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Belgian Research Action through Interdisciplinary Networks



JUSINBELLGIUM

A Century of Pioneering Case-Law. A Digital Database of Belgian Precedents of International Justice, 1914-2014. <https://jusinbell.hypotheses.org>

Contract - BR/143/A3

SUMMARY

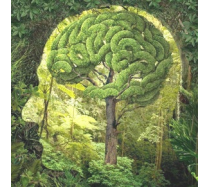
Since the First World War, post-war societies have responded in different ways to the perpetration of war crimes and crimes against humanity. In Belgium, hundreds of war criminals have faced trial in 1924-1925, 1948-1952 and the 1990s-2000s, the three moments in focus in the project. This century of judicial experimentation left a unique documentary heritage, yet difficult to access and very much under-used.

The emergence of new forms of international justice is one of the striking features of the post-Cold War era. The project of international justice is however also highly contested. The notorious absents among the nations who have ratified the Rome Statute stand witness to this, but in scholarly circles too, the project is often harshly criticized. Part of the criticism is based on the allegedly unprecedented character of the enterprise, its lack of an established jurisprudence to build on, in a Common Law tradition. The exercise of justice beyond the sacrosanct boundaries of the sovereignty of Nation States would have been a historical exception, limited to a few *causes célèbres* like the Nuremberg, Eichmann or Barbie trials. Unearthing the long standing and very diverse, but largely unknown, legal history, made of thousands of “minor trials”, notably the hundreds of under-valued Belgian trials, is thus contributing to the build-up of the legitimacy of international justice as a project. The historical collections in focus in the JUSINBELLGIUM 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.

The JUSINBELLGIUM 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. It also has made accessible pioneering case-law through the digitisation of first instance and appeal judgements (143 decisions in total). The comprehensive processing of the records has resulted in a critical editing process. Each case is presented through an information sheet. 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. Taking into consideration the complete variety of trial files and placing the jurisprudence in a new analytical perspective, this project seeks to contribute to a critical history of the role of justice after mass violence and war.

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At the end of the project, a stable, multifunctional, interdisciplinary, intuitive and international research tool is available. While preserving the original documents, which sometimes had 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). The digitised records can be found in the “National cases involving core international crimes” subfolder and via the general research tool (search by words in the title or case name). They are organised in two historical war crimes trials collections: the 1924-25 trials (86 cases) and the 1948-1952 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. In the future, the complete collection will also be accessible through the online database of the State Archives of Belgium.

Keywords: Justice, war, trials, records, mass crimes, international law, history