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MICC TRIALS

PRESENTED BY

***Flick is Found Guilty
The prosecution
charged Simon Bikindi***

**MICC PRESS TEAM
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by Anna Marie Puchstein

On Wednesday, 21.04.21, the Model International Criminal Court (MICC) found that Friedrich Flick, one of the richest German industrialists, was guilty, since he neglected his responsibilities as the factory owner by violating the human rights of the workers. Friedrich Flick (1883-1972), who saw both World Wars, experienced two falls in his career, but was both times promoted again, was accused of a massive use of forced labor or even slavery under bad conditions and besides, of expropriations towards Jewish companies. When Flick managed to create his own company "The Flick KG" out of another company in 1937,

he apparently used his affection towards National Socialism and the resulting crucial connections to make his company grow.

Back then his actions were not seen as wrong by publicity because of the ongoing Nazi regime, which represented an antidemocratic, racist ideology, the influenced education, and the anti-semitism and hate towards particular Jewish people.

During the trial, concerning Flick's case, the prosecution and defence argued whether Friedrich Flick is responsible for the terrible living and working conditions of his forced workers (particullary people from concentration camps and Eastern Europe)

by taking into consideration the circumstances and power of the Nazi regime.

Flick was born on 10th July 1883 and became a business graduate in 1906. Later, he became the general manager of the company "Charlottenhütte in Niedersachsen", making the company grow during the First World War and making it his property during the Waimar Republic.

The fact that Flick entered the party of the NSDAP, establishing connections to crucial people, offices and ministries, shows that Flick supported the National Socialism. Besides, the prosecution team also pointed out Flick became a member of the "Himmlers

circle of friends" by 1935 and supported the leaders of the SS, one of the most powerful organisations during the Nazi regime, financially.

Especially during the Second World War, he started using forced labor in his numerous companies, violating the human rights of the victims by leading them to complete exhaustion and sufferings. The prosecution also stated that of 120.000 employed people, 10.000 died because of not enough food or their brutal treatment.

According to the prosecution team, Flick failed to exercise control over his own companies and did not try to prevent crimes, such as cruel punishments, deaths or exploitation. That's why the prosecution takes Art.7 §1c) (systematic crimes against humanity, more specifically enslavement) and Art.28b) (the responsibility of commanders and other

superiors) of the Roman statue into consideration and claims for 10 years of imprisonment and a compensation of 5000 euros per worker.

On the other side, the defence points out that since Flick's company was run by SS-guards and German superiors, he as the owner did not have enough power, because he could have been punished, fired or killed, if he spoke up about the forced labor. Since Flick's factory produced materials for the war (weapons), his factory was controlled by the government and the Nazis.

It is, indeed, true that Flick was a powerful and rich industrialist, which is also the reason for the Nazis keeping him close, but if he spoke up against the terrifying conditions, his workers were forced to live in, the Nazis would have seen it as a

dangerous doubt and would have tried to immediately change his mind, forcing their ideology on him.

A witness pointed out that the workers were guarded by SS-guards and by German civilians all the time, who had to report every sign of weakness and exhaustion, so that the workers could be punished for that. That's why the defence also considered the possibility of Flick not even being aware of the crimes, because of not having enough power in his factories. As a result, Flick is not responsible for Art.7§1c), says the defence. Taking into consideration the circumstances and his limited influence, the MICC sentenced Flick to 5 years of imprisonment under the condition that he will pay 15.338, 40 euros to each victim and a forfeiture of 1.201.200.000 euros.





by Hania Zajączkowska, Alex Patyński

The prosecution charged Simon Bikindi with the following: aiding and abetting the genocide in Rwanda. The indictment stated that the song lyrics promoted Hutu solidarity, offered a particular perspective on the politics of Rwanda, and were a call for an attack on the enemy. They contained problematic messages, reminding the Hutu population of the past oppression by the Tutsi monarchy.

The Prosecution asked to find the accused Simon Bikindi guilty of aiding and abetting the genocide in Rwanda, and wanted to sentence him under Art. 77 (1) (a), (2) (b) to ten years of imprisonment and the forfeiture of all profits derived from the

broadcasting and selling of his songs through cassettes. Whereas the Defense, out and away claimed that even if the judges define the committed crime as a genocide, Simon Bikindi is still not responsible for it. In their opinion, he wanted to express his feelings and he didn't want to intend the problems between Hutu and Tutsi. They stated, that in the lyrics of his song there wasn't a part where he would command the systematic killing of Tutsi. Furthermore, the Defense mooted the witness testimony, where we can find out that the songs „did not raise or make any special kind of reaction”. The Defense distinctly asked the Honorable Judges that the accused Simon Bikindi

be found not guilty, and in case that the court finds him guilty, they asked for the sentence of no more than 3 years.

After the Prosecution and the Defense had presented their arguments, the Judges began to ask them the questions. The will of victory from both sides led to long statements and conversations. One of the Judges had to jump in and stop the declamations, which didn't add any contribution. He decided to do it in an unpredictable way, namely - with a smile on his face, he told the Prosecution and the Defense that „he doesn't want to spend the entire evening with one question”.

The very next day, the Judges announced the verdict according to which Mr. Simon Bikindi was sentenced to 10 years of imprisonment. They also ordered the forfeiture from the broadcasting and selling of his songs through cassettes. The reasons for the verdict were: he financially supported the radio that broadcasted the songs; he didn't use his copyright to stop the broadcast of the songs; the killers listened to the songs before the massacres; he initiated the massacre (art. 20,2). Therefore he isn't protected by his right to express his opinion and it is counted as an initiative of discrimination (but he's not guilty of writing his songs, since they were written before the genocide). The background of the case was related to the massacre of Tutsi origin by Hutu extremists (primarily Interahamwe and Impuzamugambi militias) in Rwanda, which lasted over approximately 100 days from April 6 to July 1994, with an estimated 800,000 to 1,071,000 people falling victim to it.

This genocide, distinguished by an unprecedented number of people murdered in such a short time, became arguably the greatest failure of the United Nations in its history. Despite all the data that could be collected before, the conflict broke out, and despite the current media coverage, with the genocide already underway, Western countries (in particular the US, France, Belgium, and the UK) did not intervene in any way to prevent it.

The genocide ended when the Tutsi-dominated Rwandan Patriotic Front (under Paul Kagame) overthrew the Hutu government and seized power. Nearly two million Hutus, fearing Tutsi retaliation, fled across the borders to Burundi, Tanzania, Uganda, and Zaire (now the Democratic Republic of the Congo). Memories of genocide and ethnic hatred spilled over into the Congo area, triggering the First and Second Congo Civil Wars. It also influenced the development of the civil war in Burundi.

At the beginning of the trial, the Judges characterized the profile of the accused. The defendant – Simon Bikindi was a Rwandan well-known composer and singer of popular music and a director of the performance group Irindiro Ballet. Furthermore, he was an official in the Ministry of Youth and Sports and a member of MRND („National Republican Movement for Democracy and Development“). His patriotic songs were top-rated and were commonly played on the national radio station Radio Rwanda during the war from October 1990 to July 1994 before the Rwandan Patriotic Front took power.

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by Britta Benites

Historical Background on the conflict in Yugoslavia

The former Socialist Federal Republic of Yugoslavia (1945-1991) was made up of six federal Republics: Serbia, Montenegro, Croatia, Slovenia, Bosnia-Herzegovina, and Macedonia. After Tito's death, the end of the Cold war, and the changing international situation the Yugoslavian State was pressured to reform. Due to debt-repayments and the bad political reputation the Yugoslavian state suffered from an economic crisis. This led to more and more republics declaring their independence, economically as well as politically.

For Bosnia-Herzegovina, the declaration of independence wasn't easy because the republic itself was ethnically not homogenous and none of the ethnicities constituted a majority. The majoring ethnics were the Bosnian Serbs (Orthodox Christians) the Bosnian Croats (catholic Christians) and the Bosniaks (mostly Muslim). One could not separate them into "ethnically clean" geographic areas.

In March 1992 The President of Bosnia-Herzegovina still declared independence. The politically insecure environment, the economic crisis as well as the tension between the three ethnicities that all represented different

religions lead to war.

The groups attacked each other and many people choose to move to different areas where other people of their ethnicity were staying ("ethnic cleansing").

Drazen Erdemovic, a Bosnian Croat, was 24 years old at that time. He had served in the Army of Bosnia first and then in the Bosnian Croat Army (HVO). He joined the Bosnian Serb Army 1994 as a Sergeant and served in detachment because it comprised soldiers of all nationalities (Croats, Slovenians and Muslims) whose task was to reconnaissance (intelligence gathering).

After another more nationalist commander was

put in charge of his unit, he was degraded to a simple/normal soldier , after not carrying out orders to kill civilian Muslims .

The Incident in Srebrenica

Srebrenica is a mining town, located in the East of Bosnia-Herzegovina and originally inhabited by Bosnian Muslims. The town was declared as a 'safe area ' by the Security Council in 1993 with over 600 Dutch Peacekeepers to protect it and oversee the demilitarization plan . As the Bosnian Serb Army started to take over larger surrounding areas , many Bosnian Muslims took refuge in Srebrenica.

In July 1995 the Bosnian Serb Army under General Ratko Mladic (with Support of Serb special Units) attacked Srebrenica, where they captured men and boys (around 12.500) and drove them to execution sites. A small Resistance of men marching towards Tuzla, a town held by a Bosnian Muslim government, was ambushed and fired with heavy artillery.

On the 11th of July, the Detachment of Drazen Erdemovic was ordered to go to Srebrenica, which was already empty at that time which Erdemovic wondered but wasn't told anything specific about.

After this event, he was ordered to go to Pilica where 500 other men were held in a school but he refused to

shoot, still heard the gunfire from nearby. After the incidents, Erdemovic went to a bar and got shot in the lungs by a former member of his military detachment.

After surviving he voluntarily took up contact with the court.

Trials

The Prosecution team for the case Drazen Erdemovic pleads for the accused found guilty. Drazen Erdemovic killed about 60-70 people, which is according to the law, clearly a crime. He followed his orders selfishly and valued his life more than the 60 victims' lives, as he didn't take the chance to oppose his general and take a risk, which consequences, due to the argument of the prosecution team, wouldn't have been that severe. Through opposing he also might have changed some mindsets and could have created some revolutionary thoughts. The prosecution team also mentioned that there are/were several witnesses in favor of him being guilty and Erdemovic himself feels guilty.

The Defense team in the Case of Drazen Erdemovic pleads for the Accused one to be found not guilty. According to their arguments, Erdemovic was threatened to kill those men. The other Soldiers told Erdemovic to stand in a line with the victims to be shot if he

would oppose them, so his life was threatened. The Defense team also added that the 60 victims would have been shot anyways. Also, the attack on Erdemovic later in the bar could have been a consequence of not shooting the 500 men in Pilica. Erdemovic's testimony helped a lot in court against many generals and without his help, many mass graves wouldn't have been found. The Defense team is convinced that Mr. Erdemovic is a good person - he helped several people to escape to other countries, saved lives, and always refused to shoot/ kill people except the Incident near Pilica.

Verdict

After looking at all the responsibilities the judges of the case found the Accused one not guilty. The shooting of D.Erdemovic in the bar was a consequence of opposing the order to shoot a second time -Mr. Erdemovic had not really another choice and his testimony had a huge impact during the court trials . According to the law and going through all the responsibilities/Points Mr. Erdemovic is found not guilty and won't receive any sentence .The actual personal judges opinions might differ from the verdict .

Do all children receive a satisfactory education in Georgia?

by Ketevan Shughliashvili

Imagine living in a country where not all children have the right to a full education

Human rights have a complex centuries-old history, which at various stages of human development is associated with the struggle for individual rights through the limitation of absolute power, separation of powers, and the creation of a democratic rule of law.

The right to education is reflected in international law in Article 26, which states: "Everyone has the right to education. Elementary

education shall be compulsory." The legal basis for the right to education in Georgia is Article 35 of the Constitution, according to which everyone has the right to receive education and choose its forms. In general, Georgia is accessible as a public school. We also have many vocational and higher education institutions.

Every day, many pupils and students face a difficult problem, which endangers their right to fundamental - accessible education.

Even though education is an equal right, millions of children around the world and in Georgia are also deprived of educational opportunities for reasons related to social, cultural, economic, and many other factors.

From a historical point of view, Georgians had to fight for the right to life for centuries. However, these people survived and for the last hundred years have continued to fight for freedom, education, as well as for equality.

Although school education in Georgia is free, we can say that unfortunately, this opportunity is still not available to many children caused for various reasons.

Children in rural areas do not

have the equipment to receive a quality education.

It is in such villages that early marriages are preserved. In the 90's it was very common to kidnap and marry girls. Now we rarely encounter such facts. But unfortunately, it is still stagnant in many villages yet the internet access is not perfect which leads to the backwardness of the program envisaged by the national curriculum for children.

There is only one school in some villages and due to the lack of transport children have to walk long distances to school. Most of the children are engaged in household chores that are inappropriate for their age, such as fetching water from a firewood distance. There are no libraries in the villages, which hinders extracurricular activities. After the occupation of Abkhazia and the Tskhinvali region, the Georgian authorities and international organizations

in the occupied territories do not have adequate capacity to protect children's rights. People with disabilities make up almost one-tenth of the world inclusive education has been established in Georgia, which involves the development of individual curricula and the training of school teachers as special teachers. People with disabilities face many problems in the Georgian population. Yet these people are in the minority in most cases their rights are ignored by the majority. Schools are not adequately equipped to accommodate students with special needs to integrate them with the community. The first problem is the lack of a ramp. The second problem is that there is no special room in the schools for children to rest and unwind.

The problems associated with the pandemic posed particular difficulties in the field of education and this was reflected in the education of both urban and rural children. The first problem is the lack of internet and the lack of technical equipment for many students. In countries like Spain, Switzerland, Finland, France... the right to education has been recognized as a human right

.Education is an enabling right and one of the most powerful Appliances especially for economically and socially marginalized children and adults. They can lift themselves out of poverty and participate fully in society by using this tool. We must not forget that the most important goal of getting

an education is human development. Only 99 countries legally guarantee at least 12 years of free education. Free, compulsory, and universal primary education is a key factor for the development of people, countries, and all of humankind.





MICC ONLINE?

BY ANGELE LI & BRITTA BENITES

The Model International Criminal Court (MICC) is a simulation of the International Criminal Court (ICC). The ICC that has its seat in Hague is the first permanent criminal court with a fixed mandate. With 123 state parties, crimes affecting a large role of people such as war crimes, genocide, and crimes against humanity happening in the member states are taken to court.

Since the start of the MICC, each year, people from different countries come together to talk about different cases concerning human rights and simulate the trials to find a solution.

The results are different every time. "Even if at some point you would think that you've seen everything, everybody finds something else important in those cases and I find it fascinating", says Jens Fischer, Head of Legal Training.

This year, 55 participants from Poland, Germany, and Georgia came together to simulate three cases. Various workshops about human rights, the historical background of the cases, legal argumentation, reasons of punishment, etc. gave precise information, so we were ready to jump into our roles as the ,

prosecutors, defenders, judges and the Press. With the help of the instructors, the teams were working on the cases, discussing and sharing their opinions on the different causes to get to a solution.

The verdicts didn't please everyone but as our instructor said, these are all just "imperfect solutions for an imperfect world".

"I hope that people have a chance to engage with these subjects without fear, hatred, and animosity", says Mr. Fischer. Due to the pandemic, the project that would have been held in Krzyżowa, but was moved to an online meeting platform. However, we had a virtual tour around the village of Krzyżowa and get to know the place and its history.

And how has this restriction(online version affected the participants?

"I think the online edition of the MICC changed the interaction since we only interacted with the other people per zoom and we did not do anything together in the evening for example. But still, it was nice to meet the other people and it was fun working on the cases together", says Felina Seuffert, one of the participants. "Normally, I think

we would have been able to meet everyone but this time, we could only interact inside the teams and in the small groups at the beginning. Some people also might have some technical problem, so they might have difficulties experiencing all the things that they should. But beside those points, it was also more convenient for people because you didn't have to travel anywhere and it also makes everything easier since you have everything on one device"; says Marcel Jazgar to our team.

The participants mainly missed the interaction. Since we only met online, we didn't have many opportunities to chat and spend time with other students. It was quite challenging to work together and the technical difficulties might have scared one or the other. Even so, it didn't stop us from building up some courage to contact others and flourishing friendships.

The digital form might have limited many things, however, it also offers numerous opportunities. From a better organization of one's materials to Kahoot quizzes, the MICC gained a new character showing that human rights and the exchange shouldn't and can't be restricted so easily.



Bonn - A city full of diversity

Online MICC was attended by students from Germany (Bonn), Poland (Katowice) and Georgia (Gori). **Angele Li** presents us her hometown Bonn.

Bonn, the old capital of Germany, the seat of HARIBO, and hometown of Ludwig van Beethoven.

The city is located in North Rhine-Westphalia, about 25km south of Cologne and has around 300.000 citizens. Being parted by the Rhine, it doesn't only have an ineffably entrancing scenery, but also a captivating history and culture that attracts individuals all over the world.

The birth of the city dates back to Roman times when it was surnamed 'Bonna'. Housing the quarters for the Imperial Legion, the grand fort in Bonn had big importance for the military and grew into a substantial town.

However, after the end of the Roman Empire, the city was attacked and destroyed multiple times from Vikings and Normans in the ninth century. It eventually fell into the hands of the Frankish Empire where it regained its status as a town. A clerical center was also built up around the Bonner Münster, a basilica that still can be visited nowadays. One way to recognize it, is to look out for two gigantic heads made of granite on the ground that sometimes startles one or the other visitor.

As a result to the Battle of Worringen, Bonn became part of the territory of the Archdiocese of Cologne at the end of the 13th century and blossomed notably during the following centuries. Even after the Siege of Bonn in 1689 that left behind marks of bombardments, the city continued to grow. Both the baroque architecture and the growing influence of the town lead up to its alluring and impregnable character. One of the palaces that were built during that time is now the main building of the University of Bonn. As a student here, you can always take a walk around the downtown and relax on the blooming meadow while enjoying a cup of bubble tea during summertime.

In 1770, Ludwig van Beethoven, one of the most famous and predominant musical figures of the millennium was born and added a cherry on top of Bonn's prestigious reputation.

This came to an end when it became part of the French Empire after being seized by French troops. Being forced to adapt to the new rules and the foreign occupation, the city lost its glamor and glory.

During the Second World War, the town played a significant role for the military, as its geographical location was advantageous due to the natural border: the Rhine, which nowadays is the cause of various inundations. After the war, Germany was divided by the winning forces and Bonn subsequently became the capital of West Germany until the reunification of the country in 1990.

Even as the old capital of Germany, today, Bonn doesn't count as a metropolis. So what attracts the tourists and pleases the inhabitants?

Besides the University of Bonn that brings lots of students to the city, the home of Beethoven, the magnificent palaces and cathedrals might sound appealing to many visitors. However, if you climb up the Drachenfels, you will not only come face to face with a breathtaking view of Bonn that you won't be able to forget, but also ruins of a castle that once was standing steadily. It might not be as beautiful as the baroque buildings and yet it is the inspiration of many poems and numerous legends, amongst them the 'Nibelungenlied'.

Apart from these monuments, Bonn also has many art museums, history museums and scientific museums making it a perfect place for interested visitors.

A highlight especially for kids, is the HARIBO store in downtown. The boutique not only allows you to buy all sort of candy packs but it also gives you the possibility to select your favourite flavors and put together your own bag of candies.

Even so, for someone who has been eating tons of them on carnival, as masses of them were thrown down from

wagons, the thought of the sugary flavour might no longer be appealing.

Housing the headquarters of three global companies and having two international schools, Bonn has an multinational community that shapes the city in different ways. This might not be an inviting aspect for everyone, but many enjoy this melting pot that brings different cultures a step closer to one another.

For people living in Bonn, 'Bonn on ice', a temporary ice skating rink is an event of the winter season that many look

forward to. Imagining ice skating with friends and warming oneself with a hot drink afterwards, many cannot help but to hope for the enchanting season to arrive. But winter is not the only eventful season, the beginning of spring also announces numerous activities. If you ever visit Bonn in spring, you should definitely spend some time at the cherry blossom avenue. It might not be as vivid and ethereal as the blossoming trees in Japan, but it is worth visiting to take a memorable photo with your close ones.





Hi, I am **Britta Benites**. I am 16 years old and I love to dance, draw and do all kinds of creative things. Writing articles for the MICC 2021 was very nice and definitely widening my horizons! P.S: I am clearly a CAT&DOG Lover :)



I am **Ketevan Shugliashvili**, 15-year-old from Georgia. I am working on the radio as a journalist and writing articles about violence against woman. I had a lot of interest and I am obsessed with music. My dream is to travel around the world.



I am **Lizi Basishvili** from Georgia, 16 years old... I love animals and especially cats. I have many hobbies but I love to draw people. My dream is to travel as much as possible and meet a lot of people from different parts of the world



My name is **Anna Marie Puchstein** and I am from Germany. I am 17 years old and I like reading books, drawing, playing the guitar and watching Korean series.



Hania Zajączkowska
Student of the 2nd class of Mikolaj's Kopernik High School in Katowice (Poland). During the childhood, fell in love with a polish mountain resort called Zakopane, and a few Mediterranean countries. In the very first photo of her, her hand shows the "V sign".



Alex Patyński
Born in Poland but wants to escape from it. Watching too much anime. Emile is cheating.



Anegele Li.
I am 15 years old student in the 11th grade at Friedrich-Ebert-Gymnasium. I like to feed fishes and have a deep passion for music.



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