

ARTICLE



# From Belgium to The Hague via Berlin and Moscow: documenting war crimes and the quest for international justice, 1919-2019

Delphine Lauwers

Archives générales du Royaume, Brussels, Belgium

## ABSTRACT

Exploring new sources on the Great War a hundred years after it ended is a unique and exciting experience for any First World War historian. The very nature of the documents that we are dealing with in the present case makes it even more thrilling: hundreds of investigation and prosecution files documenting the invasion and occupation of Belgium, produced by both military and civil jurisdictions in an effort to prosecute war criminals. These fascinating records – repatriated to Belgium from Moscow in 2002 – offer new material on issues such as the German atrocities and everyday life under the occupation, but they also provide highly valuable insights into the history of international criminal law. This exploratory article will trace the unexpected trajectory of these archives, contextualise their creation and highlight some of the treasures they contain. In doing so, this article will attempt to discuss the thorny issue of archive repatriation and the questions this raises from an archival and historical perspective. It also seeks to show that the establishment of an International Criminal Court, despite the fact that it is now being called into question more than ever before, rests on solid and far-reaching historical foundations.

## KEYWORDS

First World War; Belgium; judicial archives; war crimes prosecution; repatriated archives

## The ‘Moscow archives’: the turbulent journey of a unique archival ensemble

The complex trajectory of the Belgian ‘Fonds de Moscou’ (‘Moscow Fonds’) is part of a broader history of Nazi looting and subsequent Soviet confiscations which took place on a European scale during and after the Second World War.<sup>1</sup>

Such lootings were part of a general policy of cultural looting implemented by the Nazi regime. In accordance with this policy of cultural confiscation, led by the ‘Reichsleiter Rosenberg Taskforce’ (Einsatzstab Reichsleiter Rosenberg – ERR), German units seized any cultural goods produced by ‘subversive’ organisations and individuals – among which those of socialists, communists, Jewish and free-masons were predominant.<sup>2</sup> The ERR units often cast a much wider net, however, securing all documents that may have been incriminating for Germany, particularly in relation to the First World War.

An enormous quantity of documents seized in Belgium was shipped to Berlin and, just like documents plundered in other countries, some of them were used by German secret

services during the war. With the fall of Berlin, they were subsequently seized by the Red Army as 'war trophies' and transferred to Russia.<sup>3</sup>

Not long after the fall of the USSR, the presence in Moscow's Central State 'Special Archive' (Osoby Archives) of European documents seized by the Nazis was revealed. This revelation quickly prompted several Western journalists, researchers and archivists to explore them.<sup>4</sup> Belgian missions were subsequently sent in order to carry out an on-the-spot assessment of the scope and interest of the archives stolen in Belgium and kept in Moscow. In 1992, a slow and strenuous negotiation process commenced between the Belgian Ministry of Foreign Affairs and Russian authorities.<sup>5</sup> Four years later, when the Russian Federation became a member of the Council of Europe, it was requested to commit itself to the restitution of cultural property claimed by other member states, in particular the archives transferred to Moscow after the Second World War. This commitment was not fulfilled and extensive state-to-state negotiations had to be conducted: the restitution of these archives developed into quite a thorny issue in Russia's foreign relations.<sup>6</sup> After no less than ten years of discussions, Belgium and Russia finally reached an agreement, ratified by the Duma in December 2001. In exchange for financial compensation for preserving the archives for half a century, Russia agreed to return the documents to Belgium.<sup>7</sup>

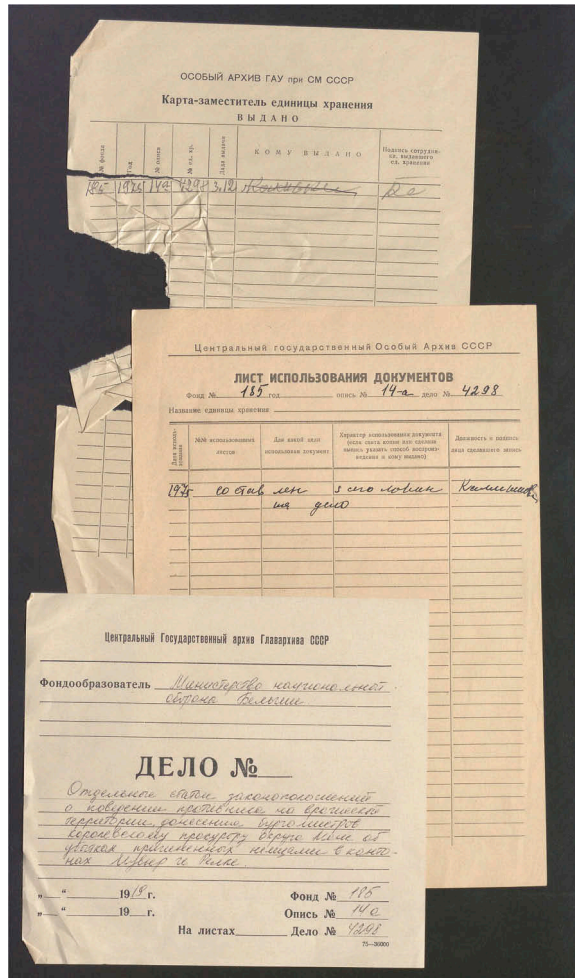
### ***An artificial (and colossal) archives conglomerate***

In total, 1.8 linear kilometres of archives, amounting to over 6,000 boxes and weighing 6.2 tons were repatriated from Moscow, all at the Belgian Ministry of Defence's expense.<sup>8</sup> On 27 May 2002, the documents finally arrived at the Royal Museum of the Armed Forces and Military History (hereafter Royal Army Museum) in Brussels. They were escorted by Belgian Army trucks and were welcomed with great fanfare by the Minister of Defence and the Minister of Foreign Affairs.<sup>9</sup>

The vast majority of the repatriated documents were public archives: eighty percent originated from the Ministries of Defence and Justice. The other twenty percent were private documents, predominantly originating from Jewish, free-mason, socialist or communist institutions or persons. In Belgium, discussions were already well underway regarding the distribution of these documents before they had even arrived back in the kingdom.<sup>10</sup> Some of them have since been returned to their original producers – or their legal successors – while the majority remains at the Royal Army Museum. Whereas in France, a list of the archives collections returned by Russia indicating their place of conservation has been available online since 2004, nothing similar exists on the Belgian side yet, where the work of inventorying these archives is still at a very early stage.<sup>11</sup>

The documents that are the object of this article were among the archives that came back from Moscow and were created in the process of documenting and prosecuting war crimes committed in Belgium during World War I. They originate from the 'Auditorats militaires' (military prosecutors' offices), of which the legal archives repository is the State Archives of Belgium.<sup>12</sup> These series have been partially and progressively identified among the vast ensemble held by the Royal Army Museum and subsequently transferred to the State Archives.<sup>13</sup> Needless to say, the long journey they have made and the successive 'reorganisations' the Germans and Russians imposed on them has resulted in a multi-layered archival palimpsest and do not make their inventorisation an easy task.

We do not know precisely what manipulations were imposed on the archives by the Germans. It appears that they had a relatively good knowledge of at least some of the Belgian archives that they wanted to confiscate: in some cases, the seizing was very targeted. In other cases, though, the confiscation scheme seems to have been rather wide-ranging. We know that the Germans compiled a thorough list of the documents they seized and numbered them in a systematic and consistent manner, but we have not found the said list, nor deciphered the logic of the sorting they have made. The Russians tried in their turn to sort the numerous archives they had seized in Berlin. The Russian archivists also numbered the Belgian documents and to some extent, it seems, implemented a sorting code. For instance, the files of interest to us invariably begin with the numbers 185–14. 185 stands for Belgium, 14 for military files. However, the lack of knowledge of the language, but also probably of the themes addressed in the files, have led to approximations, and in particular to the mixing of many French and Belgian Defence files.



**Figure 1.** Example of documents attesting to the manipulations carried out by the Russian archive services. These documents show that a brief description of certain files has been drawn up, as well as a classification – here with the code 185-14a. State Archives of Belgium, AAW (“Fonds de Moscou”), Parquet militaire du Hainaut, Canton de Roelux, 185-14a-4298. © State Archives of Belgium.

Luc Vandeweyer, the State archivist in charge of inventorying those elements of the ‘Moscow archives’ produced by the military jurisdictions (now transferred to the National Archives 2 – Joseph Cuvelier repository), is currently identifying the precise provenance of each file.<sup>14</sup> In some cases, it is clear that documents have been removed from series that are otherwise complete and preserved, sometimes at the State archives of Belgium. This is the case, for instance, for the registers of judgements held by each military court. The Germans very precisely targeted the years 1924–1925, during which German war criminals were tried, and these volumes are therefore missing from the series. In these cases, logic dictates that these volumes be reintegrated into the existing series, while of course indicating in the inventories concerned the fact that the documents were returned from Moscow. In other cases, the conglomerate of archives is much more complex, and the history of this collection raises the question of the limits of the applicability of the rule of the ‘respect des fonds’ and of their integrity. Does not the extraordinary trajectory followed by these documents, as well as the reasons for which they were assembled, justify to a certain extent a departure from the principle of ‘respect des fonds’? The answer will most certainly be nuanced and will be considered on a case-by-case basis. But the successive numbering – German, Russian, and that applied while the collection remained at the Royal Army Museum – will anyhow be preserved in order to guarantee the traceability of the information and to keep track of the extraordinary history of these documents.<sup>15</sup>



**Figure 2.** In the foreground, an example of the classification made by the Germans. ‘Military courts files against German “war criminals”, 1923–1925’ (free translation). In the background, box bearing inscriptions in Russian. © State Archives of Belgium.

### Documenting war crimes and the quest for international justice

In historiography, much attention has been paid to war crimes as a component of military violence, with a focus on what took place during the war, but less has been written on post-First World War justice in regards to these crimes, even less so with a focus on the role played in this process by the Belgian government. Nevertheless, as Eduard Clappaert and Martin Kohlrausch argue:

Belgium [...] was certainly no marginal case for the question of how to judicially deal with the war. The German infringement of Belgian neutrality in August 1914 but also the manifold war crimes committed by German troops on Belgian territory in particular during the first weeks of four years of occupation made Belgium rather a central case.<sup>16</sup>

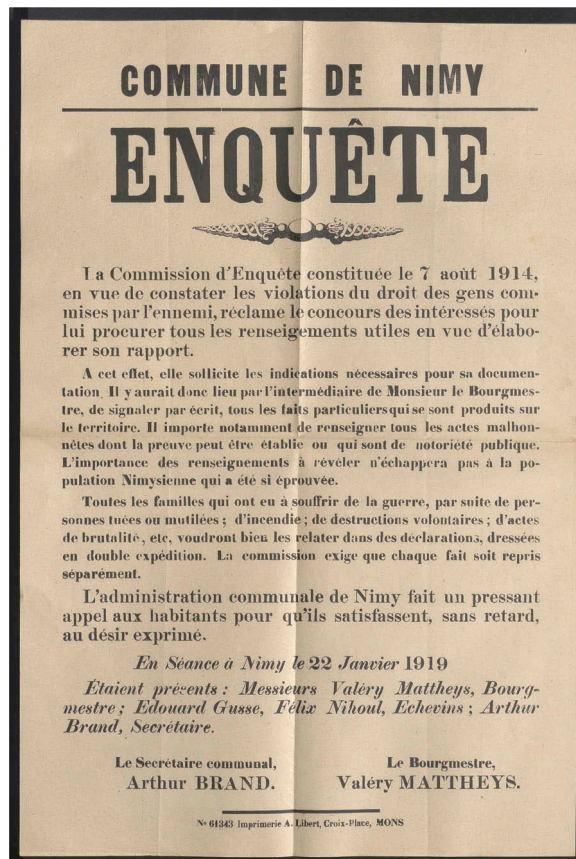
The lack of historiographic attention paid to the war crimes trials that took place in Belgium after the Great War is in stark contrast to the centrality of this issue at the time. The prosecution of war criminals was a major preoccupation both for the public and the political class in the post-war period. The fact that the very files created by this process have only recently resurfaced certainly helps to explain the limited attention paid to it. Another reason may also be that these trials were already at odds with the broader international diplomatic context when they were conducted, although they still responded to a real social need for justice and a form of moral reparation. The process which led to the *in absentia* trials of German war criminals was indeed a long and tortuous one. It was affected by post-war conditions, diplomatic constraints, a changing political context and numerous judicial challenges.

### ***From civil to military jurisdictions, a peculiar chronology (1914–1925)***

As soon as the war broke out, a pressing and widespread need developed among the population to document what was happening, as if people had immediately realised that they were experiencing historical and unprecedented events. This desire to chronicle the war quickly took on different forms: collecting objects attesting to battles and visiting ruins that were still smoking right after a battle, among others.<sup>17</sup> Yet another one of the most significant ways of keeping track of these events was by gathering information, testimonies and evidence documenting the crimes the German Army committed. Just a few days after the invasion, the Belgian government set up an Enquiry Commission ('Commission d'enquête sur la violation des règles du droit des gens, des lois et des coutumes de la guerre') in order to record all war crimes committed on its soil 'in the most impartial and attentive manner'.<sup>18</sup> This Commission's objective was actually two-fold: on the one hand, it was meant to keep the public informed about these crimes, including in neutral countries; on the other hand, its work was also intended to facilitate the future prosecution of war criminals.

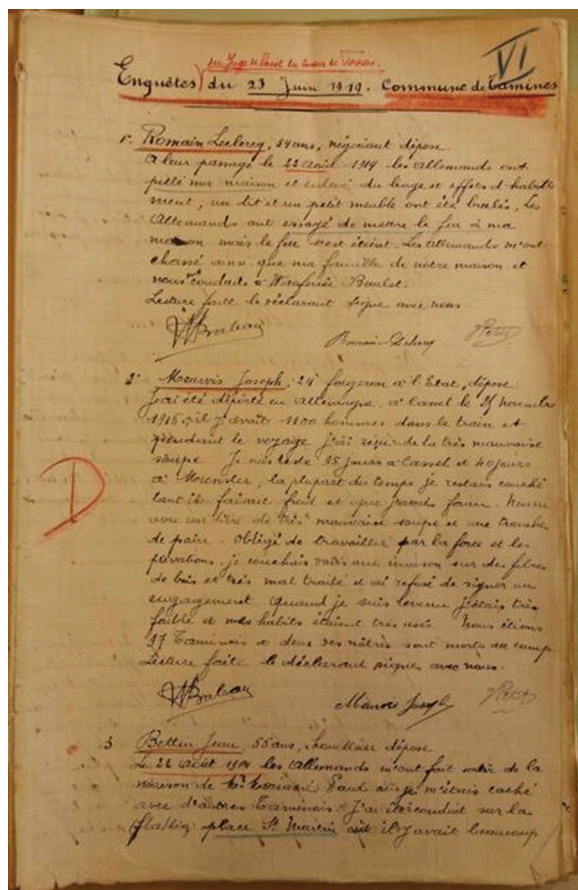
The Commission's remarkable investigation work, summed up in 23 published volumes, ceased in 1915 due to the occupation conditions. Soon after the end of the war, the Belgian government reorganised and reinstated it. It was to resume investigating the crimes committed over the whole duration of the conflict. This included the infamous – and increasingly disputed – German atrocities, but also the deportations, destruction of the means of production, abusive requisitions, and so on.<sup>19</sup>

All of these crimes thus had to be meticulously reported and documented in order to prepare future prosecutions; the sooner the inquiries started, the better. A vast documentation campaign headed by the Enquiry Commission was consequently initiated, during which all citizens were invited to report any crimes of which they had been victims or witnesses.



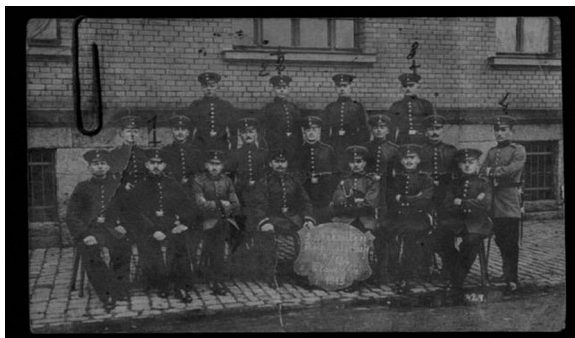
**Figure 3.** Poster displayed by the local authorities in Nimy, inviting citizens to report in writing to the mayor all the crimes they suffered during the war, listing each fact separately. State Archives of Belgium, AAW ("Fonds de Moscou"), Parquet militaire de Hainaut, Canton de Mons, 185-14a-4297. © State Archives of Belgium.

In 1919, this quest for information continued and mobilised a wide range of actors across the country. The authorities tried to rationalise and systematise the process of information gathering. As early as December 1918, public prosecutors and the Enquiry Commission sent circulars and standardised questionnaires to mayors throughout the country in order to gather precise, useful information on crimes committed during the war. Mayors even received a standard list of questions for interviewees to answer, such as: 'Did the German Army destroy or seize Belgian properties in cases where it was not imperatively required by war necessities?' or 'Have towns or villages been looted?'<sup>20</sup> The questionnaire was accompanied by all relevant legislation for each type of crime. In most villages, hearing sessions were organised in public buildings, sometimes for several days in a row, during which a local judge ('Juge de paix') heard all the inhabitants who had any crimes to report, carefully writing down their stories.



**Figure 4.** First page of a notebook containing the transcription of over 260 witness hearings by the local judge ('juge de paix') of Tamines in June 1919. Some elements are later underlined by the military prosecutor: the annotation 'D' stands for deportations. State Archives of Belgium, AAW ("Fonds de Moscou"), Conseil de guerre de la Province de Namur, 185-14a-6661, Prosecutor v. Von Roques, 14 May 1925. © State Archives of Belgium.

When possible, the investigators provided the witnesses with photographic material to support the identification of the war criminals. Most of the time, these materials came from civilians in the first place, who had preciously safeguarded them throughout the war in the hope that they could help prosecute the soldiers responsible for the crimes committed.



**Figure 5.** Picture presented to witnesses by the police officers of Gedinne in September 1919, in order to identify the authors of the crimes committed in the vicinity in August 1914. State Archives of Belgium, AAW ("Fonds de Moscou"), Conseil de Guerre de Namur, 185-14a-6664, Prosecutor v. Colin von Halkett et al., 12 March 1925. © State Archives of Belgium.

This remarkably intensive wave of information gathering slowed down towards the end of the year. The archives attest to this chronology, presenting a striking peak of activity in 1919, after which the files remained mostly dormant until the spring of 1924. This is most probably due to the international climate, which favoured the trial of German war criminals before a specific German court, rather than in absentia. In addition, it was becoming increasingly clear that the Germans would not extradite any of its nationals to face trial before allied national jurisdictions, as provided for in the Treaty of Versailles (articles 228–230).<sup>21</sup> Even though Belgium had repeatedly reduced its list of ‘coupables de guerre’ (‘war culprits’, as they were then designated) whose extradition was asked for, it did not look like a plausible option any longer. The Entente, mostly under the pressure of England, granted Germany the right to hold trials for war crimes committed by its nationals before the Reichsgericht (Supreme Court) of Leipzig at the beginning of 1920.<sup>22</sup> Belgium, France and England sent a few carefully selected cases to Leipzig, insisting that these were intended as tests destined to ascertain the seriousness of the procedure. In 1921–1922, twelve trials including British, French and Belgian cases took place; the Leipzig Reichsgericht handed down sentences ranging from several acquittals to a few years’ imprisonment. Unsurprisingly, those sentences were considered very lenient, especially in France and Belgium. Deeming these trials a ‘travesty of justice’, both countries’ governments decided to take matters into their own hands and ceased all cooperation with the Reichsgericht.<sup>23</sup>

Despite the disappointment of the Leipzig cases and the public’s still intense longing for justice, Belgium was clearly more hesitant than its French neighbour to go through with trials in absentia. There were several reasons behind this reluctance. First of all, the government feared judicial errors, the risk of which increased in such procedures: gathering evidence was a difficult task with no cooperation from Germany and the absence of any defence made things even worse. Such errors would tarnish the reputation of the Belgian judicial system and expose it to vehement criticism. The government also feared that the prosecution of war criminals would further fuel hatred between the two countries. It would impede the pacification of minds, which was necessary for the – already desired among the political class – resumption of economic collaboration with Germany.<sup>24</sup>

In October 1922, the Belgian Cabinet of Ministers discussed the in absentia prosecution of alleged war criminals by military tribunals. The Minister of Justice, Fulgence Masson, was assigned the delicate task of selecting, from all the investigations compiled so far by the Enquiry Commission, the cases that could proceed to trial. He was to keep in mind the need to reduce the risk of judicial errors and to choose cases involving serious crimes, whose perpetrators were indisputably identified.<sup>25</sup>

As provided by article 228 of the Treaty of Versailles, the prosecution of German war criminals was to take place before military tribunals. The in absentia procedures were finally activated in the spring of 1924, most probably because of the approaching ten-year statute of limitations. Indeed, most of the crimes had been committed during the invasion, in August 1914, and the ten-year statute of limitations was applicable. The military prosecutors had to take action before this ten-year statute of limitations was reached, otherwise none of these crimes could have been tried. That is why most of the cases examined here reflect a striking peak of activity in 1919 – sometimes a few documents dated from 1920–1921 can be found – and then a long dormant phase until the spring of 1924.

It appears that military prosecutors then went through hundreds of investigation files to determine whether the cases were solid enough to go to trial. In some cases, the military prosecutor’s offices resumed the investigations and re-interviewed witnesses who had already testified in 1919.

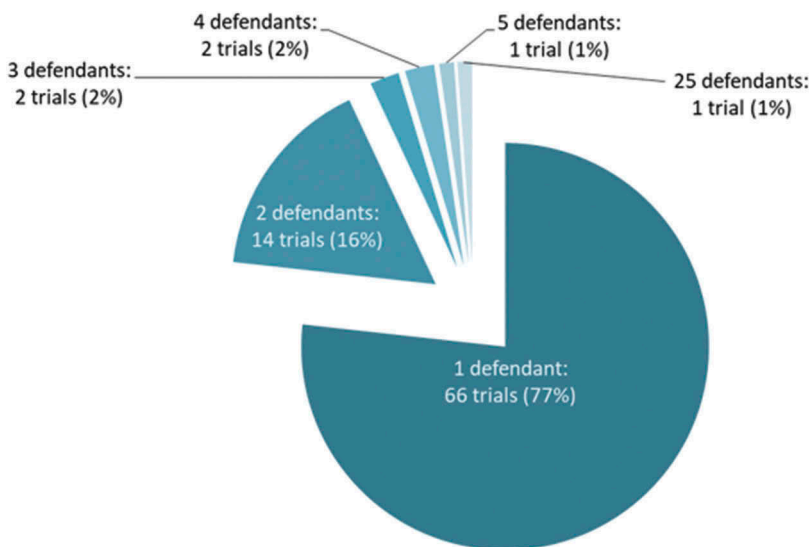


The bulk of the mass violence against civilians, lootings, executions, and other crimes occurred during the opening months of the war. But during this phase of the conflict, Allied and German troops were passing through villages in large numbers, which made it particularly difficult to establish with certainty which regiment was in a specific location at a given time. This situation led to the decision not to proceed with the prosecution of many major crimes, as the positive identification of the criminal(s) was a condition of taking proceedings further.

In France, the first war crimes trials in absentia took place in October 1922. By December 1924, French military courts had already tried 1,200 accused German war criminals.<sup>26</sup> At the same time, Belgian military tribunals were only just pronouncing their first judgements. We know thanks to the diplomatic archives of the Ministry of Foreign Affairs that at least 132 trials were held against 191 German war criminals between December 1924 and October 1925.<sup>27</sup> We were able to identify, locate, and process 86 of these trials, involving 137 German defendants. One should note that these files represent only a small proportion of all the investigation files that can be found within the ‘Moscow Fonds’, most of them having been closed for the reasons discussed above. Each trial file is 90 pages long on average, the biggest of them amounting to more than 600. This file concerns the joint trial of 25 German officers involved in the Dinant massacres, one of the infamous ‘martyr towns’ of Belgium. It resulted in the death penalty for 18 of them and 20 years of forced labour for the seven remaining co-accused.<sup>28</sup>

These trials offer countless opportunities for research. A thorough analysis of the overall outcome of the post-WWI in absentia trials has yet to be carried out and is not the object of the present paper, but some trends can nevertheless be identified.<sup>29</sup> A first, simple observation is that a large majority of the crimes prosecuted were committed during the invasion, almost none during the actual occupation phase or during the German retreat. Out of the 86 trials that we have processed, 66 were individual trials (77% of the trials), while 20 were joint trials with up to 25 defendants (23% of the trials).

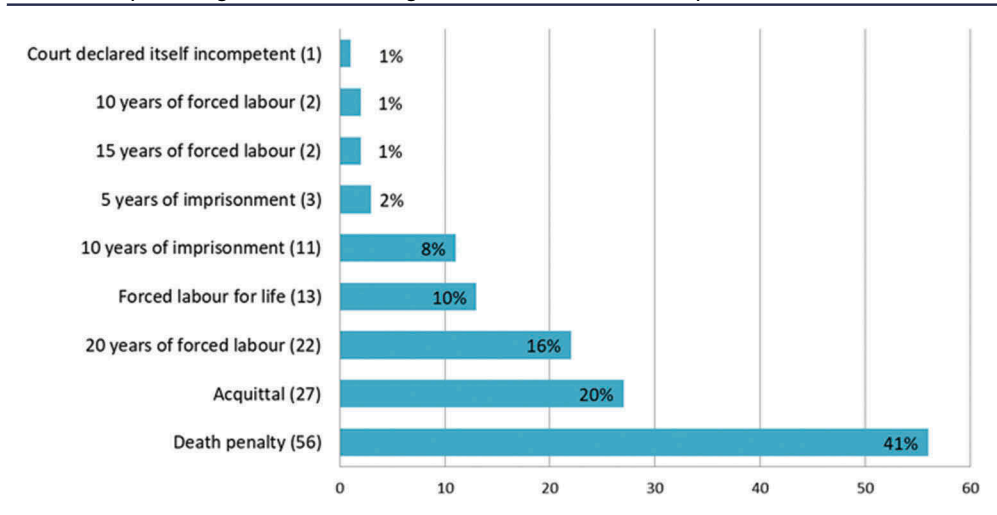
**Table 1.** Proportion of joint and individual trials, with number of (co-)defendants involved (based on the 86 trials processed).



Amongst the charges, the accounts of murder (or attempted murder), arson, destruction of property, looting, theft and extortion are heavily predominant. One should note that the prosecutors' offices struggled to translate the various crimes and exactions they were facing into legal charges, fitting with the Belgian criminal code or the 1907 The Hague Convention.<sup>30</sup> This is just one of the many reasons why some crimes were largely underrepresented in the trials. There are, for instance, only two mentions of 'physical torture' in the indictments and just one single case of rape.

As for the outcome of these trials, 27 of the 137 defendants were acquitted, while 109 were convicted; in the vast majority of the cases, they were convicted of all charges; a few of them were convicted of only some of the charges. The court declared itself incompetent to rule in one case.

**Table 2.** Convictions handed down by Belgian military courts against German war criminals in 1924–1925 (percentages and absolute figures, based on the 86 trials processed).



The following sentences were pronounced against the 109 convicted defendants: 56 death penalties, 39 sentences of force labour ranging from 10 years to life, and 14 prison sentences ranging from 5 to 10 years. More than half (51%) of the 109 convicted German war criminals were thus sentenced to death, which can certainly be regarded as quite heavy sentencing. Whatever conclusions can be drawn from these figures, it is worth recalling that none of these sentences were carried out.

### **A trial through its archives, the *Prosecutor v. von Giese* case**

The in-depth study of one of these Belgian in absentia war crime trials offers us privileged insight as to how these procedures were implemented. It allows us to highlight the multiplicity of actors involved in the process, the chronology of the investigation, the difficulty of building evidence and identifying the authors of the

crimes, and so on. From this point of view, the *Prosecutor v. von Giese* case is a highly relevant case study. It is at once very representative of the other trials we reviewed and very unique. At the time it met with strong criticism abroad, and even contributed to the Belgian Government's questioning of the in absentia proceedings against German war criminals.

### **The facts**

Lieutenant-Colonel von Giese – whose first name is not mentioned in our sources – was the commanding officer of the 1st Leib Cuirassier Regiment (Leib-Kürassier Regiment). He was accused of burning down the village of Bièvre, in the province of Namur, reducing 72 buildings to ashes – of which he could not ignore that at least some may have been occupied at the time of the arson – and of murdering 17 civilians, including children. The crimes were committed on 23 and 24 August 1914, after violent fighting between German and French troops. As summed up by the substitute military prosecutor Hellinckx, in charge of the proceedings, the cruelty of the Germans was undeniable and directly attributable to the frustration caused by the resistance of Allied troops. 'Following the battle of 23 August [...], the Germans entered Bièvre. Exasperated by the French resistance, they set fire to all corners of the village. They brutalised the civilians they did not kill and subjected all of them to painful moral torture'.<sup>31</sup>

### **A cautious investigation using German evidence**

As occurred in most towns of Belgium, the investigation of war crimes committed in Bièvre involved a variety of actors: the mayor of the town – both as a witness and as information-gathering agent –, the Enquiry Commission, the National Gendarmerie of Bièvre, the diocese of Namur, and so on. Religious and civil authorities contributed to the documentary effort and it would appear that information circulated smoothly between them. The first session of witness hearings took place in the Town Hall of Bièvre on 16 April 1919. 52 hearings of 48 different witnesses took place before the local judge ('Juge de paix') of Gedinne. Various crimes were reported, including arson, murder and deportation.

Many witnesses focused on the tragic events that took place on 23 and 24 August 1914. Some of the depositions are heartbreaking, such as that of Maria Goosse, a 37-year-old housewife who reported her tragic experiences in very simple words. Maria lost everything on those fateful days. As they heard the German troops approaching, Maria, her five children, her husband and her brother-in-law took refuge in the basement. German soldiers threw asphyxiating gas at them, forcing her husband and his brother out of the basement. Once they reached the door in order to escape the gas, the two men were killed with bayonets. Marie-Louise, Marie's two-year-old daughter, was in her father's arms at that moment. She was killed as well, her head cut in two by a sabre. 'I learned that the next day in the morning, says Marie, when I left the basement. And my son Louis, aged seven months, died of asphyxiation in the basement, our house was burned down while we were hiding in the basement'.<sup>32</sup>

Not all the depositions are quite so tragic, but they are consistent: after overcoming strong French resistance, German soldiers burned down the whole village and murdered several civilians. Some witnesses insist on the fact that these exactions were totally unjustifiable from a military point of view. It is clear from the documents that the Belgian locals anticipated that the ‘francs-tireurs’ argument would be used as a pretext for the crimes committed and did all they could in order to counter these possible accusations.<sup>33</sup> Numerous testimonies gathered in Bièvre report deportations that also took place there during the war. However, these took place at a later stage (around December 1916) and deportations were a much harder type of crime to prosecute than arson or assassination, as it was not mentioned in the national or international law available at the time. The rest of the investigation thus focused solely on the events which took place on 23 and 24 August 1914.

The documents produced during this first phase of intelligence gathering in 1919 show that there was great confusion as to the identity of the perpetrators of the reported crimes, which was quite typical of the atrocities committed during the invasion. Typical as well was the fact that several original German documents were kept by civilians for the duration of the war and then provided to the authorities in order to help identify those responsible. In this case, local civilians gave the investigators a handwritten certificate delivered to one of them by a German officer and a sketch drawn by a wounded German soldier. Fragments of military uniforms and equipment, collected at the scene by civilians, were also handed over to the investigating authorities 5 years after the events.

The confusion as to von Giese’s guilt was paradoxically put to rest thanks to an unexpected use of the *German White Book*,<sup>34</sup> in which von Giese himself narrated the events that took place in Bièvre. According to him, his men faced massive and violent resistance from the population. Civilians were shooting from their houses, killing German soldiers – including those who were already wounded – and did not even spare the medical helpers assisting them. Von Giese’s troops had no choice but to retaliate. While the original goal of this report was to explain the crimes that took place as legitimate reactions to the presence of ‘francs-tireurs’, it was later used by the Belgian authorities as undisputable proof of von Giese’s guilt. The substitute military prosecutor Hellinckx explained this in his statement of the facts: both the identity of the perpetrator and ‘the pretext used for committing the crimes’ (the presence of francs-tireurs) were known thanks to the *German White Book*.

Based on this document and a thorough investigation during which no fewer than 63 witnesses gave evidence, von Giese was judged guilty of 17 murders and 72 counts of arson and sentenced to the death penalty in absentia on 12 February 1925. The prosecution invoked different Belgian elements of legislation: several articles of the Belgian criminal code, the code of criminal procedure and the code of military procedure, and some laws including that of 25 June 1921 on the in absentia procedure before military jurisdictions: ‘Loi sur la procédure par défaut devant la juridiction militaire’. It also mentioned the 1907 The Hague Convention (article 46) and articles 228–229 of the Treaty of Versailles. It is not necessary to enter here into details of these technical judicial aspects. It is nonetheless important to note that given the peculiar nature of these trials, the military prosecutors had to rely on a variety of legal sources, few of which were intrinsically adapted to the situation, in order to render their decisions. They had no choice but to combine different sets of national laws and codes, to which the very limited

existing international legal framework was added. While necessarily hybrid, the objective was always to ensure a solid and indisputable legal basis for the otherwise politically delicate proceedings.

As was customary then, the judgement was published in the local newspaper, announcing the forthcoming ‘public execution’ of von Giese. Of course, none of the sentences could ever be actually enforced. Belgian jurisdictions nonetheless made sure that everything, from the investigation to the notification of the judgement, was done by the book, in an attempt to avoid any possible refutations.

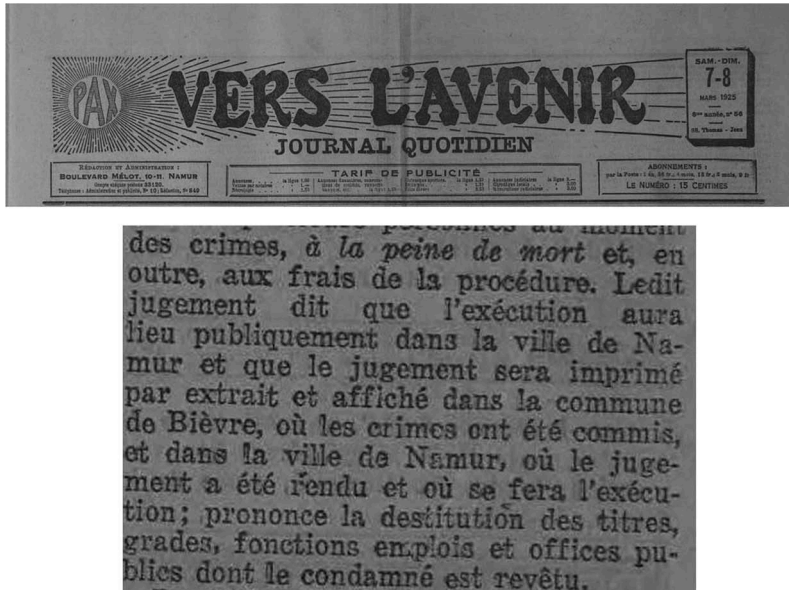


Figure 6. Extract from the local newspaper *Vers l'Avenir*, 7–8 March 1925, announcing the death sentence and public execution of von Giese. State Archives of Belgium, AAW (“Fonds de Moscou”), Conseil de Guerre de la province de Namur, 185-14a-6649, Prosecutor v. von Giese, 12 February 1925. © State Archives of Belgium.

***‘The execution will take place publicly in the town of Namur’: some limitations of an early attempt at international criminal justice***

More than three months after von Giese was sentenced to death, the French Ministry of Defence handed over an investigation file, or rather two of them, to Belgian authorities ‘since the acts [investigated in both files . . .] probably occurred in Bièvre (Belgium), and that under the terms of Article 228 of the Treaty of Peace of Versailles, the French military courts do not have jurisdiction to hear acts committed against Belgian nationals on Belgian territory’.<sup>35</sup> In France, two procedures had indeed been initiated against person unknown (‘procédure contre X’) concerning the events for which von Giese was prosecuted and sentenced in Belgium. It all started with a brief extract from a German soldier’s diary: ‘23 August: The enemy had occupied the territory of Bièvre [. . .]. We took the village and we looted and burned down almost every house’.<sup>36</sup> This

laconic report was enough for two investigations to be led successively, about two French localities named Bièvres – one in the Ardennes, the other one in the Aisne. In total, 37 witnesses were heard in France between June 1923 and May 1925, before the conclusion was reached that the facts reported in the German diary must have occurred in Bièvre, Belgium and the files were transmitted to the competent authorities.

This episode goes to show that in some cases, identifying the authors of the crimes was not the only challenge at hand: identifying the places where they were committed could also prove difficult for investigators. It also attests to a determination to cooperate between France and Belgium in regard to the question of war crime prosecution, even though this nascent international judicial cooperation was obviously far from efficient. Germany's complete refusal to cooperate definitely did not make the investigators' task any easier either.

The von Giese case was quite controversial and was strongly condemned in the German press as early as March 1925. This is hardly surprising given the general reception of Belgian verdicts in Germany. Proceedings in absentia initiated by Belgium were generally very badly perceived in Germany, where their legal and evidence-gathering fragility was emphasised, in particular because they were non-contradictory and thus constituted a form of 'victor's justice'. Germany never recognised the legitimacy of the judgements handed down by Belgian military jurisdictions. But the von Giese case also raised criticism beyond that country. The denials made by the condemned himself, rejecting all charges held against him, were even reported in the Scandinavian press.<sup>37</sup> This much-debated case was so heavily criticised abroad that it contributed to a questioning within the Belgian political class of the very legitimacy of proceedings in absentia against German war criminals.<sup>38</sup> An investigation was subsequently conducted within the Belgian Department of Justice itself in order to rule out any judicial error.<sup>39</sup> Some went as far as to say that the von Giese case was the reason behind the Belgian government's decision to suspend all proceedings against German alleged war criminals.<sup>40</sup>

From February 1925 onwards, there were indeed growing doubts about continuing in absentia procedures. The Belgian Ambassador in Berlin regularly reported to the Belgian government on the growing anger of the German public in regard to these trials.<sup>41</sup> The context of the approaching Locarno conference also weighed heavily in this ever more fragile balance between, on the one hand, satisfying the Belgian people, still waiting for justice to be delivered, and on the other hand the need to normalise political (and economic) relations with Germany in a diplomatic context where reconciliation had become the dominant theme.

In July 1925, it was not yet conceivable to cease all proceedings. Belgian officials feared that would cause discrimination between convicted war criminals and the others, as well as an 'unfortunate encouragement for crimes in future wars. This decision would also raise an outcry in Belgian public opinion.' The solution put forward was to drop 'secondary' cases – that is deportations and 'simple' thefts.<sup>42</sup> However, just a few months later, and within the peculiar context of the Locarno Conference, the Belgian Council of Ministers decided to terminate all proceedings immediately, despite the protests of the general military prosecutor's office, and even though 5 procedures were still ongoing.<sup>43</sup> This tough decision was officially made because of 'the high cost of such trials, which do not have any practical interest. Furthermore, it appeared to the Belgian Government that

just after the Locarno conference, the pursuit of such proceedings would only unnecessarily impede the appeasement of peoples.<sup>44</sup> The last round of judgements was handed down by the Belgian military courts on 23 October 1925, ending an investigation and justice-seeking process that had lasted more than 10 years.

The outcome of this extraordinary judicial adventure is mixed. It is undeniable, though, that the Belgian justice system (both civil and military) had done remarkable work and made every effort in order to be absolutely irrefragable from a legal point of view. Despite this prudence, the criticisms feared by the Belgian government soon appeared, from Germany and beyond, and grew among the Belgian political class itself. Moreover, the sentences handed down were never carried out. The unenforceability of these decisions and the continued impunity of convicted war criminals have quite understandably caused some frustration among the victims. However, these convictions, even if symbolic, remain significant as a form of moral condemnation. They must have brought the victims, to some extent, a sense of closure and relief. Furthermore, these trials were not entirely without consequences for the accused. They were *de facto* banned from staying in Belgium: 'even if a visa were issued to him, the German war culprit ('*coupable de guerre*') would in no way be protected from the zeal of the public prosecutor's offices [...]. No government instruction prevents the execution of judgements against German war defendants.'<sup>45</sup> This issue remained a stumbling block between Germany and Belgium for a long time and had not yet been fully resolved when the Second World War broke out.

### **The war that (truly) never ends?**

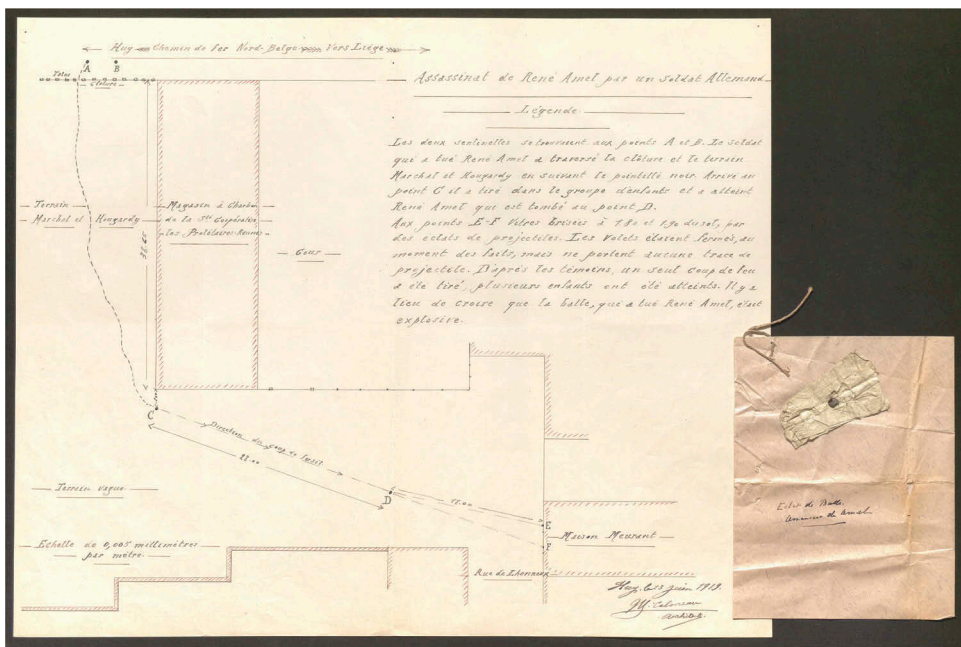
The documents that were produced between 1919 and 1925 in order to investigate and prosecute war crimes committed in Belgium, of which this article has discussed a small sample, are of the utmost interest in many regards. If they do not fundamentally change our factual knowledge of the invasion and occupation of Belgium during World War I, they certainly shed new light on it. They also significantly broaden our understanding of the history of international criminal law.

The trial files found within the 'Moscow Fonds', it must be stressed, are just the tip of the iceberg; they represent only a fraction of all the investigation files opened by the Enquiry Commission in Belgium after 1918. As mentioned above, prosecutors applied several filters to these numerous investigation files, in order to make sure only solid, unquestionable cases were brought before the military tribunals. As things stand, it is impossible to provide accurate figures regarding the number of files opened by the Enquiry Commission in 1919, and therefore the proportion of those that went to trial. But it is safe to assume that every single locality of the country had its own investigation file. Some of these were, of course, much bigger than others, thereby reflecting the extent of the damage and suffering inflicted upon each village during the invasion of Belgium and life under German occupation. The treasures contained in these files most certainly call for further examination.

In the context of their remarkable documentary effort, Belgian authorities gathered testimonies from countless witnesses throughout the country. Among these witnesses, some originated from social backgrounds which usually excluded them from the archives. Thanks to these testimonies, we can for once hear what some of these voices –

those of servants, housewives, factory workers, farmers, students, unemployed, and so on – tell us about their own wartime experiences. Of course, in most cases these testimonies were transcribed by a clerk or a police officer, and we know of the impact intermediaries can have on narratives. Nonetheless, these collections undoubtedly give us access to ‘new’ first-hand accounts of the Great War.

The treasures contained in these files are too numerous to be listed. Among them we can mention the fragment of a bullet fired by a German soldier two days after the Armistice, killing René Amel, a 13-year-old boy. This case did not proceed to trial, demonstrating that lack of evidence could lead to the dropping of fairly serious cases.



**Figure 7.** Sketch of the shooting scene of René Amel in Huy, accompanied by a fragment of the bullet, 23 June 1919. State Archives of Belgium, AAW (“Fonds de Moscou”), Auditorat militaire de la Province de Liège – Luxembourg, dossiers d’enquêtes, 185-14a-6672. © State Archives of Belgium.

These files also contain maps of destroyed areas, pictures of interiors which offer a concrete glimpse into everyday life during the First World War, lists of requisitioned goods attesting to the peculiar hierarchy of values given to them at the time, as well insights into the rudiments of ballistics and forensics.

In countless cases, the ‘francs-tireurs’ theme appears from the perspective of the civilians and their local representatives. We have seen it in the von Giese case, and it comes up in many others. Belgians clearly feared that the alleged presence of civilian snipers as a pretext for war crimes. Countless evidence and testimonies in these files refute the francs-tireurs thesis. These elements are especially important as the ‘francs-tireurs’ controversy, which we thought had been closed by Horne and Kramer’s commanding study in 2001, was recently and violently reopened by Ulrich Keller in his book



*Questions of Guilt. The Belgian Underground War and German Reprisal in August 1914.*<sup>46</sup> It is not our goal here to enumerate in how many ways Keller's approach – using exclusively German sources – is scientifically questionable and politically and morally doubtful, but we could advise him to have a look at these sources.<sup>47</sup> Indeed, it is only by bringing together these different national pieces of one global puzzle that we can overcome the bias of partial, isolated narratives influenced by a tense diplomatic and political context. We need to confront and reconnect these versions of the past if we want to approach a different truth than that of the victim or that of the accused only.

### ***From Brussels to The Hague, the journey goes on?***

The digitisation and uploading of the post-WWI trials online are part of a broader, interdisciplinary project called Jusinbellgium (Belspo). Its central aim is to identify, describe and digitise judicial records produced by Belgian jurisdictions in the context of post-conflict processes from 1914 to 2014. By doing so, it wishes to contribute to a critical history of the role of justice after mass violence and war. The collections that have been digitised are progressively being made available online on the ICC web portal 'Legal Tools'.<sup>48</sup>

After travelling from Brussels to Moscow and back, the post-WWI trial records are now digitally travelling to The Hague, thereby becoming accessible worldwide. By making them available online, we hope to provide valuable material to any researcher interested in post-war, transitional justice, or in mass violence and how it was documented and prosecuted in Belgium. As the ICC is facing a serious crisis of legitimacy and the very principles of international criminal justice are being challenged, the archives of the trials that took place after 1914–1918 are a brilliant and welcome reminder of the fact that this fragile building is based on solid historical foundations that go back more than a century.

### **Notes**

1. This article is based on part of the results of a research project called 'Jusinbellgium, A century of pioneering case-law. A digital database of Belgian precedents of international justice, 1914–2014', which took place between 2015 and 2019 under the co-coordination of Pieter Lagrou and Ornella Rovetta and financed by the Belgian Science Policy Office within the framework of the research program BRAIN-be (Belgian Research Action through Interdisciplinary Networks). See <<https://jusinbell.hypotheses.org/and> [https://www.belspo.be/belspo/brain-be/index\\_en.stm](https://www.belspo.be/belspo/brain-be/index_en.stm)>, accessed 22 February 2020.
2. Patricia Grimsted, FG Hoogewoud and Eric Ketelaar (eds), *Returned from Russia: Nazi Archival Plunder in Western Europe and Recent Restitution Issues*, Institute of Art and Law Ltd., Builth Wells, Wales, 2007.
3. Sophie Coeuré and Frédéric Monier, 'De l'ombre à la lumière. Les archives françaises de retour de Moscou (1940–2002)' ('From shadow to light. The French archives back from Moscow (1940–2002)'), in Sébastien Laurent (ed.), *Archives 'secrètes', secrets d'archives? Historiens et archivistes face aux archives sensibles ('Secret' archives, archive secrets? Historians and archivists confronted with sensitive archives)*, CNRS Editions, Paris, 2003, p. 135. On the issue of the journey of confiscated archives from Berlin to Moscow, we recommend the abundant works of Patricia Kennedy Grimsted, some of which are referred to in this article. Overall, the history of the French 'fonds de Moscou' is considerably better documented than that of the Belgian 'fonds de Moscou'. It has been the object of significantly more studies and attention by French historians and archivists.

4. George C Browder, 'Captured German and Other Nations' Documents in the Osoby (Special) Archive, Moscow', *Central European History*, vol. 24, no. 4, 1991, pp. 424–45. Some of the seized documents were also dispatched to different archives throughout the country. Patricia Kennedy Grimsted, 'Pan-European Displaced Archives in the Russian Federation: Still Prisoners of War on the 70<sup>th</sup> Anniversary of V-E Day', in James Lowry (ed.), *Displaced Archives*, Routledge, New York, 2017, pp. 130–3.
5. Wouter Steenhaut and Michel Vermote, 'De Belgische archieven in Moskou: a never ending story?' (The Belgian archives in Moscow: a never-ending story?), *Brood and Rozen*, no. 4, 2002, pp. 65–73.
6. Regarding the multifaceted issues related to looting and restitution issues from a longer-term and more global perspective, we recommend: Bénédicte Savoy, 'Plunder, restitution, emotion, and the weight of the archives, a historical approach', in Ines Rotermund-Reynard, *Echoes of exiles and the arts in Paris 1933–1945*, De Gruyter, Berlin, Munich and Boston, pp. 27–44. On the specific case of restitution negotiations with Russia, see: Grimsted, 'Pan-European Displaced Archives', pp. 133–4; and Kennedy Grimsted, 'Russia's "Trophy" Archives – Still Prisoners of World War II', 2002, available at <http://w3.osaarchivum.org/files/2002/RussianTrophyArchives/RussianTrophyArchives.html>, accessed 16 August 2019.
7. Steenhaut and Vermote, pp. 65–73; Martijn Vandenbroucke, 'De Belgische archieven uit Moskou. Een vervolg' (The Belgian archives from Moscow. A sequel), in *Brood and Rozen*, vol 15, no. 2, 2010, p. 65.
8. The restitution process is a very complex one, and it is certain that some Belgian documents – published and unpublished – still are in Russia. On the complexity of the restitution process, see: Patricia Kennedy Grimsted, 'L'ERR versus le RSHA. Les formes de pillage et de migration de livres et d'archives comme facteurs intervenant dans le processus de restitution' ('The ERR versus the RSHA. Forms of looting and migration of books and archives as factors in the restitution process'); Alexandre Sumpf and Vincent Laniol (eds), *Saisies, spoliations, restitutions: Archives et bibliothèques au XXe siècle (Seizures, spoliations, restitutions: Archives and libraries in the 20th century)*, Rennes, Presses universitaires de Rennes, 2019, pp. 37–65.
9. 'In het vizier ... De terugkeer van de "Russische" archieven' (In sight ... The return of the 'Russian' archives), *Vizier, Driemaandelijks infoblad van het Koninklijk Legermuseum*, no. 15, June 2002, pp. 1–2.
10. Paul Vaute, 'Querelles sur les archives de Moscou' ('Quarel on the Moscow archives'), *La Libre Belgique*, 25 May 2002, available at <https://www.lalibre.be/belgique/querelles-sur-les-archives-de-moscou-51b87885e4b0de6db9a70fde>, accessed 16 August 2019.
11. The list of archives returned to France is available at <https://www.diplomatie.gouv.fr/fr/archivesdiplomatiques/sorienterdanslesfondsetcollections/inventairesenligne/article/fonds-russesrestituesclassementpardepositeaire>, accessed 22 February 2020. See also: Anne-Sophie Maure, 'Les restitutions d'archives revenues de Russie (1992–2009): priorités de traitement, analyse des demandes, politique archivistique' (Restitutions of archives returned from Russia (1992–2009): processing priorities, analysis of requests, archival policy), in Sumpf and Laniol, pp. 327–38.
12. The Moscow archives produced by military jurisdictions that have been identified are held at the National Archives 2 – Joseph Cuvelier repository. See: <http://arch.arch.be/indexphplenmpracticalinformationrourreadingroomsdnab2>, accessed 23 February 2020. The legal basis for the transfer of military jurisdictions archives and the procedure for consulting them is article 132 of the law of 10 April 2003 'Loi réglant la suppression des juridictions militaires en temps de paix ainsi que leur maintien en temps de guerre' ('Act regulating the abolition of military courts in time of peace and their maintenance in time of war'), *Moniteur belge*, 7 May 2003; Circular of 19 December 2003, 'Circulaire relative à la consultation des archives des juridictions militaires supprimées' ('Circular relating to the consultation of the archives of suppressed military courts'), available at <https://www.om-mp.be/fr/savoir-plus/circulaires>, accessed 23 February 2020.

13. A significant portion of the trial and investigation files was identified by the Jusinbellgium research team among the Moscow archives at the Army Museum, with the help of students of the Université Libre de Bruxelles, and transferred to the State Archives of Belgium in October 2016.
14. The inventory is in progress. It will be published by the State Archives of Belgium. Provisional reference: Luc Vandeweyer, *Inventaris van het conglomerataarschief 'Aktensammelstelle West/Osoby'* (*Inventory of the conglomerate archives 'Aktensammelstelle West/Osoby'*), Brussel, Algemeen Rijksarchief, preprint.
15. We would like to thank our colleague and State Archivist, Luc Vandeweyer, for sharing this information.
16. Eduard Clappaert and Martin Kohlrausch, 'Between the lines: Belgian diplomatic politics and the trial of German war crimes. 1919–1926', *Journal of Belgian History*, vol. XLVIII, no. 3, 2018, pp. 91–92.
17. Jay Winter, *Entre deuil et mémoire, la Grande Guerre dans l'histoire culturelle européenne* (translated from *Sites of memory, sites of mourning: the Great War in European cultural history*), Armand Colin, Paris, 2008, p. 95; David W Lloyd, *Battlefield tourism, pilgrimage and the commemoration of the Great War in Great Britain, Australia and Canada 1919–1939*, Berg, Oxford, 1998, p. 23.
18. Translation by the author. *Moniteur belge*, 8 August 1914.
19. Jules Vannerus and Pierre-Alain Tallier, *Inventaire des archives de la Commission d'enquête sur la violation des règles du droit des gens, des lois et des coutumes de la guerre, 1914–1926*, (*Inventory of the archives of the Enquiry Commission into the violations of the laws of nations and of the laws and customs of war, 1914–1926*), Archives générales du Royaume, Bruxelles, 2001.
20. Translation by the author. This questionnaire (sometimes with minor variations) can be found in many of the investigation and prosecution files.
21. The full text of the Treaty of Versailles is available online at <<https://net.lib.byu.edu/~rdh7/wwi/versailles.html>>, accessed 23 February 2020.
22. On the diplomacy and judicial construction which led to these in absentia trials in Belgium, see: Eduard Clappaert, 'Poor Little Belgium': *de juridische verwerking van de Duitse oorlogsmisdaden in België na de Eerste Wereldoorlog (1919–1925)* ('Poor Little Belgium': *the legal processing of German war crimes in Belgium after the First World War (1919–1925)*), Master thesis, KULeuven, unpublished, 2015. Available for download at <<https://scriptiebank.be/scriptie/2015/poor-little-belgium-de-juridische-verwerking-van-de-duitse-oorlogsmisdaden-belgie-na>>, accessed 16 August 2019.
23. Gerd Hankel, *The Leipzig Trials: German War Crimes and their Legal Consequences after World War I*, Dordrecht, Republic of Letters Publishing, 2014; Jürgen Matthäus, 'The lessons of Leipzig, Punishing German war criminals after the First World War', in P Herberer and J Matthäus (eds), *Atrocities on trial, historical perspectives on the politics of prosecuting war crimes*, University of Nebraska Press, Lincoln, 2008, pp. 3–23.
24. Clappaert and Kohlrausch, pp. 107–9.
25. Minutes of proceedings, Cabinet of Ministers, 16 October 1922, pp. 5–6, available at <<http://extranet.arch.be:8180/Conseil1/?lg=fr>>, accessed 16 August 2019.
26. James F Willis, *Prologue to Nuremberg, the Politics and Diplomacy of Punishing War Criminals of the First World War*, Greenwood Press, Westport and London, 1982, p. 72.
27. Archives diplomatiques du Ministère des Affaires étrangères, CLB 324 XII, *Livraison des coupables – Extraits des jugements rendus à charge d'allemands coupables (Delivery of culprits – Extracts from judgements against German culprits)*. N.B.: Other sources mention the amount of 153 trials in absentia, see: Clappaert and Kohlrausch, p. 111.
28. State Archives of Belgium, AAW, 185-14a-6668, Conseil de Guerre de la province de Namur, Prosecutor v. d'Elsa et al., 30 April 1925. Also available on the Legal Tools website in 3 separate pdf files: <<https://legal-tools.org/doc/251a5e>>; <<https://legal-tools.org/doc/5c0c3c>>; <<https://legal-tools.org/doc/8616da>>, accessed 22 February 2020.

29. The numbers provided here are based on the 86 trials files we have been able to locate and process. They are thus partial. The numbers cited were gathered with the help of Ornella Rovetta, co-coordinator of the Jusinbellgium project (<https://jusinbell.hypotheses.org/>), accessed 22 February 2020).
30. Convention signed on 18 October 1907 on the 'laws and customs of war on land' (The Hague, IV). Full text is available at [loc.gov/law/help/us-treaties/bevans/m-ust000001-0631.pdf](http://loc.gov/law/help/us-treaties/bevans/m-ust000001-0631.pdf), accessed 15 February 2020.
31. Translation by the author. Statement of the facts by substitute military prosecutor Hellinckx. State Archives of Belgium, 185-14a-6649, Conseil de Guerre de la province de Namur, Prosecutor v. von Giese, 12 February 1925. (Hereafter cited as: Prosecutor v. von Giese case). The file is also available on the Legal Tools Database and can be downloaded from <https://legal-tools.org/doc/260056>, accessed 23 February 2020.
32. Translation by the author. Prosecutor v. von Giese case.
33. On the complex issue of the German atrocities and the 'francs-tireurs controversy', see: John Horne and Alan Kramer, *German atrocities 1914. A History of Denial*, Yale University Press, London and New Haven, 2001.
34. *Die völkerrechtswidrige Führung des belgischen Volkskriegs (The conduct of the Belgian People's War in violation of international law)*, Auswärtiges Amt, Berlin, 1915.
35. Translation by the author. Letter from military prosecutor's office of Amiens to General Commander of the 2<sup>nd</sup> Army Corps, 9 May 1925. Prosecutor v. X, Commander of the 160th Infantry Regiment of the German Army case, opened by the military prosecutor's office of Amiens. See Prosecutor v. von Giese case.
36. Translation by the author. 'Extrait du sous-officier Levith (ou Levick), Herman, du 160<sup>ème</sup> Régiment d'infanteries', [1923]. Extract of a German soldier's diary, joined to the 'Prosecutor v. X, Commander of the 160th Infantry Regiment of the German Army' case, opened by the military prosecutor's office of Metz. See Prosecutor v. von Giese case.
37. Letter of Georges Allart, Minister of Belgium in Copenhagen, to Paul Hymans, Minister of Foreign Affairs, 21 March 1925. Archives diplomatiques du Ministère des Affaires étrangères, CLB 324 IX, *Livraison des coupable. Correspondance. 1925*. (Hereafter cited as: Archives diplomatiques -MAE,CLB 324 IX).
38. Minutes of proceedings, Cabinet of Ministers, 5 August 1925, pp. 5–6, available at: <http://extranet.arch.be:8180/Conseil1/?lg=fr>, accessed 16 August 2019.
39. Minutes of proceedings, Cabinet of Ministers, 8 August 1925, pp. 5–6.
40. Note from Baron van Zuylen, Auditeur général (General Military Prosecutor) to Émile Vandervelde, Minister of Foreign Affairs, [July 1925]. Archives diplomatiques – MAE,CLB 324 IX.
41. Telegram from Georges della Faille de Leverghem, Belgian Ambassador in Berlin, to Paul Hymans, Ministry of Foreign Affairs, 21 February 1925. Archives diplomatiques – MAE, CLB 324 IX.
42. Translation by the author. Confidential Note to Émile Vandervelde, Minister of Foreign Affairs, 1 July 1925 (the author of the note could not be identified, the signature being illegible; the note is however written on a paper with the letterhead of the Ministry of Foreign Affairs). Archives diplomatiques – MAE, CLB 324 IX.
43. Minutes of proceedings, Cabinet of Ministers, 20 October 1925, pp. 8–9, available at <http://extranet.arch.be:8180/Conseil1/?lg=fr>, accessed 16 August 2019.
44. Translation by the author. 'Communiqué', Brussels, 7 November 1925. Archives diplomatiques – MAE,CLB 324 IX.
45. Translation by the author. 'Note sur la question des coupables de guerre' (Note on the issue of war culprits), 27 August 1937. Archives diplomatiques – MAE,CLB 324 IX.
46. Horne and Kramer; Ulrich Keller, *Schuldfragen. Belgischer Untergrundkrieg und deutsche Vergeltung im August 1914 (Guilt issues. Belgian underground war and German retaliation in August 1914)*, Ferdinand Schöningh, Paderborn, 2017.

47. Horne and Kramer, among others, have already done so. See: 'Wer schießt hier aus dem Hinterhalt?' (Who's shooting from ambush here?), *Frankfurter Allgemeine Zeitung*, 1 March 2018.
48. All information on the project and how to access the digitised sources can be found here: <<https://jusinbell.hypotheses.org/>>, accessed 22 February 2020.

## Acknowledgements

I would like to thank Ornella Rovetta and Pieter Lagrou (Université Libre de Bruxelles), under whose combined supervision it has been a pleasure as well as an honour to work for the past few years. My gratitude also goes to the State Archives of Belgium, especially Paul Drossens, Joachim Derwael and Pierre-Alain Tallier, whose continuous help and guidance have been – and still are – highly valuable. A special thanks to Matthew Haultain-Gall for his careful proofreading and valuable advice.

## Disclosure statement

No potential conflict of interest was reported by the author.

## Notes on contributor

*Delphine Lauwers* was awarded a PhD from the European University Institute in Florence for a thesis on memorial negotiations around the Ypres salient from 1914 to 2014. She is a researcher at the State Archives of Belgium, where she recently completed a post-doctorate within the Jusinbellgium project, which focused on the history of international criminal law through the prosecution of war crimes in Belgium since 1914 (<https://jusinbell.hypotheses.org>).