

## JUSINBELLGIUM

### A Century of Pioneering Case-Law. A Digital Database of Belgian Precedents of International Justice, 1914-2014

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Axis 3: Cultural, historical and scientific heritage





NETWORK PROJECT

## JUSINBELLGIUM

**A Century of Pioneering Case-Law. A Digital Database of Belgian Precedents of International Justice, 1914-2014**

Contract - BR/143/A3

## FINAL REPORT

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## **ABSTRACT**

### **Context**

Since the First World War, post-war societies have responded in different ways to the perpetration of war crimes and crimes against humanity. In Belgium, hundreds of war criminals have faced trial in 1924-1925, 1947-1952 and the 1990s-2000s, the three moments in focus in the project. This century of judicial experimentation left a unique documentary heritage, yet difficult to access and very much under-used.

### **Objectives**

The JUSINBELGIUM project aims to speak to a global research community working on mass crimes and practitioners of international law. To do so, it has developed an online digital research tool. We ensured the preservation of the historical collections of post-First World War (1924-25) and post-Second World War trials (1947-1952), by digitising a total number of 121 cases. Accessibility is provided through a stable and sustainable online platform: The Legal Tools Database of the International Criminal Court.

### **Conclusions**

The comprehensive documentary system we have created enables the user to dive into the documents and to assess, concretely, what part Belgium played in the unfolding of international criminal justice. The 158.000 pages of records not only offer new insights into the challenges facing international justice today but hopefully also provide a new understanding of past judicial policies.

### **Keywords**

Justice; War; Trials; Records; Mass Crimes; International Law

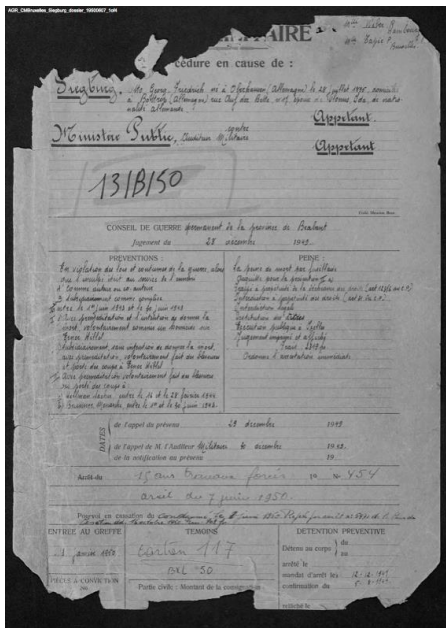
### The project in images



Second World War cases' indexes



Digitisation process at the State Archives



Cover from the Siegburg trial



Postcard in a First World War case (above) and boxes from a Second World War case (below)



## 1. INTRODUCTION

Belgium has been occupied twice in a row, during the First and the Second World War. After both world wars, it participated in the debate on a “new justice” (Lewis 2014). Twice, it stood at the forefront of the battle against impunity and put on trial war criminals. Twice, however, it also stumbled over political and legal obstacles, first in the 1920s, then in the second half of the 1940s. In the 1990s, after a forty-year Cold War interval, it took up again the project of international justice through the so-called universal jurisdiction principle. This model, too, met with considerable resistance. Today, international criminal justice remains a fragile project. But what about older experiences of justice? What can we learn from the trials of 1924-25 and 1947-1952? How did the actors of a developing international justice system tackle the challenges of judicial cooperation, legal categories, transnational investigations and judicial testimony in those years? All three moments (1920s, 1947-1952, 1990s-2000s) resulted in genuine experiences of international justice. They also share a common quest for legitimacy, effectiveness and inventiveness. However, for different reasons, the trials held after the First and the Second World War, fell into relative oblivion both among researchers and the general public. Because much of the material was also difficult to access, it was under-used. Nearly all case files of the military justice dating from the 1940s until the early 2000s were transferred to AGR2 (National Archives 2 - Joseph Cuvelier, repository of the State Archives of Belgium) in 2010 and 2011. From November 2016 to March 2017, the remaining records were transferred from the Palais de Justice in Brussels to the AGR2 repository (including judgements, documentation, indexes), amounting to 1.4 linear kilometres. The project, therefore, also took place in a context where the future management of these files was a crucial issue. The digitised portion is only a small part of the nearly ten linear kilometres-long collections of the military jurisdictions. In this sense, JUSINBELGIUM is a thematic project that focuses exclusively on war crimes and not on trials related to collaboration or other offences tried by military courts.

The JUSINBELGIUM project, through the digitisation and the description of 158.000 pages of trial records and case-law from the 1920s and the 1940s, provides unique documentary evidence on the project of international justice from the Belgian perspective. Over four years, the team collected, ordered, digitised, described and published 121 war crimes trials, involving mostly German defendants tried before Belgian military tribunals. The people tried *in absentia* in the 1920s were all German. After the Second World War, Belgium judged not only Germans but also Poles, Austrians, Belgians, Romanians and Luxembourgers for war crimes. The comprehensive processing of the records has resulted in a critical editing process. Each case is presented through an information sheet. To this end, the team has developed a specific methodology. All digital pages are arranged in the original filing order and are accurately identified. The final PDF-documents convey an experience similar to the more traditional paper consultation. While preserving the original documents, which sometimes suffered damage, the collection is accessible through the Internet to researchers and legal practitioners, regardless whether they operate from The Hague, Kigali or Bogota. The digitised historical collections are hosted in a dynamic, interconnected and international archival environment: the database of the International Criminal Court ([www.legal-tools.org](http://www.legal-tools.org)). This ensures sustainability after the project's completion. In the future, the collection will also be accessible through the online database of the State Archives of Belgium.

The 121 cases (240 defendants) are a minor part of post-war proceedings, which include the better-known and far more numerous collaboration trials (53.000 convictions after 1945 in Belgium) (Aerts



et al. 2017, 76). However, Belgian war crimes trials are a crucial part of the history of international criminal justice. They reflect the interaction between international and national dynamics in the aftermath of both wars. Indeed, both trial collections are interconnected with Allied policies and rely in part on innovative forms of international judicial cooperation and an increasingly concerted and structured legal framework. From a multidisciplinary perspective, they are primary sources for examining legal categories and investigation practices while providing a range of first-hand testimonies on war experiences. For this reason, these two historical collections are now accessible via the above-mentioned database of the International Criminal Court. The sheer value and interest in this documentary collection have led the ICC to become a partner in the project in 2015, ensuring the long-term preservation of the digital copy of these records.

The project supported three full-time researchers: two post-doctoral researchers at the Université libre de Bruxelles (Ornella Rovetta, Centre de Recherche Mondes Modernes et Contemporains) and the State Archives of Belgium (Delphine Lauwers, Centre de Recherche Mondes Modernes et Contemporains) and a PhD researcher at the KU Leuven (Hendrik Vandekerckhove, Centre for Global Governance). Wolfgang Form, from the International Research and Documentation Centre for War Crimes (Marburg, Philipps Universität) contributed to the project by providing expertise on databases and the history of war crimes trials. The project also associated Marie-Anne Weisers, a researcher at the ULB (Centre de Recherche Mondes Modernes et Contemporains), who authored a dissertation (2014) on the Siegburg case, one of the trials later covered by the project. Finally, the project has been integrated into the curricula of history students of the ULB through two research seminars, initiated by the project's promotor Pieter Lagrou. Also, the project trained ten students and trainees in digitisation and documentary management. Digitisation would never have been possible without their help.

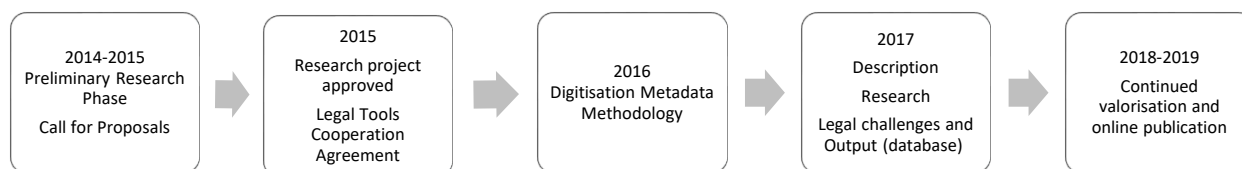


Figure 1 Timeline of the project

## 2. STATE OF THE ART AND OBJECTIVES

### 2.1 Objectives

The central aim of the JUSINBELGIUM project is to identify, describe, digitise and publish online judicial records of war crimes trials held before Belgian jurisdictions from 1914 to 2014. It seeks to highlight these exceptional collections, to participate in the archival management effort to inventorise and preserve them through a large-scale digitisation programme, and to integrate those records in an international research environment.

Post-First World War trials are commonly associated with a sense of travesty of justice, especially when referring to the Leipzig cases in 1921. The Belgian *in absentia* cases in the 1920s were largely forgotten, in part because the archives disappeared for more than fifty years after having been seized by the German occupier in 1940. Many Second World War cases went unnoticed, including cases dealing with crimes against humanity and universal human rights (Siegburg and Krumkamp cases), with the issue of superior orders (Müller et al. case) or with crimes committed outside Belgium (Wolfenbüttel and Winter cases). Surprisingly, only a limited number of decisions – and none for the 1920s – made it to professional legal journals and case-law directories.

Therefore, our ambition was to document the constant effort to defeat impunity, from local municipal authorities gathering evidence of German atrocities in the summer of 1914 to the fundamental contribution of Belgian judicial investigations in the Rwanda Tribunal in Arusha. We felt that this century of judicial experiments had produced a unique heritage that urgently needed to be made available to scholars working on mass crimes and practitioners of international justice. In other words, despite their resonance with trials conducted at the same time in other countries and their relevance to current research issues, much of this material was unknown to researchers, difficult to access and very much under-used.

The project aims to speak to a global research community as well as to practitioners of international law. To do so, we developed an online digital research tool on this unique record of Belgian involvement in the creation of new forms of international justice since the First World War. The final research tool would make the digitised records accessible to multiple users from different disciplinary backgrounds. In choosing to host the digital records in the Legal Tools Database of the International Criminal Court (ICC), we sought to provide a sustainable and stable online environment to two historical war crimes trials collections: the 1924-25 trials (86 cases) and the 1947-1952 trials (35 cases). Because the records from the 1990s are still “active” documents and serve judicial purposes, they were not included in the digitisation process of the project.

From a research perspective, the records of the Belgian war crimes trials in 1924-25 and 1947-1952 bear witness to intense periods of legal and diplomatic debate. They also unveil the multiple individual (victims, eyewitnesses) and institutional actors (magistrates, local authorities, investigators) involved in the process. It was important for the project leaders to preserve this multiplicity and complexity, making the entire record available, rather than opting for the publication of a selection of pieces. Besides making the original records available, we were also committed to providing accurate and authentic information on the war crimes cases via different tools (metadata, abstracts, identification sheet). These records not only offer new insights into the challenges facing international justice today but hopefully also provide a new understanding of judicial policies during these two periods.

## 2.2 State of the art

This project engages with existing historiography and research projects on at least four levels.

1. The first aspect, which is probably the most obvious, relates to the “Nuremberg moment” and its aftermath. The Belgian records that bear witness to the investigations and prosecution of (mostly foreign) war criminals after the Second World War before Belgian courts cannot be understood without taking into account the broader international context. The challenges of the WWII post-war moment has been the subject of recent reinterpretations, as the books of Philippe Sands, Kim Priemel, Guillaume Mouralis show. Telford Taylor’s classic book sought to bring the trial to life from the inside, but it was seen through the eyes of one of its actors (Taylor 2013). In a very different style, *the Road to Nuremberg*, with its focus on international relations, offered a detailed overview of the steps leading up to the holding of this historic trial (Smith 1981). More recent research questions the choices made in the summer of 1945 in the light of national political considerations (Guillaume Mouralis 2019; Priemel 2016) and through individual stories (Sands 2016). Post-Second World War trials in Asia are also the subject of new research (Lingen 2018; Form 2016). They also explore the setting up of the trial, its educational and pedagogic dimension and the use of images and footage (Delage 2006; Pozner, Sumpf, and Voisin 2015). The Belgian documentary production related to war crimes trials after the Second World War does not rival the mass documentation produced in Nuremberg, but the digitised files amount to 149.500 leaflets (converted in about 600 PDF files). The Allies extradited the accused to Belgium at the latter’s request. However, only a small proportion of alleged war criminals initially under consideration (4400) were effectively tried (108) before Belgian military courts. Between 1947 and 1952, i.e. after the International Nuremberg Trial, 35 trials took place in Belgium. Some of these cases were thematic collective trials. Many of these cases included documents related to other legal proceedings (as the American “Malmedy case” documents show in the “Stavelot case”) or German documents seized by the Allies (such as prison registers in the “Wolfenbüttel case”). The national dimension thus completes the international picture. Historical literature has shown how relevant the national level is in understanding how societies deal with the questions of justice and the past. We can refer here, in particular, to research on the French, German and Israeli post-war experiences (Wittmann 2005; Rousso 1990; 2011; Pendas 2006). This national level and the possibilities and limitations it presents, stood at the centre of the doctoral research conducted from a legal perspective within the project by Hendrik Vandekerckhove. His research discusses whether domestic courts in general, and the Belgian courts specifically, intend to achieve the goals of international criminal justice and, if so, how. He thus examines Belgium’s practices in the field of international criminal law from 1918 to 2019.

2. Secondly, the project sheds a different light on the idea that the First World War justice project was a pure failure. This idea springs from the abandoned project of creating an international court and from the failed attempt to prosecute German war criminals before the Leipzig Supreme Court in 1921. From 2014 to 2019, the commemorations of the centenary of the First World War and of the subsequent Treaty of Versailles have submerged the public sphere as well as academic publications. The Treaty of Versailles granted jurisdiction to national military courts to prosecute German war criminals listed on the Allied Extradition list. The collection of *in absentia* trials held before the Belgian military courts in the 1924 and 1925 (shortly after France had decided to proceed with cases before its courts), thus finds a particular echo in this “commemorative” phase. Research on these records will complement the political history of the Versailles Peace Treaty. It also further expands a

judicial and social history of international justice in the 1920s, as developed by John Horne's and Alan Kramers' book (Horne and Kramer 2001). The recent Keller's controversy on the reality of Belgian *francs tireurs* [organized and disguised armed civilians] and the "legitimacy" of the atrocities committed by the German army while invading Belgium in August 1914 shows how important the topic remains, 100 years later. John Horne and Alan Kramer addressed the topic over the January 2018 international conference organized within the project (see point 5 Dissemination and Valorisation). Moreover, the Belgian trials were part of broader international efforts (towards "the new justice") at the time that have been the subject of renewed scientific interest (Lewis 2014). The Leipzig trials which took place in 1921 resulted from Germany's refusal to extradite its nationals to Allied countries, and its proposal to organise trials in Leipzig. France, Great-Britain and Belgium delegated cases to be tried as "test cases" in Leipzig. However, a promise of internationalized justice and judicial cooperation ended in a fiasco, as illustrated by the Belgian case which ended in a contested acquittal (Hankel 2014). The judicial disaster – experienced as such by Belgium and by part of Germany's political leaders, as reflected in the newspapers of the time – is nonetheless fascinating to study and one of the cases (the Max Ramdohr trial) will be the subject of a book co-authored by Pieter Lagrou and Ornella Rovetta. The Leipzig trials remind of another failure which has been the subject of renewed scholarly attention: the judicial aftermath of the Armenian genocide (Vahakn N. Dadrian and Akçam 2011). There too, "new" sources about these trials that have enabled this crucial episode to be re-examined. In short, the archives uncovered in the JUSINBELGIUM project contribute to shifting the 1920s from a mere "prelude to Nuremberg" (Kochavi 1998) to a pioneering experiment, although one that suffered from the political limitations and obstacles of the interwar years (Clappaert, Kohlrausch 2018).

3. Third, judicial records are traditionally central sources for historians. They inform on facts, past societies and actors, while documenting (mass) crimes and how they are being addressed. However, they raise two kinds of difficulties: 1) distortions of the "reality" through the prism of the legal framework, i.e. the translation of facts into legal categories and the inherent selectivity of the judicial process 2) visibility or invisibility of some actors and facts within the judicial records. Justice in itself can also be subject of research, which then highlights how it influences collective memory and politics or conversely (Rousso 1990). Historical and anthropological literature shows that generally, the judicial records serve both to chronicle past events and to question the limits of the narrative so constructed (Claverie 2012; Brayard 2000; Browning 1992; Dumas 2014; Ingraio 2010; Weisers 2013). The critical analysis of the role of justice – and more specifically that of the judges, prosecutors, witnesses, victims, defendants – is then central to assessing the value of the sources used to write history. The First and Second World War Belgian trials in focus in the JUSINBELGIUM project all involved witnesses and victims and produced a – public – account of the facts. In the 1920s, a vast majority of cases dealt with acts of arson, theft/looting and murder. The files contain original material collected by individuals, local judges, priests, local authorities, police officers and military prosecutors. They contain documentary materials collected between 1918 and 1924 by multiple investigating actors. From an average of 90 pages per file in the 1920s (7700 pages in total), we move to 4500 pages on average for the post-Second World War cases. Some cases amount to more than 20.000 pages. In total, 149.500 pages have been digitised for the Second World War cases. In comparison to the post-First World War trials, the number of witnesses had exploded. The evidence was gathered from lengthy and complex investigations. Original German documents (for example the Wolfenbüttel prison records) were incorporated into the files. Whereas in 1924-25,

trials were held *in absentia*, after the post-Second World War, the (German, Polish and Austrian) defendants attended their trial. They were assisted by Belgian and German defence lawyers. The digitised records of the JUSINBELLGIUM project tell the story of how the judiciary tackled the issue of war crimes and their punishment, after 1918 and after 1945. They also highlight how justice massively produced information on recent events through investigations.

4. To make the collections accessible and user-friendly, we had to develop an original methodology. Digital humanities have become omnipresent in recent research projects. Digital libraries, databases, virtual reading rooms and full-text search have transformed the way we conduct research. Most State Archives and research institutes (such as the NIOD in Amsterdam for example) have initiated large-scale digitisation projects. The question that arises is one of priorities. Which record groups should be digitised? And for what audience? As underlined in an article co-authored by three JUSINBELLGIUM researchers, the debate on these choices should be an open, public and perhaps above all pragmatic debate. It should involve researchers, teachers and amateur historians. It must give priority to the most requested collections, for which digital access also means increased preservation of the original document from damage due to repeated manipulation. It should focus on those collections most likely to be of interest to an international audience, for whom the cost of physical consultation may be prohibitive. In other words, we defend a global, transnational and shared history open to all. This comes with a series of challenges in terms of social impact and public debate on digitised collections (Lagrou, Rovetta, and Lauwers 2017).

The JUSINBELLGIUM project took place in the context of constant debate on the access to Second World War records, in particular for families intending to uncover their past, be it on the side of the resistant movements or the collaborators. The popularity of television series such as “Kinderen van de collaboratie” [Children of the collaboration] and “Kinderen van het verzet” [Children of the resistance] (Koen Aerts, VRT, Dutch public television), as well as the ongoing project on the memory of resistance and collaboration “Transmemo”, are symptomatic of the public’s interest in these debates. It is remarkable that the book *Papy était-il un nazi?* published simultaneously in French and Dutch, was a great public success. In this guide, written by historians and archivists, people can learn how to retrace their family history during the Second World War (Aerts et al. 2017).

The Internet offers plenty of solutions for making records accessible. A certain number of high-profile historical trials are already available to researchers through different platforms on the Internet. Examples include the complete footage of the Eichmann trial (1961) released on Youtube (Israel State Archives, Yad Vashem, Google) or the full transcript of the International Nuremberg trial (1945-46) (Harvard Law School library Nuremberg trial project; Yale Law School Avalon Project). The Australian National Archives provide an excellent example of open access to trial records relating to the prosecution of war crimes after the Second World War. It is probably no coincidence that today, transitional justice increasingly includes the online publication of its records as part of its objectives, to reinforce visibility and legitimacy.

Finally, a significant part of the Belgian post-war records is made up of testimonies collected in the course of the investigations and trials. What is particularly interesting here is that these testimonies were given in the very early post-war years: between 1918 and 1925 for the interwar years (and in particular between 1918 and 1921) and between 1945 and 1952 for the Second World War cases. However, the literature rightly emphasizes the relative silence of victims of mass crimes, particularly

in the 1940s. Projects such as D. Boder “Voices of the Holocaust” (1946 testimonies) or the EHRI “Early Holocaust testimonies” database shed new light on these early years. Here too, the JUSINBELLGIUM project contributes to giving voice to direct witnesses and victims who otherwise remain pretty silent in the archives.

The digital collections that are hosted by the Legal Tools Database of the International Criminal Court follow a very traditional pattern of organisation. The digital copy is as close as possible to the paper version. Scans are organized in PDFs, which recreate the original paper structure, using bookmarks to jump from one subfolder to another. We have invested little in data mining or optical character recognition techniques. Instead, we have invested a considerable amount of time in describing the cases, contextualising them and presenting them to the user. A tutorial is available on the Legal Tools and on the project Blog (<https://www.legal-tools.org/doc/6960da/pdf/>).

### 3. METHODOLOGY

The team has faced three types of challenges in establishing the online global research tool to make the unique record of Belgian involvement in the creation of international criminal justice available under digital form: material, intellectual and technical challenges. The methodological section addresses these different challenges and insists in particular on the digitisation and description process. The report discusses proper results in section 4 (scientific results and recommendations).

#### 3.1 Global overview of data

As shown in the table below, the JUSINBELGIUM project enabled the digitisation and description of two remarkable historical collections for a total of 158.000 pages: the war crimes trials related to the First World War (1924-1925) and to the Second World War (1947-1952). It also has made accessible pioneering case-law through the digitisation of first instance and appeal judgements (141 decisions in total). The challenge was to make these records not only visible but also accessible and user-friendly.

<b>Global overview of Belgian war crimes trials</b>			
	<b>1924-1925</b>	<b>1947-1952</b>	<b>2001-2020</b>
War crimes trials	About 130 trials (estimated)	35 trials	5
Complete trial files found	86 trials	34 trials	/
Missing/destroyed records	About 45 trials (missing)	1 trial (destroyed)	/
Archival series held in the State Archives	Moscow Archives (AAW series) and military justice registers	Case files of the military justice	Assizes courts
<b>Trial files and case-law included in the JUSINBELGIUM digitisation programme</b>			
	<b>1924-1925</b>	<b>1947-1952</b>	<b>2001-2020</b>
<b>Cases</b>			
Number of digitised cases	86	33 <sup>1</sup>	/
Number of defendants	137	103 <sup>2</sup>	9
<b>Case-law</b>			
Number of judgements (first instance)	76	35	/
Number of judgements (appeal)	None	30	/
Missing judgements	10	None	
<b>Total number of digitised pages</b>	7.788	149.500	Not included in the digitisation programme

Table 1 General overview of the cases included in the digitisation programme

<sup>1</sup> Of the 35 cases, one has been destroyed and we have used existing digital files for one case (SIPO-Bruxelles trial, 5 defendants), which explains why we have digitised 33 out of 35.

<sup>2</sup> 108, if we include the 5 defendants of the Sipo-Bruxelles trial, for which we use existing digital files.

### 3.2 Material challenges

The first step was to define the data which we would include in the project. We must distinguish here between the records to be digitised and published online and those which would be part of the research without being digitally processed. The first category covers the historical archives resulting from the two world wars; the second category is made up of recent trials (see table 1).

The historical trajectory of Belgium has brought it to the forefront of international legal history. Belgium is the only European Nation to have known two consecutive military occupations of all or most of its territory during both World Wars. Its role as the former mandate power over Rwanda gave it a particular historical and political responsibility in the genocide of 1994 in Rwanda. Belgium distinguished itself not just by a thirst for revenge after the crimes committed by the German occupier in 1914-1918 and 1940-1945, but by its ambition to show the superiority of the liberal rule of law over authoritarian oppression. This historical trajectory also created a peculiar political and intellectual tradition of militancy for international justice. It took the Belgian courts six years from the end of the First World War to organize an impressive series of *in absentia* trials in 1924-25, a decade after the German invasion of Belgium. During the Second World War, Belgian officials in exile participated in the debate on post-war prosecutions. After the adoption of the law on war crimes in 1947, Belgian military courts tried 108 individuals for war crimes, a small number, however, compared to the original list of possible defendants on the “wanted list” transmitted to the United Nations War Crimes Commission. 1993, 1999 and 2003 were further milestones in the experimentations with international justice through the five “Rwanda” cases. On 16 June 1993, Belgium adopted the « Loi relative à la répression des infractions graves aux Conventions de Genève du 12 août 1949 et aux protocoles additionnels I et II du 8 juin 1977 ». In 1999, it was amended to include genocide and crimes against humanity. Finally, in 2003, a new law removed previous laws and integrated international offenses that had been defined after the Second World War into the Belgian criminal code. To this day, Belgian assizes courts judged 9 persons involved in the genocide against the Tutsi of 1994 in Rwanda, based on the 1993 and 2003 laws.

This project does not take into account the entire spectrum of what could be called “post-war trials”. In this sense, the judgment of collaborators after both world wars or the role of administrative courts active in the recognition and compensation of civilian victims (after the First World War) is not part of the project. The objective of the project was to examine how international criminal law was being used and adapted in Belgian trials. We intended to focus on trials relating to what we today call “international crimes”. These cases and their perpetrators appear in the records under several different designations: “*coupables de guerre*”, “*violations du droit des gens*” and “*crimes de guerre*”.

The two collections included in the digitisation programme (1924-25 and 1947-1952) of the project are symmetric in the sense that they resulted from war crimes trials held before Belgian military jurisdictions in the wake of the two wars. However, they also have very different features that impacted their pre- and post-digital processing.

1. For the 1920s, the onset of the project led the team into a veritable archival trail. Indeed, while we knew that trials of German war criminals (“*coupables de guerre*” as they were called at the time) had been held in 1924-25 in Belgium, the location and precise content of the cases was unknown. The starting point for the identification of these trials was at the Ministry of Foreign Affairs Archives,



which holds copies of the judgements (MAE Archives, Fonds Guerre 1914-1918, XII). The trail continued in the State Archives where the original files of German war criminals were however empty, suggesting that these files of German war criminals had been organised as a specific series within the military justice administration already in the 1920s. It is in the spring of 2015 that, by chance, an archivist drew our attention on a couple of files related to the violations of the laws of war, which were mentioned in the finding aid of the Belgian Field Military Tribunals in the Rhineland and the Ruhr after the First World War (Luc Vandeweyer, Michel Trigalet, 2007). These were in part the archives we had been looking for. This finding oriented our search to the so-called “Moscow Archive”, or “Aktensammelstelle West/Osoby”, named after their peculiar journey. In 1940, the Germans (*Aktensammelstelle West* Unit) confiscated different archival collections in Belgium. This was part of a more extensive policy of cultural confiscation, led by the “Reichsleiter Rosenberg Taskforce” (Einsatzstab Reichsleiter Rosenberg – ERR), following which Germans seized any cultural goods produced by “subversive” organisations and individuals, not only in Belgium but all over Europe. Among the confiscated files, those of socialists, communists, Jewish and free-masons were predominant. In Belgium, they also included a large number of documents of the Ministry of Defence and Justice, and the trial records of the *in absentia* trials of 1924-1925. At the end of the war, the Germans brought these seized documents to Berlin. In 1945, the Soviet troops, in turn, seized these archives and brought them as war trophies to Moscow where they have been kept (Osoby Collection) for over half a century. When Belgium recovered the 1.8 kilometre of seized records in 2002, the collections were dispatched to different repositories, some series being returned to their original repository/creator while the majority was brought to the Royal Museum of Armed Forces and Military History (Royal Military Museum). Part of the trial records relevant to the JUSINBELGIUM project was located in the State Archives, and the other part lay with the Royal Military Museum Archive. In October 2016, fragments of the war crimes trials collection at the Royal Military Museum Archive were transferred to the State Archives. The transfer took place according to the legal framework which indicates that the archives produced by Belgian military jurisdictions should be kept at the State Archives (Joseph Cuvelier Repository), while the *Collège des Procureurs Généraux* [the College of Prosecutors General] remains their legal custodian. By the end of the project, 86 complete trial records had been uncovered, and subsequently digitised, while approximately forty cases are still missing. They may either have been lost through the different transfers or still lay in the unexplored parts of the “Moscow Archive”, kept at the Royal Military Museum or maybe even still in Moscow.

The trial files were, in some instances, grouped together, but were often spread out among other miscellaneous records in the “Moscow Archive”. The students of the seminar in contemporary history at the Université libre de Bruxelles (2015-2016; 2016-2017) carried out some of the research work under the supervision of Pieter Lagrou, Ornella Rovetta and Delphine Lauwers, especially regarding the documents kept initially in the Army Museum. We also relied on the database of the Army Museum and a provisional inventory to identify the records.

The collection published by the project includes 86 cases. This corresponds to 137 defendants judged *in absentia* in 1924 and 1925 before Belgian military tribunals. The total number of scans for this collection is 7.788, with an average amount of 90 pages per case. The files include the investigation and trial phases. Moreover, we have extracted original case-law related to the cases from the judgement registers of the military courts. In 1924, there were seven permanent military courts for Hainaut, Brabant, Flandre orientale, Flandre occidentale, Antwerp, Liège-Luxembourg, and

Namur. We were unable to locate the complete trial records of German war criminals for Flandre Orientale and miss occasional files for the other military courts. As for the registers, we managed to locate and digitise the case-law for the following courts: Brabant, Flandre Occidentale, Flandre Orientale, Hainaut and Antwerp. Since the trials were conducted *in absentia*, only in very few cases did the Prosecution file an appeal, and these actions did not end up in any judgement. Some of the judgement registers of 1924-25 had been removed from their initial storage and seized by the Germans in 1940, which complicated their identification and digitisation. Such was the case for the 1925 register of the military court of Brabant, which was repatriated among the “Moscow Archive”, of which there is no detailed inventory.

2. On the contrary, Belgian war crimes trials after the Second World War were better known and identified from the beginning. The project started from the list of war crimes cases compiled by the *Collège des Procureurs Généraux* [the College of Prosecutors General], which still has authority over these files, even though day-to-day management and preservation has now been delegated to the State Archives (cf. *supra*). Out of the 35 known war crimes cases, the records are missing for one case (Prosecutor v. Müller). Either it was lost, or it was destroyed. Late in the project, and after completion of the digitisation phase, a new case (Sipo-Bruxelles) emerged from the archive, and we were lucky to retrieve existing digitised files from that trial<sup>3</sup>. We have thus digitised 33 cases.

In comparison to First World War-cases, the average amount of digitised pages per trial for the Second World War-cases is about 4500. By way of comparison, the largest trial in the 1920s contained 642 pages for 25 defendants, and this was a noticeable exception to an average of 90 pages per case. It was the trial of Karl d’Elsa et al. before the military court of Namur which took place on 30 April 1924. All defendants were heavily sentenced for arson or arson and murder. After the Second World War, the number of records grew exponentially. Several post-Second World War files include between 10.000 and 15.000 pages, and one file amounts to more than 20.000 pages (The Alexander von Falkenhausen et al. case, which amounts to 45 PDF files in its digital version). Most often, the records were found in their original order. However, in several cases, the original order of the paper version had to be retrieved before digitisation could begin (for instance, in the Schmitt, von Falkenhausen et al. or the Canaris case).

The complete case-law for Second World War cases (first instance and appeal) has been systematically scanned from the original judgement registers. This amounts to 35 first instance judgements and 30 appeal decisions (of which 27 before the Appeal court in Brussels and 3 in Liège).

The overview of the data points to a specificity of the JUSINBELGIUM project. Not only did it aim to valorise existing collections, but it also focused on records that had not been inventorised yet and that were at first scattered in several repositories. These specificities made it unavoidable that we would not be able to locate certain First World War records within the timeframe of the project (see table 1). Nevertheless, as a result of the project, a long-forgotten collection (the trials of 1924-25) and difficult to access cases (the post-Second World War cases) have been made public.

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<sup>3</sup> Many thanks to Laurence Schram, from the Kazerne Dossin.

### 3.3 Intellectual challenges

1. The first preoccupation of the project was to set up a method for creating user-friendly digital copies of the original trial files. To make the digital copy as identical as possible to the paper one, it was necessary to (1) carefully analyse the original internal organisation of each file and, where appropriate, sort them (2) digitise the files in the correct order and finally, (3) create the description and browsing tools that replicate the original structure and provide a historical and archival context.

These successive steps were crucial in making the online publication of complete trial records successful and user-friendly. Scanning hundreds of pages in a row makes it difficult for researchers to exploit them. Similarly, choosing to publish only a selection of documents implies explaining and legitimising the choices made. Targeted digitisation is, of course, unavoidable in general, but we have chosen to maintain the integrity of the collection and to digitise the files integrally. Who could anticipate what research topics would be of interest to researchers in 2 days, 2 years or 10? Finally, the very nature of the documents themselves – trial records – makes partial publication problematic: which testimonies should be highlighted at the cost of others? Why this judgement and not that one?

The JUSINBELGIUM project is widely dedicated to the preservation and valorisation of historical records. Its core ambition is to address the topic of international justice in the Belgian perspective, not to research all the other aspects of military justice. Therefore, the collections included in the project stem from choices related to a research question. One could argue that we thus built up the collections through our researcher's eyes. That may be true in the sense that it has guided our archival trail. However, there is no doubt that at the time the records were created, they were already part of clearly identified sub-units. This is true for the *in absentia* trials of German “*coupables de guerre*” in the 1920s and the trials based on the law of 1947 on war crimes after the Second World War. The same idea applies to more recent trials. In the 1990s and 2000s, the 5 “Rwanda” trials held before the Assizes court based on universal jurisdiction also formed a specific sub-unit within the work of this jurisdiction.

To properly contextualise and ensure accurate referencing of the data, we have imagined, tested and implemented different tools: an identification sheet for each case, a directory of legal sources, the inclusion of an identification watermark in the PDFs, the creation of a digital structure within the PDFs to navigate the records and reproduce the original paper structure. These instruments further build on examples taken from existing projects (the ICWC database in Marburg or the Australian National Archives) and intend to avoid the pitfalls of online publication, in particular the difficult retrieval of the original reference of a downloaded document.

2. The second challenge relates to the sensitive nature of trial records. Judicial decisions are, by definition public matters. They are publicly advertised and often published in the daily press. The proceedings are public, except in the rare cases where the presiding judge decides to hold closed sessions, because of the specificity of the crimes under discussion and special issues related to witness protection. Judicial decisions are also routinely published in professional compendia of case-law, both in international law and in domestic law (*Pasicrisie*), displaying the complete identities of the plaintiffs and defendants. The Internet and on-line publication of case-law have stirred a new debate, because of the instant searchability of public databases. It does indeed deeply transform the notion of publicity itself. Whereas finding the name of an individual in the thousands of pages of

paper versions of case-law was an extremely time-consuming undertaking, private companies specialized in background checks can now compile delicate judicial information on individuals using simple internet browsers. It has therefore generally been argued that the benefit of the integral publicity of the judgements was outweighed by the possible harm caused to the privacy of defendants and witnesses. In the publication of case-law, the legal reasoning holds the essential part of the informative value of the court decision for lawyers, not the names of the defendants.

While indeed in most trials, the name of the defendant is not essential for the decision as such, it is a whole different story with so-called “historical trials”, in which the naming of authors and victims of crimes is a matter of recognition and reparation (Terwangne, 2005, Lagrou, Lauwers, Rovetta, 2018). In our view, the Belgian war crimes trials of the 1920s and the 1940s-1950s fall within the category of historical trials. The 35 post-Second World War cases can be compared to “Belgian Nurembergs” for which anonymisation has never been on the agenda. Generalized anonymisation would be impracticable and contrary to the very purpose of historical trials. However, there is an exception to this principle that we have debated within the project: we have decided to anonymize (“redact”) witness names and potentially identifying information when confronted with closed sessions. Closed hearings are hearings without public, by decision of the judges. We have complied with the judges' decisions by not publishing the full data. This is the case in the “Boden” and the “*Geheime Feldpolizei 530 (GFP 530)*” cases, which deal with crimes of indecent assault on Jewish women (Boden case) and torture (GFP 530 case). Below is an example of this anonymisation process.

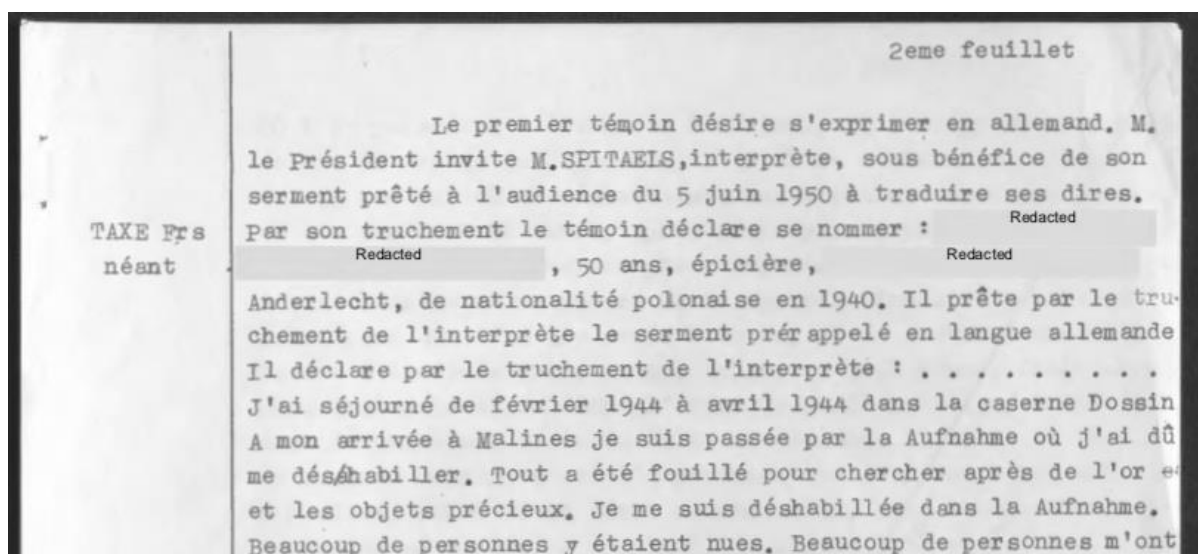


Figure 2 Example of a redacted record, Boden trial, closed session hearing

It has to be underlined as well that the digital data is accessible only through the online database of the ICC. It is not indexed via search engines such as Google. To download material, users have to accept the “terms of use” of the Legal Tools Database through a pop-up message.

3. Finally, the third challenge relates to the description and online publication process. The very fact that we chose to digitise the whole cases, including the investigation and appeal phases, means that the context of the conviction of a defendant, as well as the possible revision of its conviction in appeal, had to be made available to researchers. For that purpose, an identification sheet inserted as the first page of each PDF files offers at a single glance a synthetic and global overview of the different decisions taken, both in first instance and on appeal, when an appeal has taken place.

Moreover, the identification sheet offers historical and legal background, identifies the partners of the project and suggests a correct citation for digital copies (see point 4.2).

We designed a database structure enabling a detailed description of the documents and compatibility with the Legal Tools Database of the International Criminal Court, our main outlet. On behalf of the project, the Université libre de Bruxelles has signed a cooperation agreement in October 2015 with the Office of the Prosecutor of the International Criminal Court and is now an official partner in the Legal Tools Database project. Following this agreement, the Legal Tools team has provided online training and direct access to the interface back-end of the database that allows to feed it with case-law and full digital collections directly. The Legal Tools team has supported the online publication of our documents.

The significant advantage of using a pre-existing database in terms of sustainability comes with a series of downsides in other respects. Indeed, although the ICC Legal Tools Database provides 75 metadata description fields, information pools which seemed essential to us were missing. For instance, and somewhat surprisingly, the ICC database does not contain any legal information and data on victims and witnesses. We have included this information in the identification sheet embedded in the PDFs and separate databases for research purposes.

body:	
Date created:	28.05.1925
Language(s):	French
Original language:	Yes
Authoritative language:	Yes
Abstract:	Karl d'Elsa and Luyken are accused of burning down 134 of the 161 buildings of the town of Spontin. From August 10th to August 23rd, several units of the German Army passed through Spontin. 43 civilians were killed during this period, and the village was almost entirely burned down on 23.08.1914, on the pretext that "francs-tireurs" had been active in the area. While the testimonies were substantial enough to determine the identity of the authors of the arson of Spontin, the military prosecutor's office did not manage to determine who was responsible for the 43 murders that had been committed there. Both defendants were found guilty of 134 counts of arson with the aggravating fact that it caused the death of Edmond Poncin. They were accordingly sentenced in absentia by the military tribunal of Namur to the death penalty, on 28.05.1925.
Case name (ICC naming convention - FR):	Le Procureur c. D'Elsa et consorts
Case name (ICC naming convention):	The prosecutor v. D'Elsa et al.
Case/Document number:	1925/55
Phase of case:	Trial
Composition of chamber:	CLAVAREAU (president/Major); DEMOULIN (member/civil judge); GEORLETTE (member/Captain-Commander); ROGISTER (member/Captain-Commander); HERMANNE (member/Lieutenant)
Presiding judge:	CLAVAREAU (Major)
Place of court:	Namur, Belgium
Type of court:	Military jurisdiction
Accused / Defendant:	D'ELSA, Karl; LUYKEN
Prosecutor's team / Claimant:	HELLINCKX (substitute military Prosecutor)

Figure 3 Example of standard online metadata in the Legal Tools Database (excerpt)

The metadata structure has been designed in collaboration with Wolfgang Form, our international partner and director of the International Research and Documentation Center for War Crimes Trials. It includes fields such as creation date, source of the record, language, content type, abstract, case name, case number, composition of chamber, outcome of the trial, prosecutor's team, counsel for defence, resource citation,... Metadata is used to describe each entry in the database and to search through the uploaded records. But this metadata alone does not ensure accurate referencing of the records. In this regard, the abstract of each case that we inserted in the database and the identification sheets are fundamental tools for contextualisation (see section 4).

Another choice we had to make was the category in which to place our documents, among those existing on the Legal Tools platform. It ([www.legal-tools.org](http://www.legal-tools.org)) offers nine main types of documents:

1. International Criminal Court Documents
2. Other International(ised) Criminal Jurisdictions
3. International Legal Instruments
4. Human Rights Law Decisions and Documents
5. Other International Law Decisions and Documents
6. National Criminal Jurisdictions
7. Publications
8. United Nations War Crimes Commission
9. International(ised) Fact-Finding Mandates

It is evident that the database is primarily devoted to documents originating from the International Criminal Court (1), the other international courts established in the last 25 years (2, 5) and international criminal law (3, 4). However, two elements should be highlighted here. First, the historical dimension is present in this Legal Tools project through the category "United Nations War Crimes Commission (UNWCC, 8)" and "internationalised jurisdictions (2)". The UNWCC was in charge of collecting evidence and preparing post-war justice during the Second World War. Large parts of the archive of this commission are available online. Under "internationalised jurisdictions", we find records from the International Military Tribunal at Nuremberg (1945-1946) and the International Military Tribunal for the Far East (1946-1948). These records include trial transcripts, case-law, and basic documents such as the rules of procedure. When we started the JUSINBELGIUM project, the second category of internationalised criminal jurisdictions also included case-law related to the Second World War of Allied tribunals (France, United Kingdom, United States) both outside and inside occupied Germany and German tribunals. The idea was that these trials had an international dimension. We therefore initially planned to upload our collections in this category, even though Belgium did not hold trials in occupied Germany (and thus outside its national territory). In the course of successive reorganisations of the database over the last years, historical national case-law was moved to the category of "national criminal jurisdictions" (6). After discussions within our team and with the Legal Tools developers, it was eventually decided to create two new historical categories in the pre-existing Belgian folder: "cases before 1945" and "cases between 1945 and 1980" (the last one being subdivided per case). Whereas the case-law relating to the Second World War was previously easily retrievable, the new organisation now requires users to look at each of the different countries to gather Second World War-related information. However, we do not have

any control over these choices, which we do not always necessarily approve. This imposed structure is one of the disadvantages of using an existing database, although it did not hinder the progress of our project.



Figure 4 Print screen of database structure for National Jurisdictions – Belgium (Legal Tools Database)

Another concern was that the Legal Tools Database is a document-oriented system which did not automatically fit our case-file-oriented project. Concretely, this means that an entry in the Legal Tools system equals a document, e.g. a judgement or an indictment. This was not a problem for our case-law collection. However, we had to adapt the description model for the upload of files containing more than one document at a time, i.e. the majority of our data.

Indeed, for trial files from the 1920s, a PDF file (on average about 100 pages) contains the entire judicial file: investigation records, witness hearings, evidence, and trial transcripts. Things are getting more complicated with the 1947-1952 trials, though. We indeed had to split most cases into several PDFs. Each PDF had, therefore, to be referenced in the Legal Tools Database without letting the user lose sight of the fact that it represented only part of the record. We solved this problem by clearly naming the files in the database but also inside the document using a watermark:

For example, when reading the PDF 1 out of 4 PDFs of the Siegburg case, the references are as follows:

- Record title in the Legal Tools Database: Prosecutor v. Otto Siegburg Complete Trial Transcript 07/06/1950 **1 of 4**
- Watermark and file name: AGR\_CMBruelles\_Siegburg\_dossier\_19500607\_1**of4**
- The identification cover sheet moreover tells the user that there are 4 digital files and contains essential historical and archival context information
- A transcription of the original inventory of the complete trial file corresponding to the PDF-file where sub-folders can be retrieved. For example: “Folder XXI Jugement et appel” // PDF 1”

Finally, one of the major obstacles for projects in the digital humanities is the durability of the online tools. The Legal Tools Database on which our digitised records are hosted offers the significant advantage of providing PURLs (permanent URL). In other words, these PURLs grant permanent access to a specific resource through the same URL. When a user downloads one of our files, it comes with different tools ensuring faultless traceability and contextualisation of the documents: an explicit filename (informing on its provenance), an identification cover page (containing key legal, historical and archival information), and a PURL that allows the user to return to the source of the download.

### **3.4 Technical challenges and digitisation settings**

Once the collections had been identified, located, and the overall methodology had been defined, digitisation could start. The digitisation phase took place from July 2016 to September 2018. Job-students (trained in the research seminars at the ULB), interns from Belgium, Italy and Germany and Delphine Lauwers (in charge of the project at the State Archives) carried out the 158.000 scans. One of the obstacles was the absence of a budget for the digitisation phase of the project. The financial support of the IAP Justice & Populations project (Belspo) and of the State Archives were crucial in making this possible, as well as the allocated budget from the ULB, the KU Leuven and the ICWC (Philipps-Universität). The total budget dedicated to digitisation amounts to 35.000 euros. It has allowed to train ten students and trainees in records management and to support a significant part of the description process of the records.

Digitising such vast amounts of documents requires systematic and careful preparation of the paper version. This preparation process includes material aspects (removing staples and flattening the documents for example) but also intellectual challenges (understanding the internal organisation of the files and scanning according to this original order) to make the digital copy as identical as possible to the paper one. We thus set up digitisation charts and tables of correspondence between TIFF-jpg-PDF files.

#### Digitisation settings

According to digitization standards of the State Archives of Belgium, the records have first been digitised as TIFF files, an uncompressed high-resolution format (300dpi). This version serves as the security master copy. TIFF files are individual images that are arranged linearly and in scanning order. It is, therefore, important that the records be properly sorted before scanning.

Second, the TIFF files, which are way too heavy for online publication, are converted into JPEG 2000 image files. This first manipulation is also when the first classification step takes place. JPEG files are arranged in folders and sub-folders, replicating the paper structure of the case. This structure follows the original inventory of the complete trial file and will be reproduced in the bookmarks of the final PDF.

Third, the digital record is a black and white copy, for storage purposes and due to the limited availability of colour scanners. Documents are digitised on a black background. The black border guarantees integrity: it shows that no part of the document has been cropped. We did not apply optical character recognition (OCR) to the files. It is indeed, a time-consuming process requiring



costly software, and offering mitigated results when dealing with a combination of typed and handwritten documents as is the case in our collections.

### Post-digital processing

The transition from Jpeg to PDF is probably the most critical stage of the process. It raised little problems for the First World War collection, where it was in most cases quite easy to follow the order of subfolders and numbered documents within these folders (always from the most recent one to the oldest). We did not change this order, because it fits the logic of judicial work and reflects the will of the document's creator. Document n° 115 will be on top of the stack, and document n°1 at the bottom. Scattered, unnumbered pages were referenced as "loose sheets".

For larger files, however (1947-1952 trials), we have arranged the main subfolders coherently for the entire digitisation process in the following order:

- A. Dossier de l'auditeur militaire (first instance and investigation)
- B. If applicable – Cour militaire (appeal phase)
- C. If applicable – Pièces versées postérieurement à l'arrêt
- D. If applicable – Cassation

For greater clarity, we have arranged the PDFs in the chronological order at the level of the different phases of the cases (A, B, C, D), thus departed from the original "judicial chronology", even when the paper version was in reverse order. Within the main subfolders, though, we retained the original order, such as in the example below.

Inventory of case

<p>A. Conseil de guerre de Bruxelles (fardes I-VI)</p> <p>VI. Jugement et appel (pièces 1-20)</p> <p>V. Information complémentaire (pièces 1-4)</p> <p>IV. Mise en prévention (pièce 1)</p> <p>III. Information (pièces 1-243bis)</p> <p style="padding-left: 20px;">III/G (pièces 239-243bis)</p> <p style="padding-left: 20px;">III/F (pièces 111-238)</p> <p style="padding-left: 40px;">Subfolder III/F/2 (pièces 135-238)</p>	PDF 1of3
<p style="padding-left: 40px;">Subfolder III/F/1 (pièces 111-134)</p> <p>III/E (pièces 73-110)</p> <p>III/D (pièces 61-72)</p> <p>III/C (pièces 58-60)</p> <p>III/B (pièces 40-57)</p> <p>III/A (pièces 1-39)</p>	PDF 2of3
<p>II. Détention préventive</p> <p style="padding-left: 20px;">Subfolder A (pièces 1-2)</p> <p style="padding-left: 20px;">Subfolder B (pièces 1-10)</p> <p>I. Antécédents (pièce 1)</p> <p>B. Cour militaire de Bruxelles. Pièces d'audience (pièces 1-15)</p> <p>C. Pièces versées postérieurement à l'arrêt (empty folder)</p> <p>D. Cour de Cassation (pièces 1-2)</p>	PDF 3of3

Figure 5 Transcription of original inventory with corresponding PDF (Krumkamp case)

The recommended maximum PDF-size in the Legal Tools Database is 50MB. At the outset of the processing of the records, this meant an average of 100 pages per file. This did not raise problems as long as we worked on the casefiles of the 1920s. For the Second World War collection, with several

cases including up to 10.000 or 15.000 pages or more, we created larger PDF files and compressed them, with an eye on balancing, on the one hand, a manageable number of PDF files per case, and on the other hand keeping each file to a reasonable size.

Thanks to the implementation of several tools, specially designed by the JUSINBELGIUM team, our final product is not just a stack of pages through which the user can scroll linearly. It is a browsable, structured, referenced document, as shown in the screenshot below.

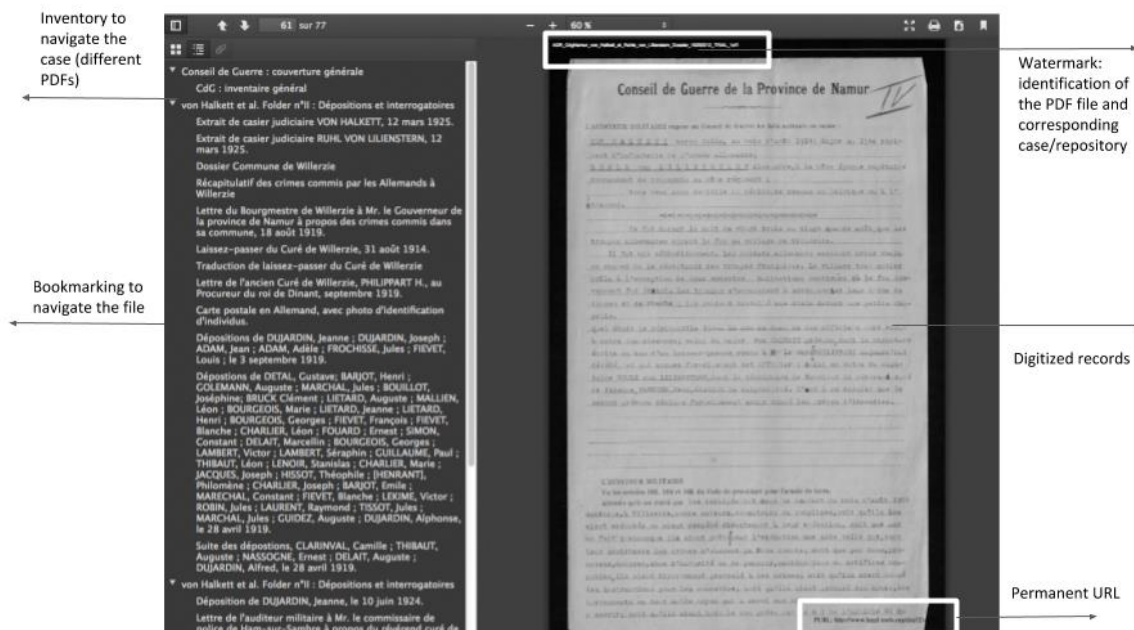


Figure 6 Bookmarked PDF-file of WWI record

Bookmarking the PDF, thus creating a table of contents is an extremely time-consuming phase in processing the documents. For the 1920s files, the table of contents is detailed, sometimes down to the individual item. For the trials held after the Second World War, the bookmarks are limited to the original folder and sub-folder structure, and to some essential and recurring documents (an indictment, statement of facts, judgement, public hearings). Main folders are translated in English, while specific folder titles appear between quotes, in the original language, in the bookmarking (mostly French, sometimes Dutch).

Each PDF displays, in addition, a watermark on each page. The researcher will thus be able to quickly and permanently identify (the phase of) each case.

- For example: AGR\_CdgNamur\_Von\_Giese\_dossier\_19250212\_1of1.

This corresponds to the following data: AGR (State Archives of Belgium: the repository); Cdg (Conseil de guerre: the court in charge of the case); name of case; “judgement” or “dossier” (information on the content and the phase of the case); date of the decision; #of# (indicating the number of the PDF out of the total number of PDF files constituting one case).

Once the process is complete, the files and metadata are sent for review to Marburg (ICWC) and then to Legal Tools. A final check is then carried out by the team before they are put online. The diagram below depicts these different steps. It also shows that some steps are intended for research purposes, which is discussed in the next section.

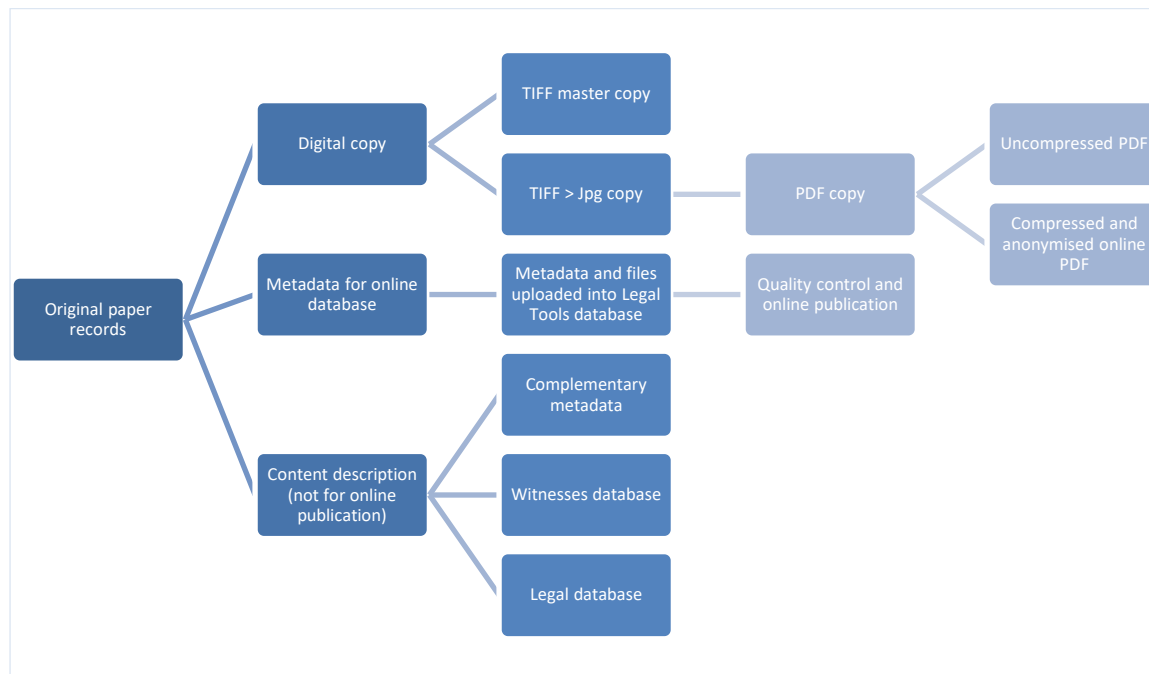


Figure 7 Project Mapping

## 4. SCIENTIFIC RESULTS AND RECOMMENDATIONS

### 4.1 A topical issue

Two months ago, a fifth “Rwanda” trial ended at the *Cour d’Assises* in Brussels, twenty-five years after the genocide against the Tutsi in Rwanda. This trial cannot be understood without taking into account the considerable changes that have taken place in the sphere of international criminal justice since the early 1990s and the role Belgium has played in it. The emergence of new forms of international justice (universal jurisdiction, international *ad hoc* tribunals for Rwanda and the former-Yugoslavia, hybrid courts in Sierra Leone and Cambodia and the permanent International Criminal Court) is one of the striking features of the post-Cold War era. It is also in the 1990s that we can situate the renewed interest of historians for major “historical” trials and their effects on post-war societies and collective memory. This also occurred at a time when, in belated trials such as the *Barbie*, *Touvier* or *Papon* cases (1980s-1990s), historians were being called as experts before the courts. These encounters reactivated the debate between “judicial truth” and “historical truth”.


The project of international justice in the 1990s meant that new forms of cooperation had to be put in place at the international, European and national level. The creation in 2014 of a special contact group, the “Belgian Task Force for International Criminal Justice” shows how important judicial cooperation and the role of States are. The contacts established with the Task Force coordinator, Gérard Dive, in the early stage of the project led to the presentation and discussion of the results of the JUSINBELGIUM project to the members of this Task Force in February 2020.

The project of international justice is, however, also highly contested: too slow, too political, too expensive, are some of the arguments used against it. Part of the criticism is based on the allegedly unprecedented character of the enterprise, its lack of an established jurisprudence to build on. The exercise of justice beyond the sacrosanct boundaries of the sovereign Nation-State would have been a historical exception, limited to a few *causes célèbres* like the Nuremberg, Eichmann or Barbie trials. The reality is somewhat more nuanced, and Belgium has played its part in this story, conducting hundreds of largely unknown trials in the wake of both world wars. Identifying, digitizing, describing and publishing these “minor” Belgian trials, is thus contributing to write the history of international justice as a project. The historical collections in focus in the JUSINBELGIUM project demonstrate that the questions that arose after both world wars continue to drive the project of international criminal justice. In this sense, they contribute to a better understanding of a long and turbulent history.

#### **4.2 An exportable methodology**

The implementation of the methodology described in section 3 [methodology] has taken considerable time. After more than four years, we have reached a methodology that we believe is exportable and applicable to other digitised (judicial) collections, since it addresses some of the key challenges in the handling of contemporary records collections:

- One of the concerns with online records is the loss of context of downloadable PDF files. Typically, dozens of PDF files with meaningless names in our “download” folder, impossible to retrieve online six months after they have been downloaded. The project’s methodology solves this problem with several tools: an explicit filename, a watermark, a permanent database, PURLs, and an identification cover sheet.
- Another difficulty of contemporary records is the massive increase in the number of documents created. In the judicial sector alone, our project shows the exponential growth of document production between the 1920s and the second half of the 1940s. In taking up the challenge of publishing complete collections online, we have devised a PDF system that makes it possible to browse through thousands of pages: bookmarking, digital inventories, systematic file-naming system.
- The last hurdle is the loss of archival context. Here too, we have responded to this challenge in developing an individual identification cover sheet for each trial. The ID sheet contains essential record information (physical archive, digital reference) and offers a precise overview of all the stages of each case (first instance, appeal, outcome of the trial). It contains seven subsections: facts, trial phase information (dates, decisions and sentences), legal sources and criminal charges, defendants, witnesses and victims, archival identification and resource citation. In addition to the ID sheets, some cases also include a table of charges and verdicts per accused when they are tried jointly, a helpful tool for users. Any researcher consulting the digital file will thus have all the necessary traceability information in the document, but also an overview of the facts, the criminal charges and applicable law, as well as information on defendants and victims/witnesses, as shown in the example below.



**JUSINBELGIUM**  
A century of pioneering case-law.  
A digital database of Belgian precedents  
of international justice, 1914-2014

**COMPLETE TRIAL FILE**

**FACTS**

1<sup>st</sup> November 1942 – 31<sup>st</sup> August 1944

Wolfenbüttel (Germany), Oker (Germany), Blankenburg (Germany) and other places in Germany.

They were, to varying degrees, accused of murder on 40 Belgian, French, Dutch and Polish detainees ; of deprivation of food or care on 7 mentally or physically weak inmates and of 29 counts of assault and battery on Belgian nationals.

**TRIAL**

**Conseil de guerre de la Province de Brabant (Bruxelles)**

First instance – 13.07.1950

Partial conviction

Sentence: LUPFER, Karl (conviction, 10 years of imprisonment); BOTHE, Wilhelm (acquittal); TONOWSKI, Hans (conviction, 15 years of forced labour); RITTMAYER, Karl (conviction, 10 years of imprisonment); PUCHMULLER, Alfred (conviction, 12 years of forced labour); HAHN, Wilhelm (conviction, 3 years of imprisonment).

**Cour Militaire de Bruxelles (Bruxelles)**

Appeal filed by Puchmuller, Lupfer, Rittmeyer and Tonowski and appeal filed by the prosecution against Puchmuller, Lupfer, Rittmeyer, Bothe and Tonowski.

Appeal – 05.12.1950

Partial conviction

Sentence : LUPFER, Karl (acquittal); TONOWSKI, Hans (acquittal); RITTMAYER, Karl (conviction, 8 years of imprisonment); PUCHMULLER, Alfred (conviction, 12 years of forced labour).

**CRIMINAL CHARGES**

Murder ; Deprivation of food or care ; Assault and battery

**LEGAL SOURCES**

**Prosecutor** – 1907 Hague Convention (+ annex); Belgian criminal code (art. 4, 7, 8, 9, 12, 14, 18, 19, 20, 31, 46, 47, 60, 61, 62, 66, 67, 69, 117, 392, 393, 394, 398, 399, 400, 401, 401bis); Law of 20 June 1947. See documents in the file for all other legal sources referred to by the Prosecutor.

**Court** - 1907 Hague Convention; Belgian criminal code (art. 7, 12, 13, 14, 19, 21, 31, 42, 43, 46, 47, 61, 62, 63, 64, 66, 79, 80, 117, 392, 393, 394, 398, 399, 400, 401); Law of 20 June 1947. See documents in the file for all other legal sources cited in the decision.

**Appeal Court** - 1907 Hague Convention; Belgian criminal code (art. 7, 12, 13, 14, 19, 21, 31, 42, 43, 47, 61, 62, 63, 66, 79, 80, 117, 398, 399, 400, 401, 401bis); Law of 20 June 1947. See documents in the file for all other legal sources cited in the decision.

**DEFENDANT(S)**

6 German defendants

Lupfer, Karl: Regierungsrat ausser Dienst; Bothe, Wilhelm: Verwaltungsmann ausser Dienst; Tonowski, Hans: Verwaltungsinspektor; Rittmeyer, Karl: Hauptwachtmeister, Kdo-führer; Puchmuller, Alfred Ernst: Iste Hauptwachtmeister; Hahn, Willy: Hilfsaufseher.

**VICTIMS & WITNESSES**

103 witnesses heard during the trial  
Victims listed in the decision

**ARCHIVAL IDENTIFICATION**

Case number: 182/B/50 (A) – 1211:1947 (T)

Extent: 15 folders


Digital extent: 37 files

Repository: State Archives of Belgium

Series: Cour Militaire de Bruxelles

Access Status: Conditional Access

Additional documents:  
[www.arch.be/agr2](http://www.arch.be/agr2)



<http://jusinbell.hypotheses.org>

**SOURCE CITATION**

Copies provided for research and study purposes.

*State Archives of Belgium, Cour Militaire de Bruxelles, Prosecutor v. Lupfer et al., case 182/B/1950, 05.12.1950.*

**BR/143/A3/JUSINBELGIUM**  
Brain-be Belgian Research Action through Interdisciplinary Networks  
Belgian Science Policy Funding

Figure 8 Identification sheet of a WWII case

The ID sheet thus includes a complete overview of legal sources and charges used by the military prosecutors and the judges in first instance and appeal. Besides references to the Belgian criminal code and the applicable laws and treaties (Treaty of Versailles for the 1920s, the law of 1947 for the 1940s for example), this information also includes the Hague Conventions and the Universal Declaration of Human Rights when applicable. In doing so, we comply with the requirements of the *Collège des procureurs généraux* [College of Prosecutors General] in terms of online publication of

judicial decisions on the one hand and with best practices in terms of online records on the other hand.

An in-depth knowledge of the case-files, which involved extensive research on each case and the analysis of case-law, was a precondition for developing this comprehensive documentary system. It required bringing in line legal categories as used at the time with the standard categories of international crimes provided by the Statute of the ICC. To that purpose, a detailed table of charges, verdicts and sentences by defendant is also included in our files for collective trials (up to 25 codefendants). As mentioned above, the ICC database unfortunately does not provide an information pool for legal references and data on victims and witnesses. This part of the ID sheet is thus crucial and specific to the JUSINBELGIUM project. It lists national legal sources and legislation as well as international conventions and definitions. Based on a table of witnesses for each case (not intended for online publication), the abstract and the ID sheet also inform the reader on witnesses and victims.

The project has, from the outset, integrated a reflection on universal access to sources that shed light on current issues of international justice. Pieter Lagrou, Delphine Lauwers and Ornella Rovetta authored a collective article on this topic in the *Revue belge d'histoire contemporaine* in 2017. Based on their respective research experiences and the digitisation programme of the JUSINBELGIUM project, it addresses the challenges and research perspectives in the digital age but also the issues related to the dematerialisation of the archive. In advocating for a “digital democracy”, while highlighting its pitfalls, the authors see in online collections the possibility of a “global, transnational, shared and inclusive history”. Finally, the article proposes a reflection on the specificities of the judicial sources that we have dealt with and on the methodology implemented in the project to make digital consultation as close as possible to “paper” research.

In terms of lessons learned, certain elements should be improved, particularly regarding some form of "automation" of the description process and editing of the identification sheets of the cases. Indeed, the JUSINBELGIUM project has been, in several respects, "handicraft". The team has invested considerable time in setting up the description tools, using elementary programs such as word or excel. These programs do have the advantage of being accessible but did not allow us to save precious time by taking advantage of *ad hoc*, more advanced technologies and software. We believe that the entire testing and adjustment phase that was necessary to implement the JUSINBELGIUM project could greatly benefit future projects.

### **4.3 Data and case-law**

At the end of the project, a stable, multifunctional, interdisciplinary, intuitive and international research tool is available via the database of the International Criminal Court ([www.legal-tools.org](http://www.legal-tools.org)). The digital online records collections are the central deliverable of the project and include complete trial files (121 cases) and case-law (143 decisions). Significant portions of this sub-section of the report draw from the work done in writing the abstracts for each case by the two postdoctoral researchers, Ornella Rovetta and Delphine Lauwers.

The project, first of all, provides access to original and pioneering case law. The records highlight the contribution of Belgian jurisdictions to both the interpretation and the implementation of international criminal law. In the 1920s, prosecutors and judges relied on four main legal tools: the

Hague Conventions of 1907, the Versailles Peace Treaty (art 228<sup>4</sup>), the law of 15 June 1921 on the *in absentia* proceedings before military jurisdictions, and the ordinary Belgian criminal code. The crimes committed in the course of the German invasion in August 1914 stand central in the *in absentia* trials held in 1924-25. These cases deal with crimes committed against non-combatants, mostly arson, murder, and looting. This is not surprising in the sense that targeting civilians has caused deep outrage; it was therefore not conceivable that these crimes could go unpunished. The deportation to Germany of Belgian civilian workers during the occupation was in the end left aside in the criminal procedure. However, it was a clear violation of an agreed international rule on occupation in the Hague Conventions (see T. Graditzky in forthcoming publication *Defeating Impunity*, 2020). These deportations were the second most represented violations of international law taken into account by the Allied extradition list of February 1920 (Horne and Kramer 2001, p. 379). The choices made by the Belgian judiciary in the 1920s, however, rather correlate with the first category of crimes charged in this common list: executions of civilians during the invasion of 1914. Other crimes represented in that list are crimes against prisoners, pillaging and destruction, cruel treatment of civilians and war crimes at sea. Finally, it also included persons that should be prosecuted for the massacre of the Armenians.

The complete trial files offer a Belgian perspective on an intense international legal history. The Treaty of Versailles foresaw an international tribunal to try the German Kaiser, which has never been established, and national trials in the Allied countries against German (and Turkish) war criminals. The idea of holding national trials was implemented imperfectly in the mid-1920s, i.e. in the absence of the defendants, after a largely unconvincing detour via the Leipzig trials in 1921. After the Second World War, the approach was more of a top-down one, with a big international trial followed by national trials. Indeed, Belgian war crimes trials only started after the adoption of the law on war crimes in 1947, one year after the end of the Nuremberg trial and without integrating into Belgian law the new concept defined in the 1945 London Agreement: crimes against humanity. Case-law from 1947-1952 thus relies on the law of 1947, on the Hague Conventions, on the Belgian criminal code and occasionally on international customary law, such as the Universal Declaration of Human Rights (Krumkamp case<sup>5</sup>, Canaris case) or alternative definitions of crimes against humanity in the Siegburg case (Weisers, 2020). Extraterritorial jurisdiction, a fundamental issue since the 1990s was already addressed in the investigations conducted by Belgium in the mid-1940s. The indictment against Karl Constantin Richard Canaris, the head of the Sicherheitspolizei (Sipo-SD) in occupied Belgium and Northern France from November 1940 to November 1941, and from February to September 1944, contains numerous charges of murder (death of Breendonk prisoners and victims of retaliation, summary executions), assault and battery and arbitrary arrest and detention (including aggravating circumstances of torture for some of the victims) followed by deportation,

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<sup>4</sup> “The German Government recognises the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or in the territory of her allies.

The German Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the German authorities.”

<sup>5</sup> See “abstract” (C. Toninato, D. Lauwers), in: Prosecutor v. Wilhelm Krumkamp Complete Trial Transcript 18/04/1950 1 of 3. Legal Tools Database: <https://legal-tools.org/doc/a8d1c6/>

resulting in 1179 deaths<sup>6</sup>. Besides the crimes committed in occupied Belgium, the military Prosecutor charged Canaris with crimes perpetrated in The Netherlands (Heer) and Germany (Buchenwald, Gangel). The trial started on 23 April 1951 and lasted until 4 August 1951, over 28 public hearings. It is worth noting that the prosecution relied on the Universal Declaration of Human Rights. The judgement examined the lawfulness, under the laws of war, of the reprisals and summary executions contained in the indictment. The facts related to the camp of Breendonk (Belgium) were particularly central in the trial, as well as the arbitrary arrest of Jewish families. The judges considered that the catastrophic circumstances of the deportation to the camps were unacceptable and that the Jewish deportees suffered torture. These racial crimes were considered under the Hague Conventions (art. 46). However, the killings in the extermination camps were not part of the charges. On 4 August 1951, the judges sentenced him to 20 years of forced labour.

In another case, the Lupfer et al. case, also known as the “Wolfenbüttel trial”, six guards of the Wolfenbüttel prison, in Germany, were judged before the Conseil de guerre de Brabant in Brussels in 1950<sup>7</sup>. The file also contains investigations on several other prison guards. According to the defence, 17.044 prisoners (not including those sentenced to death) were detained at the prison between 1942 and 1945. 377 of these detainees died and among them 32 Belgian inmates (out of a total of 405 Belgian prisoners). The Belgian court relied on the law of 2 April 1948 to affirm its jurisdiction for acts committed outside Belgium on Belgian or allied nationals. While the prosecution was willing to hold the defendants jointly responsible for all deaths and disabilities resulting from detention, the judges examined each case individually. They were, to varying degrees, accused of murder on 40 Belgian, French, Dutch and Polish detainees.

Additionally, they were charged with deprivation of food or care on seven mentally or physically weak inmates. Finally, 29 counts of assault and battery on Belgian nationals were retained. From the six co-defendants charged with war crimes before the military tribunal of Brabant (Brussels) in the first instance, one - Wilhelm Bothe - was acquitted on 13 July 1950. The five others were given sentences ranging from 3 to 10 years of imprisonment or 12 to 15 years of forced labour. Puchmuller, Rittmeyer, Lupfer and Tonowski appealed the first instance decision. The military prosecutor filed an appeal against Puchmuller, Lupfer, Tonowski, Lupfer, Rittmeyer and Bothe. In the end, the appeals court acquitted Lupfer and Tonowski, while Rittmeyer and Puchmuller were respectively sentenced to 8 and 12 years of imprisonment. The Wolfenbüttel trial was one of the cases that has been digitised as a priority following contacts made by the Wolfenbüttel Memorial. Some of the digital copies have been included in the new exhibition which opened in November 2019 in Wolfenbüttel<sup>8</sup>.

Another case that deals with extraterritorial jurisdiction is the case of Albert Nicolet, a Belgian defendant<sup>9</sup>. He is accused of having taken up arms against Belgium or its Allies, in Malmedy, Belgium, between 10 May 1940 and 08 May 1945. He is also accused of serving the purposes or policy of the enemy in this same period and of participating in the murder of three British officers on 10 January 1944. The homicides took place in Varna, Italy, and were notified to Belgium by the

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<sup>6</sup> See “abstract” (O. Rovetta), in: Prosecutor v. Karl Constantin Richard Canaris Complete Trial transcript 04/08/1951 1 of 36. Legal Tools Database: available soon.

<sup>7</sup> See “abstract” (D. Lauwers), in: Prosecutor v. Karl Lupfer et al. Complete Trial Transcript 05/12/1950 1 of 37. Legal Tools Database: <https://www.legal-tools.org/doc/15bd9c/>

<sup>8</sup> Lower Saxony Memorials Foundation, Gedenkstätte in der JVA Wolfenbüttel. <https://wolfenbuettel.stiftung-ng.de/>

<sup>9</sup> See “abstract” (P. Lagrou), in: Prosecutor v. Albert Nicolet Complete Trial Transcript 13/07/1949. Legal Tools Database: <https://legal-tools.org/doc/a24cfc/>



British authorities. These charges were qualified as war crimes and the defendant tried as a war criminal. The military tribunal of Liège dropped the homicide charges for lack of evidence and sentenced him on 23 February 1949 to two years in prison for having taken up arms against Belgium or its Allies and having served the purposes and policy of the enemy in a malicious and intentional manner. However, in appeal, the military Court convicted Nicolet for murdering the three British officers, and the sentence was changed to twenty years of forced labour on 13 July 1949. The defendant filed an appeal in Cassation on 15 July 1949, the Cour de Cassation dismissed the appeal on 17 October 1949.

These legal innovations appear in the identification sheets that we have created for each case. Together with the job-students, two databases built within the project for research purposes have been used to carry out the description of the trials: a witnesses' database and a legal database. The latter database compiles which articles of the criminal code and other legal references have been used in each decision. Alternatively, it shows, for each article of the criminal code, all the decisions that made use of it. The database of witnesses for the First World War collection includes all witnesses heard in the course of the investigation and the trial phases. For the Second World War, the input is not uniform across cases, as the number of witnesses is much larger. This increased number of witnesses made it impossible for us to pursue a systematic listing of all witnesses heard throughout the investigation phase, as was done for WWI cases. We thus gave priority to listing the witnesses heard in court.

Making the post-Second World War records accessible opens new research perspectives because they will allow researchers to work in a transversal perspective on this material. Indeed, researchers - but not the general public - knew of the trials held in the 1940s. Yet, it was still complicated to get an overall picture of Belgian war crimes trials. This is now possible thanks to their inclusion in the database of the International Criminal Court.

Insofar as the archives of the 1920s, they were largely unknown until the JUSINBELGIUM project brought them to light. The online publication of the 86 Belgian *in absentia* trials of 1924-25 opens up a new field of research. We can also point out here that the French equivalent (around a thousand *in absentia* trials) is just as unknown as the Belgian ones were thus far. We have researched the French and British archives but have not yet been able to locate the trial archives for France. The post-First World War records suggest that the cases, however imperfect, resulted from careful investigations, produced pioneering case-law, and reveal that hundreds of witnesses were heard, many of them in the context of the "Commission d'enquête sur la violation des règles du droit des gens, des lois et des coutumes de la guerre" (Commission of Inquiry) created in 1919 (originally in 1914). They also show how difficult it was to conduct investigations in the post-First World War context, as the von Giese case shows (Lauwers, 2020)<sup>10</sup>. Von Giese was a Lieutenant-Colonel, Commander of the 1st Leib Leib-Kürassier Regiment, in August 1914. He was judged on 12 February 1925 by the military tribunal of Namur for 17 murders and 72 counts of arson committed in Bièvre on 23-24th of August 1914. During the investigation, no less than 63 witnesses were heard. The first session of hearings took place in the municipal hall of Bièvre on 16 April 1919 with 24 testimonies regarding the crimes that were committed on Sunday of 23 August 1914. They reveal that French troops were in the locality

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<sup>10</sup> See "abstract" (D. Lauwers), in: Prosecutor v. von Giese Complete Trial Transcript. Legal Tools Database: <https://www.legal-tools.org/doc/260056/>

and that a fight broke out, after which 72 houses of Bièvre were burned down by the Germans. They also looted the town and killed 17 civilians, including minors of age. The military prosecutor Hellinckx explained in his statement of the facts that the identity of the perpetrator, as well as “the pretext” used for committing the crimes, are known thanks to the German “White Book” of 1915. Indeed, in the book, von Giese himself gives his interpretation of the events. According to him, civilians were shooting German soldiers and even medical helpers from their houses. The presence of “francs-tireurs” called for a reaction on behalf of the German troops. The report in the white book, intended to legitimise von Giese's actions in Bièvre, was in the end used as proof of his guilt. What is interesting is that two other investigations took place in France on the same case. It all started with a soldier's diary, recounting the events he took part in on 23 August 1914 as follows: “23 August: The enemy had occupied the territory of Bièvre and the forest border behind it. The 3rd Company moved forward to the front line. We took the village, and we looted and burned down almost every house”. Based on this very brief account, the French military tribunals of Metz and Amiens successively opened investigations on two French localities named Bièvres. They concluded that the facts did not take place in France, and thus decided to forward the file to Belgium on 29 May 1925, months after von Giese was deemed guilty and sentenced to the death penalty.

Many of the defendants judged before Belgian courts, especially in the 1920s were sentenced to quite heavy sentences, as the figures at the end of this section show. A vast majority of the defendants were judged individually in the 1920s. One big case was conducted in Namur, including 25 co-defendants in the Karl d'Elsa et al. case in April 1925<sup>11</sup>. In this trial, which also represents the particular commitment of the military tribunal of Namur in conducting war crimes trials in the 1920s, 25 officers of the German were accused of a series of crimes which occurred in Dinant, one of the infamous Belgian “martyr towns”, and its vicinity in August 1914 (notably on the 23rd and 24th of August). All the defendants were charged with arson of 879 out of the 1711 buildings of Dinant in August 1914. In addition, 18 of them were accused of murder. In total, 403 Belgian nationals were mentioned by name in the indictment as victims of murders committed in Dinant - and its suburbs Neffe and Leffe - on the 23rd and 24th of August 1914.

Among them are numerous older people, women and children, some of whom were under two years of age. D'Elsa was accused of all 403 murders, while 17 other defendants were accused of murdering between 13 and 163 civilians. In the words of the prosecutor, it was the attack of August 23rd and the days that followed that were the most tragic for the city: “this time, the fight was accompanied by the worst excesses Dinant and his inhabitants had to suffer from”. A large part of the city was burned down, and nearly 700 inhabitants were massacred, making this one of the most dreadful and sadly memorable episodes of the invasion of Belgium. This case consists of a series of 9 cases opened by the military prosecutor's office of Namur, each involving specific crimes committed in the same area and within the same timeframe by one or several of the 25 co-defendants involved in this trial. All these cases were joined, plausibly because they were parts of a larger string of events described above and infamously known as the “Dinant massacres”, constituting one of the major German atrocities that were committed in Belgium in 1914. Together they form one of the biggest trials held by Belgian military jurisdictions against German war criminals after the First World War. This series of crimes was thoroughly investigated between 1919 and 1924. 49 witnesses were heard

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<sup>11</sup> See “abstract” (D. Lauwers), in: Prosecutor v. D'Elsa et al. Complete Trial Transcript Belgian Military tribunal of Namur 30/04/1925 1 of 3. Legal Tools Dabatase: <https://www.legal-tools.org/doc/251a5e/>

and many German documents were collected during this extensive investigation. Detailed reports of the events were produced, tracing the actions of each regiment concerned step by step. One of the tasks undertaken by the military prosecutor's office was to systematically dismantle the accusations made in the German White Book against Belgian "francs-tireurs" and supposed to justify the German army's acts as legitimate reprisals. On the basis of all the evidence gathered during the investigation, the military prosecutor formally denies the presence of "francs-tireurs" in Dinant. On 30 April 1925, the military tribunal of Namur found the accused guilty of all the charges held against them. 18 of them were sentenced to the death penalty, the remaining 7 to 20 years of forced labour.

Other cases deal with important massacres, such as the trial against von Roques, also before the tribunal of Namur<sup>12</sup>. Between August 20 and 23, 1914, three localities in the area around Namur suffered reprisal by the German army. 316 civilians were murdered, and 240 buildings and houses burned down in Tamines and Alloux. 14 civilians died in the burning, which constituted an aggravating fact for the judges. The Prosecution did not retain the murder of 9 men in a café due to a lack of evidence on explicit orders. The documents collected as soon as 1919 by the Inquiry Commission include more than 250 testimonies and reports written by the burgomaster and the local priest. On August 22, 1914, in Alloux, hundreds of men and young men (500 according to the prosecutor's statement of facts) were gathered together on the Saint Martin square near the Sambre river and shot by the 77th of infantry of Hanover. 300 male civilians, aged 8-84 years, were killed. The defendant Von Roques is accused of having ordered the massive execution. Beyond the victim's families and local authorities, the file also contains the testimony of a German soldier who was present in 1914 and was heard by the French military authorities, also declaring that Von Roques was removed as commander in November in Ypres. Von Roques was fully convicted, and the military tribunal of Namur sentenced him in absentia to the death penalty on 14 May 1925.

After the Second World War, most defendants were judged in collective "thematic" trials 1947-1952:

- The SIPO-Liège, SIPO-Bruxelles, SIPO-Charleroi and SIPO-Dinant cases
- The Wolfenbüttel case
- The GFP-530 case
- The Stavelot case
- The case of the Generals
- The Monsin case

The records document the development of international criminal law in the 1920s and the second half of the 1940s. Indeed, these sources enable the reader to examine the grounds on which new international crimes were judged and how they became part of domestic law or not (such as in the case of crimes against humanity or genocide). These archives also allow reflecting on the evolution of the legal vocabulary used for dealing with this category of crime. For instance, there is a shift from the German "coupables de guerre" of the inter-war period to the "war criminals" in the wake of the Nuremberg definition. In the meantime, newspapers already title "the judgement of the war criminals" when dealing with the war crimes trials held in Leipzig in 1921. Another challenge was linguistic: the consistency between the terms used in French and Dutch in the records and the

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<sup>12</sup> See "abstract" (O. Rovetta), in: Prosecutor v. von Roques Complete Trial Transcript. Legal Tools Database: <https://www.legal-tools.org/doc/101f53/>

description in the ICC database in English. This justified the establishment of a trilingual lexicon as part of the project.

The types of crimes dealt with in the two collections (1924-25 and 1947-52) resonate with the violence that is central in international criminal justice proceedings today (torture, looting, massacres, inhuman and degrading treatment, violence against women). The case of Max Hermann Boden offers an excellent example of historical case-law in this regard<sup>13</sup>. Max Hermann Boden was Kriminal Sekretär at the Caserne Dossin, in Mechelen, Belgium. From there, 25.273 Jews and 354 gypsies were deported to Auschwitz-Birkenau from 1942 to 1944. Only 1251 had survived by 1945 (Schram, 2017). In the Boden trial held between June 1950 and August 1950 (15 public hearings), the crimes of indecent assault on 63 women, including 12 underage girls, were qualified as war crimes by the military tribunal, a ruling the appeal court adopted. The Court also sentenced Boden on 21 counts of assaults and battery and one count of murder. 94 victims are listed in the first instance decision (in nine cases, the judges found insufficient evidence). The decision emphasises, in particular, the degrading treatment imposed on Jewish women at the barracks. On 8 August 1950, the Conseil de guerre de Bruxelles convicted Boden for assaults and battery and indecent assaults on tens of women at the Caserne Dossin between 1942 and 1944. He was first sentenced to 12 years of forced labour. 152 witnesses appeared in court, 73 of them in closed session. Over 400 had been heard during the investigation. On appeal, the judges overturned the verdict for 35 counts of indecent assault and reduced the sentence to 8 years of imprisonment.

The figures below provide comparative data between the two historical collections.

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<sup>13</sup> See “abstract” (O. Rovetta), in: Prosecutor v. Max Hermann Boden Complete Trial Transcript 05/12/1950 1 of 10. Legal Tools Database: <https://www.legal-tools.org/doc/c50be6/>

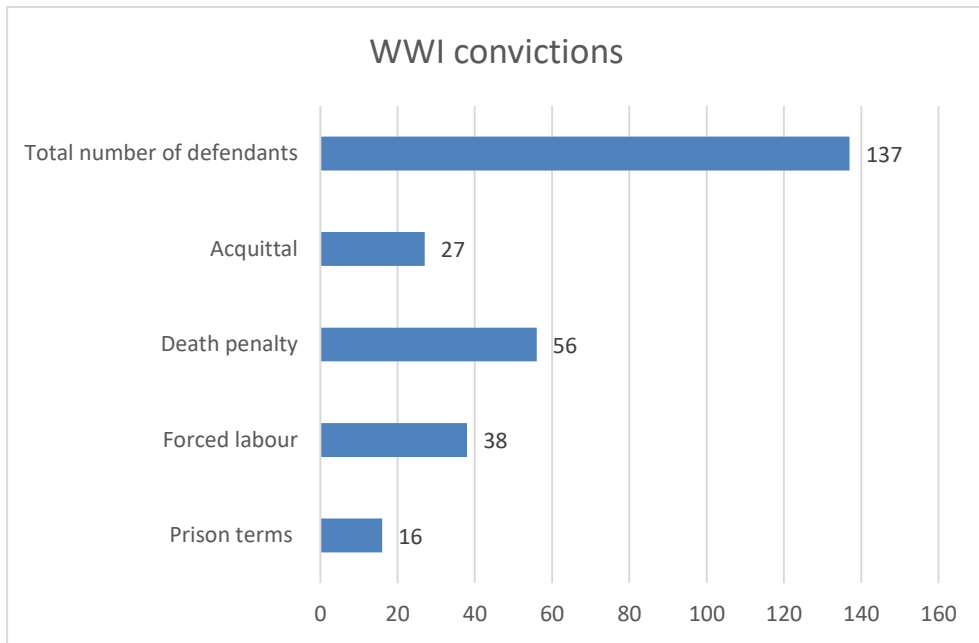


Figure 9 First World War collection. Convictions and acquittals by defendant (First instance)

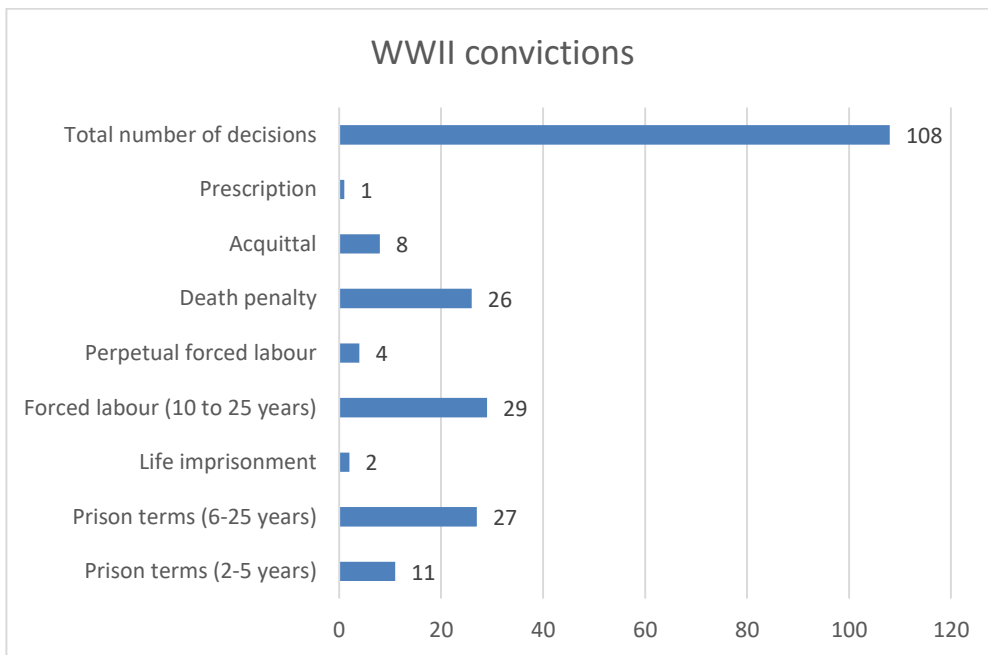


Figure 10 Second World War collection. Convictions and acquittals by defendant (First instance)



Figure 11 First World War collection. Convictions and acquittals by defendant (First instance)



Figure 12 First World War collection. Convictions and acquittals by defendant (First instance)

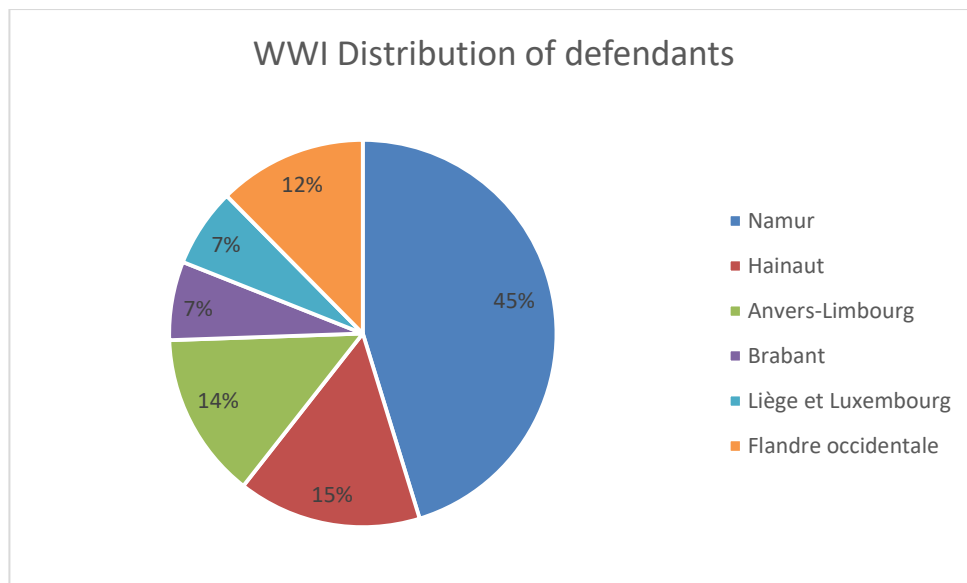


Figure 13 First World War collection. Distribution of the number of German war criminals judged in absentia by military courts (Conseils de guerre)

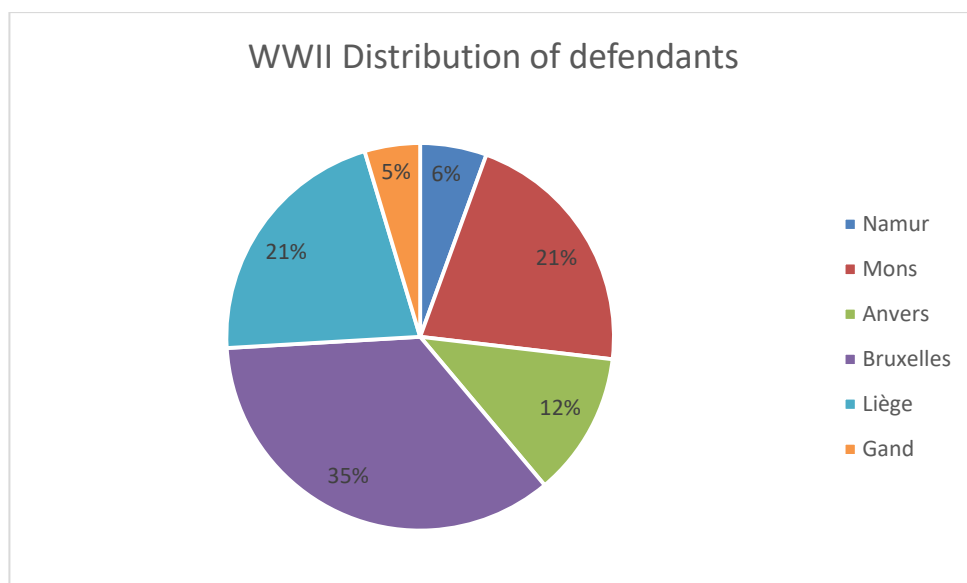


Figure 14 Second World War collection. Distribution of the number of war criminals judged by military courts (Conseils de guerre)

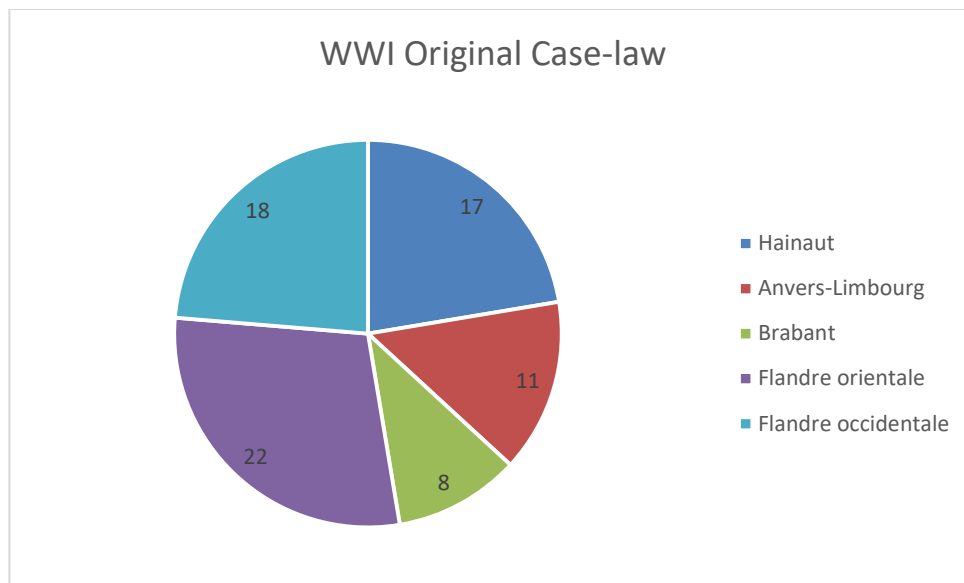


Figure 15 First World War collection. Total number of digitised first-instance decisions.

Note that the judgment registers of Namur and Liège could not be integrated.

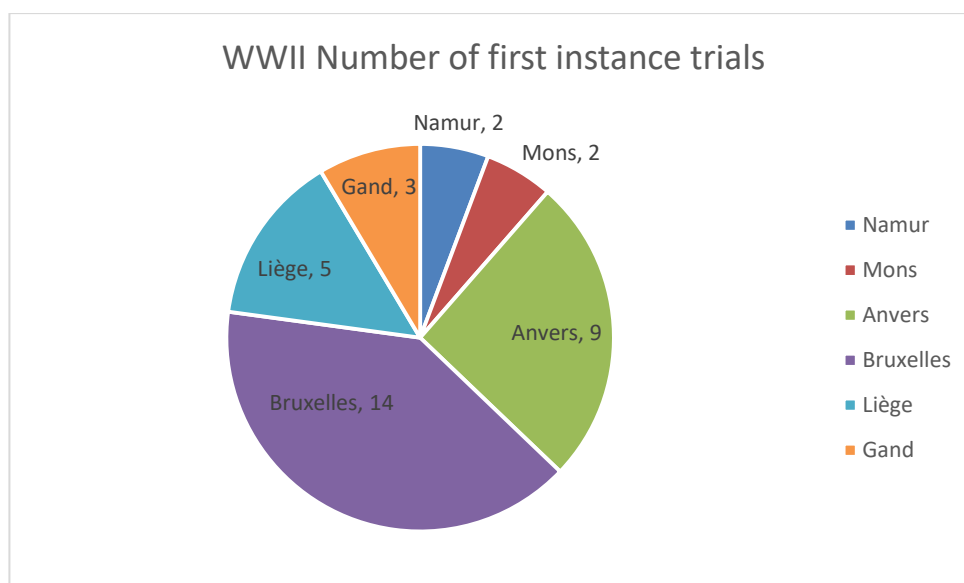


Figure 16 Second World War collection. Total number of first-instance decisions.



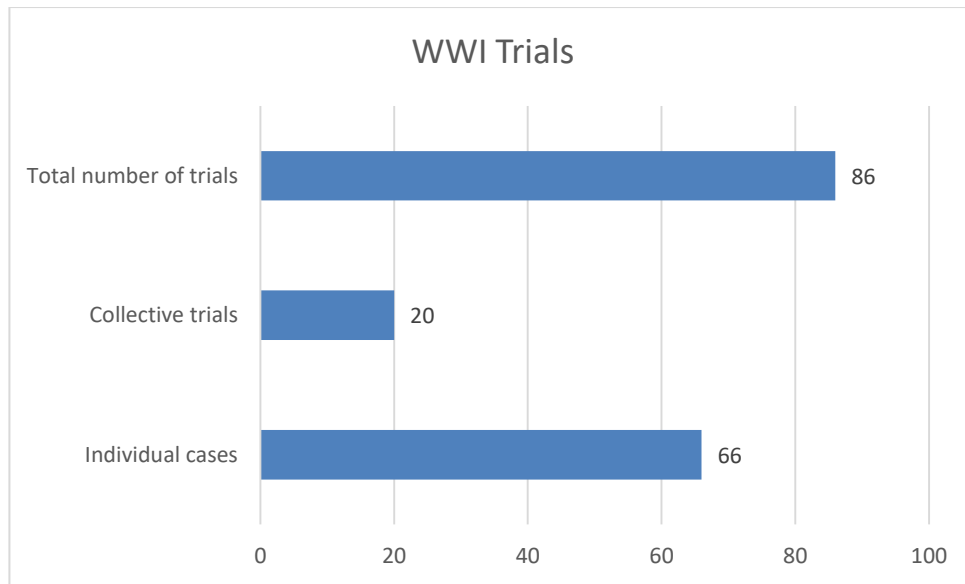


Figure 17 First World War collection. Distribution of individual and joint cases

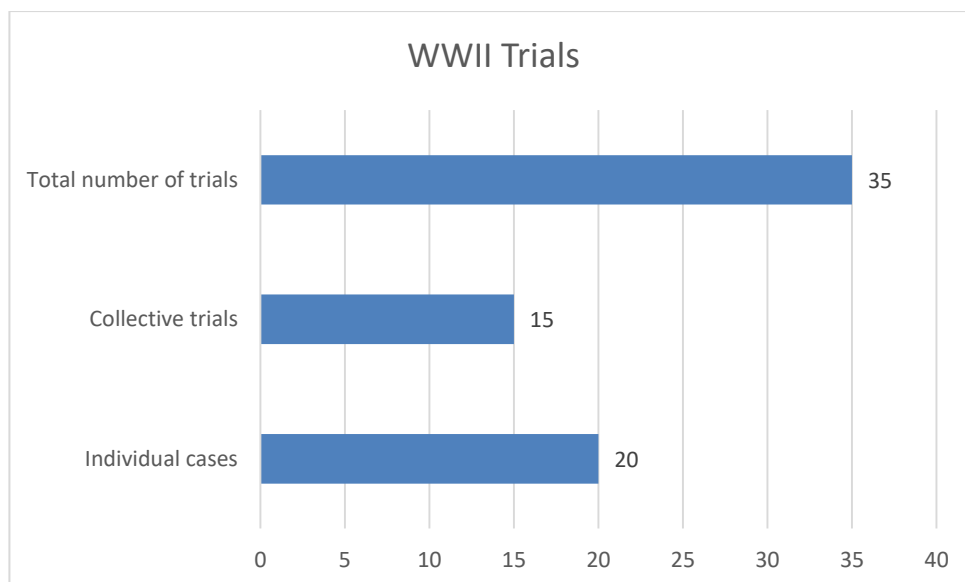


Figure 18 Second World War collection. Distribution of individual and joint cases

#### 4.4 PhD dissertation

The project supported one PhD researcher. In the spring/summer of 2020, Hendrik Vandekerckhove (KU Leuven, Centre for Global Governance) will present and defend his dissertation.

The aim of his doctoral thesis was to analyse what the specific role of national courts and tribunals, as the natural judges of international law, is with regards to international criminal justice, followed by a case study of Belgian case law in this regard. The Belgian courts have examined many cases involving international crimes in the past century, in particular during the three aforementioned

decades. Firstly, many German nationals were prosecuted in the 1920s and the 1940s in the wake of the First and Second World War. For example, the Military Tribunal of Liège and Luxemburg tried the German colonel von Thessmar and major von Hedemann in the winter of 1925 as von Hedemann carried out von Thessmar's order to execute 122 Belgian civilians in the train station of Aarlen. Both received the death penalty in absentia by judgment of 16 January 1925<sup>14</sup>. Further, in relation to the Belgian judgments which were issued in the 1940s, while these did not constitute (possible) triggers for a developing trend or de facto sources of inspiration for international(ised) criminal courts, the decisions are still relevant as instances of State practice in light of the principles of legality and specificity. Moreover, in some cases, the Belgian courts even exercised some form of universal jurisdiction. Indeed, the military courts and tribunals exercised jurisdiction in several cases involving German nationals who had committed crimes abroad against the nationals of allied powers. Third, Belgian courts also relied on the (in)famous Genocide Law during the trials of several persons in the 1990s in order to decide on the allegations of them having committed acts of genocide or other international crimes. For instance, the Belgian Cour d'Assises decided it had jurisdiction in accordance with Genocide Law of 1993<sup>15</sup> over the case of Etienne Nzabonimana and Samuel Ndashyikirwa. Both businessmen were charged with having committed war crimes during the Rwandan genocide in 1994. On 29 June 2005, Nzabonimana and Ndashyikirwa were found guilty of war crimes and sentenced to 12 and ten years of imprisonment respectively.<sup>16</sup> The question however remains whether the judgments of the Belgian courts following these trials indeed evidenced the courts' contribution to the achievement of a state of international criminal justice. In addition, it was evaluated whether the current role of domestic courts in a state of international criminal justice should be enhanced or whether it should be curtailed.

In order to be able to analyse the role of domestic judicial bodies with respect to international criminal justice, the latter term firstly needed to be defined. After having analysed the existing definitions, it became clear that the basis of such a definition needed to be the prosecution and punishment and accountability of perpetrators. Concerning the other elements that should be included in the definition, authors disagreed. After having evaluated all proposed elements, the following modest proposal is submitted as a more comprehensive definition of international criminal justice:

*“The concept of international criminal justice refers to a state of affairs in which clear legal rules are in place which criminalise certain conduct and authorise a domestic or international judicial body to prosecute and punish perpetrators of international crimes following a process in accordance with accepted legal*

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<sup>14</sup> E. CLAPPAERT, 'Poor Little Belgium' – *De juridische verwerking van de Duitse oorlogsmisdaden in België na de Eerste Wereldoorlog (1919-1925)*, dissertation, 2014-2015, <http://www.scriptiebank.be/sites/default/files/webform/scriptie/MasterproefEduardClappaert.pdf> (lastly consulted on 21 January 2016); X., *Livraison des coupables - Extraits des jugements rendus à charge d'allemands coupables, Liste des jugements rendus à charge d'allemands, coupables de guerre (s.d.)* (Brussels: Archive Foreign Affairs), CL.B. 324 XII.

<sup>15</sup> *Loi du 16 juin 1993 relative à la répression des violations graves aux Conventions internationales de Genève du 12 août 1949 et aux Protocoles I et II du 8 juin 1977, additionnels à ces Conventions, Moniteur belge*, published on 5 August 1993; *Loi du 10 février 1999 relative à la répression des violations graves de droit international humanitaire, Moniteur belge* no. 99-809, p. 9286; *Loi du 23 avril 2003 modifiant la loi du 16 juin 1993 relative à la répression des violations graves du droit international humanitaire et l'article 144ter du Code judiciaire, Moniteur belge* no. 2003-1786, p. 24846; *Loi du 5 août 2003 relative aux violations graves du droit international humanitaire, Moniteur belge* no. 2003-3125, p. 40506.

<sup>16</sup> *Belgian Cour d'Assises Brussels, Public Prosecutor v. Étienne Nzabonimana and Samuel Ndashyikirwa alias Samuel Manzi*, judgment of 29 June 2005, <http://www.legal-tools.org/en/browse/record/51c5bb/> (lastly consulted on 21 January 2016).

*standards in order to achieve accountability and to deter future perpetrators.”*

The second chapter analysed whether domestic courts can theoretically contribute to the specific elements of international criminal justice or, in case it is clear they can contribute to one distinct element or goal, what their role should be or how that role should be shaped. Ultimately, Hendrik was able to determine that, theoretically, domestic courts can positively contribute to the fulfilment of the general principle of legality and the corollary principle of specificity; can impose penalties on the guilty but should focus on retributive sentencing goals and penalties; can exercise universal jurisdiction on the basis of customary international law but should only do so in cases of impunity; can – through judicial dialogue with regional and international courts – contribute to a more uniform interpretation of the concept of fairness and the accepted legal procedural standards and can advance the goals of accountability and deterrence. While empirical research is still needed to examine the *de facto* impact of domestic court decisions, national courts should not shy away from assuming their role in a state of international criminal justice, especially given the observed “*shift in focus from internationalisation to nationalisation of accountability for international crimes*”.

In the third chapter, Hendrik examined the decisions by Belgian courts and tribunals in light of the concept of international criminal justice. More specifically, applying the theoretical framework of Chapter II, it was examined whether the Belgian jurisprudence from the 1920s, 1947-1952 and 1990s-2000s evidenced a contribution by the Belgian domestic courts to the establishment of a state of international criminal justice. On the basis of this examination, it was observed that the Belgian courts, in none of the three decades studied, contributed to *all* different elements which are of importance in light of the concept of international criminal justice at the same time. However, the elements do not need to be achieved cumulatively for jurisprudence to be considered valuable. Therefore, as the judgements of these same (military) courts and tribunals did have or might have had some impact with respect to at least one of the relevant elements or goals in a state of international criminal justice, regardless of which decade is at issue, the Belgian courts can be considered to have contributed to the establishment of international criminal justice and to have acted as proper agents of international criminal justice.

Finally, in the fourth chapter, Hendrik analysed whether the role of national judicial bodies in bringing about international criminal justice should be enhanced or curtailed. In particular, the analysis focused on whether the alleged advantages of prosecutions before international criminal courts and tribunals are proper advantages, in the sense that it would be more beneficial to seek recourse to international criminal courts than to bring the perpetrators of international crimes before domestic courts, and on whether the pitfalls with which international criminal courts and tribunals are confronted can be avoided at the domestic level. Since none of the alleged advantages of trying perpetrators at the international level are proper advantages and the pitfalls with which international criminal courts and tribunals are confronted can, to some extent, be avoided or are much less pronounced at the domestic level, the role of domestic courts should be enhanced. After all, “*success will reside in the active dockets of many domestic courts around the world*”. This is not to say that there is no role anymore for international criminal courts and tribunals; it might not be possible for domestic courts to respond to international crimes in (post-)conflict situations. However, in the first place, domestic courts should exercise territorial, personal or universal jurisdiction, making recourse to international criminal courts truly exceptional, seeing that “*the future of international law is domestic*”.

## 4.5 Related results

### Training and Education

The first related result is the training of history students in documentary management. Over four and a half years, the JUSINBELGIUM project has welcomed three interns from Italy, Belgium and Germany and seven job-students from the Université libre de Bruxelles. From July 2016 to September 2018, the students carried out the digitisation at the State Archives. Most of them attended the research seminar of Pieter Lagrou at the ULB (2015-2016 and 2016-2017). Their collective research has contributed to the exploration and identification of the 1920s records, by focusing on the post-First World War trials in Belgium. Delphine Lauwers has supervised three internships at the State Archives of Belgium (AGR2) within the framework of the project (Cecilia Toninato, Linn-Sophie Löber, and Chloé Vullo).

Delphine Lauwers (State Archives) and Ornella Rovetta (ULB) supervised the job-students. In May 2017, Marie-Anne Weisers gave a training session on the specific legal framework of Second World War cases. Beyond digitisation, the description task entrusted to the students indeed required an understanding of the documents. However, the analysis of a 1925 judgment or a 1947 statement of facts is not an easy task: not only from the point of view of readability (often handwritten), but also for the complex legal language. Their work has, therefore, been constantly monitored. In May-June 2017, Cecilia Toninato, a master student in history at the Università degli Studi di Torino completed her Erasmus traineeship within the framework of the project. In the fall of 2017, we welcomed Linn-Sophie Löber, a master student at the Philipps-Universität in Marburg. She was trained by Wolfgang Form at the ICWC and by the JUSINBELGIUM team in Belgium. At the end of 2017, we also welcomed Chloé Vullo for her master traineeship at the Université libre de Bruxelles. They all were able to work on the technical aspects of the project, as well as to contribute to the description of the records.

### Public history

Second, the project contributed to public history through a new exhibition at the Wolfenbüttel memorial (Germany). Unlike the cases of the 1920s, the prosecution of former Nazi leaders has been central in both legal and historical scholarship for half a century. Books on these trials have filled libraries and countless movies, documentaries and exhibitions have turned them into easily recognisable elements of popular culture. The international allied trials have often overshadowed national war crime trial programmes. However, our historical records show that the Belgian judiciary harboured the ambition to organise the prosecution of German guards of Nazi prisons and concentration camps located outside Belgium. From this initial plan, only one trial took place.

The little-known Wolfenbüttel trial held in Brussels in 1950 (and described in section 4.3) involved six guards of the prison. It produced an exceptional set of documents and witness accounts. It is a rather extraordinary coincidence that the Wolfenbüttel prison has also been a latecomer on the scene of memorials and museums on former sites of Nazi crimes in the Federal Republic of Germany. In April 2018, the Memorial contacted the JUSINBELGIUM team. Consequently, the Wolfenbüttel file was digitised as a priority. The digital documents we shared with the Memorial will be crucial parts of the new exhibition. With this trial, for the first time in Belgian legal history, a Belgian court

investigated and judged crimes committed outside the national borders by the agents of a foreign state, including crimes committed on non-Belgian citizens, thereby prefiguring Belgian militancy in favour of universal jurisdiction.

The researchers of the project also participated in the public debate through their contributions in the media and the press (see sections 5 and 6).

#### Teaching activities

Finally, the records collections and the project's topic have also been integrated into the teaching activities of the team members. Since 2016, Ornella Rovetta teaches a course of "Legal History" to second-year law students at the Université Saint-Louis (bilingual section). It includes data and research carried out within the project. For two years, Pieter Lagrou, Ornella Rovetta and Delphine Lauwers have supervised master students in history at the Université libre de Bruxelles within the framework of the seminar in contemporary history (academic years 2015-2016 and 2016-2017). These students researched the 1920s records collections included in the project. Hendrik Vandekerckhove has been teaching assistant in "The Law of International Organisations" and "International Humanitarian and Security Law from a European Perspective" at the KU Leuven. In Marburg, Wolfgang Form trained several students who contributed to the JUSINBELGIUM project.

#### **4.6 Policy processes**

In October 2015, following contacts with the Legal Tools project director, Morten Bergsmo, the Université Libre de Bruxelles signed a cooperation agreement with the Office of the Prosecutor of the (ICC). The ULB, as the coordinator of the JUSINBELGIUM project, is an official partner in the Legal Tools Database project and appears as such on the website. In November 2015, Pieter Lagrou and Ornella Rovetta presented the project and the records we proposed to make accessible through the Legal Tools at the Side event of the 14th session of the ICC Assembly of State Parties in The Hague.

In September 2015, the project coordinators, Pieter Lagrou and Ornella Rovetta, met with the team of the Belgian Task Force for International Criminal Justice (Belgian Ministry of Justice) to discuss possible cooperation on the project. We have been invited to present the project to this Task Force in order to discuss issues related to confidentiality of judicial sources and the possibilities of valorisation of these historical sources through online access.

In February 2019, Delphine Lauwers presented the project to Sophie Wilmès, Minister in charge of the Belgian Science Policy within the framework of a visit to the State Archives. The challenge of this meeting with the Minister and the Scientific Policy Department of the State Archives was to convince them of the importance and legitimacy of the JUSINBELGIUM project on four points: access to sources, "democracy", transparency and relevance of the project in documenting the historical foundations of international criminal justice.

In February 2020, we co-organised a workshop with the Belgian Task Force. The purpose of this workshop was to discuss a series of files dealt with within the framework of the JUSINBELGIUM project and to confront them with current practices in international criminal justice. We presented the results of our project and pooled the insights of legal practitioners with those of researchers. This workshop showed how relevant interdisciplinary dialogue is.

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## 5. DISSEMINATION AND VALORISATION

The results of the project involve different types of valorisation: training and teaching activities (discussed in point 4.3), organisation of scientific events and workshops and finally, outreach activities aimed at promoting the project and discussing its results.

### 5.1 Online Database

The digitised records collections are available via the Legal Tools Database of the International Criminal Court. They are hosted in the “National cases involving core international crimes” subfolder and via the general research tool (search by words in the title or case name). At present, the majority of PDF files are online, but some have still to be published, which will be done progressively in the coming months.

<http://legal-tools.org>

### 5.2 Project Blog

From the outset of the project, the blog acted as a “business card”. It includes the main stages of the project, the presentation of the objectives, the results, the team, in texts and videos. It also presents a tutorial for accessing and using the online digital records collections. This guide to the online collections includes:

- Information on series and repositories
- How to access to the archives
- Browsing options
- Consultation tips of our PDFs and download
- Document identification metadata and ID sheet

<https://jusinbell.hypotheses.org/>

<https://www.legal-tools.org/doc/6960da/pdf/>

### 5.3 Scientific activities

Throughout the project, the team presented and discussed, with a very diversified audience, the challenges and results of the project, in particular the online publication of war crimes trials records. We also organised five workshops in Brussels, Marburg and Wolfenbüttel. The members of the Monitoring Committee have been involved in several of these meetings.

#### Workshops

1. In **February 2020**, we organised a workshop with the Belgian Task Force for International Criminal Justice (Ministry of Justice, Brussels) to present the results of the JUSINBELLGIUM project and thus connect historical case-law to current challenges of international criminal law.

*Papers presented by the team during this workshop:*

- Rovetta, O., Lagrou, P. JUSINBELLGIUM: Project presentation.
- Lauwers, D. “Le procès von Giese (1925). Coopération judiciaire et enquêtes croisées”.



- Weisers, M.-A., “Collaboration, crimes de guerre et crimes contre l’humanité en Belgique au lendemain de la Seconde Guerre mondiale : les dossiers Otto Siegburg (1949) et Lambert Namur (1948)”.
  - Rovetta, O., “Le procès de Max Boden (1950). Les témoignages des femmes juives internées à la caserne Dossin et les enjeux de la publication en ligne des archives du procès”.
  - Lagrou, P. “Le procès de Max Ramdohr (1921). De Grammont à Leipzig”.
2. On **16 and 17 May 2019**, the JUSINBELGIUM team and the Wolfenbüttel memorial team held a workshop in Wolfenbüttel “Staging History: Archives, Objects and Architecture” to discuss how archives can be used as exhibits in museums and to reflect on connecting archives and making them accessible.

*Papers presented by the team during this workshop:*

- Rovetta, O. and Lauwers, D. “JUSINBELGIUM. A century of Pioneering Case-Law (1914-2014): On the Trail of Belgian Trial Archives”.
  - Form, W. “The International Research and Documentation Centre for War Crimes Trials”
  - Lagrou, P. “The 1921 Ramdohr Trial. Judicial confrontation and cooperation; Belgium and Germany, 1914-1951”.
  - Drossens, P. “Archives as exhibits. The Museum of Crimes in the City of Ghent”.
  - Lauwers, D. “Accessing, Retrieving and Connecting Archival Material”.
3. On **9 and 10 January 2018**, the team organised an international launching conference to present the online collection. It brought together historians, lawyers, anthropologists, archivists, researchers, students and (inter)national practitioners.

The conference discussed the sources of new forms of international justice in three directions: (1) Case-law in the digital era: archival and legal challenges of online access, (2) German Atrocities, 1914. Litigation, Reconciliation, Justice, (3) The three moments of International Justice (>1918; >1945; > the 1990s): Learning from failure or building on precedent. It took place at the Université libre de Bruxelles and the Belgian State Archive in the Cuvelier repository. On the second day, conference participants were invited to visit the Archive and see the original WWI records, the so-called “Moscow” collection.

The contributions shed light on the legal and ethical implications of a new form of “public history” that is emerging through the online publication of sources. Panel discussions debated archives as a larger heritage and as material for research. They discussed the uses of digital sources, technological challenges and questions related to the researcher's ethics and the thresholds of accessibility to this type of archive. The diversity of these judicial sources, the challenges of their interpretation and their uses in the humanities and the legal sciences were central to the two-days programme.

*Papers presented by the team during this workshop:*

- Collective paper presented during this conference: Rovetta, O., Lagrou, P., Lauwers, D., Weisers, M.-A., Vandekerckhove, H., & Form, W. "A century of pioneering case-law. A digital database of Belgian precedents of international justice".

As part of the project presentation during the Launching Conference, we have not only emphasised progress made in the digitisation, but also proposed and explored several research themes springing from the analysis of the judicial sources. Three themes are summarized in this section: a case-study presented as part of the collective project presentation (Delphine Lauwers), a summary of a paper presented at a conference on war crimes trials (Ornella Rovetta) and a state of research of the PhD (Hendrik Vandekerckhove).

- Drossens, P., Desmet, G. (2018), "In search of War Crimes. Unearthing and accessioning the archives of the Belgian Military Justice".

4. **On 16 and 17 January 2018**, Wolfgang Form, our partner in Marburg, hosted a two-day workshop dedicated to further improvement of our methodology and to a seminar organized by the International Research and Documentation Center for War Crimes Trials. The team presented the project's records and research themes.

Collective paper presented during this workshop: Rovetta, O., Lauwers, D., Vandekerckhove, H. (2018). "A century of pioneering case-law. A digital database of Belgian precedents of international justice".

5. **9-10 March 2016**. Pieter **Lagrou**, Ornella **Rovetta**, Pierre-Olivier de Broux and Thomas Graditzky organized an international workshop "Defeating Impunity, Promoting International Justice. The Archival Trail, 1914-2014", at the ULB and in collaboration with Interuniversity Attraction Pole "Justice & Populations: the Belgian experience in International Perspective". The conference proceedings will be published in the coming year.

*Papers presented by the team during this workshop:*

- Pieter Lagrou and Ornella Rovetta. "Torture on trial, 2014-1914: the words the crime elicits"
- Wolfgang Form. "Bringing together the United Nations War Crimes Commission Papers"
- Delphine Lauwers. "A Century of Pioneering Case-law. Digitizing and Investigating Belgian Precedents of International Justice"
- Marie-Anne Weisers. "The Struggle of Belgian Magistrates to Punish Crimes against the Jews (1947-1951)"

### Other project presentations and conference papers related to the project

In this section, we include the presentations directly related to the project, bearing in mind that the researchers also pursued scientific activities related to their other research activities and topics.

#### **2019**

- **Vandekerckhove**, H. Discussant at workshop on “Academia Meets Practice: Discussing IHCL with Experienced Practitioners”. 2 April 2019.
- **Weisers**, M.-A., **Lagrou**, P. “The forgotten precedent. Belgian planning for post war trials and the lacking legacy”, 21-22 March 2019. Workshop: The London Moment. Exile Government, Academics and Activists in Great-Britain, 1940-1945, Humboldt Universität zu Berlin (Humboldt-Universität zu Berlin).

#### **2018**

- **Lauwers**, D. Presentation of the JUSINBELGIUM project at the Conference “Recording, Narrating and Archiving the First World War”, International Society for First World War Studies, Melbourne (Australia), 10 July 2018.
- **Lauwers**, D., **Drossens**, P. Presentation of the JUSINBELGIUM project at the Scientific Spring meeting of State Archivists in Belgium, Brussels, 28 May 2018.
- **Vandekerckhove**, H. “In absentia convictions and reduced penalties for reconciliatory reasons: forms of proper justice?” IHCL Platform PhD Day, 25 May 2018.
- **Rovetta**, O. “A Tribunal Between Utopia and Diplomacy: Judging the Genocide against the Tutsi (1994-2015)”. Presented at the Conference “Genocide after 1948: 70 Years of Genocide Convention” (7-8 December 2018: NIOD, Amsterdam).
- **Lagrou**, P. Conférence-débat autour de la sortie du livre *Papy était-il un Nazi. Sur les traces d'un passé de guerre*. Extension ULB La Louvière, 31 January 2018
- **Lagrou**, P. “A failed precedent? Attempts At International Justice In The Wake Of The First World War And Their Legacy”. Conference *To End All Wars. Geopolitical Aftermath and Commemorative Legacies of the First World War*. 22 August 2018, Ypres.
- **Form**, W. “War Crime Trials Databases. International Memorial Archives Tutorial”. Flossenbürg Concentration Camp Memorial (Education Center) 7 – 8 February 2018.
- **Drossens**, P. “The Turbulent 20th Century Reflected in the Archives of the Judicial Police”, Conference in the City Museum of Ghent “The Archives of Crime. Unexpected Treasures of the Judicial Police”, 14.12.2018.

#### **2017**

- **Rovetta** O. “Judging war criminals in the 1920s: A pioneering precedent in making post-war justice visible?” Paper presented at Acts of justice, public events: World War II criminals on trial (12-14 Octobre 2017: Prague, Cefres [Centre français de Recherches en Sciences Sociales - Prague]).
- **Lagrou**, P. and **Rovetta**, O. “Project Presentation”. Institut d’Histoire du Temps Présent, Paris, 28 February 2017.
- **Lagrou**, P. and **Rovetta**, O., “De berechting van de duitse oorlogsmisdadigers na de eerste Wereldoorlog. De zaak Ramdohr en de strijd rond totale oorlog, recht en menselijkheid in de

jonge Weimar Republiek”, Katholieke Universiteit Leuven, workshop *War and Justice. The Legal legacy of World War I in Belgium* (16 May 2017).

- **Lagrou, P.** Presentation of the JUSINBELGIUM Project at: Launching Workshop of the project ANR World War II crimes on trial (Vanessa Voisin). Paris, Institut National d’Etudes Démographiques (18-19 May 2017).
- **Lagrou, P.**, "Giudicare i crimini tedeschi della prima guerra mondiale. Il caso Ramdohr ed il dibattito su guerra totale, diritto ed umanità alle origine della Repubblica di Weimar”, Napoli, Università Federico II, 15 February 2017.
- **Lagrou, P.** “Micro perspectives and transnational research panel discussion on “Mayoral collaboration” at the international conference *Occupations in the Age of Total War*, University of Kent, 22-23 June 2017.
- **Form, W.** “ICWC Database” at: Launching Workshop of the project ANR World War II crimes on trial (Vanessa Voisin). Paris, Institut National d’Etudes Démographiques (18-19 May 2017).
- **Vandekerckhove H.** “A legal analysis of the Belgian in absentia convictions in the wake of the First World War – the legal basis, the legality and the effectiveness thereof”, Paper presented at: the workshop on ‘War and Justice - The Legal Legacy of the First World War in Belgium’ (Leuven, 16 May 2017)
- **Vandekerckhove H.** Presentation of PhD research at a masterclass on ‘International Criminal Justice and the Enforcement Deficit’ (Amsterdam, 25 October 2017)
- **Drossens, P.** “Selectie, verwerving en valorisatie van de archieven van Justitie in België”, Expertmeeting ‘De Toekomst van de strafrechtsgeschiedenis’ (Breda, 17-18/11/2017)
- **Drossens, P.** “Misdad in het archief. Bronnen en onderzoeksperspectieven”, Dag van het Gentse Historische Onderzoek in STAM (Gent, 25/11/2017)
- **Drossens, P.** Lecture “De archieven van Justitie”, the State Archives in Hasselt. 1/06/2017 and State Archives of Gent, 21/11/2017. (Vormingsreeks in samenwerking met Heemkunde Vlaanderen getiteld Proeven van het Rijksarchief).
- **Wouters, J.** “The Significance of World War I for International Law” (Columbia University, School of International and Public Affairs, New York, 13 November 2017)
- **Wouters, J.** Chairman at the Conference on the ICRC updated Commentary on the First Geneva Convention (Brussels, 29 September 2017)

## 2016

- **Rovetta, O., Lauwers, D., and Vandekerckhove, H.** Poster – JUSINBELGIUM project. Printemps scientifique, AGR1, Brussels, 13 June 2016.
- **Rovetta, O.**, Quelle postérité pour les archives judiciaires? Le cas du TPIR”. Conference *Les archives disponibles sur le génocide des Tutsi au Rwanda: Cartographie et typologie*, 22 May 2016, Mémorial de la Shoah, Paris.
- **Lagrou, P.** “I processi del primo dopo guerra come precedente. Un bilancio dei primi tentativi di combattere l’impunità e il ricorso all argomento della Kriegsnotwendigkeit in ogni circostanza”, Milano, International conference: L’Atlante delle stragi naziste e fasciste in Italia 1943-1945. 14-16 September 2016.
- **Lagrou, P.** “Un siècle de jurisprudence pionnière. Une base de données digitales de précédents belges en matière de justice internationale, 1914-2014”, Université de Liège, 16 November 2016.

- **Lagrou**, P. Centre d'Éducation Permanente de l'ULB – Université Inter-âges. "Perspectives historiques sur le couple terrorisme-torture à la lumière des archives belges des deux guerres mondiales », 24 October 2016.
- **Form**, W. Torture as a War Crime – Transitional Justice in the Far East after WWII and its consequences for the actual debate on waterboarding. Berlin, Workshop Mainstreaming crimes of the state within criminology (9 - 13 February 2015)
- **Form**, W. "Kriegsverbrecherprozesse nach dem Ersten Weltkrieg", Der Erste Weltkrieg und seine Folgen für das Zusammenleben der Völker in Mittel- und Ostmitteleuropa, Königswinter (Germany), 21 October 2016.
- **Vandekerckhove** H. "The elusive concept of international criminal justice and the contribution thereto by domestic courts", The Socio-Legal Studies Association Annual Conference 2016, Lancaster, 5-7 April 2016.
- **Weisers**, M.-A. "La justice belge et les criminels de guerre allemands ", Foyer Culturel Juif de Liège, 2<sup>nd</sup> of May 2016.
- **Wouters**, J. "How to Assess the Role of International Law in Today's Changing Global Order?", international conference Berlin, 15 April 2016.

## 2015

- **Drossens**, P. "The Tension between Access to Information Rights and Data Protection Rights. How the Belgian State Archives deal with privacy issues when providing access to archives", IV<sup>ème</sup> Conférence internationale supérieure d'archivistique, Paris, 16 November 2015.
- **Lauwers**, D. "Ypres: Holy Ground or Queen of Flanders? A brief history of a transnational site of memory, 1914-2014", Workshop: Reconstruction and Resettlement in the Wake of War: Global Perspectives in the Nineteenth and Twentieth Centuries, 26-27 February 2016, Trinity Centre for War Studies, Dublin.
- **Rovetta**, O. "Le Tribunal Pénal International pour le Rwanda comme source d'histoire ?", 19 November 2015. Talk: presentation of PhD research results at the National Commission for the Fight Against Genocide (Kigali, Rwanda).
- **Rovetta**, O. "The Akayesu Case (1996-1998): the First International Trial after the Genocide in Rwanda", 9-12 April 2015. Third International Graduate Student Conference on Genocide Studies, Clark University (Strassler Center for Holocaust and Genocide Studies, Worcester, U.S.A)
- **Form**, W. Torture as a War Crime – Transitional Justice in the Far East after WWII and its consequences for the actual debate on waterboarding. Berlin, Workshop Mainstreaming crimes of the state within criminology (9 - 13 February 2015)
- **Form**, W. "Sexual Violence against Women as a War Crime. War Crimes Trials in the Philippines following World War II – A Comparison of American and Philippine Trials, conference ASN" (The Association for the Study of Nationalities) 2015 World Convention (New York 23-25 April 2015).
- **Weisers**, M.-A. "La Justice belge et les crimes contre les Juifs pendant la Seconde guerre mondiale. La condamnation d'un policier nazi pour crime contre l'humanité", Journées internationales d'histoire du droit et des institutions : "Droit et Gouvernance", organized by the Société d'histoire du droit et des institutions des pays flamands, picards et wallons, Compiègne, 16-17 May 2015.
- **Weisers**, M.-A. "La justice belge, l'occupant allemand et les crimes contre les Juifs, 1941-1951 : entre volonté, innovation et frustration", Guest lecture, CEGESOMA, 6 May 2015.

- **Weisers, M.-A.** “Les procès belges contre les criminels de guerre allemands : une volonté de sanctionner les crimes contre les Juifs ?”, Guest lecture, Musée juif de Belgique, 28 April 2015.
- **Weisers, M.-A.** “The Belgian Trial of Otto Sieburg in 1949, or how a German policeman, professional Jew-hunter, was convicted of a crime against humanity”, Third International Graduate Students’ Conference for Holocaust and Genocide Studies, Clark University - Strassler Center for Holocaust and Genocide Studies, Worcester (U.S.A), 9-12 April 2015.
- **Weisers, M.-A.** “La Belgique occupée : le jugement des crimes commis contre les Juifs”, Talk given in the framework of the seminar “Historiographie des deux guerres mondiales M2 et doctorants” organized by Alya Aglan and Barbara Lambauer, Paris I Sorbonne, 3 April 2015.

#### 5.4 Outreach activities and public debate

The project was also discussed outside the academic sphere. As mentioned in point 4, it was integrated into several teaching assignments and involved an important student training dimension. Valorisation of the project and of the researchers’ work was also directed towards the general public, notably through the media.

- In 2018, the Belgian news magazine *Le Vif* published an article on the project and Pierre Havaux interviewed Delphine Lauwers, Pieter Lagrou and Ornella Rovetta. Havaux, P. “Les procès des exactions allemandes exposés au grand jour”, *Le Vif*, n° 1, 4 January 2018, p. 32-33. [https://www.levif.be/actualite/belgique/les-proces-des-exactions-allemandes-de-l-ete-1914-en-belgique-exposes-au-grand-jour/article-normal-778447.html?cookie\\_check=1584035244](https://www.levif.be/actualite/belgique/les-proces-des-exactions-allemandes-de-l-ete-1914-en-belgique-exposes-au-grand-jour/article-normal-778447.html?cookie_check=1584035244)
- In February 2019, Delphine Lauwers presented the JUSINBELGIUM project to Sophie Wilmès, Minister in charge of the Belgian Science Policy within the framework of a visit to the State Archives.
- In the course of the project, Pieter Lagrou and Ornella Rovetta spoke to the media on a number of occasions:
  - Midi Première – le Forum de la RTBF, La Première (radio, RTBF), “Faut-il juger les derniers nazis encore en vie?”, Pieter Lagrou and Damien Vandermeersch, 18 August 2016. [https://www.rtf.be/lapremiere/article/detail\\_faut-il-juger-les-derniers-nazis-encore-en-vie?id=9382144](https://www.rtf.be/lapremiere/article/detail_faut-il-juger-les-derniers-nazis-encore-en-vie?id=9382144)
  - Face à l’info, La Première (radio, RTBF), “Le procès des bourreaux de Breendonk”, Pieter Lagrou, 3 March 2016.
  - Un jour dans l’Histoire, La Première (radio, RTBF), “Les procès de Leipzig de 1921”, Pieter Lagrou, 12 March 2015. [https://www.rtf.be/lapremiere/article/detail\\_les-proces-de-leipzig?id=9055699](https://www.rtf.be/lapremiere/article/detail_les-proces-de-leipzig?id=9055699)
  - Pieter Lagrou participated in the documentary “Kinderen van de collaboratie”, VRT Canvas, episode 7 “Het collectieve geheugen. Hoe is de beeldvorming rond de collaboratie?”, 19 December 2017.
  - Un jour dans l’Histoire, “Vers un nouveau droit de la guerre”, La Première (radio, RTBF), Pieter Lagrou and Ornella Rovetta were interviewed by Jean-Pol Hecq on justice after the First World War, 24 October 2018. [https://www.rtf.be/lapremiere/article/detail\\_vers-un-nouveau-droit-de-la-guerre?id=10061309](https://www.rtf.be/lapremiere/article/detail_vers-un-nouveau-droit-de-la-guerre?id=10061309)
  - Un jour dans l’Histoire, La Première (radio, RTBF), “L’épuration en Belgique après la Deuxième Guerre mondiale”, Pieter Lagrou, 7 February 2018.
  - [https://www.rtf.be/lapremiere/article/detail\\_papy-etait-il-un-nazi-sur-les-traces-d-un-passe-de-guerre?id=9833186](https://www.rtf.be/lapremiere/article/detail_papy-etait-il-un-nazi-sur-les-traces-d-un-passe-de-guerre?id=9833186)
  - Retour aux sources, “Apocalypse, La paix impossible”, La Une, Pieter Lagrou, 2018.

- In connection with the publication of her research on international justice in the Rwandan case, Ornella Rovetta participated in several programs: “Un jour dans l'histoire”, La Première (radio, RTBF), 9 May 2019 [https://www.rtf.be/auvio/detail\\_un-jour-dans-l-histoire?id=2494853](https://www.rtf.be/auvio/detail_un-jour-dans-l-histoire?id=2494853) ; “La Marche de l'histoire”, France Inter (radio, France), 8 April 2019 <https://www.franceinter.fr/emissions/la-marche-de-l-histoire/la-marche-de-l-histoire-08-avril-2019> ; France24 (television, France), 7 April 2019 (in fr. and eng.); on RFI (radio, France), Debate on justice, special edition 25<sup>th</sup> commemoration of the genocide against the Tutsi, 7 April 2019 <http://www.rfi.fr/fr/afrique/20190406-rwanda-direct-edition-speciale-rfi-genocide> ; “La marche du monde”, RFI (radio, France), 21 May 2016 <http://www.rfi.fr/fr/emission/20160521-rwanda-genocide-akayesu-bourgmestre-premier-proces-tpir-tutsis>

In December 2018, Paul Drossens organised a conference in the City Museum of Ghent “The Archives of Crime. Unexpected Treasures of the Judicial Police”.

In 2019, Ornella Rovetta co-authored, with Marie Fierens and Jean-Marc Vierset, a radio documentary (“Au son de la justice internationale: Le génocide des Tutsi au Rwanda en jugement”) on the International Criminal Tribunal for Rwanda. It was broadcasted by La Première (Transversales) and RFI (La marche du monde) and received a Wernaers prize of the F.R.S.-FNRS in 2019.

<http://www.rfi.fr/fr/emission/20190407-rwanda-genocide-tutsis-tribunal-justice-internationale-rovetta-fierens>

In 2016-2017, Ornella Rovetta was a member of the team of 50 researchers composing the “Mission d'étude en France sur la recherche et l'enseignement des génocides et des crimes de masse”, directed by Vincent Duclert for a duration of one year. This multidisciplinary team aimed at proposing research and teaching perspectives to foster the analysis and understanding of genocide, mass crimes and extreme violence, as well as to propose new forms of prevention.

## 6. PUBLICATIONS

### 6.1 Scientific publications related to the project and project's topic

#### Collective publications

- **Lagrou, P., Lauwers, D., & Rovetta, O.** (2017). "Humanités numériques et historiens analogiques". Special issue : Débat : Autour des Big Data. Enjeux, risques et opportunités. *Revue Belge d'histoire contemporaine*, 48(2-3), p. 213-223. [https://www.journalbelgianhistory.be/sites/www.journalbelgianhistory.be/files/jbh\\_content/Lagrou%20et.al.%20History%20Manifesto%20Big%20Data%20JBH%202017%20%282-3%29.pdf](https://www.journalbelgianhistory.be/sites/www.journalbelgianhistory.be/files/jbh_content/Lagrou%20et.al.%20History%20Manifesto%20Big%20Data%20JBH%202017%20%282-3%29.pdf)
- **Lagrou, P., Rousso, H., Conway, M.** (2018). *Europe's Postwar Periods: 1989, 1945, 1918 : Writing History Backwards*, Bloomsbury, London.
- **Aerts K., Luyten D., Willems B., Drossens P., Lagrou P.** (eds.) (2017). *Papy était-il un nazi? Sur les traces d'un passé de guerre*. Brussel, Racine, 270 p.
- **Aerts K., Luyten D., Willems B., Drossens P., Lagrou P.** (eds.) (2017.) *Was opa een nazi ? Speuren naar het oorlogsverleden*. Tielt, Lannoo, 272 p.
- **Wouters J. and Vandekerckhove H.** (2017). "The Rise and Fall of Universal Jurisdiction for International Crimes in Belgium - Interactions between Legislation and Case Law" in Dewulf, S. (ed.) *Liber Amicorum Chris Van den Wyngaert*, Maklu.
- **Wouters J. and Vandekerckhove H.** (in press). "A Different Type of Aid - The Funders of Wars as Aiders and Abettors under International Criminal Law" in Jorgensen, N. (ed.) *The International Criminal Responsibility of War's Funders and Profiteers*, Cambridge University Press.
- **Bost M., Drossens P., Horvat S.** (eds.) (2016). *Ressources et usages des archives de la justice militaire – Bronnen en onderzoeksperspectieven in verband met het militair gerecht*. Brussels, State Archives, 278 p. (Justice & Society, 7)

#### Collective publications in preparation

- **Haultain-Gall M. & Lauwers D.** (2020-2021) "Remembering "the Devil's playground": Ypres 1914–2018", Special issue of *Revue Belge d'histoire contemporaine*.
- **Lagrou, P., Rovetta, O., de Broux, P.-O.**, (2020-2021) *Defeating Impunity, Promoting International Justice (1914-2016)*.
- **Lagrou, P., Rovetta, O.**, *The Max Ramdohr trial in Leipzig in 1921*.

#### Individual publications

- **Lagrou, P.** (in press, 2020). "Recht spreken met kromme wetten. De sisyfusarbeid van het krijgsauditoraat", in L. Huyse en S. Dhont, *Onverwerkt verleden. Collaboratie en Repressie in België, 1942-1952 (tweede herwerkte uitgave, met bijdragen van Koen Aerts, Bruno De Wever en Pieter Lagrou*, Kritak/Lannoo), p. 323-341.
- **Lagrou, P., Conway, M.** (2019). "José Gotovitch, 50 ans au cœur et aux marges de l'historiographie de la Belgique contemporaine", *Revue Belge d'Histoire Contemporaine*, XLIV, 2019, 2-3, pp. 222-248.



- **Lagrou, P.** (2016). “Ripensare l’Europa nella guerra dei trent’anni” in Simone Neri Seneri (a cura di) *1914-1945. L’Italia nella guerra europea dei trent’anni*, Roma, Viella, p. 27-37.
- **Lagrou, P.** (2015). “Memories of totalitarianism. The asymmetry of memory East and West, and the Holocaust” in : Eugeniusz Smolar (dir.) *Memory and Responsibility. The legacy of Jan Karski*. Semper Scientific Publishers, Warsaw, pp. 182-192.
- **Lauwers, D.** (2018). “La reconstruction, mot d’ordre national”, in Lierneux, P., Peeters, N. (eds), *Au-delà de la Grande Guerre, la Belgique 1918-1928*, Tielt, Lanno/Racine, p. 115-120 (in fr/nl/en).
- **Lauwers, D.** (2018). “Du tourisme de guerre au tourisme de paix ? Ypres comme lieu de mémoire transnational”, in *Revue Nouvelle*, Dossier “La Grande Guerre”, n° 7, p. 40-45. [https://www.revue nouvelle.be/IMG/pdf/040-045\\_dossier\\_lauwers-6p.pdf](https://www.revue nouvelle.be/IMG/pdf/040-045_dossier_lauwers-6p.pdf)
- **Lauwers, D.** (in press, 2020). “From Belgium to The Hague via Berlin and Moscow. Documenting war crimes and the quest for international justice”, *Archives & Manuscripts*, special issue: “Recording, Narrating and Archiving the First World War”.
- **Rovetta, O.** (in press, 2020). “From the Courtroom to Judgement: Witnesses and Testimonies at the International Criminal Tribunal for Rwanda”, in Gabriella Gribaudo (ed.), *Testimonianze e testimoni*, “Oral History” series, editpress, Florence, p. 197-213.
- **Rovetta, O.** (2019). *Un génocide au Tribunal: le Rwanda et la justice internationale*, Belin, Paris, 444p.
- **Rovetta, O.** (2019). “‘Il a tué par ordre’: Témoignages et jugement dans le premier procès devant le Tribunal Pénal International pour le Rwanda (1995-1998)”, *Témoigner. Entre Histoire et Mémoire*, (128), p. 103-113. <https://auschwitz.be/fr/le-verfugbar-aux-enfers?view=article&id=4071:sommaire-et-resumes-du-n-128&catid=36>
- **Rovetta, O.** (2018). “Une justice transitionnelle en chantier : le cas du Rwanda”, *Crime, histoire & sociétés*, 21(2). <https://journals.openedition.org/chs/1908>
- **Rovetta, O.** (2017). “La compétence universelle” In A. Musin, A. Hendrick, X. Rousseaux, & N. Tousignant (Eds.), *Les mots de la justice*, Bruxelles: Mardaga, p. 156-157.
- **Rovetta, O.** (2017). “Justice et narration historique. Entre expertise et expérience : témoignages d’experts au TPIR”. In C. Coquio, F. Robinet, N. Réra, V. Brinker, A. Dauge-Roth, & E. Hoppenot (Eds.), *Rwanda, 1994-2014 – Histoire, mémoires et récits* (p. 87-99). Paris: Les Presses du Réel.
- **Vandekerckhove, H.** (2016). Review of: Moerland, R., *The Killing of Death: Denying the genocide against the Tutsi*, Cambridge/Antwerp/Portland, Intersentia, 2016, xvii + 387 p. in: *Belgisch Tijdschrift voor Internationaal Recht / Revue Belge de Droit International*. Bruylant.
- **Weisers, M.-A.** (2020). *La Justice belge, les bourreaux allemands et la Shoah*, Éditions de l’Université libre de Bruxelles, Bruxelles.
- **Form, W.** (2017). “Colonization and Postcolonial Justice: US and Philippine War Crimes Trials in Manila after the Second World War”, In Kerstin von Lingen (ed.), *War Crimes Trials in the Wake of Decolonization and Cold War in Asia, 1945-1956*, Cham, p. 143-166.
- **Form, W.** (2017). “Deutschland, die Alliierten und die Ahndung von Kriegsverbrechen nach dem Ersten Weltkrieg”, in Gilbert H. Gornig, Adrianna A. Michel, *Der Erste Weltkrieg und seine Folgen für das Zusammenleben der Völker in Mittel- und Ostmitteleuropa*, Berlin, p. 181-213.

- Fischer, A., **Form**, W. (2017). “Das Nuremberg Trial Film Project. Inszenierung und Dokument”, in Carsten Heinze, Thomas Weber (eds.), *Medienkulturen des Dokumentarischen*, Wiesbaden, p. 413-428.
- **Form**, W., Pöpken, C. (2017). “Der Umgang mit den Tätern. Die strafrechtliche Aufarbeitung”, in Bernd Faulenbach, Andrea Kaltoven (eds.), *Hölle im Moor: die Emslandlager 1933-1945*, Göttingen, p. 263-276.
- **Form**, W. (2015). “Female Perpetrators of War Crimes in the British Zone of Occupation in Germany – Historical Aspects, War Crimes Trials, and Legal Practice (1945-49)”. In: Grethe Jacobsen and Heide Wunder (eds.): *East meets West: A Gendered View of Legal Tradition*. Kiel, p. 66 - 83
- **Wouters**, J., De Man P., Verlinden N. (eds.) (2016). *Armed Conflicts and the Law*. International Law series. Intersentia (Antwerpen)
- Ryngaert C., Dekker I., Wessel R., **Wouters** J. (eds.) (2016). *Judicial Decisions on the Law of International Organizations*. Oxford University Press (Oxford)
- De Man P., **Wouters** J. (2016). “Post-conflict reconstruction”. In *Armed conflicts and the law*. Intersentia , p. 513-550.
- De Man P., **Wouters** J. (2016). “Legal instruments for the prevention of armed conflicts”. In *Armed conflicts and the law*. Intersentia , p. 29-74.
- **Wouters** J., Odermatt J. (2016). “Assessing the Legality of Decisions”. In Cogan J., Hurd I., Johnstone I. (eds.), *The Oxford Handbook of International Organizations*. Oxford University Press (Oxford), p. 1006-1025.
- De Baere G., Chané A., **Wouters** J. (2016). “International Courts as Keepers of the Rule of Law: Achievements, Challenges, and Opportunities”. *New York University Journal of International Law & Politics*. Vol. 48 (3), pp. 715-793.
- Chan, K. and **Wouters**, J. (2015). “Constructing the International Criminal Court’s Rule of Law Identity”, in G. De Baere and J. Wouters (eds.), *The Contribution of International and Supranational Courts to the Rule of Law*, Cheltenham, Edward Elgar Publishing, p. 127-175.

## 6.2 Other publications and public debate

- **Collective – JUSINBELGIUM team**. “Tutorial. Online records collections of the JUSINBELGIUM project”, 19p. <https://www.legal-tools.org/doc/6960da/pdf/>
- **Lauwers**, D., Tallier, P.-A. (2018). “Reconstruire après la dévastation”, in *Le Vif/L'Express*, special issue “1918-2018, quatre ans de guerre, cent ans d'impacts”, 19.10.2018, p.38-41.
- **Lauwers** D. (2018). “Des ruines sacralisées”, in *Le Vif/L'Express*, special issue “1918-2018, quatre ans de guerre, cent ans d'impacts”, 19.10.2018, p. 42-43.
- **Rovetta**, O. (2018). “La convention sur le génocide et la Belgique, 1948-2018”, *Plateforme Belgium wwii*, 9 décembre 2018. <https://www.belgiumwwii.be/blog/la-convention-sur-le-genocide-et-la-belgique-1948-2018.html>
- **Rovetta**, O. (2015). “Jusinbell/gi/um: Un proyecto de digitalización de archivos judiciales belgas (1914-2014)”, *Boletín Archiveros Sin Fronteras*, nº 26, 2015/1, pp. 11-13.
- **Lagrou**, P. (2020). “Verzet tijdens de Tweede Wereldoorlog”, *Lava. Tijdschrift*. nr. 12, lente 2020, p. 4-39.
- **Lagrou**, P. (2020). “Résistance pendant la seconde Guerre Mondiale”, *Lava. Revue*. Nr.12, printemps 2020, p. 4-37.

- **Lagrou, P.** (2016) “Du Stutthof aux tours jumelles : Le terrorisme et le discours de l’État d’exception sont mauvais conseillers en matière de procédure judiciaire”, *La Libre Belgique*, Débats, 16 August 2016. <https://www.lalibre.be/debats/opinions/du-stutthof-aux-tours-jumelles-57b1d25135704fe6c1d8a1da>
- **Lagrou, P.** (2017) « L’historien, complice ou critique ? Conversation entre Shlomo Sand et Pieter Lagrou » propos recueillis et retranscrits par Jean-Jacques Jaspers in *Politique. Revue belge d’analyse et de débat*. Vol. 101, septembre 2017, p. 8-24. <https://www.revuepolitique.be/revue/pour-une-gauche-medicale/>
- **Lagrou, P.** (2017). “Zelfs de meest fervente nazi kan later een lieve opa worden”, *Het Nieuwsblad*, 16 September 2017. [https://www.nieuwsblad.be/cnt/dmf20170915\\_03075697](https://www.nieuwsblad.be/cnt/dmf20170915_03075697)
- **Lagrou, P.** (2017) Opinion paper. *Gazeta Wyborcza*, « Europo ! Ojczyzna moja » article d’opinion sur la Maison d’Histoire Européenne, 16 December 2017.
- **Lagrou, P.** (2017) « Sur la trace du collabo de la famille », *Le Vif/L’Express*, 15 September 2017. <https://www.levif.be/actualite/belgique/ouvrir-les-dossiers-collabos-bonne-ou-mauvaise-idee/article-normal-722301.html>
- **Lagrou, P.** (2017) « In Europamuseum geen triomfalistisch verhaal”, *Bruzz*, 9 May 2017. <https://www.bruzz.be/culture/news/europamuseum-geen-triomfalistisch-verhaal-2017-05-09>
- N. Verlinden, S. Cogolati and J. **Wouters** (2015). “Gooi Internationale Regels Niet Overboord”, *De Standaard*, 14 September 2015. [https://www.standaard.be/cnt/dmf20150913\\_01864318](https://www.standaard.be/cnt/dmf20150913_01864318)

### 6.3 Participation in PhD dissertation panels on related topics

#### As a promotor (Pieter Lagrou)

- **2019.** Anne Godfroid (MRA), *La guerre après la Guerre ? L’occupation belge de la rive gauche du Rhin (1918-1930)*. thèse soutenue le 17 décembre 2019 (jury Nicolas Beaupré (Université Clermont Auvergne), John Horne (Trinity College Dublin), Jean-Michel Sterkendries (copromoteur ERM), Stanislas Horvat (ERM), Kenneth Bertrams)
- **2019.** Florence Rasmont (FRESH) *Commémorer sur les collines. Lieux et acteurs de la mémoire locale du génocide tutsi au Rwanda (1990-2001)* Thèse soutenue le 19 novembre 2019 (jury Rahaëlle Branche (Nanterre), Charles Kabwete Mulinda (Université du Rwanda), Amandine Lauro, Jean-Philippe Schreiber)
- **2015.** Laurence Schram *La caserne Dossin, 1942-1944. Histoire d’un lieu* Soutenue le 7 mai 2015 (jury Anne Morelli, Denis Peschanski (CNRS), Jean-Philippe Schreiber, Herman Van Goethem (U Antwerpen))

#### As a member of PhD dissertation panels (Pieter Lagrou)

- Habilitation à diriger des recherches, 2017 : Université Paris 1 Panthéon Sorbonne Guillaume Mouralis, *Le moment Nuremberg. Une expérimentation sous contrainte (Professions, race et politique dans la fabrique du Tribunal Militaire International)* Soutenue le 12 décembre 2017. (Jury : Elisabeth Claverie, Brigitte Gaïti, Martine Kaluszynski, Pieter Lagrou, Mikael Rask Madsen, Antoine Vauchez)

#### PhD dissertation panels at the ULB

- **2018** Juliette Lafosse, *Faire Droit à la Guerre. Une lecture juridique de la Première Guerre mondiale*. Thèse en Philosophie soutenue le 30 juin 2018 (jury : Thomas Berns (promoteur), Marie Goupy, Céline Jouin, Jean-Yves Pranchère, Pieter Lagrou)
- **2017** Agatha Verdebout, *Deconstruction 'Indifference'. A critical analysis of the traditional historical narrative on the use of force*. Thèse en droit international soutenue le 4 décembre 2017 (Jury : Martti Koskenniemi, Randall Lesaffer, Emmanuelle Tourme-Jouannet, Pieter Lagrou, Anne Lagerwall, Olivier Corten).
- **2017**. Philibert Gakwenzire, *Les politiques de discrimination, persécutions et génocide des Tutsi en commune de Rubungu et de Gikomero (1960-194)* ULB, 11 janvier 2017, 467 p. sous la direction de Jean-Philippe Schreiber
- **2015** Luis Angel Bernardo y Garcia, *Le Ventre des Belges. « Miracle économique » et restauration des forces de travail. Origines et développement de la politique alimentaire du second immédiat après-guerre (1914-1948)* soutenu le 1<sup>er</sup> juillet 2015 (jury : Serge Jaumain et Jean-Jacques Heirwegh (dir.), Kenneth Bertrams, Martin Conway (Oxford), Michel van der Eycken (AGR), Pieter Lagrou)
- **2015** Stéphanie Gonçalves de Aranjó-Passos, *Une guerre des étoiles. Les tournées de ballet dans la diplomatie culturelle de la Guerre froide (1945-1968)* soutenue le 25 mars 2015 (jury : Irene di Jorio (dir.), Laure Guilbert (Viadrina U), Linda Risso (Reading), Cécile vander Pelen, Pieter Lagrou)

#### PhD Dissertations panels outside the ULB

- **2018 : Technische Universität Berlin** Yasmina Zian *Un antisémitisme latent? La criminalisation du juif de Cureghem par la sureté publique et ses institutions partenaires (1880-1930)*. Soutenue le 3 mai 2018 (Jury : Werner Bergmann, Ulrich Wyrwa, Jean-Philippe Schreiber, Anne Winter, Pieter Lagrou)
- **2017 : Ecole Normale Supérieure Paris-Saclay** Johannes Schmid, *La Bataille des Esprits. L'opinion publique en France et en Belgique pendant la Seconde Guerre Mondiale*. Soutenue le 25 octobre 2017. (Jury : Pieter Lagrou, Julian Jackson, Stefan Martens, François Robinet, Olivier Wieviorka)
- **2016 : Sciences-Po Paris** Simon Perego, « *Pleurons-les, bénissons leurs noms* » *Les commémorations de la Shoah et de la Seconde Guerre Mondiale dans le monde juif parisien entre 1944 et 1967 : rituels, mémoires et identités*. Institut d'Études Politiques de Paris, 2016, 2 vols. 1.451 p. (promotrice Claire Andrieu, jury Annette Becker (ParisX), Sarah Genzburger (ParisX), Philip North (Princeton), Pieter Lagrou)
- **2015: University of Edinburgh** Camilo Erlichman, *Strategies of Rule : Cooperation and Conflict in the British Zone of Germany, 1945-1949*. Viva 15 September 2015 (internal reader Stephan Malinowski ; promotor Donald Bloxham)
- **2015: Universiteit Gent** Dimitri Roden, *'In naam van het Duitse volk!'. Het Duitse krijgsgerecht en de openbare orde in bezet België (1940-1944)*. Soutenue le 12 juin 2015 (jury Bruno Dewever, Geraldien Frijtag Drabbe Kunzel, Dirk Heirbout, Dirk Luyten, Stanislas Horvat, Pieter Lagrou, Rudi Van Doorslaer)

#### **As a member of PhD dissertation panels (Ornella Rovetta)**

- **2016. Université de Namur** Armand Nguentha Nyamsi, *Le droit international pénal en noirs et*

*blancs? Réflexion sur la confrontation entre le droit international pénal et la culture africaine : cas du Cameroun et de la République Démocratique du Congo*, Thèse de doctorat, jury composé de Jacques Fierens (promoteur, UNamur), Marc Nihoul (Président, UNamur), Nathalie Colette-Basecqz (UNamur), Charles Ntampaka (UNamur), Patrick Wautelet (ULg), Ornella Rovetta (ULB), Université de Namur, Faculté de droit, 7 novembre 2016.

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## **ANNEXES**