THE USE OF ADMINISTRATIVE INTERNMENT AFTER WWII

# The use of administrative internment after WWII. The different policies of the Belgian and Dutch governments

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After liberation from German occupation at the end of the Second World War, people suspected of collaboration with the occupier were arrested and subsequently interned in one of the numerous internment camps in Belgium and the Netherlands. It is estimated that more than 120,000 people were interned in the Netherlands and 70,000 in Belgium<sup>3</sup>. During their period of exile in London, the Belgian and Dutch governments had both prepared plans for the use of administrative internment for civilians suspected of collaboration with the German occupier. Administrative internment refers to the incarceration of persons or groups on the suspicion that they might endanger the legitimacy of the state or more specifically the maintenance of law and order. As such, it is an authoritarian measure. Its use by such democratic states as Belgium and the Netherlands is, however, easily explained by the extraordinary political and ideological circumstances of the Second World War and the widespread chaos existing in its immediate aftermath. Administrative internment is, in general, viewed as a temporary measure fit for exceptional conditions in extraordinary times, with less comprehensive and less complete legal guarantees for internees than for those arrested under normal circumstances and handled under normal procedures.

The preparations of the Belgian and Dutch governments for internment involved for instance drawing up lists of the places for internment and appointing people responsible for the actual implementation of these measures. Furthermore, the legal framework for this form of incarceration had to be thought out. Following the liberation of Belgium and the Netherlands, those preparations were finally put to the test. In this paper, we will analyse and compare the Dutch and Belgian internment plans and practices, describing the preparations for administrative internment in both countries and explaining the differences. Furthermore, we will give a general overview

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<sup>&</sup>lt;sup>3</sup> Important historical works on the purge in Belgium and the Netherlands are: Luc Huyse, *Onverwerkt verleden: collaboratie en repressie in België 1942-1952*, Leuven, 1994; A.D. Belinfante, *In plaats van Bijltjesdag. De geschiedenis van de bijzondere rechtspleging na de Tweede Wereldoorlog*, Assen, 1978; Peter Romijn, *Snel, streng en rechtvaardig.* Politiek beleid inzake de bestraffing en reclassering van "foute" Nederlanders, 1945-1955, Houten, 1989.

of how internment was effectively put to use. Starting out from the two countries' different historical and legal backgrounds, we will look into whether and, if so, how these circumstances influenced policymakers in the shape and content of administrative internment as a measure in the penal framework.

# Internment plans during the war: the legal framework

In the first half of 1942, the Belgian government-in-exile in London already foresaw the need for internment camps during and after the liberation of the country. It set up a committee consisting of politicians, lawyers and magistrates, and giving it the responsibilty for drawing up measures to ensure the maintenance of law and order and also for preparing measures to punish collaborators. Government official A. Delierneux was included as an external member due to his expertise in the use of administrative internment prior to the Second World War. In this committee, the first steps to design administrative internment were taken. In the mind of the committee members, administrative internment was meant to offer protection to people afraid of being subjected to public vengeance on the street, a potential danger for all those who had collaborated with the enemy. The basic idea was that those who felt threatened would come to the governmental authorities on their own accord for temporary incarceration. The committee wanted to avoid the installation of a measure resembling the German "Schutzhaft", i.e. the extrajudicial arrest of political opponents and Jews. Instead, this measure for internment was defended as an act providing protection from the wrath of the population<sup>4</sup>.

The Belgian government received several disquieting reports about the state of public opinion in occupied Belgium. While the necessity for administrative internment remained unquestioned, no decisions were made for its effective implementation. These reports came from different sources, such as politicians or others representatives of political currents. One important example stems from the Independence Front, the largest civil resistance organization in Belgium. Dated November 1943, this report states: "[...] la question du châtiment des collaborateurs et des profiteurs de guerre, du haut en bas de l'échelle. 'Faire expier' et 'faire rendre gorge' sont les maîtres mots d'un appel qui met en garde contre une 'politique de coups d'éponge' après quelques exécutions par l'exemple. Si tel était le cas, on risquerait un

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<sup>&</sup>lt;sup>4</sup> File 1-9 "Maintien de l'Ordre et répression des crimes contre l'État. Commission Rolin", 1942-1943 (National Archives of Belgium, *Archives of the Ministerial Cabinet of Prime Minister Hubert Pierlot*, n° 512).

'véritable soulèvement''. The Belgian government did not want to lose control once the country was liberated. In this context, it was deemed strictly undesirable for the Resistance and for the oppressed and resentful population to get their hands on the collaborators. This explains why the government wanted to gain direct control of the country as soon as the military situation and the Allies would allow them to do so. The establishment of the High Commissariat for State Security (HC) had, in part, the goal of preventing the left- and right-wing Belgian Resistance movements from seizing power. During the liberation phase, the HC would coordinate and control the regular state organizations in charge of securing law and order. In 1943, Walter Jean Ganshof van der Meersch, the head of the Military Prosecution Office was appointed High Commissioner. He had a well-deserved reputation as a firm leader and had experience in administrative internment, having been involved at the start of the Second World War in the implementation of internment measures targeting various sections of the population considered dangerous to the internal safety of the state. In his coordinating and controlling function, Ganshof was predestined to play an important role for administrative internment during and immediately after the liberation of Belgium.

Unlike in the Netherlands, the legitimacy of Belgian state authority was not self-evident during its occupation. In May 1940, King Leopold III chose to stay in the occupied country. This led to a major dispute between the King and the government which wanted to leave Belgium and in the end effectively did. The King's choice to stay behind and try to come to terms with the German occupation forces made him a prisoner of the occupier. This was a constitutionally impossible situation in the eyes of the government led by the catholic Hubert Pierlot. This political rift engendered a lot of insecurity and instability for the government-in-exile, with the King breaking off contact to Pierlot and his ministers for the whole period of exile. This left the government unsure about his views on the legitimacy of the ministers-in-exile for the post-war period. The situation was made worse by the two major resistance movements in Belgium, who were by no means neutral with regard to the King's position. The "Secret Army" stood at the side of Leopold III, while the Independence Front - in part due to the strong presence of communists – no longer accepted him as the Belgian monarch. Moreover, the position of the Belgian government in London was also unstable. The long stay in France and the doubts of most ministers whether to come to England had tarnished their reputation in the minds of the Allied governments. On top

<sup>&</sup>lt;sup>5</sup> Quoted in: Frédéric Dauphin, *La Belgique libérée. Septembre 1944- novembre 1945. Faits, opinions, et représentations*, unpublished, 1998, p. 33, 42.

of those uncertainties, up to 1943 the Belgium Prime Minister Hubert Pierlot and his ministers also had to cope with a great deal of friction from the remnants of the Belgian army – divided for and against Leopold III – on the one hand and from the available parliamentarians on the other. These were mostly socialists and liberals, while the ministers, on the whole, were more right-wing and conservative<sup>6</sup>.



Table 1

The Dutch Queen Wilhelmina and the Belgian King Leopold III together in Amsterdam, 1938

All these uncertainties caused the Belgium government to be careful not to overdo any kind of innovation. They wanted to avoid the reproach of unconstitutionality. Were the King and/or the Belgian magistrates to adopt such a stance, the Belgian state could quickly tumble into a state of revolution. The government was, as said, always careful not to fuel the possibility of a right-wing authoritarian coup on the one hand, possibly with the support of the King, or a communist attempt to seize power on the other.

The situation for the Netherlands was quite different. One important difference was the position of the monarchy. In contrast to Belgium, the Dutch Queen Wilhelmina had already left the Netherlands together with her ministers on May 13, 1940, going into exile in London. Through radio

<sup>&</sup>lt;sup>6</sup> The effective preparation of the attack on Germany by the Allied governments from the start of 1943, coupled with internal reforms of the Belgian army and administration ensured that the different sections of the Belgian government toed the line.

broadcasts the Queen tried to stay in contact the Dutch people back home, encouraging them to endure the occupation heroically and expressing her strong views against collaboration with the enemy<sup>7</sup>. The Queen spoke for instance about the disintegration of society resulting from collaboration, referring to "the struggle between good and evil" and encouraging anticollaboration activities by saying: "anyone who acts at the right time, knocks the Nazi's on their head". One issue she regularly addressed was the punishment of collaboration after the war. As early as 1941 she was speaking of "the handful of traitors, for whom there will be no room in a liberated Netherlands." In later broadcasts she went on to mention the "removal all unwanted elements", referring to the members of the Dutch Nazi party which had about 100,000 members. In the interwar years this pro-German movement had already been the subject of overall rejection, with hatred reaching boiling point during the war.

Through calling for the removal of all traitors, it comes as no surprise that the Dutch government anticipated many arrests after liberation. How did they provide the legal measures to do this? Established in early 1943 with the ultimate goal of maintaining public order in the Dutch liberated zones, the Netherlands Military Authority (NMA) – similar to the Belgian High Commissariat for State Security – had the responsibility of temporarily coordinating and controlling the regular state organizations in charge of law and order. However, unlike the HC, the Dutch NMA was supposed to act as a temporary independent military administration, subordinate only to the Minister of War. The choice in favour of a military government seemed most practical at the time, ensuring smooth contact with the Allied forces and giving the NMA the capacity to take drastic measures. The Special Act of Siege, adopted in September 1943, gave it the legitimacy to act very quickly. This Act complemented the martial law proclaimed on April 19, 1940 under the imminent threat of war. Martial law was legitimised by the law on the State of Siege and War of May 23, 1899. As such, it enabled military authorities to undertake action without having to first consult the civil authorities, allowing them to act very quickly<sup>8</sup>.

Despite the obvious benefits, a number of ministers objected to the establishment of temporary military rule due to its authoritarian character. This anxiety they had in common with their Belgian counterparts. The

<sup>&</sup>lt;sup>7</sup> For all radio statements of the Queen during the war, see: M.G. Schenk, J.H. Spaan, *De koningin sprak. Proclamaties en radiotoespraken van H.M. Koningin Whilhelmina 1940-1945*, Driebergen, 1985.

<sup>&</sup>lt;sup>8</sup> M.H Koderitsch, M. Koderitsch, *Herstelwetgeving*, Den Haag, 1946.

unstable Belgian government was not in a position to accept a temporary military government possibly further challenging its regained control of the state administrations. However, fear that the Allied forces might themselves take over power led the Dutch ministers to nevertheless agree to military rule, as long as the necessary emphasis was put on the temporality of the measure<sup>9</sup>.

Alongside this difference between Belgium and the Netherlands on the decision to transfer power to a military authority, there was another important difference between the two countries. The Belgian government was not prepared to innovate outside the structure of Belgian penal law, in which the experience and justice policy of the government in power during the First World War was paramount. While the Netherlands had had the possibility to remain neutral in the Great War, Belgium, as one of the main battlegrounds, had been forced to take part. To be able to punish new forms of misconduct (collaboration with the Germans), the Belgian government at the time had to modernize Belgian penal law, with the decree of 8th April 1917 adding two new offenses: political collaboration with the enemy and denunciation to the enemy. During the Second World War, Belgium was already prepared for the punishment of "political collaboration". As such, there was no incentive to make any major changes to the existing penal law. The unforeseeable situation of the second German occupation only led policy-makers to adapt this article in minor ways during their exile in London. On another level, the policy-makers also retained the division of competence between the civil and military courts, as adopted by the Belgian parliament during the 1930s. This meant that during times of war the military courts were also competent to judge crimes committed against the state by civilians.

The Dutch government-in-exile went a great deal further in supplementing their existing criminal laws with the Extraordinary Criminal Justice Decisions of September 1943. Unlike Belgium, there was no previously modernised legislation to turn to and extend. In London, the Dutch government created a new set of special acts ("Royal Decisions"), defining for instance the concept of "political collaboration". These new special acts would allow those having committed crimes against state security during the war to be prosecuted by civilian courts (not military, as in Belgium)<sup>10</sup>. The main crime against state security during the war was direct cooperation with the occupier. Other activities considered as crimes included exposing others to enemy violence,

<sup>&</sup>lt;sup>9</sup> D.C.L. Schoonoord, *Het "Circus Kruls"*. *Militair Gezag in Nederland*, 1944-1946, unpublished, 2011, p. 53-86.

<sup>&</sup>lt;sup>10</sup> Although there was no military court, there were military Counselors included in the Special Courts. For a detailed discussion: Romijn, *Snel, streng en rechtvaardig*, p. 41-48.

for example by betraying people in hiding. With the Extraordinary Criminal Justice Decisions, Dutch civilian courts could pronounce sentences of life imprisonment and even the death penalty, abolished in 1870. Furthermore, collaborators could be sentenced to 10-year internment and the loss of their civil rights during this period. Such long internment indicates that, unlike the Belgian government, the Dutch government did not see the use of internment merely as a short temporary action for maintaining law and order.

#### Plans for internment camps

The establishment of the NMA and the HC and the development of a legal framework for the punishment of collaborators also meant that plans were drawn up for administrative internment. In the case of Belgium, once again, the experience of the First World War proved to be central in the elaboration of the measure. The draft circular sent by Belgian magistrates from Brussels to London during the first half of 1943 closely followed earlier adopted legal texts. First, there was the decree-law of 11 October 1916, constituting the first step towards administrative internment in the Belgian legal framework. This decree-law allowed the government to evacuate people from places where they could cause harm. The categories of people concerned were recidivists, foreigners, suspect persons due to their relations with the enemy and the broad last group: any other person potentially hampering the course of military operations. The follow-up decree-law of 12 October 1918 effectively made administrative internment a possible measure for the duration of war. The government gained the power to intern people and keep them away from places where they could harm military operations. The people targeted were first and foremost foreigners and naturalized persons whose original nationality was that of the current enemy. Also included though, were Belgians with no fixed domicile and more broadly those suspected of having relations with the enemy<sup>11</sup>.

For the final preparation of administrative internment by the Belgian government-in-exile, the arrival of Walter Jean Ganshof van der Meersch in the middle of 1943 constituted a turning point. He defended a draft version of a circular prepared by himself and several magistrates of the Brussels *Cour de Cassation*. The above-mentioned decree-laws formed the basis of this draft

<sup>&</sup>lt;sup>11</sup> Moniteur Belge, "15-21.10.1916", 576-579 and "13-18.10.1918", 829-831; Stanislas Horvat, De vervolging van militairrechtelijke delicten tijdens Wereldoorlog I: De werking van het Belgisch Krijgsgerecht, Brussel, 2011, p. 70. For more detailed information on internment policy in Belgium, see: Rudi Van Doorslaer (ed.), Gewillig België. Overheid en Jodenvervolging tijdens de Tweede Wereldoorlog, Antwerpen/Amsterdam, 2007, p. 117-236.

circular, eventually signed after certain modifications by the responsible Minister of Justice Antoine Delfosse in August 1944. The draft gave mayors full responsibility for internment, starting with the actual interning and including release, housing, food and clothing. In the context of the reestablishing the state, the mayors were regarded as the key local-level protagonists for stabilising the central state and as such ensuring public order<sup>12</sup>.

Five reasons explain the Belgian magistrates' choice of the mayor as executor: he was the state representative closest to the people; he was responsible for upholding law and order and had close ties with the police (under his command) and the gendarmerie; he was responsible for the supply of food; and he could lay claim on buildings for internment and people as guards<sup>13</sup>. These reasons did not however convince all the ministers on the committee. Uncertainty about the timely arrival of the circular and doubts about the availability of mayors in the first days after liberation made certain politicians doubt this strict reliance on mayors. After a first discussion, the civil and military prosecutors and Secret Service agents were also given the competence of interning people. For rural communities, the responsible local district commissioner was also added, to avoid any lack of action at local level due to possibly non-existent state authority.

The primary goal of the circular was to organize the internment of "suspects". This meant that the target group in general consisted of every person older than sixteen years suspected of relations with the enemy. More specifically, the circular considered paramilitary and military collaborators as the primary and the most important group needing internment. Basically free to act behind Allied frontlines, it is not difficult to imagine the threat these collaborators posed to ongoing military operations. The second category consisted of persons who had had ties to the German administrative services. The third was a catch-all group for those whose behaviour during the enemy occupation made them a possible source of unrest due to possible vengeance acts or because of the fact that their liberty caused a public scandal<sup>14</sup>. This last

<sup>&</sup>lt;sup>12</sup> The Committee of Security consisted of several ministers of the Pierlot government and certain high-level policy-makers like Ganshof van der Meersch. The Committee devoted itself to the preparation of different aspects of liberation.

<sup>&</sup>lt;sup>13</sup> File "Procès-verbaux 1943-1944", 1943-1944. (National Archives of Belgium, *Archives of the Ministerial Cabinet of Prime Minister Hubert Pierlot*, n° 753). More information concerning the Belgian mayors in power during the German occupation: Nico Wouters, *Oorlogsburgemeesters 40/44. Lokaal bestuur en collaboratie in België*, Tielt, 2004.

<sup>&</sup>lt;sup>14</sup> File "S.24. Mesures d'arrestation administrative", 1943-1944. (National Archives of Belgium, Archives of the High Commissariat for State Security, S.24).

category proves that the Belgian government gave higher priority to a calm Belgian populace during these trying times than to the possible innocence of an individual. The potential risks were too big.

How the internment camps were to be organized in the long run was not determined in any great detail by the Belgian government-in-exile. The ministers expressly opted for flexibility instead of a detailed blueprint. This was partly due to the uncertainty over exactly how and at what speed the liberation of Belgium would actually take place. Nevertheless, the aforementioned specialist Delierneux expressed his concern and frustration about the lack of any further planning on several occasions. In April 1944, he sent Ganshof a detailed plan of public buildings in West Flanders which could serve as sorting centres, as short-term and longer-term internment camps and also as substitute camps for regular prisons in cases of incarceration. For Delierneux, administrative internment was a punishment tool. His view was thus fundamentally different to the way the Belgian government-in-exile viewed internment. As such Delierneux did not have any direct influence on the planning of the other policy-makers. The usefulness of his work remained limited to the detailed list of public buildings which he deemed suitable for internment. Although Delierneux promised to compile a complete set of buildings for the whole country, no document of this kind has been found until now<sup>15</sup>.

It is difficult to make any estimates on the number of Belgians the government expected to arrest during and after liberation. It is a known fact, however, that, during the period of exile in London, the Belgian State Security compiled more than 70,000 files on collaborators. Moreover, during a meeting of the Commission of Justice for the Ministry of Justice in 1943, High Commissioner Ganshof van der Meersch mentioned the possibility of tens of thousands of trials for collaboration with the enemy <sup>16</sup>. This leads us to the conclusion that, at least on a theoretical level, the government took into account that administrative internment could easily involve tens of thousands of civilians.

In the Netherlands, the arrest and administrative internment of persons suspected of collaboration became possible under Article 16 of the decree on

 <sup>&</sup>lt;sup>15</sup> File "T. 25. Mesures répressives et administratives à prendre en pays libéré", 1943-1944.
 (National Archives of Belgium, Archives of the High Commissariat for State Security, T.25.2 and T.25.3).
 <sup>16</sup> File "G2. II. Déchégnes de restimable" et la liberation de la libera

<sup>&</sup>lt;sup>16</sup> File "G2. II. Déchéance de nationalité et interdiction de certains droits. 12. II. a7. Commission de Justice", 1943-1944. (National Archives of Belgium, Archives of the High Commissariat for State Security. G.2.II.12.II. a7).

the Special State of Siege. It was decided that the Military Authority was the only power able to intern and release people suspected of collaboration. With this Article the judiciary was thus out of the game. In early November 1943, a memorandum on internment was written by Major W. Molenaar, the officer appointed responsible for the internment camps and himself no stranger to incarceration, having before the war been director of the prison in The Hague and, like Ganshof, closely involved in the Belgian May 1940 internments<sup>17</sup>. The memorandum stated that every person suspected of collaboration should be arrested following the liberation of the Netherlands. All males having joined the Dutch National Socialist Movement (NSB) after July 1942 were to be put behind barbed wire – an estimated 50,000 men. It was however taken into account that some might still be fighting on the Eastern front and might not survive. Furthermore, all other collaborators and traitors and perhaps also most female members of the NSB were supposed to be arrested, pushing up the estimated total to 100,000. Actual internment figures would go to show that this estimate was not far off.

The government assumed that the first few days after liberation were going to be very chaotic and that above all nothing much could be expected with regard to accommodation in the internment camps. Setting up the facilities in liberated areas was supposed to take place as quickly as possible, with local authorities expected to take care of all problems until the arrival of the Military Commissioners. The responsibility given to the Dutch local authorities was similar to that of the Belgian mayors, the one difference being the non-institutionalized and temporary role of the former. Once the situation was stabilized the NMA would centralize the internment practices.

Dutch prisons and internment camps were also inventoried. Reserved for the "the country's most insidious and dangerous elements", prisons offered a lesser risk of detainees escaping and gave the authorities the possibility to incarcerate people in isolation. Molenaar did not yet reckon with capacity problems. He furthermore hoped that the NMA could use the local camps set up by the Germans, such as the concentration camps at Vught and Westerbork. As such, the possibility to intern thousands of people at once was possible and the necessary resources, such as bunk beds, were supposed to be available right from the start. Because of the logistical cost and other possible problems, Molenaar wanted to avoid the creation of small internment camps. Hence big new camps had to be designed. Possibilities for the temporary

<sup>&</sup>lt;sup>17</sup> Enige beschouwingen betreffende zuivering Gevangenis-personeel en organisatie Kampen van Bewaring, Londen, 04-11-1943 (National Archives of the Netherlands, Archives of the Netherlands Military Authority, 2.13.25, n° 1342).

accommodation of internees included large factories or schools. The administration of the camps was considered a big deal and therefore given great attention.

In March 1944, detailed instructions for the future camp commanders were issued<sup>18</sup>. It was the intention of the Military Authority to set up two kinds of camps. On the one hand, the government wanted to set up holding camps (or verblijfkampen) for the milder cases, i.e. collaborators who could in the end turn out to be "good", but still had to be interned for their own safety. On the other hand, there were detention camps (or bewaringskampen) designed for really severe cases. These were supposed to have a "humiliating and degrading" character. Dutch internment policy thus appeared to have two opposite purposes: internment for protection and internment for punishment and humiliation.

The measures provided for by the Dutch government in London were in a much more advanced state than those of their Belgian colleagues. For Belgium, a major degree of flexibility in internment practices was paramount. In its design, internment appeared to be more a means of maintaining public order than of punishing collaboration, with the exile government particularly worried about possible political unrest during and after liberation. However, this was all very nice in theory - the actual situation in the liberated countries would be a bitter pill for both governments.

#### Plans put to the test: the liberation

Belgium was liberated in September - October 1944<sup>19</sup>. The government returned to Belgium on 8 September and the HC took up its role of coordinating and maintaining law and order. The internment of collaborators was one of the most important tasks to be dealt with. The agreements made in London were put firmly to the test. Following the liberation of any area, chaos almost always immediately ensued. The internments had to be carried out quickly to prevent suspects from fleeing to Germany. By August 1944, 15,000 Flemings and 10,000 Walloons had already crossed the German border.

The Belgian government explicitly and repeatedly prohibited the resistance movements from interfering with the maintenance of law and order during the liberation. This did not however stop the resistance fighters from assuming

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<sup>&</sup>lt;sup>18</sup> Instructie voor de commandanten van de bewarings- en verblijfkampen, March 1944 (National Archives of the Netherlands, Archives of the Netherlands Military Authority,

<sup>&</sup>lt;sup>19</sup> Peter Schrijvers, *Liberators: The Allies and Belgian Society, 1944-1945*, Cambridge, 2009.

the task of chasing down collaborators. In the chaotic circumstances of the liberation, lots of people were rounded up and put into whatever accommodation was available, often not very enviable. The resistance also did not always follow the prescribed legal procedure for internment. As such, a large number of illegal internments were carried out during the first two months following liberation. In that same period, hatred for the friends and supporters of the German occupants was expressed among the population and the resistance through maltreatment on the street and also in the improvised internment camps. The destruction of houses and furniture and the public humiliation of women suspected of "horizontal" collaboration are well-known facts stemming from these feelings of frustration<sup>20</sup>.

There is a twofold explanation for the important role of resistance movements and the great number of illegal administrative internments. First of all, the Belgian liberation by the Allies happened very quickly. Although valuable, the actual military role of the Belgian resistance was for the most part of secondary importance. In the wake of the Allied armies, the resistance groups wanted to demonstrate their importance in their liberated surroundings where known collaborators moved about freely. Their attention thus turned to this urgent task of arresting the supporters of the enemy.

The second reason for their predominant role and, subsequently, for the often illegal use of administrative internment is to be found in the missing commitment of the designated state authorities. On the one hand, the HC, State Security agents, gendarmerie and police regularly reported the refusal of mayors, especially Catholic ones, to cooperate in the policy of administrative internment. This had been anticipated neither by the Belgian government-inexile nor by the magistrates in Belgium responsible for drafting the circular. They had assumed that the mayors would loyally fulfil their role of representing the central state authority. Evidence suggests however that the Belgian mayors opted to act more in line with the other side of their function: that of the locally elected politician. The mayor of the city of Tongeren stated, for example, that he was not impartial enough to carry out this new responsibility. In Bruges, the mayor also explicitly refrained from taking any action on his own responsibility<sup>21</sup>. Until now, scientific research on the

<sup>&</sup>lt;sup>20</sup> Martin Conway, "Justice in Postwar Belgium: Popular Passions and Political Realities", in Istvan Deák, Jan Tomasz Gross, Tony Judt (ed.), *The Politics of Retribution in Europe. World War II and Its Aftermath*, New Jersey, 2000, p. 133-156.

<sup>&</sup>lt;sup>21</sup> "Rapport sur la situation à Bruges", 13 September 1944. (CEGESOMA. Partial archives of François-Louis Ganshof concerning the year 1940, liberation and military status, n° 14) "Tongeren", 1944-1945. (National Archives of Belgium, Archives of the High Commissariat for State Security, n° 1278).

resistance movement and their role in post-liberation internment in Belgium has focused almost solely on their abuses – such as pressuring mayors to sign blank warrants for administrative internment or interning people without the necessary documents. The hitherto unknown refusal of many mayors to cooperate in the legal procedure gives this one-sided picture a new dimension. On the other hand, the gendarmerie and the police were indeed undermanned and lacked the necessary weaponry. Moreover, these state institutions themselves needed to be purged after having functioned for years under German occupation. The resistance movements ended the war with a halo of heroism and patriotism. They appeared as the moral arm of the population and as such they considered themselves empowered to distinguish between the good and bad elements of that same population.

When arrested, Belgians suspected of collaboration were put in one of the many internment camps or existing prisons. A total of approximately 170 different local camps where known to the Belgian authorities. It is possible though that a number of the often very temporary facilities used at the start of the liberation remained unrecorded. Within a short period of time, some 60,000 to 70,000 people were interned. By comparison: before the Second World War, the regular Belgian prisons only held 5,000 prisoners. Due to this extremely high number of internees, living conditions in almost all camps were abysmal: adequate accommodation, hygiene, and food supplies were extremely difficult to obtain during these post-liberation days and months, especially during the hard winter. These shortcomings were related to the continuing war and transport problems. Due to chaotic and often badly managed internments, the legal situation of many internees posed an acute problem, with all kinds of suspects locked up together, frequently without any detention order.

Another pressing problem was the unprofessional way the resistance movements performed their guard duties, with physical and mental abuse a well-known occurrence. The mistreatment of internees has always been a difficult subject to quantify. Abuse was on the whole limited to the months of September and - to a lesser degree - October. Other often discussed wrongdoings, confusingly labelled as abuse by the government, concerned guards' unprofessional behaviour in the other sense: accepting payment by internees for such favours as an extra package of food or clothes or the delivery of a higher than normally allowed amount of letters addressed to the family. In some cases guards let suspects temporarily leave the internment camp to work on their fields. Such types of misconduct are not only attributable to the fact that the guards had received no professional training for performing this duty. A further aspect not conducive to proper conduct was

the fact that quite a number of guards had to wait several months before being paid.

The situation in the Netherlands was quite similar, apart from the fact that in September 1944 only parts of the southern Netherlands had been liberated by the Allied forces. As a result, many members of the NSB could flee to the northern half of the country or to Germany. It is estimated that 60,000 of them reached the soon to be defeated Third Reich. In the meantime, the Dutch government and Queen stayed in London, with the NMA acting as the interim government. As decided in London, the NMA was in charge of the arrest of all suspected collaborators. Nevertheless the situation remained unclear when the Military Commissioners started arriving on 11 September. The NMA had reckoned on the Dutch police carrying out the arrests, but it seemed that, as in Belgium, the police needed to be purged thoroughly before being able to arrest collaborators. Pending the arrival of the military and the "clean" police, the resistance immediately began to arrest and lock up local suspects in the liberated areas, using all forms of available accommodation.

A battle for the power to arrest ensued. The outcome was that the NMA gave a detachment of the Dutch Resistance, the so-called "Dutch Armed Forces" under Commander Prince Bernhard, the power to arrest suspects. This was however not without problems. The former Resistance held quite a different opinion on the categories of persons needing to be arrested. Firstly, they wanted to arrest Dutch Nazi party members who had joined up after May 15, 1940, instead of after 1942 as the NMA had first decided in London. Also on their list were women who had maintained relationships with Germans during the occupation, traitors and, furthermore, German nationals living in the Netherlands. According to the Resistance, changes in the arrest lists were necessary because the London guidelines of the NMA had underestimated the true extent of collaboration<sup>22</sup>.

<sup>&</sup>lt;sup>22</sup> D.C.L. Schoonoord, *Het circus Kruls..*, p. 113-157.



Table 2
Dutch internment camp Vught in 1945
Source: NIOD Image Bank WWII

After the arrest of 20.000 - 25.000 people, all kind of suspects were locked up together and, as in Belgium, temporarily interned in the accommodation available. The NMA's London idea of having two different kinds of camps (one for the more severe and one for "light" cases) came to nothing. As planned, local prisons were also used but soon became overcrowded. This was not what the NMA had in mind in London, since they wanted to avoid repeating the German practice of putting three people in one prison cell<sup>23</sup>. In January 1944 the NMA had already expressed its concern about the facilities needed to run the camps. With its requests unheard, this problem was far from solved at liberation. The Supreme Headquarters Allied Expeditionary Force (SHAEF) concluded in October 1944 that the situation was untenable, with too little space available for all suspects in the southern Netherlands<sup>24</sup>. Overall, it was completely unclear how many people were actually interned

<sup>&</sup>lt;sup>23</sup> Enige beschouwingen betreffende zuivering Gevangenis-personeel en organisatie Kampen van Bewaring, Londen, 04-11-1943 (National Archives of the Netherlands, Archives of the Netherlands Military Authority, nr. 1342).

<sup>&</sup>lt;sup>24</sup> D.C.L. Schoonoord, *Het circus Kruls..*, 639-640.

and where exactly they were located. Although it was officially forbidden to intern persons under the age of 18, a lot of children and babies also got put into the internment camps. Even pregnant women and elderly and ill people were to be found in the camps. Though camp commanders often tried to send these people home, the ultimate decision for release depended on the outcome of investigations – and these generally progressed very slowly. Only when the results of the investigation showed that a person was no threat to the local community was a camp commander able to (conditionally) set someone free.

The NMA chief of staff, Commander H.J. Kruls, had supreme command over the camps. According to NMA guidelines, the staff of the internment camps had to belong to the military. The local commander of the Resistance was in charge of an internment camp, responsible for food, supplies, clothing etc. He would appoint a camp commander, "considering the choice of a powerful, yet sedate personality, so that SS- and Gestapo methods, as well as indulging in revenge, can be avoided from the beginning". Mistreatment of suspects was strictly prohibited: "discipline must be strict, but maintained in a dignified manner<sup>7,25</sup>. Nevertheless, cases of mistreatment were reported. In Maastricht, for example, when the internees had to work outside the camps, the guards (either former resistance members or Allied soldiers) played sadistic games with them, encouraged by local people. Although inspections were frequent, camp commanders were not always able to prevent internees being beaten up within the camp. Shocked by such misconduct, a Dutch reporter painted a vivid picture of camp conditions in early 1945, referring in the local newspaper to "Dachau in Maastricht"<sup>26</sup>.

The Netherlands were not completely liberated until May 1945. Around 100,000 suspected collaborators were arrested in the newly liberated areas. It did not take long for stories about their mistreatment to start circulating. Reports of mishandling reached the media in the summer of 1945 and the NMA set up a special commission to inspect all existing internment camps. Several internees were questioned about alleged conditions and hundreds of police reports were filed. The investigation confirmed mistreatment in certain camps. In particular from September 1944 until July 1945, internees were insulted, kicked and beaten by some of the guards. At other camps however, a different picture arose, with many inmates claiming never to have seen any mistreatment and stating that they were being treated correctly by their

<sup>&</sup>lt;sup>25</sup> Richtlijnen voor het inrichten van plaatselijke bewarings- en verblijfskampen, March 1945 (National Archives of the Netherlands, Archives of the Netherlands Military Authority, nr. 1342)

<sup>&</sup>lt;sup>26</sup> Veritas, 'Dachau in Maastricht?', 06.03.1945.

guards. Although camp life was no picnic, considering the circumstances it was not too bad. After a while, internees were for example allowed to receive visitors once a month and write a letter home. When not working, they could read books or newspapers and play games. The longing for home however engendered a sad mood, especially in woman who longed for their children. Furthermore, the long duration of investigations caused great uncertainty about the future<sup>27</sup>.

#### Conclusion

In both Belgium and the Netherlands, people suspected of collaboration with the Germans were locked up during the liberation of Europe. But the experience gained between September 1944 and the end of the war led to the situation improving after May 1945. In Belgium, the HC stopped functioning in November 1945 and two months earlier a study group was set up to deal with the risen difficulties of massive incarceration of suspects. In the Netherlands, the MA ceased to exist in January 1946, with its control over the internment camps transferred to the Ministry of Justice. As such, the regular state institutions took the problem into their own hands.

The administrative internment of enemies of the state proved to be a hard task for both countries. Both governments-in-exile made early plans for internment. This was a national matter. In the absence of international law providing the necessary guidelines, both countries automatically fell back on the traditions of their national legislation. For Belgium, the experience gained during the First World War greatly influenced the development of administrative internment. As had been the case then, the measure remained an instrument for maintaining law and order. The Belgian ministers in London were especially worried about possible post-liberation political unrest and their overall legitimacy as rulers of the country. Internment was needed to keep the country in check. In the Netherlands, the punishment of collaborators seemed more an end than a means. Strong views existed about totally removing collaborators from Dutch society, with the London notion of two different kinds of camps fitting into this picture.

It seems that the practical internment measures foreseen by the Dutch exile government in London were much further developed than those of their Belgian colleagues. In Belgium, flexibility and adaptability were given much

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<sup>&</sup>lt;sup>27</sup> Rapporten van de 'vliegende colonne' van Sectie II D van Militair Gezag inzake inspectie van bewarings- en verblijfskampen, alsmede processen verbaal van verhoren van gedetineerden,1945 (National Archives of the Netherlands, Archives of the Netherlands Military Authority, nr. 799).

greater priority. However, in both countries the situation on the ground soon turned out to be more problematic for both governments, having to deal with a host of different problems concerning administrative internment in all its aspects between September 1944 and the end of 1945. At the end of the day, neither the Dutch blueprint nor the Belgian flexibility proved to be a guarantee for success.

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### Liste des abréviations

ACS Archivio centrale dello Stato, Roma, Italia
AD Annual Digest of Public International Law Cases

ADS Archives départementales de Savoie AÉAnd. Archives de l'État, Anderlecht, Belgique AÉN Archives de l'État, Namur, Belgique

AGR Archives Générales du Royaume, Bruxelles, Belgique

AN Archives Nationales, Paris, France

APR Archives du Palais Royal, Bruxelles, Belgique

ASP Archives des Services patriotiques, Bruxelles,

Belgique

CA Corpo d'armata

CAP Commission des Archives patriotiques

Cass. Cour de Cassation

CEGES Centre for Historical Research and Documentation on

War and Contemporary Society, Brussels, Belgium

CFLN Comité Français de Libération Nationale

CIAF Commission italienne d'armistice avec la France

CSC Commissarial Supreme Court

CTAG Corps des Troupes Auxiliaires de Génie

D.A. Division d'Armée D.C. Division de Cavalerie

DFCIA Délégation française auprès de la commission

italienne d'armistice

GDR German Democratic Republic G.Q.G. Grand Quartier Général HR Hague Regulations

I.G.A Inspection Générale de l'Armée IMT International Military Tribunal

IRA Irish Republican Army
IRAP Irish Republican Army Police

ITGWU Irish Transport and Gen eral Workers' Union

MA Modern Archief

MAE Ministère des Affaires étrangères Marechausseemuseum (Buren) MRA Musée Royal de l'Armée

NA National Archives, Den Haag, Netherlands

NJ Nederlandse jurisprudentie OSS Office of Strategic Services PA Archief van het departement van de Twee Neten en

van de provincie Antwerpen, Belgium

RAA Rijksarchief, Antwerp, Belgium
RAG GEN STATO Ragioneria generale dello Stato
RIC Royal Irish Constabulary
SAA Stadsarchief, Antwerp, Belgium

SED Sozialistische Einheitspartei Deutschlands (Socialist

Unity Party of Germany)

SGRS-archives Service general renseignement et sécurité – archives,

Evere, Belgique

SHAT Service historique de l'Armée de Terre

SHD-DAT Service Historique de la Défense-Département de

l'Armée de Terre

SHD-DGN Service historique de la Défense, département

Gendarmerie, Vincennes, France

SHP Service historique de la police, Bruxelles, Belgique

SMA Soviet Military Administration

SOZ Soviet Occupation Zone

UNWCC United Nations War Crimes Commission

VN Ville de Namur, Belgique

ZaöRV Zeitschrift für ausländisches öffentliches Recht und

Völkerrecht

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