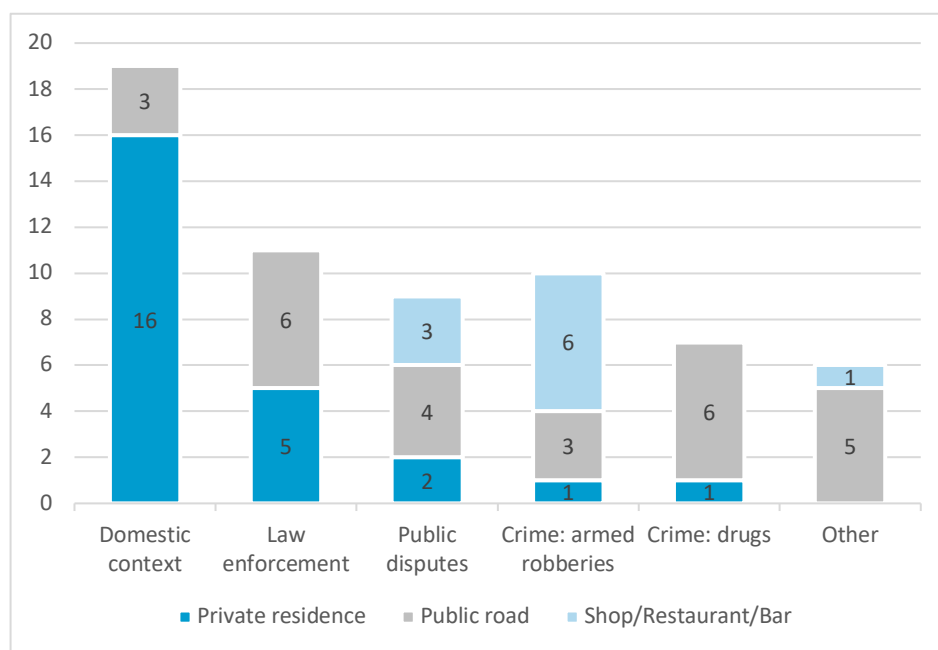
This shows that (1) women are relatively more likely to be victimized by gunshot than to commit suicide by gunshot; (2) that the victims of firearm homicide are generally younger than those of firearm suicide. Based on the data from Stabel, we notice that victims are generally more likely to be male and young in Brussel (80% of victims were male, and 70% was between 25 and 44 years old).<sup>120</sup> While there are generally more homicides and suicides in Flanders (9,610 in total) compared to Wallonia (6,720 in total) and Brussels (1,294 in total) in 2009–2017, there are significantly more gun homicides and suicides in Wallonia (836 in total) than in Flanders (577 in total). This surplus of gun lethality in Wallonia is accounted for by higher rates of gun ownership. This is especially evident with regard to higher rates of firearm suicide.

### 3.2 Contexts and locations of firearm violence in Belgium

We can proceed beyond the statistical information registered by the AZG to the cases of lethal gun violence identified by our media-analysis for 2010–2020. Normally, these would need to involve the same cases – barring mistakes by the media or incorrect registration by the AZG. This allows us to connect the more basic bits of information on gun deaths to the contexts and locations offered by media articles.

We conducted a screening of lethal gun violence incidents in 2010–2020 ('Media-analysis') and located 65 cases of lethal gun incidents totalling at 79 lethal victims (12 victims could be cases of legal self-defence). We were able to determine the context and location in 62 cases, which is shown in **Figure 12**.

**Figure 12: Context and location of lethal firearm incidents in Flanders and Brussels, 2010-2020**



Source: Media-analysis

The domestic context – construed broadly – is the most prominent context for lethal firearm incidents in Flanders and Brussels (30%) followed by the criminal contexts of drugs and armed robberies (27%), law enforcement (17%) and public disputes (15%).<sup>1</sup> The location of lethal gun incidents is connected strongly to its contexts: domestic incidents tend to occur in private residences; criminal incidents tend to occur in shops, restaurants and bars if they are robberies and on a public road if they are drug-related; public disputes, as a fairly broad category, can occur in a myriad of locations. Mind: a firearm homicide in the domestic context does not exclude the possibility that the perpetrator is active in the criminal milieu. In fact, it is easy to imagine that someone inflicts harm upon someone within his domestic circle by means of a firearm acquired for the purposes of certain criminal activities.

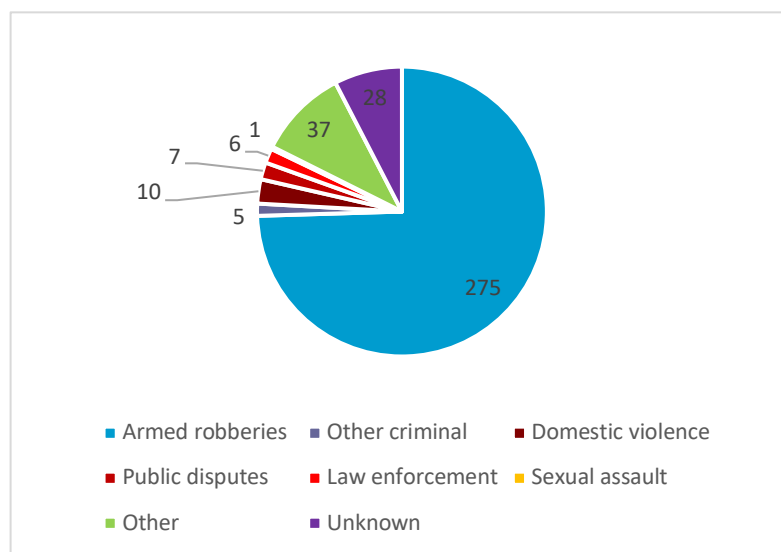
When we look at the evolution of cases throughout the years, we notice that the share of criminal lethal incidents decreases markedly from 32% of cases in 2010–2013 to 20% in 2017–2020. The share of domestic lethal incidents moves in the reverse direction from 24% of cases in 2010–2013 to 36% in 2017–2020. This is congruent with findings from other studies that suggest that lethal gun violence decreases more markedly in the EU in

<sup>1</sup> In 2010–2017, the AZG registers and our media-analysis found respectively a total of 78 and 63 victims of lethal firearm violence. This means that almost two individuals per year that die from firearm violence are not reported in the media. If these victims die in the same context, such as public disputes, it would have a very significant impact on the division in the main text. Since we have no information about these cases, we have to proceed on the basis of the information we do have. The context of 'other' is made up mostly by a singular terrorist shooting (four lethal victims) at the Jewish museum in Brussels in May, 2014.

the criminal context and less so in the domestic context. This is consistent with, among others, that the share of female victims increases while the share of male victims decreases.<sup>121</sup>

When looking specifically at non-lethal gun violence, we count a total of 563 cases which are made up of 369 firearm threats and 155 firearm injuries (we could not identify the consequence in the remaining cases). When looking specifically at the contexts of firearm threats, we note these happening predominantly (almost 75%) in armed robberies. This division is shown in **Figure 13**.

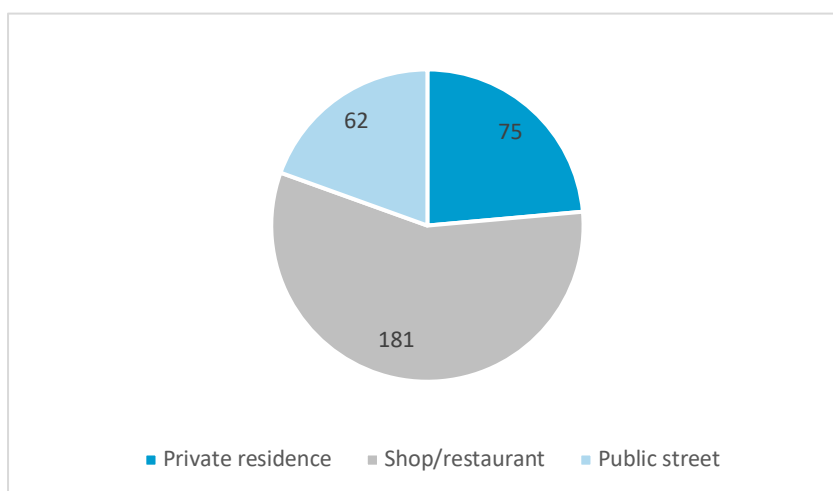
**Figure 13: Contexts of firearm threats in Flanders and Brussels, 2018-2020**



Source: Media-analysis

While lethal firearm incidents occur predominantly in the domestic contexts, firearm threats in that context – as reported by the media – are fairly rare. Yet, the police registry shows that the legal category of ‘firearm threats’ (which does not cover armed robberies) largely occur in the context of domestic and public disputes.<sup>122</sup> As such, we must assume that firearm threats in the domestic context are simply not reported as extensively in the media while lethal cases of firearm incidents in that context are reported in the media. Still, the high rate of lethal casualties in the domestic context does suggest that firearm violence in that context is significantly more deadly than firearm use in the criminal context. In **Figure 14** we show the locations of firearm threats, where we note that – where we could identify the locations – they are congruent with the contextual logic. That means, they occur mostly in more public places, such as streets and shops, rather than in private homes. When they do occur in private residences, they tend still to be linked to armed robberies (home burglaries etc.).

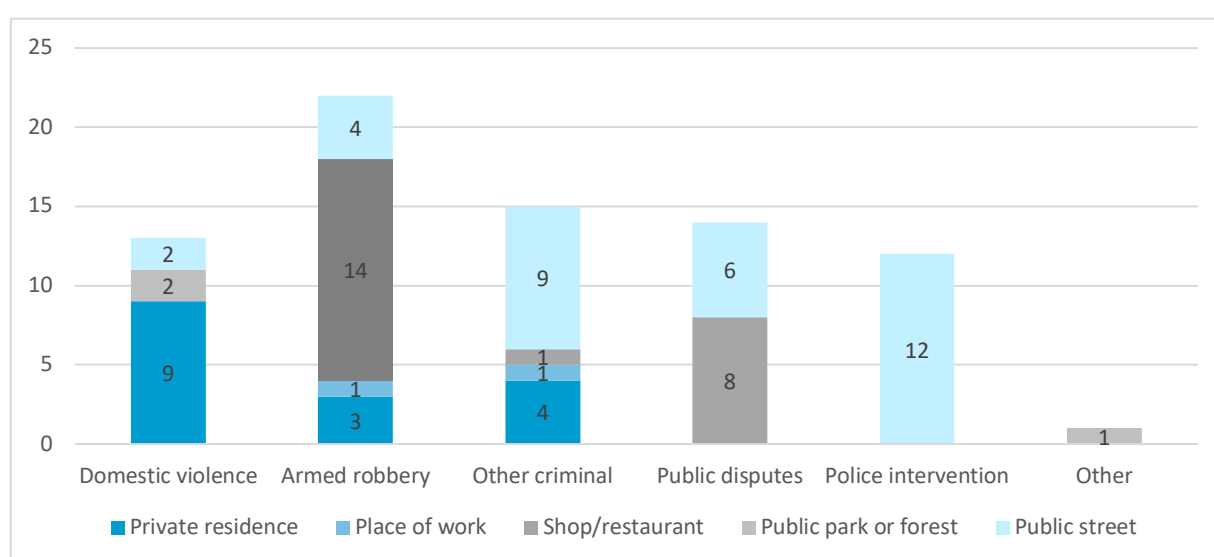
Figure 14: Firearm threats by location in Flanders and Brussels, 2018-2020



Source: Media-analysis

Since firearm threats in the domestic context, or between criminals, are not often reported in the media, this would suggest that the amount of firearm threats in private residences is likely significantly higher than shown in the figure above. We do note, however, that firearm incidents in private residences have a higher lethality than those occurring in shops, restaurants or on public streets. We can compare this information with information about **firearm injuries**, of which we have identified 155 cases causing a total of 197 injured persons, in Flanders and Brussels in 2018-2020. **Figure 15** shows the locations and contexts of firearm injuries (where both could be identified).

Figure 15: Location and context of firearm injuries in Flanders and Brussels, 2018-2020



Source: Media-analysis

This figure shows a marked difference between firearm threats and injuries. Whereas firearm threats overwhelmingly occur in public places in the context of armed robberies, firearm injuries are sustained in a myriad of locations and contexts. Firearm injuries are sustained respectively during armed robberies (29%) and other criminal activities (19%), in disputes public (18%) and domestic (17%), and during police interventions (16%). Admittedly, we were only able to determine the context and location of 77 out of 155 cases. A good number of cases where the context and/or location could not be determined are cases where a firearm injury is sustained but the victim does not offer information with regard to the origin of the injury. One could then speculate that this suggests either criminal activities or domestic violence.

What is noticeable about our discussion of threats, injuries and lethal violence is that the component part of domestic violence increases and criminal violence decreases as the violence gets more severe. This suggests that firearms are used by criminals in Belgium not primarily to kill or injure, but to threaten so as to facilitate criminal activities (robbery, drug trade, etc.). In the domestic context, firearms are then used not so much as to threaten, but rather to injure or even kill.

In rare cases, media articles make mention of some specifics about a firearm. This information is generally incomplete and highly unreliable. Better information about firearm typology can be gathered from our **analysis of the ballistics database of the NICC**, which covers the whole of Belgium and will be discussed in detail in the next section (section 3.3). However, this database could also be used to shine a light on the sort of contexts wherein a ballistics analysis is run. A ballistics analysis is usually requested through criminal proceedings by a district attorney (*procureur*) or a judge that oversees the criminal investigation (*onderzoeksrechter*), which is often in response to requests from the local or federal police. Ballistics analyses are usually requested so as to compare striae or linear grooves on the bullets to such grooves on other bullets. This ties a gun to an other offense. In cases where such a comparison is impossible (as with smoothbore barrel rifles) or unnecessary, a ballistics-analysis will rarely be done. This analysis will, however, register a wealth of other information about a firearm.

In the period 2006–2020, the NICC ran a total of 4.169 ballistics analyses of which 50% were sent in from Wallonia, 33% from Flanders and 17% from Brussels. The individual cities with the highest rates of requests for ballistics analyses are respectively Charleroi (18%), Brussels (17%), Antwerp (15%), Mons (10%) and Liège (10%). Some of these cities have official guidelines (such as Brussels in the context of the ‘Kanaalplan’), or a more general practice (such as Antwerp), to regularly or even always submit firearms used in firearm incidents for analysis. The context of analysis is mentioned in 3.421 analyses, which follows certain legal definitions formalized in standardized police report numbers. **Table 7** shows the division of ballistics analysis over the contexts.



**Table 7: Context of ballistic analysis in Belgium, 2006-2020**

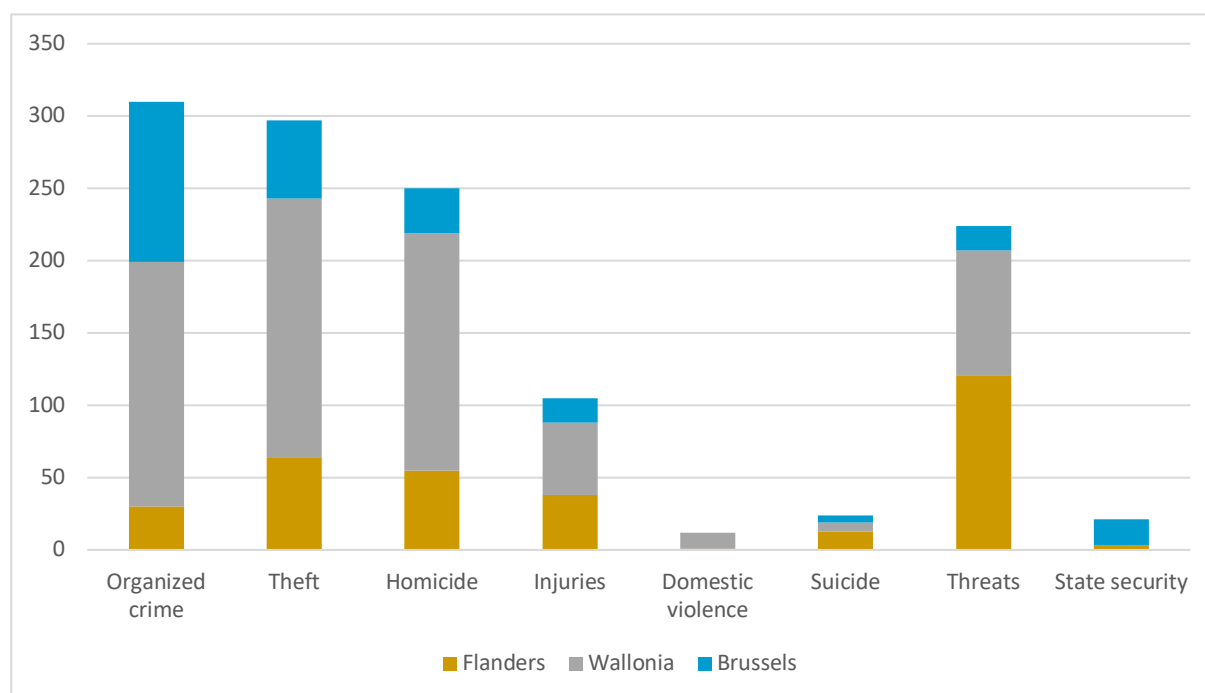
	Type of offence	Number of analyses
Infractions against the Weapons Act	Illegal possession, carrying or trade	1.615
Criminal violence	Organized crime	310
	Violent theft	232
	Aggravated theft	42
	Simple theft	18
	Domestic disturbance	6
	Drugrelated infractions	171
Threats, Injuries and lethality with a firearm	Homicide	300
	Suicide	24
	Injuries	105
	Threats	224
Terrorism	Terrorism	21
Domestic violence	Domestic violence	12
State Authority	Attacks of public authority figures	4
Other	Other	337
Total		3.421

Source: NICC-analysis

The predominant context for ballistic analysis is ‘infractions against the Weapons Act’ with close to half of the analyses. This category, however, is a sort of catch-all category where a firearm that is carried, held or used illegally can always be submitted for analysis. This does not mean that the firearm was not used in a different context, such as drug-crime or domestic violence. It is impossible to gather what part of these analysis actually do occur in other contexts. As such, we will disregard them throughout our analysis.

The contexts for ballistic analysis are not spread evenly across Belgium. As **Figure 16** shows, Wallonia has a much higher concentration of ballistic analyses in criminal contexts, such as organized crime and theft. Wallonia also has a much higher rate of ballistic analysis in the context of homicide. It is striking that only one in three firearm homicides in Flanders were submitted for analysis in 2006-2020 (93 out of 256). There is also a higher rate of analyses in the context of organized crime in Brussels (36% of all analyses)

Figure 16: Contexts for ballistic analysis per region, 2006-2020



Source: NICC-analysis

If we compare the data from our media- and ballistics-analysis with the aforementioned analysis ran by DJSOC, we confirm that most homicides and homicide attempts occur in the family context.<sup>123</sup> They note that handguns (pistols or revolvers) are used most often in homicides and homicide attempts (77%) compared to rifles and carbines (23%). Although the authorities were unable to seize most firearms in these cases, the police were able to check a small number of the firearms seized from crime scenes (seven firearms). Six of them were not registered in the CWR. This suggests that most cases of homicide and attempted homicide were committed with firearms which either did not require registration or that were owned illegally. Most homicides and attempted homicides occurred in Wallonia and Brussels, including five cases in Charleroi, four cases in Mons and three cases in the southern communes of Brussels (Anderlecht, Vorst and Saint Gillis). The perpetrators of homicides and attempted homicides were young adults. They were mainly aged 25 to 34 years of age.<sup>124</sup>

### 3.3 Firearm types

Neither official mortality statistics nor our media-analysis are particularly helpful in identifying the kind of firearms that are used in different forms and contexts of firearm violence. Rarely are firearms described in much detail, and reliably, in media rapports. Mortality statistics from the WHO do include a distinction between 'short' and 'long' firearms in homicide, but for Belgium some 91.8% of cases are unknown.<sup>125</sup> Instead, we

will rely almost entirely on our analysis of the database of ballistic analyses made available through the NICC ('Ballistics-analysis').<sup>126</sup>

The ballistic analysis allows us to gather information about the type, brand, calibre and origin of the firearm, connect this to a specific context for ballistic analysis and gather whether the firearm has been altered in any way. There were a total of 4,169 ballistic analyses in 2006–2020. Only a small amount of firearm incidents are subjected to ballistic analysis. Ballistic tests are expensive and time-consuming, and therefore according to the police of Liège, they are done more in more serious criminal contexts.<sup>127</sup> In court cases, some ballistics analyses are done by private experts and so not shared with the national ballistic database.<sup>128</sup>

We will first give a general overview of the types of firearms that were subjected for ballistic analysis on the basis of the context wherein they were submitted. This is shown in **Table 8**, which disambiguates the firearm types further with regard to context.

**Table 8: Types of firearm or bullets according to context, 2006–2020**

	Pistol	Revolver	Carbine	Shotgun	Rifle	Sub-machine gun	Artisanal	Machine gun	Total
Weapons offences	805	251	159	170	105	68	11	6	1,575
Organised crime	156	57	18	23	30	19	2	1	306
Violent theft	136	43	11	12	25	5			232
Aggravated theft	30	8	1	1	2				42
Simple thefts	7	7		1	3				18
Home violations	4		1	1					6
Drug offences	93	28	12	19	4	10		4	170
Manslaughter and murder	159	59	18	19	20	11	2		288
Suicides	16	3	3	2					24
Beatings and injuries	57	17	11	12	2	5			104
Threats	112	39	19	21	10	15	1	5	222
Offences against the state security (incl. terrorism)	6	3	5	3	3	1			21
Familial offences	3	2	4	1	2				12
Offences against public authorities	4								4

Total	2,010	681	408	405	254	176	19	22	3,975
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Source: 'Ballistics-analysis'

Handguns, and especially pistols, are generally the preferred types of firearm used in most firearm incidents (on average: 51%), most notably in aggravated thefts (71%), home violations and suicides (each 67%). We see relatively high revolver use in simple thefts (39%) compared to their average uses in other offences (17%). Long guns are not submitted for analysis often, and shotguns and carbines each only constitute roughly 10% of analysed firearms each, but they are analysed more in home violations (carbines 17% and shotguns 17%), offences against public security (carbines 24% and shotguns 14%) and, particularly, in family violence (carbines 33%). Again, it is important to note that certain types of firearms (smoothbore barrel) do not lend themselves to ballistic comparison and will not be sent in for analysis.

NICC data does not disclose whether the firearm was held legally or illegally, but it does show the legal classification of a firearm. As such, it shows whether a firearm was subject to license, freely obtainable or forbidden (or whether this is unknown). According to our analysis of the database, almost 66% of the cases in the database were firearms subject to license, freely-obtainable weapons were only 6% and forbidden firearms were 19% of the ballistic analyses (the remainder are unknown).<sup>1</sup> **Table 9** shows the legal classification on the basis of the type of firearm.

<sup>1</sup> That 19% of firearms subjected for ballistic analysis are prohibited, does not mean that almost one in five firearms would be prohibited firearms. It is very likely that prosecutors will be more inclined to submit prohibited firearms for ballistic analysis.

**Table 9: Legal classification of firearm types analysed by the NICC, 2006–2020**

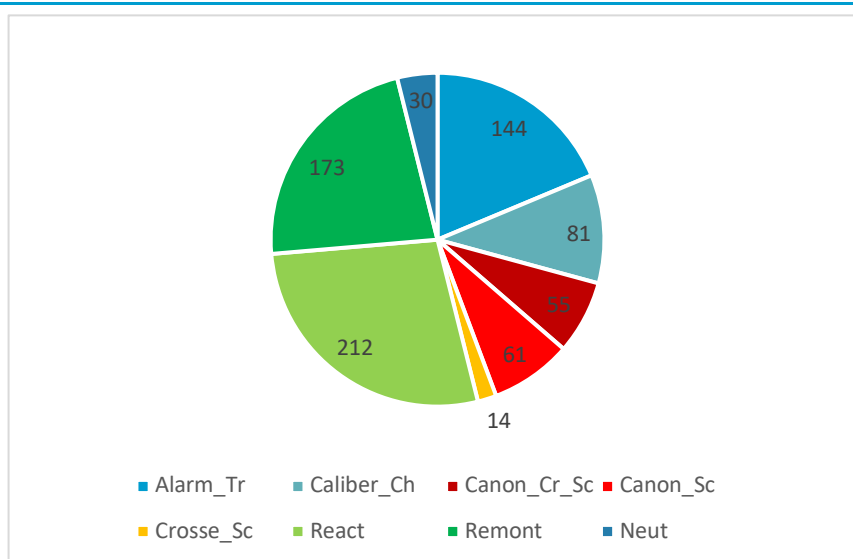
Legal classification	Artisanal	Carbine	Machine gun	Pistol	Revolver	Rifle	Shotgun	Sub-machine gun	Total
Authorisation	3	229		1,263	462	81	231	10	2,279
Freely obtainable		18	3	139	49	12	4	1	226
Prohibited	12	67	12	261	29	100	70	130	681
Unknown		47	6	193	99	19	55	18	437
<b>Total</b>	<b>15</b>	<b>314</b>	<b>15</b>	<b>1,663</b>	<b>540</b>	<b>193</b>	<b>305</b>	<b>159</b>	<b>3,186</b>

Source: 'Ballistics-analysis'

When we connect the legal requirement of firearms to the context, we find, unsurprisingly, that prohibited firearms are used most often in the criminal context: 29% in organized crime, 31% in the drug milieu and 48% in offences against state security. Freely obtainable weapons are relatively more prevalent in theft – aggravated (17%), simple (17%) and violent (12%) theft. Close to all of the firearms used for suicide (92%) were subject to license.

The NICC ballistics database also details whether a firearm has been modified in any way. We note that 82% of firearms had not been modified in any way. **Figure 17** shows the distribution of types of modification (based on 'Ballistics-analysis').

**Figure 17: Firearm modifications**



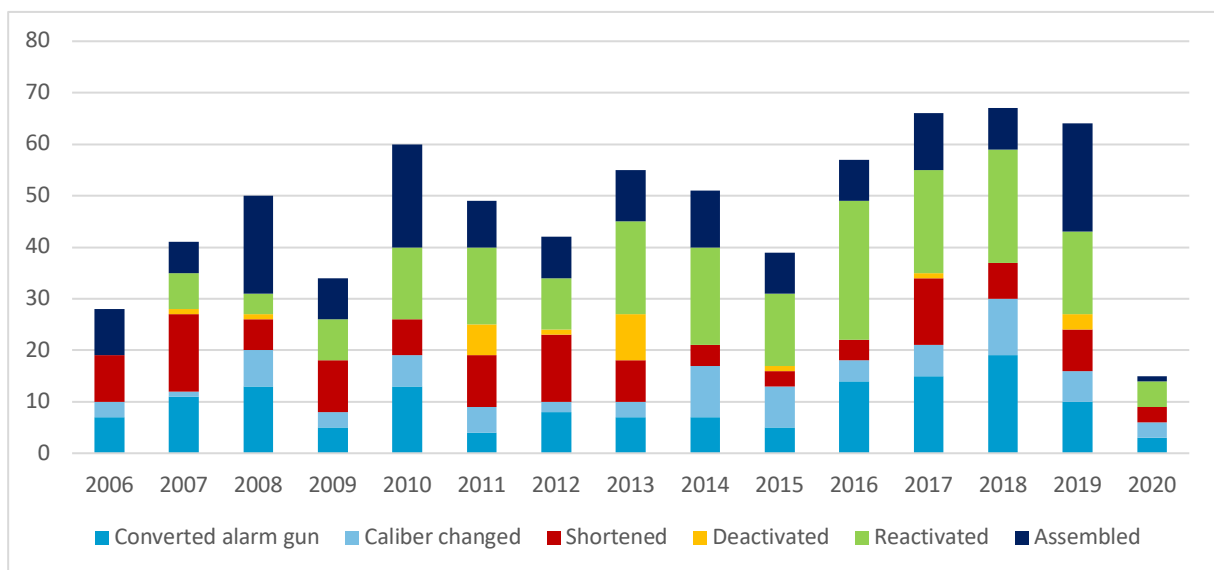
The most common modification (28%) are reactivated firearms (React), where a neutralized firearm has been so modified that it can, again, shoot. After this, firearm re-

assembling (Remont) is not uncommon (22%). Converting blank-firing, alarm guns (Alarm\_Tr) is also not uncommon (19%). The caliber of a firearm can be changed (11% of alterations), which can refer to the reconversion of converted Flobert guns (Caliber\_Ch). Next to this, there are various alterations to the firearms, such as a shortening of the barrel (8%), the butt (2%) or both (7%), which is usually done to facilitate the handling and hiding of the firearm.

Over 80% of firearms analysed by the NICC are unaltered. A majority of unaltered firearms originate in the United States or Belgium. Mind: a large part of these unaltered firearms are submitted to the NICC in cases designated as weapon offences. The prevalence of firearm modification is higher if we focus merely on criminal offences. For instance, in organized crime we note firearm reactivation twice as often as on average and assembled firearms are found almost twice as often in all sorts of thefts. Comparatively, in suicides or family disputes – although we do not have a large sampling of the latter – we note very few firearm modification.

The NICC analysed more cases involving a modified firearm from 2006 onwards, as shown in **Figure 18**.

**Figure 18: Evolution of types of modification made to firearms analysed by the NICC, 2006–2020**



Source: 'Ballistics-analysis'

The increase in modified firearms can be due to an actual increase in modified firearms or an increase in attention to the problematic of modified firearms. The above trends do follow, roughly, the European trends: reactivated firearms become more prominent from the early 2010s onwards; modified alarm weapons take off particularly after 2015.<sup>129</sup> There is no explanation for the small sampling of 2020.

Our discussion of the nature and characteristics of gun violence in Belgium allows us to add four intermediate conclusions. *First*, where lethal firearm violence is predominantly

committed in the context of domestic disputes, non-lethal firearm violence is overwhelmingly committed in the context of armed robberies and drug crime. Armed robberies are seldom injurious and even more rarely lethal; firearm violence in the context of drug crime tends to be more injurious. *Second*, there is a convergence of firearm availability and firearm violence. This is shown in two important ways. First, increased holdings of firearms in Brussels and Wallonia have resulted in increased gun violence in these regions. Second, typical firearm holdings in a domestic setting are also typically used in domestic violence. *Third*, young men tend to be victimized more by firearm violence, especially of the lethal kind. Insofar as crime represents a higher portion of lethal firearm violence, the more young men are victimized in lethal firearm violence. Women, generally, are victimized more in domestic disputes and have roughly the same chance of being victimized by firearm violence throughout their lives. *Fourth*, firearm modifications are particularly prevalent in criminal contexts, where firearm reactivation generates military-grade firearms that is performed mostly in organized crime; the conversion of alarm weapons is particularly prevalent in the context of armed robberies.

# 4

## Contexts of Firearm Violence in Belgium

Firearms are used differently in different contexts. We have noted above that lethal firearm violence in Belgium occurs mostly in the domestic context while non-lethal firearm violence happens predominantly in the criminal context. In the present chapter, we will look in more detail at the four most prevalent different contexts of firearm violence in Belgium, namely crime, domestic violence, terrorism violence and shooting incidents in the context of police interventions.

### 4.1 Criminal firearm violence

Based on the set of data we have, we can venture a general description of certain nomological characteristics of firearm use in the criminal context. That context is particularly broad and ranges from highly-organized, mafia-styled criminal groups to solitary, ill-prepared burglars, from international networks of cocaine smugglers to common street dealers, and from trigger-happy young thugs to restrained career criminals. It would make sense that these three elements – organization, context and temperament – impact firearm use extensively.<sup>1</sup> We will here focus on the three predominant criminal contexts of firearm use, ie armed robberies, drug crime and outlaw motorcycle gangs.

#### 4.1.1 Armed robberies

Official crime statistics indicate that on average some 4,000 armed robberies are registered by the Belgian police yearly in 2010–2020, with the annual amount decreasing steadily from a high of 7.885 in 2010 to only 2.302 in 2020.<sup>130</sup> Previous research has shown

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<sup>1</sup> The TARGET-rapport found that in Europe criminal organization is a strong predictor for lethal and non-lethal gun use, and that armed robbers tend to use firearms more in order to threaten than criminals connected to the drugs milieu. With the exception of some countries such as The Netherlands, Sweden and Denmark, most criminal groups are apprehensive about using guns. For more: Duquet, N & Vanden Auweele, D (2021), *Targeting Gun Violence and Trafficking in Europe*, Brussel, Vlaams Vredesinstituut), 80-94.



that in the period 2009–2015, a total of 11,262 firearms were used in armed robberies, which were predominantly handguns.<sup>131</sup> Armed robbers tend to prefer handguns which are easy to conceal and transport, they are user-friendly and can function very well as a means for threatening.<sup>132</sup>

An internal analysis by DJSOC analysed 697 cases of armed robbery committed in Belgium in 2019, in which a total of 789 firearms were used. Most of them were handguns. **Table 10** shows the types of firearms used in these cases of armed robberies.

**Table 10: Types of firearm used in police records of armed thefts, 2019**

Type of firearm – thefts and extortions (2019)	No. of firearms
Pistol/revolver (live-firing)	389
Pistol/revolver (unspecified)	266
Other	40
Rifle/carbine (live-firing)	31
Alarm pistol/revolver	27
Sub-machine gun/machine pistol	18
Machine gun	9
Riot gun	5
Anaesthetic weapon	1
Slaughter weapon	1
Alarm rifle/carbine	1
Air/gas pistol/revolver	1
Total	789

Source: DJSOC<sup>133</sup>

This analysis confirms that handguns, either live-firing or unspecified, were by far the main types of gun used in armed thefts in 2019 (83%). Automatic weapons – such as machine guns and sub-machine guns – are used, but not very frequently.

We can complement the above with data from our media-analysis and analysis of the NICC database. Our dataset of media articles indicates that armed robberies have

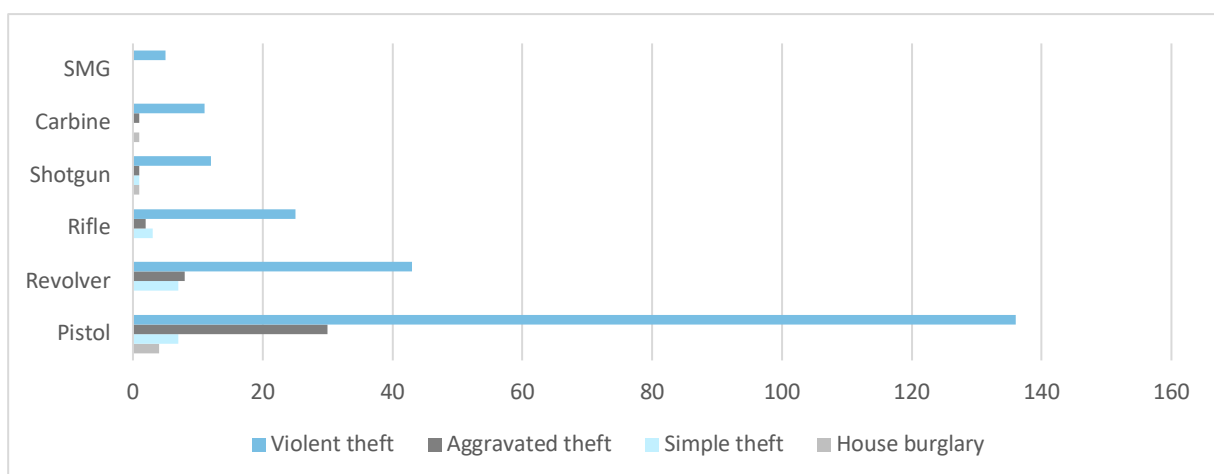
accounted for the most frequent type of gun violence as reported in Dutch-speaking newspapers in Belgium between 2018 and 2020 (346 of 843 cases of gun violence). Descriptions of firearms used in these robberies are not particularly reliable,<sup>134</sup> but we do note that armed robbers generally use handguns, but can also make use of assault rifles, especially in attacks against heavily secured targets. Examples include: a spectacular diamond heist at the airport of Brussels in 2013;<sup>135</sup> a robbery of a jewellery store in Oostakker in 2018 (see **Box 5**).

### Box 5: Jewellery heist gone awry

July 2018, Oostakker. Two men, armed with a **Kalashnikov-type rifle** and a **pistol**, walked into a **jewellery store**. On location: the manager, his sister and their 88-year-old father. All three were physically assaulted. The manager at one point had the assault rifle to his temple. The thieves took the loot and fled on a motorcycle. The manager took up his own firearm and **shot at the fleeing robbers**. He hit one of them, who was mortally injured and fell off the motorcycle some two kilometres down the road. The other robber was soon arrested and convicted to an eight year prison sentence. The jeweller is still being investigated whether his actions were in **self-defense**.<sup>136</sup>

The NICC database has 298 ballistics analyses in connection with armed thefts between 2006 and 2020 ('Ballistics-Analysis'). More than 75% of these cases involved handguns, whereas rifles, carbines, shotguns and sub-machine guns were used more rarely. This confirms the findings of DJSOC and our media-analysis. We connect the firearm type to the specific type of armed theft in **Figure 19**.

**Figure 19: Types of firearm analysed by the NICC in connection with thefts, 2006–2020**



Source: Ballistics-analysis

In more violent forms of theft – violent and aggravated – firearms are more prominent. Additionally, 25% of the firearms used in shootings were modified, which were mainly assembled (8% of the cases), reactivated (5%) and shortened (4%) firearms. This is a relatively higher percentage of modified firearms relative to the total amount of modified firearms (18%).<sup>1</sup>

Police experts suggest that common armed robbers do not often possess or use lethal-purpose firearms, and rely mostly on alarm pistols or fake guns. This is because armed robbers do not necessarily intend to use their firearms to shoot but rather to intimidate or threaten.<sup>137</sup> Some types of alarm pistols in particular are virtually impossible to distinguish from live-firing pistols. When robbers want to use the firearm for self-defence, they tend to acquire alarm pistols or, when they have more intricate criminal connections, they can acquire live-firing pistols or revolvers of a higher quality.

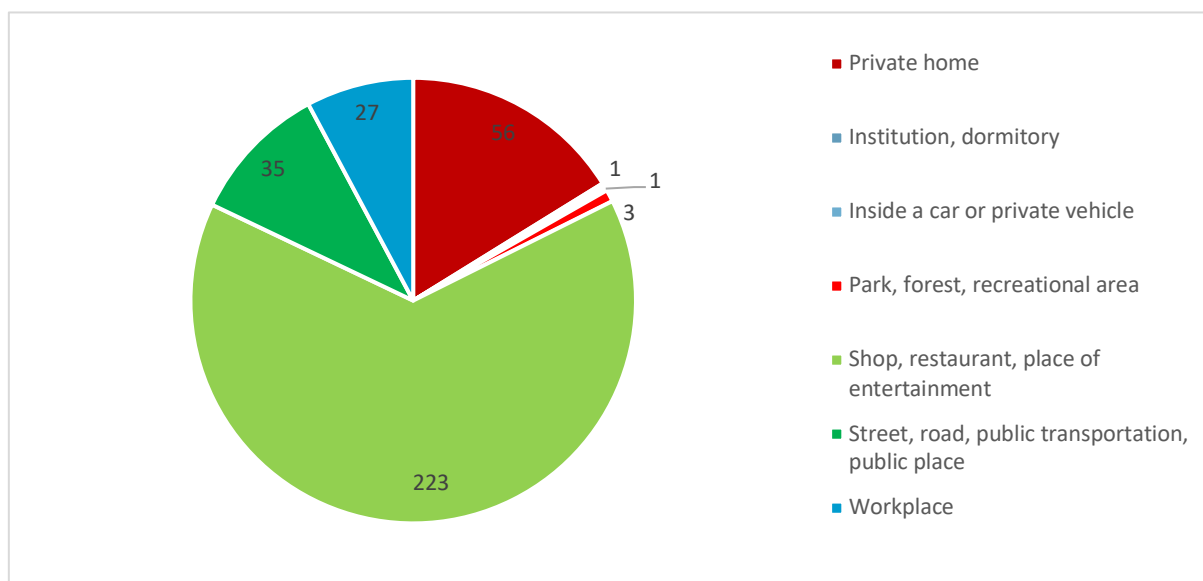
Many armed robberies are committed by young and less experienced offenders, who often lack the right criminal connections to acquire quality firearms. According to the police, 50% of armed robbers are aged between 18 and 24 years and 20% are even below 18 years of age.<sup>138</sup> For these young offenders, it tends to be easier to obtain a fake or a blank-firing gun which can be legally purchased by adults without prior authorisation.<sup>139</sup> The firearms used in shootings in connection to armed robberies in Belgium more often involve freely available firearms and less often firearms subject to authorisation than in other contexts of gun violence. Of the firearms used in armed thefts and analysed by the NICC, 66% were weapons subject to authorisation and 13% were freely available ('Ballistics-analysis'). In other contexts, the proportion of firearms subject to authorisation was higher (75%) and that of weapons freely available was lower (6%).<sup>140</sup>

FJP Liège reports that the main targets of armed robbers used to be banks and jewellers, but more recently less secure targets such as supermarkets, post offices, smaller shops and nightclubs have also been targeted.<sup>141</sup> The DJSOC data agree and further indicate that at a national level armed robberies have mostly targeted supermarkets, grocery stores, night shops, pharmacies, libraries, bakeries and petrol stations. In addition, cafés and restaurants are important targets of armed robberies.<sup>142</sup> Our media analysis confirmed – as shown in **Figure 20** – that most armed robberies occurred in restaurants, cafés and shops ('Media-analysis'). According to various sources in the police<sup>143</sup> and our media analysis, armed robberies also occur, though to a lesser extent, in private homes and in the street.

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<sup>1</sup> The legal classification of these ballistic analyses is somewhat quaint: 78% are violent theft, 14% aggravated theft, 6% simple theft and 2% are house burglaries. When looking at the relevant sections of Belgium's penal code (art. 463-476 of the criminal code), this is confusing. These sections define a violent theft as one wherein violence is used or threats are uttered (art. 468). Aggravated circumstances include: breaking and entering, nighttime robbery or ganging (art. 471). According to art. 472, the use of a weapon – or an object with the appearance of a weapon – automatically classifies a robbery as violent as well counts as an aggravating circumstance. This does seem to suggest that any robbery with a firearm automatically is an aggravated theft.

Figure 20: Location of armed robberies (as reported in Dutch-speaking media, 2018–2020)



Source: 'Media-analysis'

### Box 6: Armed robberies at commercial businesses

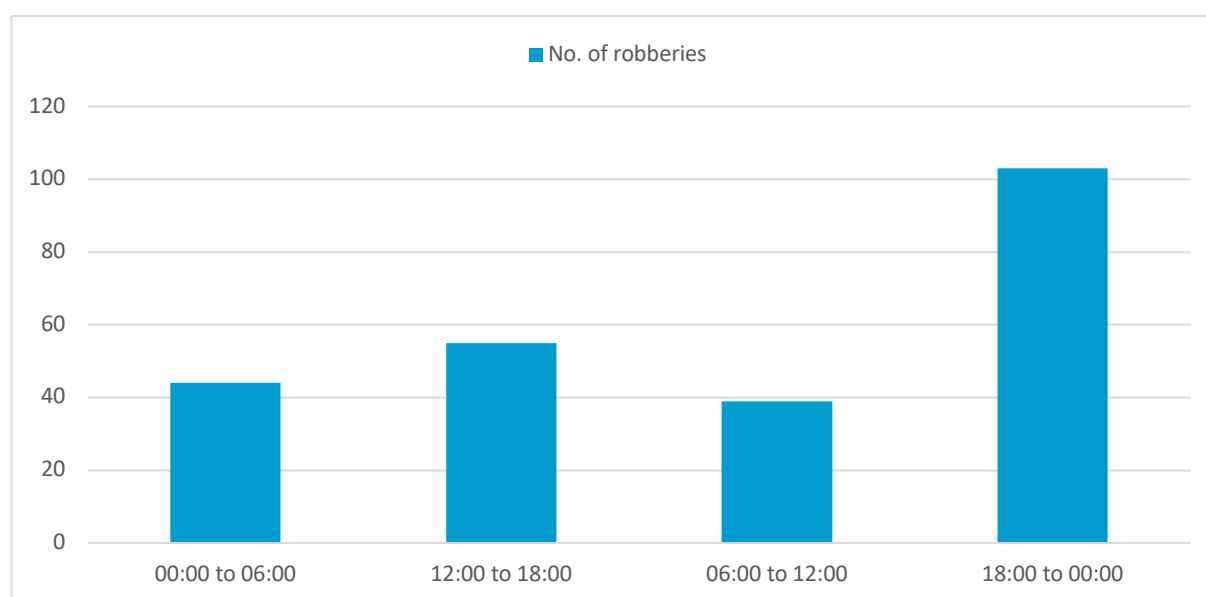
September 2019, Mechelen. Two men were sentenced to five years in prison for committing **seven armed robberies** in the greater Mechelen area. They raided an electronics shop, a bakery, a pharmacy and another **pharmacy four times**. They were planning an eighth robbery, of a supermarket, but were arrested by the police.<sup>144</sup>

February 2020, Borgloon. Two robbers forced their way into the office of a **health insurance fund** at opening time. They **hit** the employee on the head several times. As the money was in a safe – not the cash register – they had to retreat without their loot. The victim was severely wounded and the perpetrators were convicted to four years in prison.<sup>145</sup>

In the case of armed robberies, guns are used mainly to threaten rather than to injure or kill people.<sup>146</sup> Not surprisingly, our dataset also indicates that very few armed robberies were lethal: of 346 cases of armed robbery, 22 persons were injured and only person was killed (which was even the perpetrator of the robbery, not the victim – see box 4).

Robberies tend to be committed under the cloak of darkness. In the cases where we could identify the time of robbery, 43% of robberies occurred between 6 PM and midnight. This is a characteristic of all forms of theft, not just armed robberies.

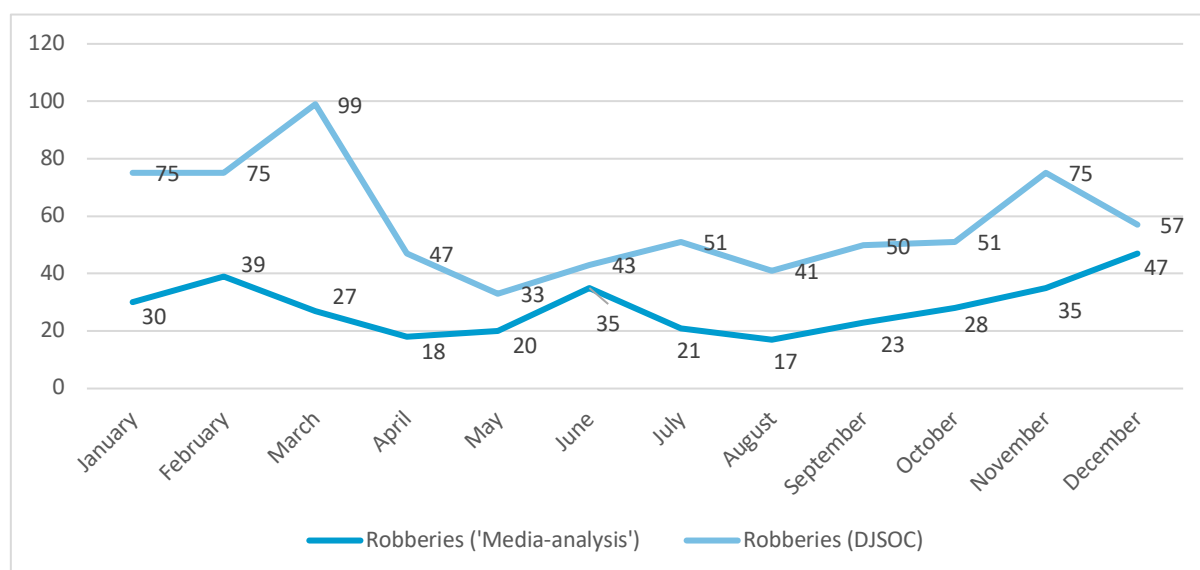
Figure 21: Hours of armed robberies, 2018-2020



Source: 'Media-analysis'

As pointed out also in the DJSOC report,<sup>147</sup> darkness in the evening can be an asset for thieves, because it allows them to approach their target undetected, not be recognized easily and flee the scene more ably. This may also explain why armed thefts, as reported in the Dutch-speaking media, have occurred mainly during the first and fourth trimester of the year, which correspond to the seasons of autumn and winter. These months are characterised by more dark hours. **Figure 22** shows the number of armed thefts per month in Flanders and Brussels reported in the media for 2018-2020 and for the whole of Belgium registered in the police registry for 2019.

**Figure 22: Months of armed robberies, 'Media-analysis' for Flanders and Brussels (2018-2020) and DJSOC for Belgium (2019)**



Sources: 'Media-analysis' and DJSOC

Our media-analysis covers three years of reports about armed robberies in Flanders and Brussels; DJSOC covers only one year, but for the whole of Belgium. It goes without saying that the police registries consulted by the latter would be far more comprehensive than reports of armed robberies in the media. While the exact amounts are therefore not congruent, what is telling is how most armed robberies do take place in the first and last quarter of the calendar year, corresponding to those days with the longest nights.

#### 4.1.2 Drug milieu

The criminal demand for illegal firearms often originates in the drug milieu. Older research in the Netherlands, for example, links around half of the illegal firearm holdings in the country to the drugs milieu.<sup>148</sup> In Belgium, too, those who are active in the trade of drugs are often found to be armed.<sup>149</sup> In an internal study from 2019, the DJSOC recorded 34 cases of illicit firearm possession which were uncovered during house searches during drug investigations.<sup>150</sup> Belgium is considered a major manufacturing country for cannabis, amphetamine and ecstasy, with production often taking place in intensive cross-border connections with Dutch criminal environments. Owing to the increased pressure on professional cannabis cultivation in the Netherlands, the production has partly shifted to Belgium in recent years. Most of this large-scale production is therefore destined for the Dutch drug market.<sup>151</sup> In the production of synthetic drugs such as amphetamines and ecstasy, the Belgian and Dutch criminal environments are also connected. The synthetic drug laboratories in Belgium and the Netherlands are located mainly at the border area.<sup>152</sup> The central location of Belgium and the presence of the seaport of Antwerp<sup>153</sup> contribute to Belgium being one of the main European entry points of hard drugs (such as cocaine) and cannabis. Within the country, there is also an illicit retail drug market.<sup>154</sup>

Firearms are often found as part of drug investigations. For example, after the police cracked a code used by drug-dealers and their customers on the messaging app 'Sky ECC', they conducted a major operation in March 2021.<sup>155</sup> Over 200 house searches in Antwerp, Brussels, Limburg and in Wallonia resulted in the seizure of 21 illegal weapons, including at least six firearms, 17 tons of cocaine and €1,2 million in cash.<sup>156</sup> In parallel, the Dutch police also cracked a code on 'Sky ECC' and seized 28 firearms and large quantities of drugs.<sup>157</sup> In another seizure, in December 2020, the anti-banditry police squad from Brussels West found several weapons (including six firearms, seven magazines for prohibited weapons and other magazines, a silencer and military-grade ammunition) in a house in Etterbeek, a commune of Brussels. They also seized several kilograms of drugs (hashish, cocaine, cannabis and XTC) and almost €150,000 in cash hidden behind a false wall. Five persons were put under suspicion of illicit drug-trafficking.<sup>158</sup> These examples show that some criminals involved in the drug trade have acquired heavy firearms.

According to Europol,

*The use of violence related to the trade in drugs has escalated notably in recent years. The trade in cocaine and cannabis in particular triggered a significant number of violent incidents, which included killings, shootings, bombings, arsons, kidnappings, torture and intimidation.*<sup>159</sup>

In some Member States, competition between drug suppliers has intensified, leading to an increase in the number of violent clashes. In addition, the nature of violent incidents also appears to be changing and the growing availability of firearms and explosives is a key enabler of the increase in violence in this milieu.<sup>160</sup> In the Belgian criminal drug world, too, the issuing of threats and the use of violence are commonplace. People involved are very often armed and shootings occur regularly.<sup>161</sup> According to the judicial police of Liège, people in the drug milieu usually carry firearms to protect themselves and to secure their cargoes of drugs or their cannabis plantations. Guns are often held as an instrumental tool to deter competitors or rival gangs from attacking them or their stockpiles and cargoes of drugs.<sup>162</sup>

Firearms trafficking is often a subsidiary activity to drug-trafficking.<sup>163</sup> Several analyses by DJSOC indicate that criminals involved in illicit firearms trafficking are often active in other criminal areas, including the drug milieu.<sup>164</sup> The Liège police have also noted that people engaged in arms trafficking also sometimes possess and use drugs.<sup>165</sup> There is often a close link between the illicit supply of drugs and the presence of firearms, and the trafficking routes of both types of illicit goods are often the same.<sup>166</sup> In addition, drugs are sometimes used as a currency to make (partial) payments for weapons.<sup>167</sup>

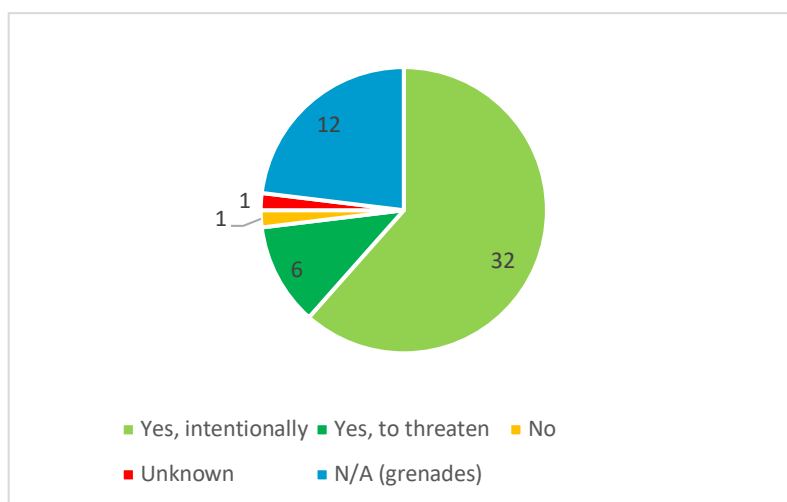
Nevertheless, drug-traffickers do not seem to be systematically involved in the business of arms trafficking. According to investigators from the DGP Liège, the illicit trade in firearms is not regarded as a lucrative activity in Belgium and drug dealers do not

typically use firearms as commodities in drug-trafficking activities. This also explains why illicit firearms trafficking is often not the sole activity of the OCGs involved.<sup>168</sup>

Unsurprisingly, incidents of gun violence connected to the drug milieu in Flanders are concentrated in one of the main entry points of drugs in the country: Antwerp. Many incidents of gun violence connected to the drug milieu have occurred in the city and its neighbourhood. Through our media database, we identified 52 cases of criminal gun violence, including mostly narcotic affairs and rip-deals, in Brussels and Flanders. Half of them (27 cases) occurred in Antwerp and in its direct neighbourhood (including Borgerhout, Deurne, Wilrijk, Berchem, Schoten and Wommelgem).

In contrast to armed robberies, in which firearms are very rarely fired, in the case of gun violence associated with the illegal trade in narcotics, our media-analysis suggests that firearms were almost always fired with the intention to threaten or injure others ('Media-analysis').

**Figure 23: Gunshots and threats in the drug milieu (as reported in Dutch-speaking media, 2018–2020)**



The incidence of the casualties in the drug milieu is relatively high. According to internal DJSOC data, it is not unusual for murders and assassination to occur in the drug sector.<sup>169</sup> Through our media analysis, we identified five lethal cases of gun violence in the drug milieu, 19 injuries and only one case of threats in 2010–2020. Of course, if threats occur between criminals during for instance rip-deals, it is highly unlikely for these to be reported in the media if no shots were fired or if no one was injured.

Our media analysis also shows that gun violence in the drug milieu is often triggered by gang rivalries, disputes and so called 'rip-deals.' **Box 7** gives three examples of gun violence in the drug milieu..



### Box 7: Examples of gun violence in the drug milieu

March 2019, Genk. Three drug criminals suspect another of **stealing a batch of drugs**. They break in and **torture** him to **death** with a Kalashnikov-type rifle and Bunsen burner. His body was later found in a holiday house in Forzée.<sup>170</sup>

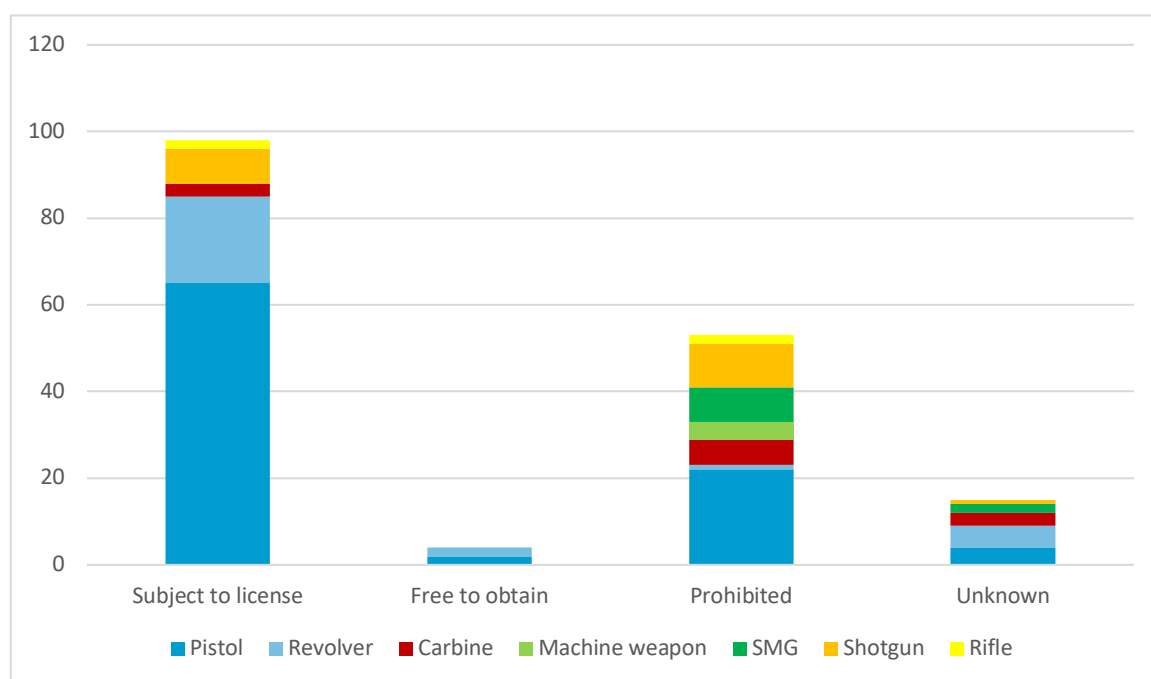
June 2019, Snaaskerke. A **rip-deal** fails and turns violent when two young attempt to fool a **Dutch** drug courier. When the Dutchman became aware of the fraud, the two others fired an **alarm pistol** at him. The victim escaped and was later arrested by the police.<sup>171</sup>

November 2018–February 2019, Oostende. In November at the Dutch border, **two Dutch drug couriers** were **robbed** of their cargo. They heard **gunfire** as they fled. They returned in February: they entered the home of one of the robbers and beat him. They also threatened another man by putting a gun to his head. They threatened to cut his fingers off before leaving the scene.<sup>172</sup>

According to the police, street dealers mainly possess easy-to-conceal handguns and alarm weapons rather than long guns. Yet not all the people involved in drug-trafficking possess a gun in Belgium: firearm possession is mostly widespread among those involved in the production and wholesale trade in drugs.<sup>173</sup> The prevalence of handguns in the drug milieu can be confirmed by ballistics analyses conducted by the NICC. Of 170 ballistics analyses connected to drug offences, 55% involved pistols and 16% involved revolvers. Heavier weaponry has also been identified: SMGs and machine guns appeared relatively more frequently in ballistics analyses connected to drug offences (respectively 6% and 2%) compared to all ballistics analyses (respectively 4% and less than 1%) ('Ballistics-analysis').

Although most firearms used in the drug milieu are subject to authorisation (mainly handguns), narcotics-traffickers also use prohibited firearms. These include prohibited handguns but also sub-machine guns. The fact that prohibited firearms are more typically used by drug dealers than other criminals indicates that, despite the legal restrictions applied to those firearms, they are still available to the 'more advanced' drug offenders who have the right connections and status that give them access to heavier weaponry. These firearms usually then move into Belgium through the various trafficking methods outlined in section 1.2.3.

**Figure 24: Types and legal classification of firearms featuring in ballistics analyses in drug offences , 2006–2020**



Source: 'Ballistics-analysis'

The ballistics database indicates that firearms which have been modified are more prevalent among drug traffickers than among other criminals and non-criminals (38% of firearms were modified to 18% of ballistics analyses overall). Even though previous research has suggested that converted alarm pistols are particularly prevalent among drug-traffickers, this is not reflected in the ballistics data, since only 5% of firearms used in the drug milieu were transformed alarm pistols. It could be, however, that many converted firearms are not submitted for ballistics analysis if the law enforcement official does not believe it is relevant for the investigation. The striae on bullets and casings of converted alarm guns are often inconsistent and do not allow for a sufficient level of comparison.<sup>174</sup>

### 4.1.3 Outlaw motorcycle gangs

Outlaw motorcycle gangs (OMGs) are proliferating in Europe.<sup>175</sup> A gang war has been raging in the Netherlands near the Belgian border that is believed might spread to Belgium. The border region – Flemish and Dutch Limburg – is known to serve as host to a number of OMGs. Because of the increase in the activities of these gangs in Belgium in recent years, the police have been expecting an increase in gun violence in connection with territorial disputes.<sup>176</sup> The most recognizable OMGs in Belgium are the Hells Angels, the Outlaws, Satudah, No Surrender and Bandidos. Their activities have become more focussed on the trade in illegal drugs; the Federal Police estimate that there are currently more than a thousand of these groups and support clubs in Belgium.<sup>177</sup>

The activities of these OMGs in Belgium are mostly connected to the production of and trafficking in illicit drugs. In recent years, the Belgian police found large quantities of drugs in separate investigations targeting OMGs or their support clubs: for instance, they uncovered cannabis plantations<sup>178</sup> and a trafficking scheme of cocaine from Latin America.<sup>179</sup> Motorcycle gangs are also involved in other criminal activities such as prostitution, extortion and theft.<sup>180</sup> According to the Belgian police, about 80% of all Belgian members of OMGs have a criminal record.<sup>181</sup>

Firearms are also often found by the police during house searches that target members of OMGs. They often include handguns, shotguns with sawn-off barrels and hand grenades. In March 2018, several house searches targeted members of the Hells Angels in Mouscron during which four firearms were seized, including an FN-FAL assault rifle with an optic sight and a large quantity of calibre 7.62 NATO ammunition, a Mauser rifle and two handguns. Drugs were also found as part of the operation, including 20 packs of cocaine, 50 g of speed, and an unknown amount of cannabis.<sup>182</sup> In November 2018, after a former member of the motorcycle gang, Blue Angels, was stabbed by other members of the gang, the police carried out several house searches in East and West Flanders, Antwerp and Flemish Brabant. They found several prohibited weapons, firearms and ammunition and arrested six of the gang members.<sup>183</sup> These cases illustrate the great variety of firearms, ammunition and other weapons to which OMGs have access in Belgium.

#### Box 8: Examples of incidents involving OMG

April 2018, Buizingen. A **clash** happened between **No Surrender** and **Immortal MC**. Members of both groups were drinking in the latter's club house in Buizingen. Someone **shot a firearm**, which led to an escalation of violence where four members were injured, two of which seriously. The court's verdict stated that the members of No Surrender had planned to inebriate the members of the Immortal MC in order to beat them and **steal** their valuables (including the cash register, a television set and two motorcycle vests).<sup>184</sup>

In May 2011, there was a **confrontation** between members of **Outlaws** and **Hell's Angels**. Three individuals were **shot and killed**. They were put in a Citroën Berlingo and driven into the canal.<sup>185</sup>

OMGs are known for their propensity towards extreme forms of violence, including the use of firearms and occasionally explosives. **Box 8** gives two examples. The use of threat and violence is intrinsic to the subculture of OMGs and serves to exert control over group members, rival gangs and victims of extortion.<sup>186</sup> There is evidence of many previous violent incidents in the biker scene; these often occur in disputes between rival groups.

OMGs in Belgium are known to use firearms as commodities. They are involved in smuggling firearms, drugs and people, so it should not be surprising that the police often come across members of motorcycle gangs when investigating cases of arms smuggling.

For example, the Croatian police arrested a man from Poppel in Belgium in early 2015. He had a small arsenal of weapons in his van, including dozens of small arms, Kalashnikov-type rifles, ammunition, dozens of hand grenades and six rocket launchers. The man was suspected of smuggling these weapons on behalf of No Surrender.<sup>187</sup>

## 4.2 Terrorist firearm violence

Like several other EU Member States, Belgium has experienced several Jihadi terrorist attacks and threats in recent years. Firearms, explosives, but also easy-to-obtain weapons such as bladed weapons, have been used in some of the recent terrorist attacks. Other, left- and right-wing terrorist groups have also been active since the early 1980s in Belgium. But not all terrorists have access to and use firearms. Firearm possession and use among contemporary terrorist groups in Belgium is limited to Islamist and right-wing terrorists, whereas left-wing terrorist groups use mainly arson, letter bombs, sabotage and intimidation.<sup>188</sup> The Federal Department of Justice (*FOD Justitie*) officially recognizes seven attacks since 2012 on Belgian soil as terrorist events, which occurred mainly in Brussels (2017, 2016, 2014 and 2012) or in the area around Brussels (Schaarbeek 2016), but also one in Liège (2018) and one in Charleroi (2016).<sup>189</sup> We will add two events that can be labelled as terrorist events prior to 2012, which occurred in Schaarbeek (2002) and Antwerp (2006). Four of these involved firearms, namely Liège 2018, Brussels 2014, Antwerp 2006 and Schaarbeek 2002, but in some other cases (importantly, Brussels 2016) the terrorists were also in the possession of firearms.

The most lethal terrorist attack in Belgium was the Brussels 2016-attack on the metro station Maalbeek and the Zaventem airport. This attack was carried out by the same terrorist cell that had committed the Paris attacks of 2015. This Jihadist group acquired their firearms mainly through accessing the criminal market – making use of members with criminal connections – and so managed to acquire, among others, automatic guns, such as Kalashnikov-type rifles and SMGs.<sup>190</sup> The Brussels 2016-attack was, however, not committed with firearms but rather through explosives (suicide bombing), where a total of 32 people were killed (and many more injured). In a picture recovered from a dumped personal computer, the perpetrators are seen in the possession of many firearms, including three Vz.58 automatic assault rifles, a Kalashnikov-type rifle, two pistols and a pump-action shotgun.<sup>191</sup> One week prior to the attack, Belgian police had raided several houses in the Brussels area in connection to the Paris attacks. This resulted in a number of injured police officers (and one dead terrorist). On the aforementioned computer, police also found an audio message to Emir Abu Ahmed of Raqqa, where one of the perpetrators of the attack communicated that they felt like the police were on their heels and were going to attack Zaventem soon.<sup>192</sup>

The Belgian cell of this terrorist group is suspected to have provided the firearms for the 2015-attacks in Paris.<sup>193</sup> At least six Kalashnikov-type rifles were used in the Paris attacks (Zastava M70 AB2, AKS47 and Norinco 56-1),<sup>194</sup> which were provided through the criminal connections of some members of the terrorist group.<sup>195</sup> These individuals had a history of criminal activities involving Kalashnikov-type assault rifles and were part of

a network of violent criminals that used firearms to carry out armed robberies and carjackings. They converted to a radical version of Islam in prison.<sup>196</sup> In an event one week after the attack on Charlie Hebdo in Paris (7 January, 2015), the Belgian police raided the house of a Jihadist group in Verviers (15 January 2015). Three suspects were returning ISIS-fighters.<sup>197</sup> Two terrorists were killed during the raid,<sup>198</sup> after which the police found three Kalashnikov-type assault rifles (Zastava M70 AB2, FEG S90 and a WIESA-brand assault rifle), three pistols (BUL M-5, CZ M88A and a Tanfoglio 9 mm Parabellum) and one revolver (Hammerless Velo-Dog).<sup>199</sup>

Another Jihadist terror attack occurred in Brussels in 2014 at the Jewish museum, when a French citizen used an assault rifle and revolver to kill four individuals (two Israeli visitors of the museum, a young French woman and an employee of the museum). The perpetrator had been active as a robber and likely radicalized in prison while serving a prison sentence in 2007–2012.<sup>200</sup> His assault rifle was a Zastava from Croatia, the revolver was a Llama that had been reactivated. The revolver had been registered as deactivated and was sold to someone using a fake identity in a Spanish gun shop in La Jonquera (near the French border).<sup>201</sup> The Zastava was purchased in Croatia in 1998.<sup>202</sup> These weapons most likely were offered on the criminal market. The perpetrator of the attack was later arrested in Marseille, where custom officers found the revolver (and 57 rounds of ammunition) and rifle (and 270 cartridges).<sup>203</sup>

Belgium has been implicated in other cases of terrorist attacks. The jihadist that attacked the kosher supermarket in Paris on 9 January 2015 acquired some of his firearms through connections with Belgium. For one, a Nagant M1895 was found in his apartment.<sup>204</sup> This firearm could be acquired freely in Belgium between 2006 and 2013 (see Section 1.2.3). The attacker used four firearms during the attack: two Tokarev TT33 and two Vz.58 assault rifles. All of these were sold legally by a Slovakian company (AFG Security) as deactivated firearms. One of the assault rifles was purchased by a Belgian citizen, the others were purchased by a French citizen living in Belgium. The latter was known as a right-wing militant involved in firearm trafficking.<sup>205</sup>

Next to networks of terrorist cells sustained by ISIS, Europe also suffered a number of 'lone actor' terrorist attacks. These are terrorists who plan, prepare and commit their acts without direction from a wider organisation. Their attacks are often claimed by IS (or another terrorist group) after the fact. Lone-actor terrorism is an emerging threat in Europe as these attacks are often near-spontaneous and aimed at causing a large number of civilian casualties.<sup>206</sup> Most lone actors lack the criminal connections to acquire firearms and use bladed weapons instead.<sup>207</sup> One attack, in Liège on 29 May 2018, was perpetrated by a firearm acquired more opportunistically. The perpetrator assaulted two police officers with a knife. He managed to steal their service weapon, kill the officers, and continue his attack by shooting at several cars (killing one person). He then fired shots in a school until he was cornered by police officers. He managed to injure four more officers before being killed.<sup>208</sup>

Next to Jihadi terrorists, there are also right-wing extremist groups in Belgium. Their activities seem to have intensified as a response to Jihadi terrorist attacks.<sup>209</sup> There have

not been any right-wing terror attacks, though the 2006 shooting in Antwerp could be classified as one. The shooter seemed motivated by nationalist and racist considerations. More recently, right-wing extremist groups have been found in the possession of firearms and their ideology is spreading mainly online.<sup>210</sup> Calls for action have been detected on right-wing extremist forums, in which partisans are invited to arm themselves and train physically.<sup>211</sup> This seems to happen in tandem with the rise of citizen vigilantes in the EU, which are increasingly looking for firearms.<sup>212</sup>

One example of a right-wing extremist group in Belgium is a splinter group of Blood & Honour, namely *Bloed, Bodem, Eer en Trouw*. Some members of this group were arrested in 2006 and sentenced in 2014 for being members of a terrorist organisation and for illegal possession of weapons. The leader of the group was a professional soldier who was stationed in the local army barracks and who had been recruiting people with right-wing extremist ideas, often in the army barracks or other units where he worked. He also organised paramilitary activities, survival weekends and firearm training, some of which took place on army property without the knowledge of his superiors. An investigation conducted by the police in September 2007 found more than a hundred weapons, including assault rifles, riot guns, pistols, components, large quantities of ammunition, detonators for landmines, explosives, a homemade bomb and a template letter for claiming attacks. In total, 17 people, including ten soldiers, were arrested.<sup>213</sup> The soldier was sentenced to ten months in prison for supplying firearms from Belgium to various members of the Dutch right-wing extremist group Ulfhednar, a breakaway group from Blood & Honour. Various firearms were found as part of the investigation. The soldier and one of his associates were dealing in illegal firearms in order to fund their activities.<sup>214</sup>

A recent case of right-wing extremism occurred in May 2021, when a soldier stationed in Leopoldsborg stole, among others, an FN P90 machine pistol, four rocket launchers and several grenades from the barracks in Leopoldsborg. He left a farewell letter in which he threatened a virologist that had been central in Belgium's response to the Covid epidemic. He was a long-term military soldier (since 1992) who had recently been demoted because of threats uttered online at the virologist. He was also flagged as a potential threat by the Coordination Unit for Threat Analysis (Coördinatieorgaan voor de Dreigingsanalyse, short OCAD). After he stole the weapons, he tried to assassinate the virologist but did not fall through. He boobytrapped his own car with grenades and hid in the Dilserbos in Dilsen-Stokkem. His body was found a few weeks later by the mayor of neighbouring Maaseik. He seemed to have killed himself.<sup>215</sup> This affair shed light on several security issues. First, the security system of the weapons depot where the soldier was working was defective. The camera recording system was broken and had never been repaired. Second, the suspect was known by the intelligence services and by the Coordination Unit for Threat Analysis (Coördinatieorgaan voor de Dreigingsanalyse, short OCAD) as a right-wing extremist. In reaction to these events, the Ministry of Defence announced stricter control, such as the limitation of access to weapons depots and the dismissal of soldiers whose behaviour is not compatible with their status.<sup>216</sup> Eleven soldiers who had been monitored by the intelligence services for their radical right-wing views were denied access to weapons depots and other sensitive places.<sup>217</sup> At the time of writing this report,



a Consultative Committee for Intelligence and Security was compiling an action plan to improve the monitoring of radicalised personnel in the army.<sup>218</sup>

### 4.3 Domestic Firearm Violence

In the previous chapters, we have identified domestic violence as the primary context for lethal gun violence in Belgium. Police crime statistics record approximately 28,000 cases of physical violence within the family each year with, on average, 75% of these cases between partners and 25% directed at offspring or other family members.<sup>219</sup> Police statistics do not indicate to what extent domestic violence is committed with firearms. Given the paucity of official statistics and a lack existing research on gun violence in the domestic sphere in Belgium, we rely on three main sources for sketching its nature: the national ballistics database, our selection of media articles of gun violence in the Dutch-speaking media and the DJSOC data on the misuse of guns in Belgium in 2019.

The information available in the NICC database is rather scarce. There is a specific subsection of analyses devoted to ‘family violence’ (PV 42), but there have been only 12 ballistics analyses in this context between 2006 and 2020 (‘Ballistics-analysis’).<sup>220</sup> This is explained by that, on the one hand, ballistic analyses are not conducted systematically in Belgium, especially when they are not felt to be relevant and, on the other hand, the legal category of family violence does not cover certain offences such as homicides, injuries and beatings or threats. It is impossible to determine on the basis of the NICC database which part of these groups do occur in the domestic context.

The analyses done by the NICC in the family context are then not to be taken as representative for domestic gun violence. It can be illuminating though to look at the firearms that were analysed. Some of these were typical hunting rifles, such as a Dumoulin M98 carbine (7mm) and Blaser K95 rifle (7mm), other were target-shooting or sporting guns, such as a Walther Carbine Match pistol, Smith & Wesson 48 revolver and a Ruger Blackhawk revolver .357. There were also a number of older weapons, likely stemming from the interbellum or WWII, such as an FN Kapitain 9mm pistol, a British .303 repeating Enfield rifle and a Hermanos 1906 pistol 6.35. These could be non-regularized firearms that came into civilian hands during or before WWII (or that were passed on through inheritance). Two firearms could be owned legally, but are not typically found in Belgian households, such as a Armi Jäger AP 74 (a rimfire copy of the M16) and a Mossberg 500 ATP shotgun. There was also one alarm gun (Bruni GAP) and one prohibited firearm, namely a Polish AKMs with a selector function for automatic/semi-automatic shooting. It could be that law enforcement officials are more inclined to submit firearms they do not encounter for ballistic analysis, which explains the unusual blend of firearms analyzed in the context of domestic violence. It could also be that they tried to connect the firearms seized in the context of domestic violence to other incidents with firearms.

Our media-analysis found 41 cases of gun violence that tie up specifically to the context of domestic violence. These cases had a high likelihood to result in injury or death as only one in four cases resulted in non-injurious threats. We can discuss the specifics of

domestic gun violence most extensively on the basis of this media-analysis, though we have to keep in mind that media reporting on these incidents tends to be more extensive when it causes injury (see Section 2.2). The main motivation (half of those cases where we could determine the motivation) for gun violence in the domestic context was some sort of family separation. **Box 9** offers an example

### Box 9: Intra-family killing in the context of a separation

April 2019, Wijnegem. Family tragedy. After several years of problems, a woman announced her desire to **divorce** to her husband. The husband, a police officer, used his **service weapon** to kill **both of their children** at their residence and then kill his **wife** at her place of work (a coffee shop). He killed himself with the same firearm. The man had been dismissed from his detective position and transferred because he was caught taking his service weapon to a container park. He was allowed, however, to keep his service weapon although he was not allowed to take it home.<sup>221</sup>

Most cases of gun violence in the family context are directed towards a partner or ex-partner (66%), often most often motivated by separation or sudden feelings of jealousy. This is illustrated by the examples in **Box 10**.

### Box 10: Two examples of intra-partner gun violence

June 2019, Oostende. Man beats his partner repeatedly between 2014 and 2017. After they **break up**, he would not accept that she had a **new partner** and set fire to the woman's front door. He dragged her out by her hair and **placed a loaded gun to her head**. He continued to threaten to kill her. He was sentenced to four years in prison in 2019.<sup>222</sup>

October 2019, Lievegem. A man attempts to shoot his ex-girlfriend to **avenge their break-up**. The first shot was at a **window** of her parental home. Then, he shot at his ex's **moving car**, with her and her mother inside. The mother was shot in the forearm. The perpetrator had several prohibited weapons with him during the shooting. The man was sentenced to 11 years in prison in 2020.<sup>223</sup>

According to crime statistics, other members of the domestic circle than (ex-)partners are the victims of domestic violence in roughly 25% of cases. These include such as parents, parents-in-law, grandparents or close family friends. In this context, gun violence was often committed during family disputes that involve money.



### Box 11: Two cases of gun violence involving other family members

November 2020, Tongeren. A man threatened his mother with an **air gun** during a family dispute. The dispute got heated as the man started punching the wall, **threatening his mother** with the air gun and pushing her. She fell and her head hit a kitchen cupboard. The man was known by the authorities for another incident: he had shot **a pistol in the air** at a friend's house. The weapon was retrieved on the bed of the six-year-old son of the family where he was staying. For both offences, the man was sentenced to a total of 22 months in prison and a fine of €1,600.<sup>224</sup>

2018, Antwerpen. A man repeatedly **blackmails** his 82-year-old grandfather so as to buy **drugs**. He would visit his grandfather and **threaten him with a firearm**, asking for sums of money between €150 and €300. When the grandfather eventually refused, the perpetrator would destroy the furniture. The family finally became aware of the extortion and filed a complaint with the police. The man was arrested and spent several months in prison.<sup>225</sup>

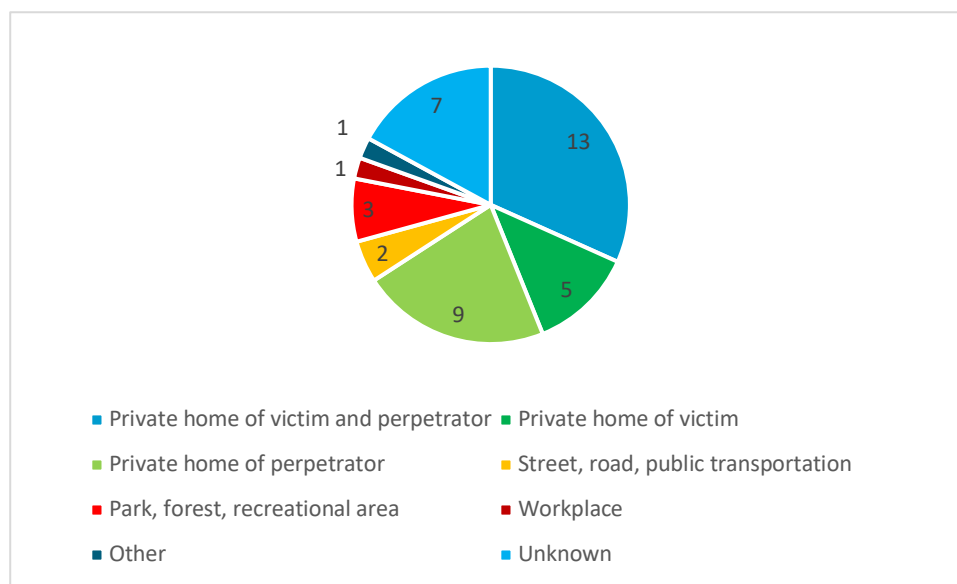
Occasionally, we find cases of gun violence within the family where offspring were the victims (our media-analysis located three cases). These cases were either motivated by the separation of the couple (see also Box 10) or triggered by an underlying family dispute.

### Box 12: Gun violence against offspring during a family dispute

Summer 2019, Slyskepelle. A barbecue at the family home turns violent. A **father** and his 33-year-old **son** get into a **dispute**. The son threatens the father with a brass knuckle duster and shovel. The father grabs a **shotgun** and **fires at his son's feet**. The bullet shattered on the shovel, but the son was uninjured. The father was accused of attempted manslaughter.<sup>226</sup>

Unsurprisingly, gun violence in the domestic sphere occurred mainly in private homes. Two-thirds of the cases of violence in the domestic sphere identified in our media screening occurred in the homes of the victim and/or the perpetrator. A minority of cases occurred in the street or in public transportation, in parks, forests or other recreational areas, or at workplace.

Figure 25: Locations of domestic gun violence in Flanders and Brussels, 2018–2020



Source: 'Media-analysis'

The fact that domestic violence occurs mainly in private homes could contribute to an explanation of why cases of domestic violence are particularly lethal. Indeed, almost all lethal cases of gun violence we identified occurred in private homes (12 out of 14). A private home is a controlled and confided environment for a perpetrator to execute an attack, which is unlikely to be heckled by third parties.

Some domestic shootings have altogether different motives, as shown in **Box 13**.

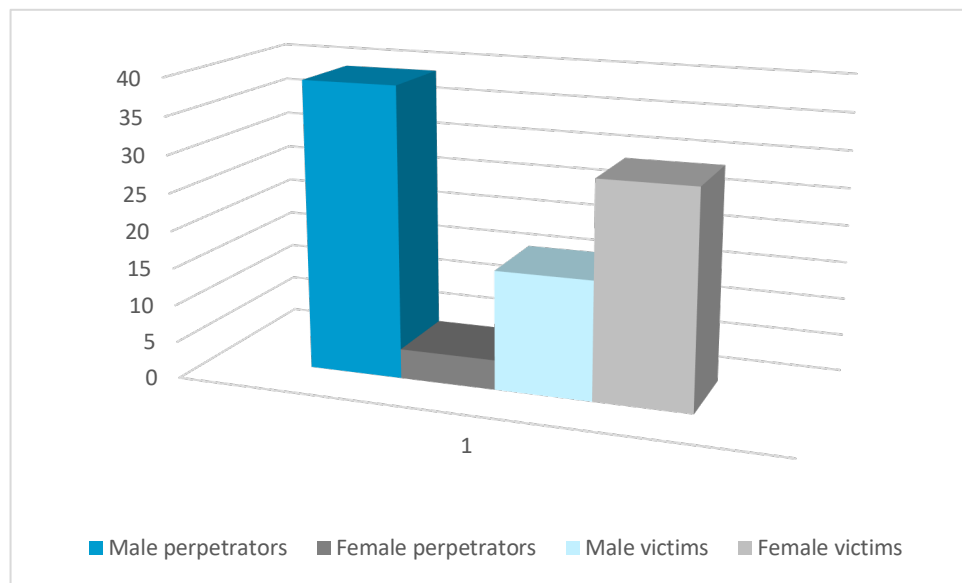
### Box 13: Other motives

April 2019, Everbeek. An elderly man shot and killed his 85-year-old wife in their house. Then, he killed himself with the same weapon. Both of them were deteriorating physically and mentally. The woman was paralysed on one side and suffering from dementia; the man was diagnosed with prostate cancer. He did not want his wife to be left all alone.<sup>227</sup>

According to official police statistics, approximately 90% of the suspects of perpetrating physical violence within the family, including between couples and against other family members, are men.<sup>228</sup> Unfortunately, police statistics do not provide data on the victims of physical violence in the domestic sphere. Older data from the Institute for Gender Equality based on a Health Survey conducted in 2013 indicated that approximately 70% of the victims of intra-family violence, including between couples, were women, whereas about 30% were men.<sup>229</sup> This concerns *all types* of violence, not merely gun violence.

In the absence of such statistics in the context of gun violence, we must rely on our screening of media articles for Flanders and Brussels. Among the cases identified, we found that most of the perpetrators of gun violence in the family context are men (90%). The gender balance was not as asymmetric when it comes to the victims: 66% of the victims were women, whereas 33% were men. This implies that similar gender dynamics are at play in the context of domestic violence, including intimate partner violence, regardless of the presence of guns.

**Figure 26: Gender of perpetrators and victims of gun violence in Flanders and Brussels, 2018–2020**



Source: 'Media-analysis'

Early analyses from the COVID-19 pandemic suggest that domestic violence has increased during the lockdown periods. This is not surprising, since several factors that can play a role in domestic violence were enhanced during the lockdown: stress, the consumption of alcohol (a known factor for loss of control) and financial problems. Most international COVID-19 studies show an increase in alcohol consumption. This increase was connected to several stress factors, including fear of contamination, personal afflictions (grieving, lack of routine, and isolation) and financial insecurity (eg uncertainty or unemployment).<sup>230</sup> In Belgium, the number of telephone calls to the greenline for domestic violence has increased during the pandemic.<sup>231</sup> During the first six months of the lockdown in Belgium, between March and August 2020, an average 136 calls per month were registered on this line. This is an increase of 58% compared to previous years.<sup>232</sup> Although it is not clear how many of these cases involved firearms, we can suspect that some of them would have.

## Interlude: Firearm violence in the context of law enforcement interventions

There are two official registries for cases of physical violence that occur during law enforcement interventions. First, there is the general national database (ANG) of the police, which records, among others, such things as assaults against police officers. Second, the police has its own database which records the number of injuries sustained by police officers – either by accident or intentional – during interventions (MISI-*Melding Incidenten Signalement Incidenten*).

The ANG and MISI are not publicly accessible. We have two sources, however, that disclose ANG and MISI data regarding physical violence against police officers. First, a written question to the Minister of the Interior in 2020 shows that in 2017–2019, 2,426 cases of assaults *against* police officer were recorded, most of which occurred in Antwerp (537 cases), followed by Brussels (381 cases).<sup>233</sup> In the same timespan, a total of 420 cases of injuries sustained by police officers (accidental or intentional) were registered, most of which occurred in the context of controls of identity, during specific interventions (eg involving migrants, family disputes, seizure, house-sharing) and while managing public places (eg football matches, demonstrations, festivities).<sup>234</sup> According to the Ministry of Interior, the number of declared accidents and injuries linked to assaults against the police increased in 2016, among other reasons because of the terrorist attacks of 22 March 2016. They have decreased since 2017.<sup>235</sup> A second source of information is an internal analysis of police data by DJSOC for the year 2019. These have focussed on the number of assaults against police officers committed with guns. Through a screening of PVs recorded in the ANG, the DJSOC identified only two cases of gun violence against the police in 2019.<sup>236</sup> In 2020, three cases of gunshots being fired at the police were recorded in MISI.<sup>237</sup>

Though police are regularly victimized by physical violence, firearms are rarely used against police officers. Law enforcement officers, however, do use firearms during their service. In most cases, this would not fall under the heading of firearm violence as the gun use is justifiable (such as in cases of self-defence). Police ought to register every time they use a firearm. On average, these registries shows that there are 78 cases of gunshot by police officers, with the amount decreasing slightly from 83 in 2016 to 70 in 2020.<sup>238</sup> These statistics do not show the result of the gunshot (treat, injury or lethality). A 2020 report by Comité P does suggest that police rarely use firearms as a means for coercion (only about 10% of means of coercion).<sup>239</sup>

Police can use their firearms outside of the legal scope of their service. There have been cases – one of which is mentioned under domestic firearm violence (section 4.3) – where law enforcement officers use their service weapon and/or weapon skill to cause harm unlawfully. **Box 14** offers another example.

#### Box 14: Violent misuse of firearms by police officer

July 2021. An **inspector** of the **Federal Police** is convicted for several acts of violence, including vandalising a car, assault and battery with premeditation, and for theft and illegal possession of weapons. A number of his violent acts were addressed at his colleagues (he pointed a loaded gun in 2008, for instance, at the head of a colleague). The day after being convicted, he showed up at work waving a **Kalashnikov-type** rifle. During a house search, police found two bolt-action rifles, a semi-automatic weapon, ammunition, a teargas grenade, two brass knuckle dusters, a baton and two jump knives.<sup>240</sup>

When looking further at our database of media-articles for Flanders and Brussels in 2018–2020, we note that the dynamics of firearm use are very different whether they are used by or against police officers. We note a total of 48 cases of gun violence during law enforcement interventions with 45 cases of these targeting people. In 20 cases, police officers were the victims of gun violence; in 25 cases, police officers used firearms as a means to threaten or injure. Of the cases where the consequences could be identified, seven resulted in fatalities, 17 in injury and 16 in non-injurious threat.

These results are not spread evenly among cases where police are victims of firearm violence or use firearms themselves. When police officers were victimized by firearm violence (and we could identify the consequences), there were no lethal casualties, three cases of injury and 12 cases of threat. Most of the firearms used in gun violence against the police, as reported in our database of media articles, were non-live-firing, including alarm pistols, air guns and imitation firearms with only three live-firing firearms (one revolver, one pistol and one long gun). Motives for assaulting a police officer with a firearm were diverse: four cases of refusal to cooperate, two cases of ‘suicide by cop’ and three cases of mental illness or substance abuse. **Box 15** offers two examples.

### Box 15: Two examples of firearm violence against the police

2018, Sint-Genesius-Rode. A **landlord** got into a **conflict** with his **tenants** after raising the rent, which the tenant refused to pay. In retaliation, the landlord cut off the electricity and threatened to beat the tenant. When the police arrived and they explained to the landlord that he would have to follow proper procedure for recovering his money, the **landlord pointed a firearm** at the police. The landlord was taken into custody and faced a prison sentence for the illegal possession of his firearm (which belonged to his deceased father), threats and insubordination.<sup>241</sup>

2018, Vrijsbeke. A man threatened a police officer with an alarm weapon in the hopes the officer would kill him (**attempt at suicide by cop**). The man suffered from psychological disorders and alcohol addiction. The incident ended without injury. The man was indicted for threatening a police officer.<sup>242</sup>

When police officers used firearms themselves (and we could identify the consequences) as mentioned in media articles in 2018–2020, there were seven fatalities, 14 injuries and four cases of non-injurious threats. In two thirds of cases, the motive was self-defence and, in the other cases, it usually related to facilitating an arrest, preventing an escape or halting the threatening of others ('Media-analysis'). Almost all lethal incidents (six out of seven) occurred in self-defence. **Box 16** offers three examples of gun use by police officers during law enforcement interventions.

### Box 16: Examples of gun use by police

2017, Melle. A man attempted to **rob a restaurant** armed with a firearm. When police officers arrived, he threatened them and the officers responded by **shooting the suspect** and wounding him mortally. The suspect died shortly after the incident. The officer who fired the lethal shot was deemed to have acted out of **self-defence**.<sup>243</sup>

2019, Wervik. A group of three French thieves were **attempting a robbery** (at 10 AM) of a jewellery store. The owner acted swiftly and trapped the thieves in the store using the security system. The thieves were attempting to force their way out. Police arrived on the scene and **drew their guns to force the thieves to surrender**.<sup>244</sup>

2020, Ghent. A woman injured four people with a knife on the streets. **Police fired at the woman** and injured her **non-lethally**. They acted to **protect bystanders** from harm.<sup>245</sup>

Our discussion of the four predominant contexts of firearm use in Belgium shows that firearms are used very differently in these different contexts. While criminals tend to use firearms instrumentally to facilitate their criminal activities, guns are used in the domestic setting mostly to injure or kill. And yet, the criminal context is far from homogenous and certain typical ways of using firearms can be associated with firearm robberies, mostly threats with (alarm/fake) pistols, and the drug trade, more injuries and more availability of higher-quality firearms. In the domestic setting, firearms are used that are available to the perpetrator, either as a licensed firearm, an unlicensed/unregistered firearm (usually a non-regularized firearm) or as a service weapon.

While terrorists mostly seem to make use of their pre-existing criminal connections to acquire firearms, they turn to firearms to maximize casualties. In this, they behave very differently from cases of criminal firearm violence (which are usually non-lethal) and cases of domestic firearm violence (where the firearms are usually not acquired on the illegal market).

A final context in which firearms cause lethal incidents is the police context, where most lethal casualties occur when police officers use firearms in their self-defence. With a few exceptions, police officers tend not to be victimized by firearm violence. When this does happen, it can occur, on the one hand, when criminals attempt to escape capture or, on the other hand, when police intervene in a heated domestic discussion and one of the parties reaches for a firearm.

# 5

## Conclusions and challenges

Belgium is a country with a history and passion for firearms. This results in a rich industry of producing world-renowned firearms, an age-old tradition of hunting with firearms, the popular pastime of sports shooting and a passionate group of collectors of historical firearms. Firearms are, regrettably, not merely export goods, hunting tools, sporting equipment and collectibles; they are also items that inherently possess certain security risks and lend themselves to abuse. As such, Belgium's legislative and policing attention to firearms has to weight these legitimate uses of firearms against their security risks in order to minimise firearm diversion, firearm violence and firearm trafficking.

This study focused predominantly on firearm violence. We note that lethal firearm violence has followed a downward trajectory, especially since the enactment of the Weapons Act in 2006. While in 2004, roughly one in three homicides were committed by firearm (with a total of about 60 firearm homicides), the last few years only one in five homicides are committed with a firearm (with a total of about 20 firearm homicides per year). Firearm violence is however not merely lethal violence. We found that the majority of gun violence is non-lethal (including threats and injuries), which are much more difficult to assess in scope. While some cases of non-lethal firearm violence would be registered by police and published in media articles, other cases – such as inter-criminal gun violence and many forms of domestic firearm violence – will not come on the radar. Most police services interviewed in the context of this report make mention of an increased availability of firearms in the criminal context, which are used predominantly to threaten. This increased criminal availability of firearms is in itself problematic but can also, on the one hand, have spill-over effects to private citizens, who live in fear of armed criminals and, on the other hand, can result in access to firearms by terrorists, who are known to access the criminal market to acquire (semi-)automatic firearms.

This study has shown that lethal firearm incidents occurs mostly in the domestic sphere. In the period 2010–2020 in Flanders and Brussels, 30% of firearm homicides happened in the broader domestic context, 27% happened during armed robberies and in drug crime, 17% happened during police interventions and 15% occurred during non-



domestic, non-criminal disputes. The victims of lethal firearm incidents tend to be men (75%), younger than 50 (53% of victims are between 25 and 49 years old). The firearms that are used in the domestic context are those that are available to the perpetrator, either a registered firearm, a non-regularized firearm (possibly through inheritance), the service weapon of a police officer or a firearm acquired on the illegal market (if the perpetrator has criminal connections). The firearms that are used in the criminal context are very diverse. They can be (converted) alarm pistols, which are used frequently by armed robbers and common street dealers, but also reactivated firearms (often from Central or East Europe) or smuggled conflict legacy firearms (mostly from the West-Balkan).

When researching this report, we found a number of challenges to counteracting gun violence in Belgium. We end this report with enumerating the three major ones.

A first challenge in Belgium concerns the consistent application of the laws regarding weapons. The Belgian Weapons Act has been revised multiple times since its enactment in 2006 – often in response to changes in the EU Firearm Directive – though its application could be improved. For one, we note that a high number of firearms are listed in the CWR under non-existent or otherwise problematic categories (see section 1.1). These could be mistakes in the registry or illegal holdings of firearms. Police officers mention that the information in the CWR is often outdated and they accordingly loathe to make optimal use of this registry.<sup>246</sup>

A second challenge in Belgium concerns acquiring a good intelligence picture of illegal firearm holdings, illegal trafficking in firearms and firearm violence. We have noted above that the relevant information on these topics is spread across multiple services that thus produce fragmentary, and occasionally conflicting, bits of information. Properly and comprehensively registering firearm offenses seems not to be a high priority in Belgium.<sup>247</sup> Firearm seizures are not often traced to their origins, and so smuggling and trafficking networks can continue to operate. This is evidenced, for one, by that few international tracings requests for firearms are made in Belgium.

A third challenge concerns the operational capacity to combat firearm violence and firearms trafficking. We note that illicit trafficking in firearms has been named a security priority in the national security plans in the last ten years, though this has resulted mostly in legislative initiatives. The operational capacity to combat trafficking has not increased and, in some cases, has even decreased. This reduces the operative capacity to address these problems.

## Endnotes

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