April 5, 2019 marked the final verdict of the Model International Criminal Court (MICC)’s Remy Landov case, determining the destiny of the accused. The MICC judges found that Staff Sergeant Landov of the Porrian army was not a responsible party to take into account concerning the attack on the village Redota which killed 48 people four years ago. The prosecution was not able to convince the judges that Landov’s conduct constituted crimes against humanity and/or a war crime. Thus, Landov not guilty!

This case revolved around the act of clicking a button at the military base. The deliberations addressed Landov’s alleged involvement in the attack conducted on November 11, 2015 against the Redota region while he was physically present in Porria’s military base.

Landov was ordered by his superior, Commanding Officer Berad Samson, to launch a series of three rockets at a particular set of GPS coordinates in the city of Redota. The only information disclosed to Landov entailed the “military importance” of this operation. Landov weighed his options, considering the location of his pregnant wife, who lives in a village about 50 kilometers from the site. Landov was alleged to have fired the rockets at the indicated position.

The prosecution, represented by Megi Kodra, Einat Fogel-Levin, Catarina Rodger and Kanelia Athanasiou argued that Landov should be charged on the basis that it is not tolerable to go through with the order of firing the rockets. Landov should have first thought of the surrounding community and the principle of proportionality before the order. The prosecution alleged that Landov’s actions rise to the level of a crime against humanity, according to Rome Statute, and they claim Landov’s awareness and of the consequences make him accountable. He is a professional Porrian military sergeant who is aware of the geographical coordinates.

The prosecution claimed that after being ordered to press the launch button, Landov should have disobeyed his superior in order to prevent such harm, and should have asked his fellow soldiers for help. The prosecution also pointed out that Landov had the right to go above Commander Samson and speak instead with Commander Samson’s superior.

The defense team pointed out that weighing the options of harm versus peace is natural in a hierarchical decision-making system. Commanding superiors should handle such a responsibility. Additionally, Landov was informed that the sole purpose of this mission was gaining military advantage.

A member of the defense team revealed that trying to disobey the commander’s orders, refusing to launch the second set of rockets, and surrendering himself to the ICC are all proof that his act was out of mere obligation. Soldiers are legally ordered not to disobey any directive given. Moreover, his colleagues gave him no response when he asked for their support.

The decision has been made based on the evidence presented by both parties: prosecution and defense where Landov stands in the middle awaiting the decision that he prefers. After thorough deliberations, the judges, Imke Eickholt, Eden Nagar and Abraham Faith, have set the verdict of “not guilty”.

The prosecution emphasized that “acting under duress” is part of a much bigger picture. They believe that other factors should be taken into account while reaching the final verdict. The prosecution team felt that they failed the families of the 48 victims. “His actions were unlawfully manifested and we thought that he would get at least ten years in prison considering his actions,” they expressed.

“I think that the judges have taken a very strong stance on the case. Their major argument was that Landov acted under duress. Probably the victims’ families are very disappointed with the final verdict”, said Jens Henning Fischer, Judges Trainer at the MICC.
Prosecution Triumphs Thanks for Automatic Defense

Langlehi Kelly Moyo and Fanis Grammenos

On April 4 and 5, 2019, the Model International Criminal Court (MICC) at Krzyżowa (Poland) examined the case of Lars Ekstrom. After thorough deliberations, the judges acquitted the accused of Rome Statute articles 2(1)(d) and 7(1)(h), and found him guilty according to articles 28(3)(k) and (l), 82(b), and 7(1)(h) and 7(1)(k), namely command responsibility, war crimes, and crimes against humanity.

Lars Ekstrom is the CEO of Automated Defense Systems (ADS), a large weapons development company in the state of Richia. On May 24, 2014, ADS received an order from the Richian Defense Forces (RDF) to develop and install an upgraded automated border defense system. ADS agreed to outfit vulnerable parts of Richia’s border with a system called BETA.

BETA is a ground-to-ground defense system of fixed gun turrets complemented by camera recognition technologies. The system was also equipped with a fast-firing machine gun, using large caliber ammunition, and a laser-guided target locking system.

BETA’s “human interaction defense protocol” ensures that in the case of activities near the border, the system should first attempt to automatically determine whether a threat is given using the latest image analysis technologies. BETA can also be switched into “automatic defense protocol” mode, which enables it to fire upon all locked targets indiscriminately. The system was approved by both the RDF and the Richian Parliament. The system was installed and went live on January 21, 2016.

On January 28, 2016, Lars Ekstrom received a short note from his engineers hinting at “potential issues with BETA,” indicating there might be software problems. A longer report pointed to a problem with the system automatically switching to “automatic defense protocol.”

Nine days later, a group of 36 ethnic minority Movanian refugees from the neighboring state of Pooria tried to cross the border into Richia. BETA had been set to “human interaction defense” protocol, and, in accordance with the problem recently reported to Mr. Ekstrom, the system failed to clearly identify the nature of the group. Automatically activated the “automatic defense protocol.” BETA shot all 36 civilians while they were still in Pooria, 2.5 miles from the border.

After this incident, Lars Ekstrom was arrested by Richian police and turned over to the custody of the MICC. However, the Richian government formally lodged a protest, claiming that Lars Ekstrom should not have borne any responsibility.

The MICC saw the matter differently. For the court at Krzyżowa, the main questions were: Did Lars Ekstrom bear any responsibility for a crime under the Rome Statute? And if so, how should he be punished?

The prosecution brought forth several arguments based on the Rome Statute. First was the issue of jurisdiction, according to articles 11 and 12, which provide jurisdiction for crimes committed by citizens of another raffyting state. As the incident happened at the border of two countries, it was determined to be an international conflict.

The prosecution additionally raised questions about human rights violations. Killing 36 people was a grave crime and violated the fundamental right to life. Pursuant to article 6.1 of the International Convention on Civil and Political Rights, every single person in the world has a fundamental right to life which may not be taken away under any circumstances.

The final argument made by the prosecution regarded an attack directed at and targeting a specific cultural or political group. According to paragraph 2 of the compromises, BETA was specifically developed as a defense border system and installed along the Poorian-Richian border, targeting Movians illegally crossing the border.

Mr. Ekstrom, upon receiving the report detailing the potential defects of BETA, chose not to disclose the information to the RDF. According to Rome Statute articles 14-16, crimes can be committed by omission; the prosecution therefore argued for Mr. Ekstrom’s responsibility for failing to act on the report, resulting in a loss of lives.

On the contrary, the defense argued there was no violation of law, as there was no intention of attack. The MICC’s defense argued that there was no a system-wide or widespread attack against humanity, pursuant to Rome Statute article 7.

The defense was of the opinion that the death of 36 people was a coincidence. It was an accident, not an attack, and it cannot be blamed on the fact that Ekstrom did not disclose the report. According to article 31 of the Rome Statute, the defense, Ekstrom should not be considered responsible for this murder because he was asked by his country to develop and install a defense system. According to international jurisdiction, the system is considered to be a non-human entity.

The government has requested that Ekstrom should not bare any responsibility, nor should his subordinates. This showed that the Richian government believes that he did not commit any crimes, contributing to the admissibility of the case before the MICC.

After further deliberations, and in accordance with article 76 of the Rome Statute, the MICC judges sentenced Ekstrom to four years in prison and 5.5 million dollars. This amount, according to article 79 of the Rome Statute, would be distributed equally to victims and their families.

Lisa Umbo, a member of the Movian Council, was sentenced for crimes against humanity by the International Criminal Court (MICC) in Krzyżowa, Poland on April 5, 2019 to five years in prison. The MICC judges determined that Umbo had committed a war crime by inciting violence.

Umbo is a well-respected Movian leader, known for her oratorical prowess. Taking a stance against the government of Pooria, Umbo used social media, talk shows, and special programs to broadcast nationalist messages. After each media appearance, an uptick in anti-Poorian violence was witnessed. Many Independent Movania Force (IMF) – and the more extreme Moviana Independence Movement (MIM) – banners and flags are shown at her rallies and by her online supporters.

Since at least seven acts of violence have occurred. Poorian authorities released an arrest warrant for Umbo in connection with these attacks. Umbo then fled to Richia and continued to broadcast her messages from there. The messages soon became widespread after the death of 50 Movarians in a military operation by the Poorian army.

Umbo made one fatal mistake. In her messages, Umbo told the resistance to do "whatever it takes" while fighting Pooria and Poorians. Following the broadcasts, a group of Movians went to a peaceful protest in Bendom. There, they found 30 unarmed policemen, cornered them in an alley, and opened fire on them and chanting, “Whatever it takes!”

Lisa was charged with attempted murder as a crime against humanity under Rome Statute articles 7(1)(a), 25(2)(b), and 30(2)(a)(b). In addition, the court charged her with the war crime of internationally directing at and encouraging others to commit crimes against civil populations as the leader and instigator of the attack.

Furthermore, the defense accepts the ICC’s jurisdiction under Articles 11, 12(2)(a), and 26. The defense argued that the case is inadmissible to try Lisa Umbo for crimes against humanity under Article 7 for war crimes under Article 8.

The defense does not see proof of a direct connection between Umbo’s speeches and the attack, since Umbo specifically singled out the Poorian armed forces and the attack was directed against regular policemen.

The defense argued that the case is inadmissible, as the alleged crimes do not meet the gravity threshold. Additionally, the defense emphasized the ICC’s role as a court of last resort.

The defense believes that the elements of murder, according to Article 7(1)(a), including a widespread, systematic attack towards civilian, are not seen to be fulfilled as there were not enough attacks and only some Movian police were unarmed since the protest was intended to be peaceful, and therefore in that case, shooting at police prior attacks. Umbo’s actions did not intend to target the civilian population, as her speeches were directed specifically to the Movian police forces. The defense argued that the case met the intensity threshold for an international armed conflict.

The MICC has proven its jurisdiction over the alleged crimes as they have been committed in Richia and happened after the Rome Statute’s entry into force in that country. The case fulfills the gravity criteria.

The judges ultimately did not qualify Lisa Umbo’s behavior as a crime against human- ity due to lack of evidence for classifying the alleged actions as part of a widespread and systematic attack. The evidence does not show that the attack was massive, frequent, carried out collectively with considerable seriousness, and directed against a large number of civilian victims, as necessary. The previous attacks were different in scale and nature, and therefore there was not enough evidence to connect them. The conditions of knowledge of the broader context of the attack has been determined to not have been met, due to insufficient evidence.

Instead the judges determined Lisa Umbo’s behavior to have met the conditions of a war crime under Article 8. As charged, Umbo was aware of the potential consequences of her words, was not opposed to the use of violence, and did encourage others to commit crimes against civil populations as the intentionally incit- ed violence. The MICC judges stressed that even though the policemen were state offi- cials, they were considered civilians under Article 50 of the Geneva Conventions. Fur- thermore, the judges found that the Poorian situation is a non-international armed conflict between the IMF and the PA.

The MICC ruled in the case of Lisa Umbo at 11:45 a.m. on April 4, 2019, sentencing Umbo to five years in prison for commission of a war crime.

This sentencing will play a positive role in encouraging those who wish to act strictly within the law and to exercise caution in their dialogue. The international community must come together to stop this type of speech that incites violence.
Courage and Reconciliation

Krzyżowa's Memorial Site on the 30th Anniversary of the Mass of Reconciliation. 

By Sasha R. Lansky

2019 marks the 30th anniversary of the Mass of Reconciliation. This momentous event, which symbolized the resumption of German-Polish cooperation, took place in Krzyżowa. In November 2014, on the 25th anniversary of the mass, Warsaw's Museum of Polish History, in tandem with the Kreisau Foundation for Mutual Understanding in Europe, designed and installed a permanent outdoor exhibition. This memorial, entitled “Courage and Reconciliation,” commemorates and documents German-Polish relations from September 1, 1939 through November 12, 1989.

The memorial, built out of rusted steel in the shape of a labyrinth, is intended to “preserve the multi-layered memories” of Krzyżowa and “the heritage of the resistance movements and the Polish-German reconciliation,” according to the Museum of Polish History. It is divided into four sections: documenting World War II and German-Polish relations through the mid-1960s; exploring Christian efforts for reconciliation, including a 1965 letter from Polish to German bishops; highlighting individuals who aided in reconciliation, including a 1985 poster, German and Polish leaders again convened at Krzyżowa. Prime Minister Ewa Kopacz and Chancellor Angela Merkel joined together to officially open and dedicate the Memorial, entitled “Courage and Reconciliation Memorial.” It is unclear how Krzyżowa will acknowledge the 25th anniversary of the Mass of Reconciliation, Polish and German leaders again convened at Krzyżowa. Prime Minister Ewa Kopacz and Chancellor Angela Merkel joined together to officially open and dedicate the Courage and Reconciliation Memorial. It is unclear how Krzyżowa will acknowledge the Courage and Reconciliation Memorial.

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Girl Power: The Kreisau Circle

From a Female Point of View

While resistance is usually attributed to men, some important and influential women are left behind. That is why I chose to bring Marion out of the shadow.

By Afik David

Marion Yorck von Wartenburg was born in Berlin on June 1904. In 1929, unusually for a woman at that time, she completed a doctorate and began to train as an assistant judge. One year later, she married Peter Yorck, who was also a lawyer. Both of them were members of the Kreisau Circle, an anti-Nazi group. Starting in July 2016, Polish and German students worked together to create an interactive media site for visitors to learn about the Courage and Reconciliation Memorial. It is unclear how Krzyżowa will acknowledge the 10th anniversary of the Mass, but the cooperation and youth engagement seen daily in the village is a testament to the Kreisau Circle’s original purpose was to plan for the renewal of Germany after the fall of Hitler, and only gradually did it move to planning to bring about that end itself. The circle was also criticized, for example by the historian William Shirer, who wrote, “Moltke and his friends had the courage to talk, but not to act.”

The Kreisau Circle, active between 1940–1944, was a group of twenty-five German dissidents led by Helmuth James von Moltke. The circle was named after the village of Kreisau where it met and was composed of members from a variety of different backgrounds: Protestants, Catholics, socialists, and conservatives. One common interest that connected the circle’s members, who theoretically would not be allowed to sit together or even talk, was the opposition to Hitler’s Nazi regime. The circle’s original purpose was to plan for the renewal of Germany after the fall of Hitler, and only gradually did it move to planning to bring about that end itself. The circle was also criticized, for example by the historian William Shirer, who wrote, “Moltke and his friends had the courage to talk, but not to act.”

The participation of women in the Kreisau circle discussion was often limited to the presence of their husbands. But during the meetings, Marion played an active role in the discussions, as a participant and a listener. In her book, “The Power of Solitude: My Life in the German Resistance,” she refers to the circle as “our group,” indicating that she was a full member.

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The MICC is part of human rights education. We think it’s important to train lawyers, but we also think it stimulates discussion. This process of finding the truth and establishing what happened is very important, but we realize that the legal method is not the only way to engage on international criminal justice. There are many ways to pursue transitional justice – going from conflict to peace. This is not a program to indoctrinate people to love the ICC.

How are students impacted by the MICC?

What you probably know already is that MICC is a project that has quite a few different strains. We are currently in the university strain which focuses primarily on legal arguments. We also have a program for high school students which changes opinions and fosters friendships. The coolest program of all – though we have little to do with it – is MICC Western Balkans (MICC WeB). It brings together students from Bosnia, Croatia, and Serbia. We always see the same thing: students work together in prosecution or defense of the worst human rights violations possible, and afterwards they become friends.

Do a lot of students who come here choose to work in this field later on?

They absolutely do; but I have no doubt that they would have ended up in that field anyway. Hopefully MICC helps them make up their minds.

We have heard that there are MICC programs all around the world.

We have partner organizations around the world, many of whom have adopted parts of or the full methodology. The Western Balkans program is the most full circle, even using the same cases. For the program in Argentina, we work with the Anne Frank House in Amsterdam and its affiliate in Buenos Aires. They are now conducting the MICC in Spanish. We also have partners in Bangladesh, Vietnam, and so on. We try to bring some of them here so they can go back and inspire their communities.

How are the cases written and chosen?

Why do you choose some real over fictional things?

This is a difficult question. We use real life examples because we have tried cases with abstract religions, for example, and they are less palpable and so much harder to understand than real situations. Is that a good idea or not? I’m interested in your views. For university students, I want discussions that are pertinent to the academic world. I think we are hitting and missing some at this MICC. I’m always collecting ongoing issues to see how they can be transferred to cases.

Do you pull at all from ongoing cases, investigations, or preliminary examinations?

To some extent. I’m not directly looking at the ICC. I think the recent acquittal of Laurent Gbagbo and Blé Goudé from Côte d’Ivoire is a case we could potentially use for schools, especially because there was a split decision in the ICC itself. They were unable to decide on the impact of inflammatory rhetoric on elections. But many of the ICC cases are so blatantly obvious that they are not suited for academic discussions. Some cases have very little legal substance. That is why they are chosen to be tried.

What are your goals for students at the MICC? What do you hope students take away?

In a world of conflict, we want them to understand that it is worthwhile not only to talk to each other, but also to remember that trials can be a great starter for conversation.

If you look at the Nuremberg Trials – this is my favorite example – it is interesting to see how public perception has changed over time. At first Germans loved the trials because punishing Nazi criminals would mean the rest of the society would be scot-free. But when it turned out that it would not be like that – the Allies were not that stupid – the Germans were totally against the trials, claiming it was ‘victors’ justice.’ It has taken time, but now the vast majority of Germans would say it was a good thing. Truth was found, facts were established. I hope the same is going to happen for the ICTY and ICTR.
The Confirmation of Charges: Fair or A Tool of the Prosecution?

The confirmation of charges is an ICC pre-trial procedure aimed at protecting a defendant’s rights and due process. **By Afik David**

The ICC is comprised of four organs: the Presidency; Appeals Division, Trial Division, and Pre-Trial Division; the Office of the Prosecutor; and the Registry.

The Pre-Trial Division oversees the confirmation of charges, as determined in Article 61 of the ICC’s Rome Statute. The confirmation of charges is the stage at which a Pre-Trial Chamber decides whether the case is to be sent for trial. The prosecutor and the defense are parties to the confirmation procedure and, as such, they may submit their evidence and call witnesses.

Before the confirmation hearing, the Pre-Trial Chamber must ensure that the disclosure of evidence takes place between the parties in satisfactory conditions. The disclosure of evidence is intended to accelerate the process intended to elicit the truth. Yet at the same time, amending the charges provides the judges and prosecutors with a powerful tool to determine the course of the trial before it officially begins.

The chamber recently exercised its controversial authority during Remy Landow’s confirmation of charges. Landow was charged with the crime against humanity of murder. The chamber requested an amendment to the charges because of an “insufficiency of evidence with regard to the intent required under the provisions for establishing the mental element of the crime of persecution.”

It could be understood that refusing to amend the charges would eventually end up with an acquittal. Not surprisingly, the prosecutor therefore accepted the chamber’s request and amended the charges.

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Krzyszowa's first known mention was in 1335. The symbol of an intersection of two countries, the Krzyżowa estate has been a historical meeting point and has featured in the creation of the modern European community. It was the starting point for discussions that supported a united European confederation where states would share common values on social, economic, and political issues. The idea was to further develop a new European order for Germany which was democratic, anti-racist, and internationalist.

The Elder Moltke

In looking at the estate's history, one cannot help but talk about Kreisau's most pivotal figure and first member of the von Moltke family to be involved in Kreisau. Helmuth Karl Moltke was a general and the reformer of the Prussian army. Born in 1800 in Parchim, located in today's German state of Mecklenburg-Vorpommern, the elder Moltke was a general and the reformer of the Prussian army. Von Moltke also reformed the Prussian army. Von Moltke was a general and the reformer of the Prussian army.

Helmuth James Graf von Moltke

Helmuth Wilhelm von Moltke's grandson, Helmuth James Graf von Moltke, was born on March 11, 1867. He was the great-grandnephew of Moltke the elder. While some may have thought that, given his family history, Helmuth James would live on his laurels and that everything would come easy for him, his actions proved that he was a hardworking ambitious man who would stop at nothing to fight the injustices of the society.

He helped that his decisions could have a humanitarian effect on military actions. During Nazi Germany's war with the Soviet Union, Moltke wrote a memorandum urging the Wehrmacht to follow both the Geneva Convention and the Hague Convention in order to comply with international law and to promote reciprocal good treatment for German prisoners of war.

The Kreisau Circle

"If we have to come to terms with the fact that we live in the century when there is a huge possibility of losing our lives, let us make sure that our life and death make sense." - Adam von Trott zu Solz (member of the Kreisau Circle)

The imprinted circle on the floor in a room of the Kreisau estate's House on the Hill is exactly catching. The imprints are from the round table around which the Kreisau Circle sat. Hailing from four distinct ideologies, the participants of the Kreisau Circle held secret discussions on the prospects for Germany following Hitler's reign. They believed strongly in moral and democratic principles.

Helmuth James Graf von Moltke initiated the Kreisau Circle. It officially formed in 1940 with the merging of the intellectual circles of Von Moltke and Peter Graf Yorck von Wartenburg who had the distillation of both being descendants of prominent Prussian nobility; they therefore were initially favored by Hitler's regime. The Nazis honored their family titles by giving them High Command positions, but despite this special treatment, both men morally resisted to resist Hitler. In 1938, the men began to form separate social circles in which they discussed the problems of the Reich and their hopes for Germany's future. The circle's members were Protestants, Catholics, professionals, socialists, and conservatives.

The circle did not promote violent overthrow of the regime, yet their plans were still considered by the Nazis to be treasonous as it rested on the assumption that Germany would lose the war. The circle met three times between 1942 and 1943. James was arrested on January 19, 1944. After the failed attempt on Hitler's life on July 20, 1944, many Kreisau Circle members were arrested and convicted. Those at the Kreisau Circle considered transcendental and sacrificed their lives for their belief that the voice of opposition should be heard without persecution, and that if heard together these voices could form a better world.

There was not enough evidence in the case of Helmuth James von Moltke to prove his participation in the assassination plot. He was convicted purely on the grounds of contemplating a future after the overthrow of Hitler and executed on January 23, 1945. Freya von Moltke

In 1931, Helmuth James Graf von Moltke had married Freya Deichmann, whom he had met in Austria. Freya was born in 1911 in Cologne. Freya von Moltke was a strong and brave woman, ahead of her time. She and James had a powerful partnership.

Freya contributed significantly to the Kreisau Circle. She gathered exclusive insights from the opposing party. After her husband's arrest in 1944, Freya fought to get him released from prison although her attempts were ultimately unsuccessful. During James' imprisonment, the couple exchanged letters. Freya would hold onto these letters for the rest of her life. It is said they were her driving force during the years of his absence.

Freya took on some of James' Kreisau Circle responsibilities during his arrest. Following the end of the war, Freya returned to Kreisau to retrieve the letters she had received from James and which she had hidden in bee hives. Freya ended up handling the letters over to an American officer for safekeeping.

Freya left Europe after the war and moved to South Africa with her two sons. Working as a social worker and therapist, she became frustrated with the apartheid system. Freya returned to Berlin in 1956 to begin publicizing the Kreisau Circle. Several years later, Freya moved to Vermont, USA. She became a US citizen in 1975. Freya von Moltke died in January 2010 at the age of 99.

Putting the pieces of the puzzle back to their recognizable shape, it is of paramount importance to note that the Kreisau Circle, which advanced to become the center of civil resistance in Germany, was by no means a tightly knit political association. What united these groups was their opposition to National Socialism and the will to develop a new European order for Germany, which was democratic, anti-racist, and internationalist.

From zero to hero, James and his colleagues dedicated their fight. We now relate the story about the unexpected reunion of Germany and Poland on the beautiful von Moltke estate.

Authors' Note: Hailing from four different countries, backgrounds, ethnicities, and careers, we repeatedly noticed the number one in our notation system throughout this story. The number four intrigued us and encouraged us to look deeper into the history of four conspiracies. As far as we worked with the story, the number four intrigued us and encouraged us to look deeper into the history of four conspiracies. As far as we worked with the story, the number four intrigued us and encouraged us to look deeper into the history of four conspiracies.
This student of philosophy and social studies at Germany’s University of Erfurt has been living in Krzyżowa for the past year. Moritz has been volunteering while participating in a training course for informal education hosted by the MICC. He believes people learn best through hands-on work. Moritz anticipates his participation this week will change his assumptions about lawyers; he imagined all law students to be conservatives. He now understands the complexity of this profession and is more open-minded. Regarding whether MICC actually unites people from different countries and different cultures, his opinion is clear: “All MICC projects encourage integration processes.”

Faith Abel Abraham, 23  
Judge

Originally from Nigeria, Faith is a student at the National University Odessa Law Academy in Ukraine. He learned about MICC from his university’s moot court Facebook page. Faith likes that MICC is the kind of program that allows people to try their advocacy skills and learn more about the practice of the real ICC and the Rome Statute. He enjoys the atmosphere of the village’s calm and warmth. Faith has appreciated exercising his communication skills as he interacts with the other participants.

Caterina Ramon, 24  
Prosecutor

Originally from Spain, Caterina is currently living as a volunteer in Krzyżowa where she first learned about MICC. She is intrigued that students can be involved directly in this kind of simulation. “In our university we study the ICC and its procedure. But by really feeling it through taking part in a simulation, we actually really learn.” Caterina likes that everyone comes from different backgrounds and different countries. Participants have the chance to discuss everything from different points of view.

Caterina believes MICC fits in well in Krzyżowa. She finds it amazing that she can live here given it is a historical place. Although it is quiet, Caterina finds she can relax here. Being a prosecutor is a challenge for Caterina as she is still studying and has yet to do an internship in criminal law.

Monya Ghandour, 24  
Defender

Hailing from Lebanon with dual French and Lebanese nationalities, Monya is a law student specializing into international corporate law at the Lebanese University. She learned about the MICC from the NGO she has previously participated in MICC School’s meeting in Belgrade last October. Monya believes the MICC is an interesting project as students from different cultures share experiences. She is really interested in corporate law, as well as international criminal law.

As a defender, Monya enjoys the teamwork, because each of her teammates has a different background and different knowledge of the law. Through MICC she has gained friends and law experience. Monya will return home ready to encourage her classmates to participate in MICC in the years to come.

Oren Rachmial, 20  
Prosecutor

Oren is in his second year studying law and international relations in Israel. He enjoys international criminal law and after learning about MICC, he asked some of his friends to join him on this adventure. Oren is really enjoying his time here. He likes the fact that he can meet people from different countries, which makes him truly happy. He really enjoys competitions and the resultant adrenaline. “This competition is going to help me discover more about international law.”

Manos Kalpakos, 20  
Judge

Marinos-Emmanouil Kalpakos is a law student at the Democritus University of Thrace, Greece. Manos learned about MICC from a Greek organization called “Euphoria.” He sees the program as a rewarding multicultural experience where participants make great new friends in a picturesque place. Manos wishes there were more free time in order to get to know people better as well as excursions to places nearby. Regarding the function of the MICC, Manos thinks that there are no divisions between cultures and any barriers are completely artificial and imposed by fear, racism, etc. He appreciates “that people from different cultures are brought together in Krzyżowa and given the opportunity to meet and have good time together.”

He hopes to strengthen and broaden his understanding of international criminal law, as it is not taught as a subject in his university in Greece.

Nourhan Tomoun, 26  
Defender

Currently completing her LLM in international criminal law and human rights at the Fletcher School of Law and Diplomacy in Boston, USA, Nourhan hails from Cairo, Egypt. Her interest in law was stimulated by her love for history and World Wars I and II. Therefore, Nourhan is really glad she has the opportunity to participate in MICC. She learned about the MICC from the NGO she has previously participated in MICC School’s meeting in Belgrade last October. Monya believes the MICC is a rewarding multicultural experience where participants make great new friends in a picturesque place.

The fact that MICC is held in his homeland adds to his experience. Jakub loves the team spirit of his group. He believes MICC is indeed helping participants learn to work under pressure, but in a cozy environment. Though Jakub is not from an English-speaking country, he is finding the experience interesting, challenging, and rewarding.
A Walk Through Krzyżowa: The Village’s Significance For its Residents

By Jennifer Meyer and Viktoria Goloubev

Krzyżowa, a village of only 200 people, conceals a big history. Important to both Germany and Poland and connected through a long history of wars, the village now represents the reconciliation of the two countries.

But we wanted to know: who lives in Krzyżowa and what does the village and its history mean to them? We began looking for people to speak with, but we soon realized that it was rather difficult to spot people at all in Krzyżowa. We initially encountered three individuals, two of whom were older and were not too happy to speak with us. The third person we came across, the owner of the small grocery, is not a local at all. Furthermore, we noticed that language was a barrier since none of them could speak English.

Eventually, a former volunteer introduced us to Andrzej Maguszewski, the caretaker of the International Youth Meeting Centre. Andrzej was born in Grodziska, a village near Krzyżowa. He invited us into his garage and spoke with us about life in Krzyżowa, its history, and the German-Polish relationship.

Andrzej was 16 years old when the reconciliation between Poland and Germany happened. Andrzej indicates that much has changed since he was a child, notably the living conditions. He remembers growing up in poor living conditions, with damaged houses lacking electricity and running water. Today, Krzyżowa is a place where Poles and Germans interact. Tens of thousands of tourists from all over the world now come to Krzyżowa each year. Andrzej expects these numbers to continue to grow.

Due to its rich history, Krzyżowa does not leave anyone indifferent. Locals are proud of their history and refer specifically to its German-Polish ties, which they wish to be remembered. The relationship between Germans and Poles today, however, is peaceful, accepting, and tolerant.

After our interview with Andrzej, we walked down the street and encountered a woman. This woman, Mrs. Bronisława, was very friendly and open towards us and invited us to visit her later.

Sitting around the table in Mrs. Bronisława’s house the following day, we listened as she shared stories about her life and the development of the village. Mrs. Bronisława was born in Ivanovo-Frankiów, Ukraine and came to Krzyżowa after Stalin shifted the Polish border in 1946. Following the 1989 reconciliation between Germany and Poland and the founding of the Kreisau Initiative and the Krzyżowa Foundation for European Understanding, the village began to change. Andrzej moved to the village to work at the International Youth Meeting Center. Villagers renovated and modernized their homes. Guests poured into the village from all over the world to attend events at the center. Mrs. Bronisława credits their presence with helping to bring the village to life. Her daughter Agnieszka has now been working for the village’s administration for 12 years. Mrs. Bronisława says the relationship between locals and the tourists is very good. A strong understanding of the past is necessary to build a stable future. Places like Krzyżowa become relevant because of the historical events took place here, and they remain relevant thanks to the important peacebuilding and dialogue work carried out here every year.

We realized that to reconcile it is necessary to understand each other better. Sides must find a common language to describe the past as well as their visions for the future. A common language can be found if you go beyond your own truth, and start to create a dialogue with those on the other side. We have seen evidence in this while walking through Krzyżowa and speaking with its residents. Two peoples, two cultures, have been able to meet each other in this bucolic setting and start to build trust, shared goals, and unity.

Why did the ECCC have both national and international staff? What was the reason behind this?

The ECCC was a hybrid tribunal. From investigation judges, to the chambers, to lawyers, to the prosecution, the entire court is divided into two: Cambodian and international staff. The main rationale for this comes from Cambodia’s high rate of corruption. The United Nations (UN) condition for a Cambodian tribunal was to have the entire court split. It is also to protect against political interference; many in the Cambodian government are former Khmer Rouge. There was a worry amongst the international community that the trials would be biased or improperly investigated. A hybrid court was a way to avoid possible corruption or political interference.

I could share everything. Additionally, get away from the structure of what I had learned in my previous position. What are the challenges for an international lawyer? What is the greatest challenge you have faced?

What was rewarding about working for a decade in Cambodia? To be frank, it was my sister who kept me going. Every time that I had enough I would encourage me. And in Cambodia, I was fascinated by the country and its people. Working with the victims in Cambodia and interacting with them was what kept me there. My fellow lawyers were inspiring and I thought I was doing something good.

On a more personal level, how did you work daily on such challenging issues?

I think I needed to have a strong character. You have to be professional and distance yourself from what you are reading and the evidence. Not everybody can do this job. When I taught at university, I always told my students that when reading about genocide and sexual violence, it is easy to keep a distance. When I was in Cambodia, I was able to do that very well. But nowadays, it is difficult for me to put the issues aside when reflecting on what happened while I was there. I did not have nightmares or eating disorders because my husband was with me; I had someone with whom I could share everything. Additionally, getting pregnant in Cambodia provided a stake in the game and gave me a sense of relaxation. It took my mind off of the difficult situations.

How did you end up in Germany? I moved to Germany to follow my German husband. We have been together since before I started working in international criminal justice and he has always joined me in my posts with our children. We decided to move somewhere a little more stable.

As you are currently living in Germany, are you working as a lawyer? I am not currently working as a lawyer and am instead working for the German federal office in charge of asylum and migration. I deal with cases of presumed new criminals, terrorists, and others who have committed criminal offences in Germany that have applied for asylum. I also wanted to have a break from international criminal justice even if it is an exciting field. What I do now is linked to human rights but not through international justice.

What advice would you give to the MICC University participants?

I would advise participants to try to keep their possibilities open even after finishing their law degrees. Studying international public law and human rights could offer a base to me to work in different fields. The field of international criminal law is restrictive because there are not many jobs available. I would advise participants to pick a broad Master’s degree, maybe in human rights or international law. This will provide them a wider range of possibilities in the work place. I would also advise participants to pursue internships in the international jurisdiction. Many European countries now have, within their own special jurisdiction, prosecution offices or tribunals dealing with war crimes, genocide, and crimes against humanity.

“Of Strong Character:” Eleanor Fernandez’s Decades in International Criminal Law

By Sharin Asan

A Costa Rican who has worked in the Netherlands and Cambodia and now lives in Germany, Eleanor Fernandez is an international criminal law expert with a wealth of experiences. Originally from Costa Rica, she has worked in many different international criminal law fora. After a brief stint at the International Criminal Court (ICC), Fernandez spent nearly ten years at the Extraordinary Chambers in the Courts of Cambodia (ECCC) helping victims of the Khmer Rouge regime seek justice.

The Model International Criminal Court (MICC) University participants had the privilege to speak with the expert over Skype. The law students posed questions about Fernandez’s career, the challenges of working in the field, and her advice for the next generation. (The interview has been condensed and edited for this publication.)

Why is the ICC so important?

The ICC has been an important element in international law since the Nuremberg trials in 1945. The ICC is the only permanent international criminal court. It is the only body that has jurisdiction over war crimes, crimes against humanity, and genocide. The ICC aims to end impunity for those who commit the most serious crimes.

Which case did you work on most?

The case of the Khmer Rouge leader, Pol Pot, was a personal favorite. After the fall of the Khmer Rouge in 1979, there was a need to bring the regime to justice for the atrocities committed during their rule. The ECCC was established to try those responsible for the genocide.

What is the most important thing you learned during your time in Cambodia?

The most important thing I learned in Cambodia was the necessity of understanding the culture and history of the country. It is crucial to understand the context in which crimes were committed in order to effectively pursue justice.

Why do you think international criminal law is important?

International criminal law is important because it provides a framework for addressing the worst crimes committed by states and non-state actors. It helps to ensure that those who commit atrocities are held accountable.

What advice would you give to future international criminal law professionals?

I would advise future professionals to be open to different fields and to embrace the challenges that come with working in international law. It is important to have a strong character and to remain professional in difficult situations.
Reconciliation means ridding oneself of hatred. Establishing human contact. A dialogue means listening to one another. When there is reconciliation dialogue follows.

Kazimierz Czapliński, long-serving chairman of the Catholic Intellectuals’ Club in Wroclaw

German-Polish Relations in the 20th Century and the Role Kreisau/Kreisau Has Played in Them

As a part of the ICC process, confirmation of charges is a pre-trial procedure aimed to protect the defendant’s rights and due process. It all gets wrong when the pre-trial determines the result of the main trail.

Behind the Kreisau Foundation in Krzyżowa, Poland stands a labyrinth of rusted steel, known globally as an outdoor exhibition called “Courage and Reconciliation.” Marking the 25th anniversary of the 1989 Mass of Reconciliation, the monument walks visitors through the equally intriguing and inspiring history of Polish-German relations throughout the mid-to-late 1900s.

The road to reconciliation began with the founding of the Kreisau Circle in 1942. A mix of faiths and ideologies, the otherwise disparate set of individuals found their glue in a common mission to the Nazi regime. They established a base of operations at the von Moltke estate and surrounding village, which later fell into decay and poverty.

Amidst hopelessness yet shining light, with the birth of widespread reconciliation efforts throughout the mid-1900s built on the principles and progressive spirit of the Kreisau Circle. Three of the foremost efforts were the German Bensberger Circle, the Action Reconciliation Service for Peace, and Polish-Chinese intellectuals’ club. The adjoining foundation across the three groups was a Christian approach to reconciliation—most importantly, they served to open dialogue and begin normalizing relations between Poland, Germany, and other European states to continue the fight for their individual rights and more equitable political systems.

Reconciliation means ridding oneself of hatred. Establishing human contact. A dialogue means listening to one another. When there is reconciliation dialogue follows.

Kreisau von Warschau (German for “Warsaw Exile”) refers to a gesture of family and postwar German Chancellor Willy Brandt towards the victims of the Warsaw Ghetto Uprising. Source: sk16.eu

The final stretch of this road to reconciliation meant consolidating Solidarity and German support throughout the 1980s. In 1981, the People’s Republic of Poland instituted a new constitution as a means to crush political opposition and secure its authoritarian position throughout the nation; Solidarność (Solidaritätsbewegung) rose as a Polish labor union founded the year previously.

The year 1970, for instance, marks the first postwar visit by West German Chancellor Willy Brandt to Poland, where he signed an agreement normalizing relations between the two countries.

One particularly interesting example was the 1972 establishment of the Polish-German Commission under UNESCO, which created new guidelines for history and geography textbooks in Europe. This was a critical step in beginning to reframe the narrative surrounding the Holocaust and World Wars, and had a considerable impact on the future of European sentiments and perspectives.

Though advocating non-violence, the union was crucial in organizing strikes and inserting itself in the Polish political scene to advance the causes of workers’ rights and social change. Amidst their efforts was the German recognition and assistance of their struggle, marking a monumental breakthrough for Polish-German relations.

Warshaw resident Maria Jarmoszuk may remember these moments best, describing her Christmas of 1981 in an article in German DW magazine. Her father abrasand law. These “Packages of Solidarity” arrived from other European nations, the U.S., and even Japan, signaling an international support for Polish-German and European reconciliation efforts. The spontaneous aid of the Germans served an invaluable role in supporting the ongoing efforts of Solidarity. Mutual law in Poland ended in 1983, and Solidarity drove the nation to semi-free elections in 1989.

Of equal commemoration is the 1989 fall of the Berlin Wall, having stood throughout the Cold War as a physical and philosophical divide between the fascist West and socialist East of Germany. Its fall is thus in many respects the symbolic end of the path to reconciliation between Poland and Germany—a fact that same year, Poland Prime Minister Tadeusz Mazowiecki and German Chancellor Helmut Kohl exchanged peace gestures at the Mass of Reconciliation held in Krzyżowa.

Remembering the Kreisau Circle that had met at that same location years earlier, government officials and Germany moved to decide to welcome Krzyżowa as the home for the future of their relations.

Alongside a new breath of Polish-German relations and a newfound interest in reviving the area, Kreisau once more became Kreisau. In the 1990s and early 2000s, European and international support flowed generously to revive the village; the von Moltke estate was refurbished, an international youth meeting site rebuilt, and in 1998, the doors of the Kreisau estate opened officially to the public.

Kreisau now serves as the embodiment of Polish-German relations, helping chronicle and influence where the nations have been and providing a platform for discourse and thought regarding their future. Or as Helmut James Graf von Moltke’s widow Freya put it: "If in the winter of 1940, on the roll-call square in Auschwitz, somebody had told me that a young man of my age, a woman with the same exceptions in my life as I would walk the course of my life, I would transform the course of my life into the self-determined society living in a law-abiding European state living in a law-abiding European state with a parliamentary democracy."

ARTICLE 12

NO ONE SHALL BE SUBJECTED TO ARBITRARY INTERFERENCE WITH HIS PRIVACY, FAMILY, HOME OR CORRESPONDENCE, NOR TO ATTACKS UPON HIS HONOUR AND REPUTATION. EVERYONE HAS THE RIGHT TO THE PROTECTION OF THE LAW AGAINST SUCH INTERFERENCE OR ATTACKS.
Jennifer Meyer, 18
Sasha lives in Somerville, USA and is a second year Master’s in law and diplomacy candidate specializing in humanitarian studies and human security. She is attending the MICC to build on her past experiences writing about the ICC for her job. She is excited to meet students from around the world learning about the ICC. Sasha races bicycles at an elite level.

Fanis Grammenos, 20
Theofanis is in his second year studying international European and area studies in Athens, Greece. He decided to attend the MICC because of his interest in international law. He is especially looking to have a unique experience. His brother told him about the MICC. Theofanis also takes Spanish lessons, enjoys bicycling, and loves going on excursions.

Shir Salit, 24
Shir grew up in Aloni Aba, Israel and is in her second year studying law at the Hebrew University in Jerusalem. She learned of the MICC from a previous participant from her university. In her free time Shir loves diving with sharks in Australia and Thailand and works as a fitness instructor. After a day with press, she switched to prosecution.

Sharen Aoun, 24
Sharon lives in Beit Chabab, Lebanon and graduated in journalism from the Lebanese American University. She has her own press page called “Diary for your story” where she writes about peoples’ success stories. She is participating in the MICC because of her interest in international criminal law which she developed while watching a lot of crime series and documentaries. She is excited to gain experience in this field.

Monika Zalewska, 23
Monika studies law in Poznań, Poland, where she is in her fourth year. Her seminar tutor, a previous MICC participant, advised her and eight other students to join the MICC. Monika loves traveling and is planning a roadtrip from New York to California with her friends. She also enjoys cooking, reading, and taking pictures.

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Langeliile Kelly Moyo, 26
Kelly, from Zimbabwe, studies law at the National University in Odessa, Ukraine. She decided to attend the MICC to gain experience for her future, learn more about law and history, and to meet people from all around the world. In her free time she reads many books, enjoys skiing, spending time with her friends, and sunbathing.

Rüdiger Rossig, 51
Rüdiger lives in Berlin and works in Bonn as the head of the Bosnian/Croat/Serbian Service of the German international media provider Deutsche Welle. He joined the MICC 12 years ago because he was invited by the wife of his band’s keyboarder, who was working at the Kreisau-Initiative. MICC was searching for a journalist at the time with knowledge in humanitarian law, and Rüdiger was working for the UK, specializing in the Balkans.

Michal Žak, 35
Michal is an art director and graphic designer in Berlin. He first joined the MICC in 2011 because of the participants and the people who are coming here. Michal wanted to make the design of the MICC newspaper look great again. His biggest dream is to make a music video with Elvis Presley but because of some technical problems it might be impossible.