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

DURATION
15/12/2014 - 31/12/2019

BUDGET
684.925 €

PROJECT DESCRIPTION

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 central aim of this project is to identify, describe and digitize judicial records produced by Belgian jurisdictions in the context of post-conflict processes from 1914 to 2014. We propose to develop a digital research tool for Belgian judicial records related to war crimes, crimes against humanity and genocide. To that purpose, the project focuses on three particular chronological moments: the attempts to judge German war criminals in the 1920s and 1940s following the two World Wars and the occupation of Belgium; and the experiences with universal jurisdiction and international judicial cooperation through the 1990s. These records are intrinsically international by their contents and goals, (judging international crimes in the aftermath of war and genocide) and by the specific international context that forms the background of these judicial processes. This is why the project seeks to integrate these records into a dynamic, interconnected and international archival environment, therefore valorizing these collections beyond Belgian boundaries through a sustainable and multidisciplinary web-based research tool.

This archival heritage held at the Belgian National Archives urgently needs to be made available to scholars working on mass crimes and practitioners of international justice. Indeed, large parts of the considered data are still unknown to researchers, difficult to access and very much under-used, which reinforces the importance of promoting interdisciplinary scientific research on these sources. The three researchers involved will first identify the records, then describe them and design the research tool, and finally digitize the data.



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The first durable and fundamental research result of the project is the creation of the database of digital judicial sources. The files will be made available through the Belgian National Archives website and the research tool will be designed to operate in the framework of the “Legal Tools” Project of the International Criminal Court (ICC) in The Hague, a standard-setting portal integrating judicial records of all the leading international jurisdictions and increasingly also national case law in the field of international crimes. Secondly, the aim of this project is to propose a detailed description of the digital archive according to international standards on the one hand and to build on concrete research on these sources on the other. Judicial sources, as archives for historians and jurisprudence for legal scholars, will be valorized through the database, but also through transversal research carried out within the project’s network. Three research themes have been defined: micro-historical approaches to post-conflict justice; transnational judicial actors, practices and discourses; contribution of Belgian case law to international trials. 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.

The project builds on concrete historical and legal research experiences developed within the four associated research centers, but also within the Interuniversity Attraction Pole “Justice and Populations”, another BELSPO research network closely associated with this project. Working on and with these “sleeping” record collections will stimulate the development of original and multidisciplinary perspectives, within the network, but also through the possible larger collaborations (other judicial digital archive projects, international research centers,...). The project finances the realization of a PhD dissertation and two postdoctoral researchers. The interdisciplinary internal seminar will allow to share data and results and to prepare scientific activities, such as workshops and publication projects. Students will be involved in the research through a joint interdisciplinary master’s seminar, exploring the records. Internationally oriented, both in its content and in its outcome, a web-based integration into the ICC “Legal tools”, the project will offer an increased visibility to this specific judicial Belgian heritage. The study of the records produced during the three crucial chronological moments (1920s, 1940s, 1990s) will also lead to new perspectives in the history of transitional justice in Belgium and beyond, but also contribute to a better understanding of the conflicts themselves.



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