

THE MICC OBSERVER

Exciting outcomes of the trials at the MICC court!

Highlights of the week of learning and new friendships.

Have you ever seen the snow?



Flick loses his empire

Author: Anton Kolmbauer

Friedrich Flick was found guilty of enslavement as a crime against humanity by the MICC Court and sentenced to five years of imprisonment with additional fine amounting to 500 000 euros, on the first of February at 18h.

“As the judges, we decided that because of the Nazi regime in Germany Flick did not really have any control over who was sent to his factories. That was the main reason. Another reason was that he did not have control over SS guards who were the main reason why the inmates were beaten up almost every day”, said member of judges’ panel **Bogna Karabiewska**.

The prosecution accused Friedrich Flick of having committed enslavement as a crime against humanity and asked for a sentence of 16 years in prison, along with a fine amounting to 300.000 euros and forfeitures of all of his companies founded just before and during war. The defense pleaded not guilty, and even if found guilty by the court that Flick should receive a mild sentence.

“I do not really think the verdict is just, because here was a lot of evidence to support the claim that Flick should have been acquitted”, said the member of defense **Ahmed Farah**.

Meanwhile, the prosecution is satisfied with the verdict, as stated by one of their members, **Victoria Iwanowska**: *“The judges said that he is guilty and that is all that matters for me. I mean, we asked for 16 years imprisonment, which is a lot. Also, I could agree with defense in some points, but the most important thing is that Flick has to pay more money than we asked for.”*

The prosecution claimed that Flick had knowledge of the bad conditions in his companies and that it was highly unlikely that he did not make one step into one of his companies during the entire war. They also stated that he was in charge of the masters controlling the companies. Additionally, the prosecution found it problematic that Flick was not willing to provide simple facilities such as blankets or more food for the enslaved workers.

The defense stated that there was no evidence of Frie-



drich Flick receiving any information about the working conditions in his companies. Also, the defense pointed out that it was not in his power to control the conditions in the factories and the allocation of the workforce because the government overtook the monitoring of his factories.

The life path of Friedrich Flick

Prepared by: Anton Kolmbauer

Friedrich Flick, born July 10, 1883, Ernsdorf, near Bonn, Germany, was one of the most successful businessmen during Second World War. Although he was the son of a wood trader he was able to become head of an entire empire of companies throughout Germany.



Flick’s first job after studying in Cologne was as a clerk in a coal-mining business. Within eight years he had become a member of the board of directors. He soon bought stock in the giant *Vereinigte Stahlwerke* (“United Steelworks”) and amassed a controlling interest by 1930. He was accused of manipulating stock prices during the Great Depression, allowing him to sell his interest for three times its fair market value. With the proceeds, Flick expanded his empire to include iron-ore and coal mines, foundries, steel mills, chemical plants, trucks, airplanes, railroad interests, and munitions plants. Friedrich Flick was drinking coffee with the highest ranking men of the NSDAP during the Second World War, while his companies were producing largest amount of total machinery used in war.

Source: Encyclopædia Britannica

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Erdemović reunites with his family

Authors: Melda Doğan and Amir Zamzam

Dražen Erdemović was found not guilty by the judges of the MICC Court on Wednesday 1st of February 2017 at 18:30. Throughout the trial, Mr. Erdemović's testimony helped reveal two mass graves of the Srebrenica genocide in Bosnia and Herzegovina.

The prosecution indicted Dražen Erdemović of having committed murder as a crime against humanity, punishable under Article 7 (1) (a) of the Rome Statute and asked for 20 years of imprisonment. The defense team pleaded not guilty.

"We are glad that we won the case. Also, we think that the Rome Statute is fair enough to think about people that were under duress instead of just convicting people that were forced to murder in former Yugoslavia", stated the member of the defense **Aleksandra Durska**.

The member of the judges panel **Feyzan Sari** explained the verdict: *"Both sides' arguments were amazing but when we looked at the defense arguments we realized they were more reasonable and rational. It was really hard for us and we thought a lot about it and also*



couldn't get to an agreement. In the end we thought that it would be more fair if pronounce the accused not guilty".

After the verdict, the prosecution member **Ceren Yalçı**

said that she would prepare the indictment differently if she got the opportunity: *"I would try to make the arguments stronger with more evidence".*

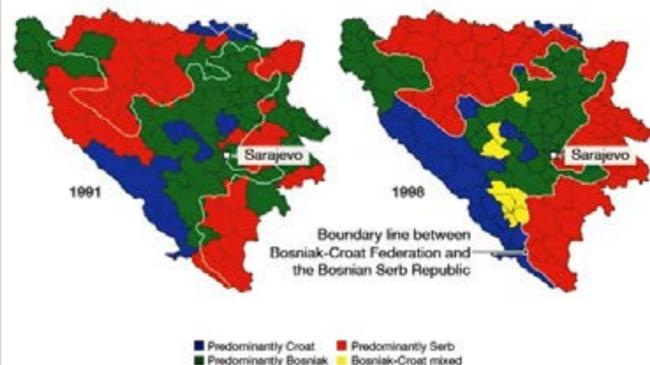
The prosecution tried to prove that Mr. Erdemović intentionally and willingly participated in the conduct, denying the duress pleaded by the defense. The prosecution tried to prove that Mr. Erdemović had freedom of choice through previous acts of disobedience that were not met with any physical threat during his time in the HVO army.

The defense agreed with the prosecution that Dražen Erdemović committed a crime against humanity and is responsible for the death of 70 men in Srebrenica. However, the defense tried to prove that Mr. Erdemović was under imminent threat by presenting as part of evidence Erdemović's statement where he claimed that his general Marshal Brano threatened him by saying: *"If you don't want to (shoot), stand with them so that I, so that we, can kill you too or give them weapons so that they (the Muslim male civilians) can shoot you."*

Additionally, the defense concluded that civilians would have been killed even with Dražen Erdemović refusing to shoot, which is also backed up by the statement from his testimony: *"Brano told me that he did not want any witness to the crime."*



Ethnic distribution in Bosnia and Herzegovina before and after the war



Prepared by: Amir Zamzam

Compared to other surrounding nations, Bosnia and Herzegovina had a diverse combination and a more complex distribution of ethnic groups, most importantly, Bosniaks (Muslims), Bosnian Serbs (Orthodox) and Bosnian Croats (Catholics). Prior to the war, those groups did not occupy a definitive territory. Instead, they were scattered over the country in different percentages. When the war started in Bosnia and Herzegovina, a process of ethnic cleansing was launched with major numbers of groups being displaced or executed in order to create "ethnically clean" areas. The map of Bosnia and Herzegovina was redrawn with Bosnian Serbs becoming concentrated in the North and East forming the Republika Srpska, a part of Bosnia and Herzegovina that included Srebrenica and where the Bosnian Serb army executed ethnic cleansing.

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Ruggiu goes to jail

Author: Paula Korschildgen

Georges Ruggiu was found guilty by the MICC court for direct and public incitement to commit genocide and sentenced to 16 years of imprisonment on the 2nd of February in Krzyżowa.

The prosecution accused Georges Ruggiu of direct and public incitement to commit genocide, punishable under Art. 6 (a) and (b), and 25 (3) (e) of the Rome Statute and asked the Court to sentence him to 20 years of imprisonment. The defense pleaded not guilty, but if the Court finds him guilty that they should give him a small sentence in order for him to be able to give back and contribute to society.

"Well I think we are very content about how it went, but I also appreciate the work of the defense team", said member of the prosecution team **Martyna Skrobotowicz** after the trial.

The defense shared the same sentiment as explained by their member **Mateusz Mandzink**: *"I think it was good, we had some problems with the case at the beginning, but we overcame them together. I think my team members and I did a great job!"*

Ruggiu has visited Rwanda various times before deciding to move there from Belgium in 1993. The social worker had made some Rwandan friends in college who first introduced him to their country. After visiting Rwanda



himself, he had made some friends and met a woman who he fell in love with and was planning on starting a family with. Further, the circle of friends with whom he surrounded himself for the most part seemed to be rising and enthusiastic politicians and he himself had found a job as a radio broadcaster, a public figure. So when given the opportunity to quit his job and leave the country, he would not only give up his career but his whole social life, including his partner and his new won home.

Rebuilding of the society

Author: Paula Korschildgen

We reached out to a German girl, **Fenja Kulemann**, who is currently volunteering as a teacher for a primary school in the country side of Rwanda. We asked her to share her experience from the last couple of months concerning the topic of the Rwandan Genocide.

"When first coming to Rwanda, you cannot tell that around 20 years ago mass killings took place in this very country. It is a strange feeling knowing about the history and knowing that the majority of the people that are in their thirties participated in the genocide in some way. However, the genocide is not a topic people talk about and it is definitely not something you want to ask anybody about. The terms „Hutus and Tutsis“ are banned anyways, and people are very strict with that.

On the other hand, there are quite a few museums and memorials dealing with this period of the Rwandan history and contributing to reappraising the past. So nobody is denying that the killings took place, but they do not like being reminded of that.

As a volunteer in Rwanda, I work at schools where I teach English and Mathematics. From former volunteers in my positions I heard that only a few years ago they still had physically and mentally disabled kids from the conflict. There were a lot of kids traumatized by the loss of their parents, kids that were found between dozens of dead bodies or harmed physically, even shot."



Bikindi will sing no more

Author: Łukasz Radliński

Simon Bikindi was found guilty by the MICC on Thursday 2nd of February at 5 p.m. The Court sentenced him for 5 years of imprisonment and forfeiture of all earnings from his song.

The prosecution charged the accused Simon Bikindi with aiding and abetting the commission of genocide, punishable under Art.6 (a) and (b) and 25 (3) (c) of the Rome Statute and asked for a punishment of 12 years of imprisonment and forfeiture of all earnings from songs, even before the conflict.

During the trial the prosecution tried to prove that mass murders in Rwanda were genocide and that Simon Bikindi intentionally and with full awareness assisted it. *"The trial was very tense and even nerve wrecking",* said the member of the prosecution team Achraf Brahim.



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Defence pleaded not guilty. However, in the case of Bikindi being pronounced guilty by the Court they asked for a milder punishment.

The defence team tried to prove that mass murders in Rwanda were not a genocide based on the analysis that they provided on Tutsis and Hutus not being religious nor racial, national nor ethnic groups.

They also stated that Bikindi couldn't have intended to make such effect by his songs: "At that moment he could not have had knowledge how his songs may be used. Therefore, it is not possible to state that he might have had intent to contribute to the crime years before the crime happened. Stating otherwise would be admitting that Simon Bikindi has superhuman power of prediction." said the defence lawyer **Razy Aman Eddine** during the trial.

The defence was confident about the outcome of the verdict as stated by **Doga Kaptan** right after the trial: "I expect us to win but if we don't, that's still ok".



A pragmatic man

Prepared by: **Lukasz Radliński**

Simon Bikindi was a very popular musician in Rwanda. His most popular song is from 1987, and it is called "Twasezereye", which is interpreted as "We said goodbye to the feudal regime". In the song Bikindi reminds people of Rwanda about the brutal and radical way Tutsi treated Hutu in the feudal regime when Tutsi were in charge. "Remember the whip and the chore! Remember the days you spent serving the master without remuneration" says Bikindi at very beginning of the song. He continues about how, in his opinion, the time after Hutu revolution was changed for the better: "At that time Habyarimana was at the head of the army. We enjoyed peace since its birth (of the independence) and always fight for that peace. We congratulate you, proud young soldiers. May you continue to lead the army valiantly!"

His second most popular song is titled "Nanga abahutu" which is interpreted as "I hate these Hutus". In the song Bikindi proclaims hatred to "greedy Hutu" and even manifests his approval of killing them: "I detest these Hutu who are brought to kill—to kill... Let us start in the region of Butare, where they like living under feudalism— Who would blame me for that? I hate them and I don't apologize for that. Luckily for us that they are few in numbers...".

His songs became the most popular in the years of 1992, 1993 and especially in 1994 when during the genocide in Rwanda his songs became some kind of a soundtrack for Hutu attacks on Tutsi. These songs were broadcasted almost everywhere especially on the national radio station - RTML.

Today, Bikindi's songs are banned in Rwanda which ended his career as a musician in this country, but his most popular song is still available on YouTube where it has over 100 000 views.

The interesting thing about Bikindi's life is that during the genocide he was in relationship with a Tutsi woman Angeline Mukabanana. When he wrote "I hate these Hutus" she claims she asked him: "Why did you write that? What if the R.P.F. wins the war?" Angeline said that his answer was: "The government obliges me to write these songs. If I hear the R.P.F. is coming to Kigali next month, I'll write a song for them."



Exciting differences

Author: **Paula Korschildgen**

This year at the MICC, we have participants from five countries: Poland, Tunisia, Lebanon, Turkey and Germany. After the first day we spend at Krzyzowa, in the evening there was an activity which was called the „Global Village“ where the students from each country presented their culture through food, dances and songs, which they prepared before they came. We asked the participants what they learned about other countries that surprised them the most.

Mohamed Amine Boughanmi – Tunisia

„One funny example is that I found out that dabbing is not okay in Poland because it makes you sound like you are lame or something, meanwhile in the rest of the world it is something that makes you look cool.“

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had to offer something so exciting, and it was wonderful to see how proud everyone was to be able to present their traditions.“

Rein Al Ghawi – Lebanon

„I was so amazed by the Tunisian dance, it was awesome. Also, by the Polish dance too. It was so funny when we did it all together.“

Snowballs everywhere!

Author: **Amir Zamzam**

For some MICC participants this was their first ever snow. We talked to **Mohamed Al Arnaout** from Lebanon and **Maissa Sghaier** from Tunisia, both from

Mediterranean countries where witnessing snow is a rare occasion.

“It was an amazing experience because in Lebanon you can play in the snow if you take a 3 hour drive to the mountain. Here it's on the door step. It's easy and fun“, said **Mohamed Al Arnaout**.

On the other hand, **Maissa Sghaier** completely fell in love with the snow: “It was pretty cool actually. I got to throw snow balls at everybody and everybody got to throw snow balls at me, and nobody would get mad. It's so fluffy and I got to build a snowman. I love Frozen (the animated movie). I want to stay and live in a place where it's snowy forever.“



Wiktorja Kulesza – Poland

“I am really happy that I met Muslims because I've never talked to any before. I had known something about the culture before, but it is really nice to feel it more personally.“

Mert Aybar – Turkey

„Actually, the dances were very good. That's all I can say!“

Emily Ungefug – Germany

„I was really pleasantly surprised by how every country

THE PRESS TEAM



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Model International Criminal Court

