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# Revisiting the 'Menten Affair': Poland's 1950 Extradition Request to the Netherlands[2]

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## Abstract

This article analyses the Dutch legal response to Poland's 1950 extradition request of Pieter Menten and the questions underpinning the reasoning of the authorities and courts, along with other less visible issues then in play. The article begins with an overview of Menten's activities in pre – and WW2 Poland, which include his involvement in massacres in 1941, as well as the looting of art. The Dutch court's position on the matter reveals larger questions about the Dutch approach towards accountability for war crimes in the immediate post-WW2 period. The article adopts an international historical methodology in its analysis to demonstrate how concepts of extradition and war crimes were underdeveloped in the post-WW2 period. In this case, the intertwining of constitutional, criminal, and international laws provided a way for the political decision to prevail. Extradition, because it is an interplay between law and politics, was at odds with international criminal justice discourse during this period.

**Keywords:** Pieter Menten, Poland, the Netherlands, war crimes, extradition.

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# Rewizja „sprawy Mentena": Polski wniosek o ekstradycję do Holandii w 1950 roku[3]

## Streszczenie

Niniejszy artykuł analizuje holenderską reakcję prawną na polski wniosek o ekstradycję Pietera Mentena z 1950 r. oraz kwestie leżące u podstaw toku rozumowania władz i sądów, a także kwestie, które pozostawały w cieniu, a miały w tej sprawie znaczenie. Artykuł rozpoczyna się od przeglądu działalności Mentena w Polsce przed II wojną światową i w jej trakcie, w tym jego udziału w masakrach w 1941 r., a także grabieży dzieł sztuki. Stanowisko holenderskiego sądu w tej sprawie ujawnia szersze pytania dotyczące holenderskiego podejścia do odpowiedzialności za zbrodnie wojenne w okresie bezpośrednio po II wojnie światowej. Autorka przyjmuje w swojej analizie międzynarodową metodologię historyczną, aby pokazać, w jaki sposób koncepcje ekstradycji i zbrodni wojennych były słabo rozwinięte w okresie po II wojnie światowej. W tym przypadku przeplatanie się prawa konstytucyjnego, karnego i międzynarodowego zapewniło przewagę decyzji politycznej. Ekstradycja, będąca interakcją między prawem a polityką, była w tym okresie sprzeczna z międzynarodowym dyskursem dotyczącym wymiaru sprawiedliwości w sprawach karnych.

**Słowa kluczowe:** Pieter Menten, Polska, Holandia, zbrodnie wojenne, ekstradycja.

[3] Badania wykorzystane w artykule nie zostały sfinansowane przez żadną instytucję.

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At the end of WW2, extradition between countries was not a clearcut concept. Extradition laws varied from country to country, and nothing was yet codified. 'Old tools', such as the bilateral agreements signed in the nineteenth century, would be of little use in 1945. This was a time when modern international criminal justice was still evolving. Moreover, the main debate about extradition that exercised minds within the international community concerned political crimes and whether these were exempt from extradition.[4] Significantly, it was during this same period that questions about accountability and justice were posed. Towards the end of WW2 the Allied powers made known that one of their main objectives was to prosecute war crimes. This objective would inevitably be linked to extradition, and more broadly to the international criminal justice timeline. Achievement of this goal would therefore bring meaning to key legal principles and concepts.

Extradition itself typically concerns the removal of one person from a specified jurisdiction to another jurisdiction for criminal prosecution or punishment. Extradition procedures are normally set out in reciprocal agreements between states or by multilateral agreements between a group of countries. The literature concerning these procedures is very extensive and remains outside the scope of this investigation.[5] In this article, the focus is rather on a specific moment in time, when a key legal principle was being forged around war crimes – widely understood as genocide, crimes against humanity, war crimes, and the crime of aggression. While these international crimes have restricted the scope of what constitutes a political crime, it continues to be the point on which the state exercises discretion when applying an exception to the rule. It is because of this grey area as to what a political offence is that extradition takes on an unavoidable political dimension; as a result, decision-making is politicised. As Pablo del Hierro and Lucas Lixinski argue, extradition law sits at a sensitive intersection, one that straddles diplomacy and international relations.[6] This interaction between law and diplomacy forms an important yet

4 P. del Hierro, L. Lixinski, *Writing a Transnational (Global) History of Extradition Law in the Short Twentieth Century: Beyond Western-Centric Approaches,* "Journal of the History of International Law" 2023, pp. 1–38. See also P. del Hierro, *The End of the Affair: The International Dispute over the Deportation of Degrelle from Spain to Belgium, 1945–1946,* "The International History Review" 2021, 43(4), pp. 761–780.

5 See D. van Zyl Smit, *Human Rights Standards as a Bar to Extradition from the European Union to the United Kingdom* "European Journal of Crime, Criminal Law and Criminal Justice" 2024, 32(1), pp. 15–31.

6 P. del Hierro, L. Lixinski, *Writing a Transnational (Global) History...*, p. 7. See also L. Lo Giacco, *Giving Meaning to the Past: Historical and Legal Modes of Thinking*, "Jus Gentium: Journal of International Legal History" 2024, 9, pp. 371–400.

often underappreciated part of the direction an extradition request may take.[7] And, crucially, states respond to extradition requests differently, depending on whether the state is the requestor (who applies for an extradition request) or the recipient (who receives a request).[8]

As for Poland, its record of extradition requests to have war criminals tried nationally has been a mixed bag. Poland was one of the key players at the Nuremberg trials 1945–1949, providing the prosecutors with key evidence collected meticulously under difficult conditions, and yet, it never had a seat at the table – as perhaps it should have, given the extent of the atrocities committed on its soil. The Nuremberg Tribunal as such was a military tribunal, conducted by the Great Four, who formally represented other interested partner states (thus, the French prosecutor represented the Netherlands), while the UN War Crimes Commission (UNWCC) involved all Allied partners. And the proposal was that national courts would prosecute those crimes that had been committed on their soil, unless they were deemed to be of 'international significance'. The political climate and the Soviet Union's agenda with respect to national prosecutions and its role in the international prosecutorial efforts could not be ignored. It should be noted that Poland was an active member of the UNWCC. Poland also compiled a list of war criminals that it wished to try before its recently established court, the Supreme National Tribunal (*Najwyższy Trybunał Narodowy*). Between 1946-1948 it tried several high-ranking German war criminals. Thus, within this context, one of the most disappointing rejections came from the Netherlands in the early 1950s, when Poland requested the extradition of the Dutch war criminal Pieter Menten. Menten, who, as a successful businessman in pre-war Poland also cultivated his interest in art, was implicated in atrocities carried out by the Germans in 1941 in the city known as Lviv and the surrounding regions. Poland had high hopes for his extradition, given the evidence that had been gathered by the Polish authorities. Poland was keen to try Menten at the scene of the crimes. After the rejection of their extradition request, the Polish authorities and the country's journalists followed the 'Menten Affair' closely as it wound its way through the Dutch courts until as late as 1980. This WW2 backdrop is critical to the extradition request and the reasons for its refusal.

The article will begin with a brief overview of Menten's activities in pre- and WW2 Poland, which include his involvement in massacres at Podhorodce and Urycz in 1941, on a territory that now lies within present-day Ukraine, as well as the looting of art. The article will analyse the Dutch legal response and the questions

7 *Ibidem*, P. del Hierro, L. Lixinski, *Writing a Transnational (Global) History...*, p. 7.

8 *Ibidem*.

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underpinning the reasoning of the authorities and courts, along with other less visible issues then in play. It was not only Poland interested in his extradition – so was Israel, given that the survivors from the areas where the alleged crimes took place had settled there after the war. In this case, the intertwining of constitutional, criminal, and international laws provided a way for the political decision to prevail. Extradition – because it is an interplay between law and politics – was at odds with the international criminal justice discourse during this period. Importantly, this case was played out during the Cold War.

Revisiting and re-analysing this case is significant for several reasons. The importance of this specific moment for international criminal justice cannot be underestimated. The Dutch jurisprudential narrative is characterised by a Dutch District Court relying on the 'stubbornness' of facts as an important loophole.[9] The Dutch District Court's position on the matter reveals larger questions about the Dutch approach towards accountability for war crimes in the immediate WW2 period. The question of Menten's extradition was decided on grounds of pragmatism at the expense of accountability and justice. This court also demonstrated the dominant viewpoint – namely, that passivity was a quality to be esteemed in a judge.[10] For its part, this inward-looking Dutch court contributed to the timeline of international criminal justice in an entirely consistent fashion. Yet, it is vital to differentiate between the role of recipient and that of making the extradition request. In this way, the Dutch position is both unique and consistent, rendering it an instructive case study. The international community continues to face challenges when prosecuting war crimes and finding solutions so as to ensure that both accountability and justice are achieved. It is extradition that is often the obstacle.

The article adopts an international historical methodology in its analysis of this moment in the 'Menten Affair' and the 1950 extradition request in order to demonstrate how concepts of extradition and war crimes, broadly construed, were underdeveloped in the post-WW2 period. It cites archival materials kept at the Dutch National Archives, concerning the Menten case and trials, as well as Dutch intelligence files that pertained to media press coverage of the main Polish broadsheets and surveillance reports. The article also reaches out to both archival and library documents held at the Institute for War, Holocaust, and Genocide Studies (NIOD).

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9 This notion was developed by J.C.H. Blom, *Historische en strafrechttelijke "ordening van de chaos"*(Historical and Criminal Law 'Ordering of Chaos') [in:] *De Weerspanningheid van de Feiten* (The Resilience of the Facts), ed. M. Spiering, M. van Montfrans, J.Th. Leerson, W.T. Eijsbouts, Verloren, 2000, pp. 23–32.

10 A. D. Belinfante, *In plaats van bijltjesdag. De geschiedenis van de bijzondere rechtspleging na de Tweede Wereldoorlog* (Instead of a Hatchet Day: The History of Special Justice after the Second World War), Van Gorcum, 1978, p. 353, n. 1. Belinfante refers to G. Schubert (ed.), *Judicial Decision-Making*, The Free Press of Glencoe, 1963 and G. Schubert, D. J. Danielski, *Comparative Judicial Behaviour: Cross-Cultural Studies in Political Decision-making in the East and West*, Oxford 1969.

International historical methodology is an invaluable perspective that informs our knowledge of events concerning extradition and how it, accountability, and justice were understood by key actors in the immediate post-WW2 period.

## Pieter Menten

Pieter Nicolaas Menten was born in 1899 in Rotterdam, the son of a businessman who owned Menten and Stark, a firm trading in waste paper and recyclables. The company was registered at various locations in Europe, including Poland. As a result, Pieter Menten acted as the company's representative across Europe and in a short space of time he amassed great wealth. Menten had shrewd business acumen and an ability to manipulate situations in his favour. He was fêted in Lviv's higher social circles, and business relationships that fell apart would not be forgotten or forgiven by him. He owned land, and to buy property in Poland, one had to be a Polish citizen. It is not known when Menten and his wife acquired Polish citizenship, though archives of witness testimony point to 1930-1932.[11] On 25 October 1950, in response to the charges in the extradition request, Menten's defence lawyer, J.C. Coebergh, to the then Minister of Justice, stated that his client was Dutch, and that he had never renounced his citizenship.[12] When WW2 broke out, Menten and his wife decided to stay in Poland. He quickly ingratiated himself with the Germans and embedded himself in the Nazi regime, becoming closely tied to the newly set up Department of Public Education and Propaganda and the Department of Economy, where he was appointed as administrator of antique art stores. As he consolidated his power and wealth, he became close to Karl Ebergarth Schöngarth who, in 1941, was appointed Commander of the Security Police and Security Service. Menten was given the new uniform of a non-commissioned SS officer so that he could accompany Schögarth as an interpreter back in Lviv. There is an incriminating photograph of Menten in the uniform of the SS with the rank of a high-ranking SS officer, that of an SS *Hauptscharfürher*.[13] It is alleged that Menten joined an SS Death Squad (*Einsatzgruppe C*) led by Schöngarth. Indeed, Schöngarth would be tried by the British Military Tribunal in 1946 for the murder of an American pilot. Before his execution Schöngarth provided a statement to the authorities that con-

11 Maria Voelplowa testimony, NIOD 461, Proces Menten, inv. no. 10.

12 *Ibidem*, document 'Proces-Verbaal van Getuigenverhoor', p. 20.

13 See R. O'Neil, *Jewish Genocide in Galicia*, 2d ed, Lulu, 2016, pp. 63–70, at p. 66. Also R. O'Neil, *The Rabka Four: A Warning from History*, Spiderwize, 2011 and M. C. MacPherson, *The Blood of His Servants*, Time Books, 1984.

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firmed Menten's role in the 1941 atrocities in the Stryj valley, at the sites in question.[14] Menten had welcomed his own return to Lviv, meaning to take revenge there on a former business partner, who was Jewish, and whom he saw as being to blame for the broken-down business relationship noted above. Menten was found guilty of being involved in the 1941 massacre at Podhorodce, and was also alleged to have been implicated in the massacre at Urycz that same year. It had been noticed that Menten cultivated relationships with a personal agenda, often to keep a watchful eye on the art collections that many Jews in his circle had as part of their personal effects.[15] After the war, the Polish authorities were quick to investigate atrocities, but Menten was identified as a perpetrator only in 1949. He then became one of the many war criminals that Polish authorities wished to see tried on national soil, where these crimes had been committed. Menten's name was at the top of the list and many survivors hoped to see him held to account for his crimes of murder, not to mention plunder.[16]

Of course, in the post-WW2 period there were many war criminals being prosecuted at the time under similar restraints. Yet, Menten's case was particularly important on account of the gravity of his crimes. The interest in his case – and the way it was reported in the Polish press – is a testament to the investment Polish authorities and society had in securing his prosecution. The Dutch authorities monitored the Polish press to control the narrative. It was a high stakes case.[17] Polish journalists covering the 'Menten Affair' noted that there was a certain regularity about Menten: he emerged unscathed each time he is tried, because mysterious forces, keen to conceal the activities of Menten and his companions, suddenly come into action… Menten's dirty fortune keeps protecting him from the law.[18]

Poland tried 5,500 German war criminals in the first ten years of the post-WW2 era; in 1949, the Allies agreed to extradite 1800 war criminals to Poland (not the

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14 N. Cieślińska-Lobkowicz, *Predator: The Looting Activity of Pieter Nicolaas Menten (1899–1987)*, "Holocaust Studies and Materials" 2017, 4, pp. 112–147, at p. 135.

15 See, in particular, this powerful article in the Polish newspaper, A. Glass, *Za kulisamy "brudnej fortuny" afery Menten* (Behind the Scenes of the Menten Affair's Dirty Fortune), "Życie Warszawy" (Warsaw Life), 9 October 1979, in the National Archives of the Netherlands [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties Binnenlandse Veiligheidsdienst Persoonsdossiers 1946-1998, Personal Files Dutch Security Services 1945-1998, BND, CVD and BVD], catalogue reference 2.04.125, inventory reference 40888.

16 *Ibidem.*

17 See National Archives of the Netherlands [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties Binnenlandse Veiligheidsdienst Persoonsdossiers 1946-1998, Personal Files Dutch Security Services 1945–1998, BND, CVD and BVD], catalogue reference 2.04.125, inventory reference 40888. See this powerful article in the Polish newspaper, A. Glass, *Za kulisamy "brudnej fortuny" afery Menten* (Behind the Scenes of the Menten Affair's Dirty Fortune), "Życie Warszawy" (Warsaw Life), 9 October 1979.

18 Document 'Proces-Verbaal van Getuigenverhoor', NIOD 461, *op. cit.*

12,000-15,000 as hoped).[19] The Polish authorities were deeply disappointed that their extradition request was rejected. The Chief Commission for the Prosecution of Crimes Against the Polish Nation (*Główna Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu*) was invested in the case and maintained correspondence with the Dutch authorities throughout the 'Menten Affair'.[20] Polish journalist Jan Sierzputowski at the Polish Press Agency also followed the 'Menten Affair', as did the reporter Henryk Tycner. Nawojka Cieślińska-Lobkowicz notes that in its 1978 series on the 20th-century sensational stories, the Polish Ministry of National Defence's publishing house produced Zygmunt Zonik's 'Pożar w Blaricum' (A Fire in Blaricum), which was mostly devoted to Menten's trial.[21]

## The Dutch legal framework

The Dutch government-in-exile in London set up what was to become the post-war legal framework, one that comprised three key decrees.[22]

- The Decree on Extraordinary Criminal Law of 22 December 1943 addressed serious, active collaboration. The 1943 Decree added to the relevant provisions of the existing Dutch Criminal Code the crimes of 'collaboration with the enemy' and 'betrayal' that called for a penalty of five years' imprisonment, maximum. If a victim had died as a result, then the maximum penalty was life imprisonment or death. In 1947, Dutch courts were given the power to try those who were not Dutch for war crimes and crimes against humanity. Dutch law was brought into line with international law in order to try German citizens for war crimes.
- The 1944 Decree on Purging the Administration created a disciplinary regime for civil servants and government employees who had 'demonstrated a treasonable attitude or could not be relied upon to faithfully co-operate in rebuilding the country'. Sanctions were suspension of salary or dishonourable discharge (which included loss of salary and, in some cases, pension rights).

19 T. Frydel, *Transitional Justice and the Holocaust in Poland*, "East European Holocaust Studies" 2003, 1, pp. 271–285, at p. 275.

20 NIOD 461, Proces Menten, inv. no. 10, document 'Proces-Verbaal van Getuigenverhoor', *op. cit*.

21 See N. Cieślińska-Lobkowicz, *Predator*, *op. cit*., p. 113, fn. 4. Translations of Sierzputowski's reporting for the Polish media are found in National Archives of the Netherlands [Inventaris van het archief van de Nederlandse diplomatieke vertegenwoordiging in Polen, (1946) 1975–2013, (1946) 1975–2013], catalogue reference 2.05.387, inventory reference 200, including a translation of his article for the Polish broadsheet *Życie Warszawy* (Warsaw Life), *Menten's Trial: Criminal's Connections with Schoengarth*, no date.

22 C. Brants, *Complicated Legacies of Justice: the Netherlands and World War II*, "Journal of International Criminal Justice" 2015, 13, pp. 763–781.

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- The 1944 Decree on Tribunals concerned all Dutch citizens 'who, during the course of hostilities or of the occupation of the Kingdom of the Netherlands, have behaved in a way that is abhorrent to every good patriot'. This could range from assisting the enemy to displaying a 'national socialist attitude'. One of three penalties could be imposed: 10 years' internment, the withdrawal of civil rights, or the confiscation of property.

These decrees targeted three main groups presumed to be guilty of collaboration – namely, Dutch fascists, ordinary citizens, and civil servants.[23] The Dutch fascist party went by the name of the National Socialist Movement (*Nationaal Socialistische Bewiging*, or NSB).[24] Government employees and other professionals could be subject to all three forms of justice.[25] These three statutes were reactive pieces of legislation to a phenomenon that was controversial and on which there was very little consensus domestically and in other countries regarding matters of wartime occupation.[26]

The jurisdiction for these crimes was given to special courts. Commentators assert that this phase of court rulings was shaped by the country's 'underdog' or weak position, itself due to German occupation.[27] These courts were set up in the cities of Amsterdam, Arnhem, 's-Hertogenbosch, the Hague, and Leeuwarden. A Special Council of Cassation was created, which comprised five members, one or two of whom were military with the remaining members being lawyers. The legal basis for detention of suspected or arrested individuals was the 1944 *Algemene Lastgeving Chef-Staf van het Militair Gezag* (General Mandate of the Chief of Staff General Authority).[28] Then, in the summer of 1945, the Justice Ministry took over all such matters, including prosecution. The 1945 Decree on Political Delinquents (amended several times) defined who should be arrested, remain in custody, or be conditionally released. Outside the scope of this discussion, it is worth noting that the Dutch special courts were quickly overwhelmed. It was apparent immediately

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23 P. Romijn, *Streng en rechtvaardig. Politiek beleid in zake de bestraffing en reclassering van 'foute' Nederlander 1945 1955* (Strict and Fair: Political Policy Regarding the Punishment and Rehabilitation of the 'Wrong' Dutch People, 1945–1955), De Haan 1989.

24 *Ibidem*, p. 20; A.D. Belinfante, *In plaats van bijltjesdag…*, pp. 60–73.

25 C. Brants, *op. cit*., pp. 767.

26 P. Romijn, E. Schumacher, *Transitional Justice in the Netherlands after World War II* [in:] *Transitional Justice and Memory in Europe (1945-2013)*, ed. N. Wouters, Intersentia, 2014, pp. 133 –171, at pp. 136–141. Others argue that there were too few untainted individuals who could ensure the trustworthiness of the new legal framework, see *ibidem*, p. 764.

27 The author refers to the views of the Dutch jurist Bert Röling, see L. van den Herik, *The Dutch Engagement with the Project of International Criminal Justice*, "Netherlands International Law Review" 2012, 55, pp. 303–322, at p. 304, fn. 2.

28 P. Romijn, E. Schumacher, *op. cit.,* pp. 138–139.

after the war just how many people were implicated as collaborators. The setting--up of a legal bureaucracy of untainted legal persons took too much time, as a result both of the general disruption of society, as well as of the 100,000 plus cases resulting in imprisonment.[29] Another view contends that the system was plainly under threat of collapse: the decision was therefore taken to release 'political delinquents', the purging of the civil service was slowed down and sanctions were changed.[30] By the time the Menten extradition request was made by Poland, in 1950, special courts were no longer operating. They had been wound down in 1948. A special jurisdiction section was created within the ordinary court system to hear these cases. In other words, a section was created within the ordinary courts themselves.

Menten entered this legal framework of extraordinary justice (*bijzondere rechtspleging*) in its original form when the Dutch Political Investigation Service started to investigate his activities more closely following the end of the war. The charges drawn up were collaboration and membership in foreign military service in Poland. Menten was arrested by the Dutch Home Forces in 1946. He was then released owing to there being no sufficient grounds to hold him.[31] In January 1949, the Special Court of Justice in Amsterdam that had criminal jurisdiction over collaboration heard the cases against Menten. But at that date, the matter of the atrocities he was implicated in was not raised, nor was his involvement in foreign military service. Menten was sentenced to one year in prison 'with deduction'. Menten could rely on the support of the conservative media, who felt themselves victimised by the post-war purges. These media, in particular the daily *De Telegraaf* and the weekly *Elseviers Weekblad,* launched a powerful critique of the extraordinary justice, as it operated in the country, and it successfully portrayed Menten as a victim of a flawed system of extraordinary justice.[32]

After Menten's sentence had been reduced to eight months – 'with deduction' because he had served his sentence in detention – the Dutch authorities received incriminating materials on Menten from Poland and Israel. These materials, conveyed to Poland in the early 1950s, would form the basis of the Polish extradition request, and were the result of several years' investigation into massacres (also in Urycz)

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29 C. Brants, *op. cit*., pp. 768.

30 *Ibidem*, pp. 768–769. A.D. Belinfante, *op. cit*., pp. 76. P. Romijn, E. Schumacher, *op. cit.,* pp. 133–134.

31 It was revealed that during his detention his house was burgled. Menten fought for compensation for this burglary, which he successfully won, in 1953.

32 This was led by the Dutch journalist Hendrik Arie Lunshof, who worked for the conservative broadsheet *De Telegraaf* and promoted a staunchly conservative agenda (refusing to engage with Christian Democrat political parties, for example). Lunshof would follow the 'Menten Affair' throughout his career and Menten could rely on him for unwavering support. Lunshof saw the special jurisdiction courts as an unprecedented scandal. See National Archives of the, catalogue reference 2.04.125, inventory reference 40888, *op. cit*.

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and the looting of moveable property from the flat of a Polish professor (professor of urology, Tadeusz Ostrowski) in what was then the Polish city of Lviv, and from numerous Jewish antique shops in Kraków.[33] Several witnesses provided statements that on the night of Ostrowski's murder, Menten moved into his flat, taking control of his art collection. This claim was brought to the attention of the Dutch authorities at the time that the extradition request was made.[34] The US-based Simon Wiesenthal Center would become involved in the case after Menten himself announced an auction of part of his extensive art collection in the 1970s.[35] As noted above, the investigation started after Menten's 1949 trial in Amsterdam, the Polish prosecutors being at (what was then known as) the Chief Commission for the Prosecution of Crimes against the Polish Nation.[36] Initially, Menten was only seen as a collaborator: he had worked as an interpreter for the German occupying forces, had held a position within the German occupying administrative framework, and had been photographed wearing an SS uniform.[37] Throughout the Polish press reported on the sound legal basis on which Menten was to be prosecuted, including the use of witness testimonies.[38] Poland had considerable success in staging national war crimes trials and in gathering evidence, which was no small feat. When the request for Menten's extradition came through, one of the first questions the Dutch asked was whether he had retained his Dutch nationality. At first glance, this seemed to be key but there was a more pressing matter, one that formed an important part of the court's assessment of the extradition: how to apply treaties.

## The Dutch legal response

It is worth recalling the Dutch refusal to extradite the German Emperor Kaiser Wilhelm II in 1918.[39] In hindsight, historians see this move as demonstrating Dutch

33 N. Cieślińska-Lobkowicz, *op. cit*., p. 135.

34 R. O'Neil, *op. cit.,* p. 206. O'Neil reports that in the interview he had with F. P. Th. Röhling (not to be confused with Bert Röhling), the examining magistrate of the Special Court of Amsterdam, whom Menten accused of committing perjury and falsifying evidence, Röhling recalls hearing Ostrowski's stepdaughter, Jadwina Roswadovska, testify that she saw Menten's nameplate on the door of her dead stepfather's house. R. O'Neil, *op. cit.,* p. 207.

35 *How a notorious Nazi war criminal was banned from his picturesque Waterford hideaway*, "Lootedart. com", 2 January 2016. Available from: https://www.lootedart.com/news.php?r=RMITM250768

36 The Chief Prosecutor who took over the Chief Commission for the Prosecution of Crimes Against the Polish Nation in the 1960s, Czesław Pilichowski, took particular interest in the case. Telephone interview with Hans Knoop on 23 September 2023.

37 N. Cieślińska-Lobkowicz, *op. cit*., p. 121.

38 For example, see Glass, *op. cit.*

39 See A. Barzani, *A review of William A. Schabas, The Trial of the Kaiser*, "Lawfare", 30 July 2019. Available from: https://www.lawfaremedia.org/article/trying-and-failing-put-kaiser-wilhelm-ii-trial

recalcitrance and a readiness to obstruct international criminal justice, then supposed to be in violation of domestic morality and the sanctity of treaties.[40] The refusal to extradite the Emperor was motivated by the Dutch constitution, or rather by what was not in the constitution as regards extradition and by the lack of an agreement in place. Importantly, the Netherlands was not a party to the Treaty of Versailles. At the same time, it is abundantly clear that the decision to allow Wilhelm II to enter the country and subsequently stay was politically motivated. In fact, the legal team of experts in international law advised the government to extradite Wilhelm II for crimes of war that fell outside the political crimes exemption.[41] They even suggested setting up a special international court to hear the case. The government opted instead to treat the Kaiser like a guest and allowed him to remain in the country.

When the Polish request was made, this time after another war, it was the District Court in Haarlem that advised the Minister of Justice on the extradition request. It was 1951 and extradition was still a vague concept. But the issue of prosecuting war crimes was being formulated as a priority for Allied Powers at that time. For example, in the 1941 St James Declaration,[42] there were three key resolutions: allegiance between Allied Powers against the Axis Powers; no peace until the threat posed by the Axis Powers was defeated; and the undertaking on the part of the Allied Powers to maintain peace and economic and social security. The commitment to these three resolutions meant that war crimes committed by the Axis Powers should not go unpunished. Recalling the 1807 Hague Convention, paragraphs 3 and 4 of the 1941 Declaration appear to be relevant:

> (3) place among the principal war aims the punishment, through the channel of organised justice, of those guilty of or responsible for these crimes, whether they have ordered them, perpetrated them or participated in them,
> (4) resolve to see to it in a spirit of international solidarity that (a) those guilty or responsible, whatever their nationality, are sought out, handed over to justice and judged, (b) that the sentences pronounced are carried out.[43]

The District Court set out to provide clarification on four grounds: whether relevant domestic law provisions found in the Law from 6 April 1865 concerning Dutch

40 See L. van den Herik, *op. cit.*, p. 304.

41 W.A. Schabas, *The Trial of the Kaiser*, Oxford 2018, pp. 68–79.

42 St James Declaration at https://www.jewishvirtuallibrary.org/the-declaration-of-st-james-s-palace-on-punishment-for-war-crimes#google_vignette

43 *Ibidem*.

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nationality were applicable to Menten;[44] the grounds on which the extradition request was made; the possibility of extradition on the grounds of a concluded treaty; and the possibility of extradition on the grounds of international law.[45]

With respect to paragraph 1, the District Court discussed how these provisions applied to non-nationals. Given that the question of whether Menten had relinquished his citizenship was not proven, the Court did not find this applicable to him. The Court referred to these grounds to note the testimony of Menten's defence lawyer Coebergh, mentioned above, who also had argued as much in an earlier report filed with the Special Court in Amsterdam.[46] The aspect of nationality is important when considering in what capacity the individual was acting. In fact, if it was found that Menten had relinquished his nationality and was actually German, the question then arose as to whether Dutch courts had jurisdiction over his case; the 1947 Ludwig Heinemann trial before the Dutch Special Court held that the Netherlands had no legal basis in the 1945 London Agreement to convict Germans.[47]

In relation to paragraph 2, the Court recalled Menten's arrest in 1949 in order to challenge the charge of murder listed in the extradition request. In light of the witness testimony, the Court held that the more appropriate charge was incitement to murder. It went on to assert a connection between these crimes and the overall objectives of the 1941 St James Declaration. The District Court proceeded to paragraph 3, noting that an extradition treaty had never been concluded between the Netherlands and Poland.[48]

In paragraph 4, the Court returned to the key passages of the St James Declaration, namely the points concerning the pursuit of justice in its clauses 3 and 4. It proceeded to ask if this should be regarded as a treaty. In its deliberations it looked at two positions, the first of these being the supposition that ratification was not a requirement given that the Dutch government-in-London exercised powers of the legislative power under state emergency law. To support this position, the District Court cited the position of the Special Court of Cassation from a 1949 case.[49] The other position it set out focused on the ratification process itself, and

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44 The matter of Menten's nationality arose time and time again in the courtroom. When he was captured in Switzerland, in 1976, he argued that he had relinquished his Polish naturalisation without ever regaining his Dutch citizenship. This circumstance, Menten claimed, rendered him stateless, which meant that he could not be tried in the Netherlands. R. O'Neil, *Jewish Genocide in Galicia*, p. 227.

45 Document Arrondissements-Rechtbank te Haarlem, NIOD 461, Proces Menten, inv. no. 10, *op. cit.*, pp. 97–98.

46 *Ibidem*, p. 97.

47 *S.D.-beul Heinemann ter dood verordeeld* (S-D Executioner Heinemann Sentenced to Death), "De Waarheid" (The Truth), 12 December 1946. Available from: https://www.delpher.nl/nl/kranten/view?coll=ddd&identifier=ddd:010852008:mpeg21:a0008

48 Document Arrondissements-Rechtbank te Haarlem, NIOD 461, Proces Menten, inv. no. 10, *op. cit.*, p. 98.

49 27 June 1949, NJ, 1949, no. 548, as cited in *ibidem*, p. 99.

how it could take years for this to be completed. In this respect the District Court held that the agreement concluded in London in 1941 could no longer provide a basis for treaties. It went on to argue that if the Declaration was to be regarded as a binding treaty, then Menten's nationality was irrelevant and the extradition request could not be rejected on legal grounds. Here, however, the District Court found that an unratified treaty could not take precedence over constitutional law, namely Article 4 of the Dutch Constitution concerning the movement of Dutch citizens. The District Court observed that ratification was possible for a considerable period of time.[50] This constitutional provision precluded the extradition of Dutch nationals. The District Court also made a point of stating that its view was different to that of the Special Court in Amsterdam, presumably with respect to the way that Menten's nationality was considered.[51] The District Court's advice to the Minister of Justice was to reject the extradition request made by Poland.[52] The Dutch authorities followed the advice of the court, refusing to extradite Menten, one of the main reasons being that Menten was a Dutch national.[53] The Netherlands did not always take this view of extradition requests and the authorities there knew only too well the pain of having requests denied, such as that relating to Klaas Faber, who was sentenced to death in 1947 for the deaths of 22 Jews in Westerbroek transit camp; his sentence was commuted and he fled to Germany, which refused to extradite him on the grounds that Faber was now a German.[54] Yet, the country maintained its position in a manner consistent with the past, when it had itself been the recipient of such a request. A few years after the Polish request Israel made its own request to extradite Menten, which the Dutch turned down.[55] The Israeli request was made after Menten's 1948 conviction before the Special Court. An appeal for witnesses to the massacres at Podhorodce and Urycz was made in Israel. Importantly, around that time, that is to say in late 1952 or early 1953, a trove of correspondence was discovered by the Poles in the basement of a building in Kraków that up until May 1940 had been the Dutch consulate. These 'basement files' were sent to the Dutch Ministry of Foreign Affairs in 1954 and used as evidence in the case against Menten

50 Document Arrondissements-Rechtbank te Haarlem, NIOD 461, Proces Menten, inv. no. 10, *op. cit*., pp. 99–100.

51 *Prosecutor* v *Menten* 75 *ILR* (1987), pp. 331-368, at pp. 349-351.

52 Document Arrondissements-Rechtbank te Haarlem, NIOD 461, Proces Menten, inv. no. 10, *op. cit.,* p. 100.

53 National Archives of the Netherlands [Inventaris van het archief van de Nederlandse diplomatieke vertegenwoordiging in Polen, (1946) 1975-2013, (1946) 1975-2013], catalogue reference 2.05.387, inventory reference 201 (confidential letter about possible extradition to Israel), p. 3 of the Ontvangen Codebericht (Received Code Message) in English.

54 *Nazi war Criminal Klaas Carl Faber Dies in Germany*, "BBC News", 26 May 2012, https://www.bbc.co.uk/news/world-europe-18219795 .

55 M. MacPherson, *The Last Victim. One Man's Search for Pieter Menten, His Family's Friend and Executioner*, Weidenfeld and Nicolson, 1984, p. 164.

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in 1977:[56] the presence and involvement of the Dutch Ministry of Foreign Affairs throughout this case is worth noting.

## Analysis

During the time of the Polish extradition request, the coming into effect (or otherwise) of international law was determined by constitutional law and case law. Legal responses to declarations were debated. The promise on the part of a state to act in a certain way, a promise requiring some form of acceptance, is outdated now, but it was not so then.[57] This now outdated lens was the main theme in the District Court's consideration of paragraphs 3 and 4. There were no settled rules on the legal coming into effect of unilateral declarations. It is now a common practice that a state must clearly demonstrate the intention to accept obligations vis-à-vis certain other states. In extradition, however, the state response has differed depending on whether it is making the request or receiving a request. In the latter circumstance, the state is not always prepared to cooperate, and in fact states have on occasion reacted rather defensively, making it an issue of sovereignty at the expense of the crime in play.[58]

Poland was trying war criminals; as noted above, the Supreme National Tribunal heard seven high-profile cases that were attended by an international audience, including members of the Nuremberg legal teams, which praised its application of law in far-reaching ways.[59] This of course could have been precisely what Menten's legal team feared, and the defence lawyer certainly exploited the Dutch courts' inward-looking disposition. On matters of extradition legal thinking would advance subsequently, a point returned to below. But at this time, the approach taken also masks what most likely occurred behind the scenes, confirming what has been identified by other writers on extradition during this period.[60] The position demonstrates what the courts prioritised as a guiding principle – that of pragmatism. Courts were only interested in the internal, domestic aspects of a case when seeking to convict. So evidence was inward – rather than outward-reaching. No one was

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56 N. Cieślińska-Lobkowicz, *op. cit*., p. 136.

57 Lawyers Responding to Climate Change (LRI), *Treaties, COP Decisions and Unilateral Decisions*, https://legalresponse.org/legaladvice/treaties-cop-decisions-and-unilateral-declarations/

58 *Ibidem*.

59 G.N. Finder, A.V. Prusin, *Justice Behind the Iron Curtain: Nazis on Trial in Communist Poland*, University of Toronto Press, 2018.

60 P. del Hierro, L. Lixinski, *Writing a Transnational (Global) History of Extradition Law in the Short Twentieth Century*, pp. 1–38.

keen to look outside the Netherlands, let alone outside Eastern Europe. These factors together resulted in Poland's extradition request being rejected. It was only later that the poor record on extradition forced a move to draft the 1957 Convention;[61] the legal thinking in this sphere advances at an extremely slow pace, rendered yet slower by diplomatic complications.

As for the Dutch authorities, they were conscious at the time of possible extraditions not only to Poland, but also to Russia. The Cold War was a live matter for the Netherlands.[62] In fact, fear and trepidation underpinned the Dutch view of the East, motivated by the Cold War context and discourse. Dutch political culture was deeply anti-Communist. Likewise, the Dutch authorities did not know if the question of citizenship would be resolved. Furthermore, the evidence from the archives suggests that the Dutch Ministry of Justice would not have wished to be drawn into what would assuredly be a drawn-out process.[63] The Dutch Minister of Foreign Affairs agreed. In their correspondence with the Polish authorities these same ministers chose to adopt a cordial tone even though the decision about extradition had already been decided.[64]

Much later, in 1976, when Menten had been captured after absconding to Switzerland, a report was commissioned by the Dutch government to investigate the complete course of justice in the Menten case. Ironically, the Swiss found a basis in a 1965 law to return Menten to the Netherlands, on the basis that his presence in the country posed a security risk. The Netherlands, for its part, promised not to send him to a third country for trial.[65] The political mood, as well as the wider societal response in the 1970s, was now different. In fact, there was a public outcry in the mid-1970s about how a Dutch collaborator and war criminal could have

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61 *Ibidem*.

62 R. Verhofstad, *The Netherlands During the Cold War: An Ambivalent Friendship and a Firm Enmity*, "Voegelin View", 4 September 2019, at https://voegelinview.com/the-netherlands-during-the-cold-war-an-ambivalent-friendship-and-a-firm-enmity/ ; this piece is also [in:] *Comparative Perspectives on the Cold* War, ed. L. Trepanier, S. Domaradzki, and J. Stanke, Andrzej Frycz Modrzewski Krakow University Press, 2010, pp. 11–22.

63 Hans Knoop was the Dutch journalist leading on the reporting of the story. Knoop would have some contact with the Polish prosecutor Czesław Pilichowski, Chief Commission for the Prosecution of Crimes Against the Polish Nation, mentioned above. Telephone interview with Hans Knoop on 23 September 2023. Hans Knoop wrote about the "Menten Affair" in: *De Zaak Menten* (The Menten Affair), HJW Becht, 1977 and its depiction in the Netflix series 'The Body Collector' (2016). Also *Ex-nazi Who Fled to Switzerland is Returned to Holland and Detained Pending Trial Due to Start in March*, "The Jewish Telegraphic Agency", 24 December 1976, at https://www.jta.org/archive/ex-nazi-who-fled-to-switzerland-is-returned-to-holland-and-detained-pending-trial-due-to-start-in-ma .

64 National Archives of the Netherlands [Inventaris van het archief van de Nederlandse diplomatieke vertegenwoordiging in Polen, (1946) 1975-2013, (1946) 1975-2013], catalogue reference 2.05.387, inventory reference 201.

65 *Ex-nazi Who Fled to Switzerland is Returned to Holland and Detained Pending Trial Due to Start in March*, *op. cit.*

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been living in the Netherlands unremarked and unpunished.[66] This resulted in a parliamentary debate and the decision to set up a commission comprised of two historians and a legal scholar.[67]

The 1977 Menten Commission Report consists of two volumes and is illuminating. It has this to offer as regards Menten's extraction in 1950. First of all, suspicions about the non-existent rule of law in Communist Poland were systematically and strategically expressed by Menten's defence lawyers, who dismissed the testimonies of Polish witnesses as 'fabrications'.[68] One can well imagine that by dint of repetition their concerns would have been listened to by the relevant figures in government and in court. While this might not be expressly indicated by the Haarlem District Court ruling, the perception of Communist Poland lacking any form of rule of law was a motivating factor, albeit hidden. Second, the Polish request for extradition was, according to the authors of the report, founded on insufficient investigations, and submitted prematurely.[69] Third, the procedures following the Polish request confronted the Dutch legal system and the relevant political decision – makers with a mixture of constitutional, criminal, and international law. All these legal factors complicated their considerations and decision making, as illustrated in the District Court ruling.[70] Fourth, the Menten Commission refers to the growing disillusionment, leading in time to outright aversion, among Dutch legal and political authorities with the whole body of Special Jurisdiction ("The Hangover of Liberation"). They speak, without quoting sources, about 'an unspoken understanding' that in any case Menten would not be extradited on the request of such a regime.[71] Be this as it may, the Minister of Justice, the Minister of Foreign Affairs, and the relevant judges were plainly committed to delivering careful considerations for rejecting the request, while also seeking to display 'a certain degree of politeness' towards Poland.[72] Menten's defence lawyers were even allowed to be involved in the preparations of the text of the rejection.[73] The then Minister of Justice Teun Struyken sent a confidential memo from the Court of Justice to Menten's lawyer at that time,

66 F. Groeneveld, *Ex-NSB'er: Nederlanders komt uit je ivoren toren* (Former NSB member: Dutch, Get Out of Your Ivory Towers), "NRC Handelsblad", 28 April 1979.

67 *New Report on Menten to Be Released After Quashed Conviction*, "The Jewish Telegraphic Agency", 7 June 1978. Available from: https://www.jta.org/archive/new-report-on-menten-to-be-released-in-wake-of-quashed-conviction

68 *The Menten Commission Report*, Vol. 1, 1977, NIOD 461, Proces Menten, inv. no. 10, *op. cit*., p. 334.

69 *Ibidem*, p. 336.

70 *Ibidem*, pp. 336–337.

71 *Ibidem*, p. 346.

72 *Ibidem*.

73 *Ibidem*, p. 373.

L.G. Kortenhorst.[74] Kortenhorst was himself a prominent member of the Catholic People's Party (*Katholieke Volkspartij*) and Chair of the Second Chamber, for which Struycken was serving as Minister of Justice. The political entanglements and loyalties are obvious, thus making the reach of the Ministry of Foreign Affairs possible in this case. One of the Menten Commission's members thus notes in his personal papers that 'if Menten turns out not to be Dutch, it seems doubtful whether the Justice Department will be subject to a drawn-out process in this country.'[75] Alongside this were the reports out of Ireland, where the government had barred Menten from entering the country to reside at his property, Comeragh House in County Waterford; Ireland did not want Menten in the country should extradition requests come to them from Poland or Russia.[76] The Polish press, 'smelling a rat', followed the case closely and was critical of the Dutch legal responses. In turn, throughout this protracted saga, Dutch intelligence archives also note how the Polish Ambassador to the Netherlands, Fratczak, 'closely follows the trial against Menten accused of war crimes'.[77]

Finally – and critically, one of the allegations levelled by Menten's defence team was the assertion that he would not receive a fair trial in Poland. Confirmation of this can be found in the Commission's report. On the one hand, the inward-looking approach to considering extradition requests might support the view that the Court was simply not aware of the fact that Poland had been the venue for seven high profile national war crimes trials that were observed internationally. Or the Court deliberately ignored this fact. On the other hand, if the Dutch authorities felt defensive over an issue that to their mind threatened their sovereignty, as a recipient of an extradition request, then an argument of this sort offered a way out. Ironically, the Menten case has contributed to the jurisprudence of international criminal tribunals – not on questions of extradition, but rather on those pertaining to crimes against humanity.[78] Ultimately, the decision was located in the context

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74 *Ibidem*.

75 *De Beschuldigen van massamoord tegen P.N. Menten in Nederland 1945-1955, derde interim-rapport von de Commissie van Onderzoek inzake Menten* (The Accusations of the Mass Murder Against P.N. Menten 1945–1955, "Third Interim Report of the Commission of the Inquiry into the 'Menten Affair'", pp. 85–86.

76 This was 1980. National Archives of the Netherlands [Inventaris van het archief van de Nederlandse diplomatieke vertegenwoordiging in Polen, (1946) 1975-2013, (1946) 1975-2013], catalogue reference 2.05.387, inventory reference 201 (confidential letter about possible extradition to Russia). See also the Irish press reporting in: *How a Notorious Nazi War Criminal Was Banned from His Picturesque Waterford Hideaway*.

77 National Archives of the Netherlands [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties Binnenlandse Veiligheidsdienst Persoonsdossiers 1946-1998, Personal Files Dutch Security Services 1945-1998, BND, CVD and BVD], catalogue reference 2.04.125, inventory reference 40889 (page marked Confidential, PD 4643, ACD 1.494.621).

78 L. van den Herik, *op. cit.,* p. 311, fn 39, which notes 'Supreme Court of the Netherlands, 13 January 1981, reprinted in 75 *ILR* (1987) pp. 331–368, pp. 362–363.

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of the Cold War and legal arguments provided a basis on which to reject the extradition request. Extradition was simply out of the question.

While it may seem peculiar, the Dutch decision is seemingly consistent with the treatment accorded the German Emperor Kaiser Wilhelm II. Yet, as Schabas highlights, a team of Dutch lawyers drew on the 1904 treaty with Germany (*Vestigingsverdrag*) for the basis on which he was allowed to stay in the country as a private individual. They saw the Netherlands as having no legal obligations under international law, their country being neutral and the Kaiser a private citizen.[79] The legal experts also presented the other option, to extradite the Kaiser on the basis that he was the military commander during the war. The Netherlands chose for the first option and it was not in fact challenged by the British or French, or if so, feebly. The Dutch famously refused to comply with this extradition request. Their decision was motivated and supported by the constitution (or as it happens by what was not in the constitution) and by case law. The rejection of the 1950 Polish request also was, at its core, politically motivated and further illustrated the Dutch reluctance to fulfil the aims of international criminal justice. Of course, the Netherlands was not alone and its stance was consistent with other states' conduct on extradition questions.[80] The courts used legal arguments to make a decision that was ultimately motivated by political considerations. The political motivations were driven by Dutch politics, pragmatism, and the Cold War. In light of these key questions and vital contexts, the Menten case serves to confirm the importance of studying extradition within its peculiar time frame if we are to gauge just how far states have or have not come to satisfy aims of accountability and justice set out in post-WW2 declarations. The meeting of law and history brings with it a fresh lens with which to unmask hidden elements within the legal problems of the day.[81] In this 1950 extradition case, the intertwining of constitutional, criminal, and international law provided a way for the political decision to prevail. Extradition, because it is an interplay between law and politics, was – and continues to be – at odds with this international criminal justice discourse.

## References

Barzani A., *A review of William A. Schabas, The Trial of the Kaiser*, "Lawfare", 30 July 2019. Available from: https://www.lawfaremedia.org/article/trying-and-failing-put-kaiser-wilhelm-ii-trial.

79 W.A. Schabas, *The Trial of the Kaiser*, p. 76.

80 P. del Hierro, L. Lixinski, *op. cit*., pp. 1–38.

81 *Ibidem*, p. 30.

Belinfante A.D., *In plaats van bijltjesdag. De geschiedenis van de bijzondere rechtspleging na de Tweede Wereldoorlog* (Instead of a Hatchet Day: The History of Special Justice after the Second World War), Van Gorcum, 1978.

Blom J.C.H., *Historische en strafrechttelijke "ordening van de chaos"'* (Historical and Criminal Law 'Ordering of Chaos'), [in:] M. Spiering, M. van Montfrans, J.Th. Leerson, W.T. Eijsbouts (eds.), *De Weerspanningheid van de Feiten* (The Resilience of the Facts), Verloren 2000, pp. 23–32.

Brants C., *Complicated Legacies of Justice: the Netherlands and World War II*, "Journal of International Criminal Justice" 2015, 13, pp. 763–781. doi: 10.1093/jicj/mqv050.

Cieślińska-Lobkowicz N., *Predator: The Looting Activity of Pieter Nicolaas Menten (1899–1987)*, "Holocaust Studies and Materials" 2017, 4, pp. 112–147. doi: 10.32927/zzsim.712.

Del Hierro P., *The End of the Affair: The International Dispute over the Deportation of Degrelle from Spain to Belgium, 1945–1946*, "The International History Review" 2021, 43(4), pp. 761–780. doi: 10.1080/07075332.2020.1845777.

Del Hierro P., Lixinski L., *Writing a Transnational (Global) History of Extradition Law in the Short Twentieth Century: Beyond Western-Centric Approaches,* "Journal of the History of International Law", 2023, 25(2), pp. 1–38.

*Ex-nazi Who Fled to Switzerland is Returned to Holland and Detained Pending Trial Due to Start in March*, *"The Jewish Telegraphic Agency"*, 24 December 1976. Available from: https://www.jta.org/archive/ex-nazi-who-fled-to-switzerland-is-returned-to-holland-and-detained-pending-trial-due-to-start-in-ma.

Finder G.N., Prusin A.V., *Justice Behind the Iron Curtain: Nazis on Trial in Communist Poland*, University of Toronto Press, 2018. doi: 10.3138/9781442625372.

Frydel T., *Transitional Justice and the Holocaust in Poland*, "East European Holocaust Studies" 2003, 1, pp. 271–285. doi: 10.1515/eehs-2023-0035.

*How a notorious Nazi war criminal was banned from his picturesque Waterford hideaway*, "Lootedart.com", 2 January 2016. Available from: https://www.lootedart.com/news.php?r=RMITM250768.

Knoop H., *De Zaak Menten* (The Menten Affair), HJW Becht, 1977.

Lawyers Responding to Climate Change (LRI), 'Treaties, COP Decisions and Unilateral Decisions'. Available from: https://legalresponse.org/legaladvice/treaties-cop-decisions-and-unilateral-declarations/.

Lo Giacco L., *Giving Meaning to the Past: Historical and Legal Modes of Thinking*, "Jus Gentium: Journal of International Legal History" 2024, 9, pp. 371–400.

MacPherson M.C., *The Blood of His Servants*, Time Books, 1984.

MacPferson M.C., *The Last Victim: One Man's Search for Pieter Menten, His Family's Friend and Executioner*, Weidenfeld and Nicolson, 1984.

*Nazi war Criminal Klaas Carl Faber Dies in Germany*, "BBC News", 26 May 2012. Available from: https://www.bbc.co.uk/news/world-europe-18219795

*New Report on Menten to Be Released After Quashed Conviction*, "The Jewish Telegraphic Agency", 7 June 1978. Available from: https://www.jta.org/archive/new-report-on-menten-to-be-released-in-wake-of-quashed-conviction.

O'Neil R., *Jewish Genocide in* Galicia, 2d ed, Lulu, 2016.

O'Neil R., *The Rabka Four: A Warning from History*, Spiderwize, 2011.

Romijn P., *Streng en rechtvaardig. Politiek beleid in zake de bestraffing en reclassering van 'foute' Nederlander 1945 1955*, De Haan, 1989.

Romijn P., Schumacher E., *Transitional Justice in the Netherlands after World War II*, [in:] N. Wouters (ed.), *Transitional Justice and Memory in Europe (1945-2013)*, Intersentia 2014, pp. 133–171. doi: 10.1017/9781780684888.005.

Schabas W.A., *The Trial of the Kaiser*, Oxford 2018.

Schubert G. (ed.), *Judicial Decision-Making*, The Free Press of Glencoe, 1963.

Schubert, G., Danielski, D.J., *Comparative Judicial Behaviour: Cross-Cultural Studies in Political Decision-making in the East and* West, Oxford University Press 1969.

*S.D.-beul Heinemann ter dood verordeeld* (S-D Executioner Heinemann Sentenced to Death), "De Waarheid" (The Truth), 12 December 1946.

Verhofstad R., *The Netherlands During the Cold War: An Ambivalent Friendship and a Firm Enmity*, "Voegelin View", 4 September 2019, L. Trepanier, S. Domaradzki, and J. Stanke (eds.), *Comparative Perspectives on the Cold War*, Andrzej Frycz Modrzewski Krakow University Press, 2010, pp. 11–22.

Van den Herik L., *The Dutch Engagement with the Project of International Criminal Justice*, "Netherlands International Law Review" 2012, 55, pp. 303–322. doi: 10.1017/S0165070X10200086.

Van Zyl Smit, D., *Human Rights Standards as a Bar to Extradition from the European Union to the United Kingdom*, "European Journal of Crime, Criminal Law and Criminal Justice" 2024, 32(1), pp. 15–31. doi: 10.1163/15718174-bja10050.

## Archival materials

*De Beschuldigen van massamoord tegen P.N. Menten in Nederland 1945-1955, derde interim-rapport von de Commissie van Onderzoek inzake Menten* (The Accusations of the Mass Murder Against P.N. Menten 1945–1955, Third Interim Report of the Commission of the Inquiry into the 'Menten Affair'.

Glass A., *Za kulisamy "brudnej fortuny" afery Menten* (Behind the Scenes of the Menten Affair's Dirty Fortune), *"Życie Warszawy"* (Warsaw Life), 9 October 1979, in National Archives of the Netherlands [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties Binnenlandse Veiligheidsdienst Persoonsdossiers 1946-1998, Personal Files Dutch Security Services 1945-1998, BND, CVD and BVD], catalogue reference 2.04.125, inventory reference 40888.

NIOD 461, Proces Menten, inv. no. 10.

National Archives of the Netherlands [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties Binnenlandse Veiligheidsdienst Persoonsdossiers 1946-1998, Personal

Files Dutch Security Services 1945–1998, BND, CVD and BVD], catalogue reference 2.04.125, inventory reference 40888.
National Archives of the Netherlands [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties Binnenlandse Veiligheidsdienst Persoonsdossiers 1946–1998, Personal Files Dutch Security Services 1945–1998, BND, CVD and BVD], catalogue reference 2.04.125, inventory reference 40889.
National Archives of the Netherlands [Inventaris van het archief van de Nederlandse diplomatieke vertegenwoordiging in Polen, (1946) 1975–2013, (1946) 1975–2013], catalogue reference 2.05.387, inventory reference 200.
National Archives of the Netherlands [Inventaris van het archief van de Nederlandse diplomatieke vertegenwoordiging in Polen, (1946) 1975–2013, (1946) 1975–2013], catalogue reference 2.05.387, inventory reference 201.

## Declarations

St James Declaration at https://www.jewishvirtuallibrary.org/the-declaration-of-st-james-s-palace-on-punishment-for-war-crimes#google_vignette.

## Film

The Body Collector (Netflix, 2016).

## Interviews

Hans Knoop, telephone, 23 September 2023.

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