In the Shoes of the Accused

One of the most difficult aspects in investigating the cases of Friedrich Flick, Simon Bikindi and Dražen Erdemović may be putting yourself in the shoes of people accused of atrocities. The defense team especially must contend with this challenge. In the following quotes, members of the defense team discuss their experiences of sympathizing with defendants.

We interviewed some of the 'defense lawyers' in the different cases, about what it is like to try to understand the defendants' side.

"It's hard because on one side you're yourself and not sure if [Flick is] guilty and you have your own opinion about him. You don't necessarily need to like him or what he did but you still have to defend him the best you can. [My opinion] differs greatly from what I have to say about Flick in court. In court, since I'm the defense I have to make sure he's seen in the best light possible, even if I don't necessarily agree," says Timo Weishaupt, a Flick defense lawyer.

(continued on next page)
HOW DO WE JUDGE?

Thinking of a law tribunal, you may have in mind the accused persons that have to take responsibility for their actions. You think of the prosecutors that have to prove that the accused persons are guilty and of the defenders who try to convince the judges that the accused person is not guilty or at least does not deserve a too harsh punishment.

What about the judges? Sure, a judge has to find a just judgment. This sounds easy, however, as Ania from Poland says: “it is a hard thing to do”. Campbell, a judge in the case of Flick expressed his experiences like this: “I do enjoy the work of the judges because (...) you are given the ability to do both – participate very actively and control the direction of the trials but also to listen and to observe the opinions and stances of others.”

Unifying the enjoyable and difficult sides of his work, a judge has to shut down her or his own emotions and opinions. A judge’s decisions can change the life of the accused person forever. Technically, you can set a person free and let him or her return to a normal life in society however you can also sentence the accused to whole life in prison. A judge is torn apart between two sides. Both defense and prosecution try to convince the judges of their own opinion. That is why we asked some judges - How does a judge find a just punishment? How does she or he leave out his emotions and ethical values?

“Without the Rome Statute nothing would be possible. (...) really, it’s difficult. I don’t think there is any easy answer to that question. I think we can do the best we can but as we are all imperfect, we can only hope to do the best we can. We can never operate perfectly,” was the honest answer of Campbell.

Bjarne, judge in the case of Erdemovic says: “We are limited in our options. (...) we need to take a look from every possible angle because a person is innocent until proven guilty, which means that every single point, that the accused is charged with, has to be proven beyond doubt in the mind of the judges. (...) However, in my opinion it is not entirely possible to be absolutely impartial!”

Considering the experiences of the judges, in conclusion, we can say that a judge can’t be perfect. Nevertheless, a professional judge knows how to consider all evidence given, turn off his own emotions and ethical values and come to a decision that we can call “just”.

Tom Grünert, Germany

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“I think it also involves a lot of acting. I have to show that I’m convinced that he’s not guilty, or at least pretend that it’s true, even if it is not my personal opinion. In some way it’s hard for me that we ourselves don’t really have any solid arguments, it’s just us questioning the arguments other people have, so in that way it’s not solid argumentation and that’s kind of hard for me,” says Timo.

“In this case [it feels] good [to defend Erdemovic] because I believe he was acting under duress and he shouldn’t be put in prison just because of the circumstances that he was in, and I enjoy defending someone who deserves to be innocent and deserves to be let go,” says Erdemovic defense lawyer, Jonathan Iluz.

We also asked him how he thought his personal opinion differed from the argumentation and the planning: “He did kill people and I believe maybe personally that he should be punished for [a] certain amount of time. Morally, I believe that he is in some way guilty, not directly, but perhaps indirectly because he was used. But, otherwise, I think he did something good with what he did and I respect that.”

We also wanted to know what he would do in these people’s shoes and he answered: “I would probably rather die than kill other people.”

What’s the difference between your personal opinion and the facts? In the case of Simon Bikindi, a composer and lyricist during the Rwandan genocide, defense attorney Alicja Zdobylak noted how her personal opinion changed to align with her legal duty. Said Alicja: “At first I thought that he was guilty and when I looked at the case and read all the case materials I changed my mind, I think that the facts are really hard [to understand] and I know he was not guilty for these crimes. Maybe during the real trial he was.”

“I feel confident [defending Bikindi] because I [am familiar with] the role of defense. Finding all of these arguments [was] really [difficult] but I think [our team] did a good job,” said Alycia, regarding her experience defending Bikindi.

Q: Put yourself in Bikindi’s shoes, what would you do?

“[If I were Bikindi], I wouldn’t write these songs. I think it wasn’t a good idea to write these songs because you actually don’t know what people are thinking or what they [would] do. [Will] there be a spark in the songs, or they will just listen and do nothing? So I wouldn’t write [them] and if I wrote and if they were played on the radio I would stop it.”

Overall, some people found defending the accused a difficult task, while others managed to understand and sympathize with the defendant.

Anita Plucinska, Poland

Lana Lubany, Israel
CURRENT EVENTS

A LOOK AT HUMAN RIGHTS TOPICS IN 4 COUNTRIES

Is Germany ready for the Chairmanship of the UN Human Rights Council in 2015?

Germany is good. Germany works on its history. Germany is model. But how it is in reality? Someone told me that there is only one way to really get to know Germany: you have to deal with the foreigner authority. So is the candidacy for the chairmanship of the UN Human Rights Council for which Germany strives justified?

"It is very good that the federal government has adopted so many recommendations. It is certainly exemplary in comparison with other states", said Beate Rudolf, director of the German Institute for Human Rights. The fact that Germany has apparently little to do with human rights violations is evident. The federal government seeks to protect the human rights. For example, it accepted 168 of 200 recommendations of the Universal Periodic Review and thus created a good reputation in the world. It is a real German characteristic to ensure a good reputation. But nobody’s perfect. Germany has its weak points, too.

The Amnesty International Annual Report 2013 attested to a small number of human rights violations in Germany. First and foremost, they affect immigrants. It is not only that they are restricted in their right of freedom when they were held in the transit area on the airport at their enter to the country, but even after several generations in Germany there is still discrimination against them. It is common knowledge that Germany has no natural resources. Its wealth is due to the intellectual productivity. Nevertheless, the country wastes this potential if children with migration background are not allowed to go to the high school. But that’s exactly what a study of the anti-discrimination agency found out. This is a violation of the right to education. If these children, who intellectually the same as German ones, have not the access to education they deserve because they are the way they are and because someone has linked right and wrong to the origin then it is discrimination. "I am inside. You are outside." The mechanism of distinguishing basis is the natural need of safety- and not at least the economic one. It can be learned that "outside" shares this need too and an entirely different "inside" could be created on the basis of common humanity. But how?

One possible measure is the United Nations Declaration on Human Rights Education and Training. Marcia V.J.Kran, director of the research and right to development division in the office of the United Nations High Commissioner for Human Rights (OHCHR) said in an interview with SGI Quarterly in October 2011, "It clearly defines human rights education and training at the centre of efforts to promote, protect and effectively realize human rights for all."

It is important to know the own and everyone’s rights and to know how to cope with them. But it is difficult to respect them if other needs are more urgent. According to the Maslow’s pyramid of needs the physical and not the social needs come first. The German writer Bertolt Brecht recognized "The moral comes after the eating". Even Guido Westerwelle (FDP), the former German foreign minister, said that only those who were without fear of starvation, thirst and disease could really live in freedom and take responsibility. Deduced from this, discrimination would disappear together with global starving. Only if the people have no need to worry about their basic needs, people can afford to be moral. This is true for the one coming to us as well as for the ones here who are afraid of being told to give something up.

To be a reasonable candidate for the chairmanship of the UN Human Rights Council the country has to work on its weak points visibly and has to allow criticism. There is no country without human rights violations, but there are some fighting against them. This should be rewarded.

Solveig Vorfeld, Germany

Human Rights Education in German Schools

It is not enough to "have" human rights. It is essential to know and own them as a way of life.

Sophia is 18 years old. She is in her last year at school, has good grades, has some very good friends in her year and is an average student. Sophia plans to spend one year abroad after she finished school in the Dominican Republic. After that, she wants to study biochemistry. Sophia is a student of Friedrich Ebert Gymnasium in Bonn, a school with an international profile that supports international learning. The pupils come from more than 40 nations worldwide. The students have different skin colors, languages, religions, political opinions, national or social origins and properties. Sophia knows that there are human rights and that all these students have the same human rights because they are all human beings. But she does not know more detail about the human rights. For example how and when they were created, why they are important and what they actually say.

Let’s assume that Sophia is perfectly satisfied with her perception of the human rights. She finishes school, finishes her year abroad, finishes her studies and gets a well-paid job.

Sophia has seen that people are discriminated because of their skin color, property or political opinion. But she is not upset because she is used to see these kinds of discrimination. In her year abroad she was a victim of discrimination herself because some people did not respect her due to her language and her sex. But she told herself she could not change that and bore up the discriminations. (next page)
Why does Sophia not fight against the discriminations? Why is she not trying to increase the awareness of human rights in the population? Because she has never learned anything about them. Of course, her moral values tell her that discriminating against people because they are different is not right. But her perception would be totally different if she knew her rights.

The second article of the Universal Declaration of Human Rights explicitly states that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or under any other limitation of sovereignty.”

Although the importance of human rights education is quite well known, the implementation seems to be difficult in German schools. “In the new scholar system, pupils already have a year less to gain all the important knowledge they need for their exams. There often is not enough space in the curriculum for human rights or politics in general” explains Mr. Mattern, a teacher for politics of the Friedrich-Ebert-Gymnasium in Bonn.

The problem is not only present in Bonn, Germany. Yacine, a student in Belgium says about his human rights education: “This is a subject that affects everyone, but schools and even the Belgian education system in general do not make a priority. Instead of spending an hour teaching a moral or religion course, I think we should have a course on this type of subject (human rights, racism, refugees, etc.) as an elective in school (in high school).”

If we want the following generations to be aware of their own, and also everybody else’s rights, what can we do?

There are organizations that try to increase the awareness of the human rights in the youth. For example, Human Rights Watch sponsors the production of short video clips that explain the different articles of the human rights. These are spread in the social media and in crowded places.

It is important to support such organizations. Simply sharing these video clips in the social media can help to increase the youth’s awareness of their rights. Kofi Annan, Secretary General of the United Nations from 1997 to 2001, said: “Human rights education is much more than a lesson in schools or a theme for a day; it is a process to equip people with the tools they need to live lives of security and dignity.”

This is not the only organization supporting such projects. It is not difficult to find a possibility to help. Search in the internet for “human rights education” and you will find out that there are enough initiatives. They simply need people that support and spread their projects.

So please go and help to increase human rights education in order to provide a society which is free of racism, discrimination and hatred. Help to create a better world.


Tom Grüner, Germany

Palestinian Rights in Israel

Israel is thought to be the most free and democratic country in the Middle East. Israel was founded as a Jewish democratic state and a homeland for Jews from around the world. Before it was declared a state, the population were mainly Christian and Muslim Palestinians, as well as a minority of Jews.

The founding of the state in 1948 was a declaration of independence for the Jews, but a tragedy for the Palestinians. Some Palestinians were forced out of their homes (over 500 villages were destroyed), so they fled the country, thinking they would return in a short amount of time, while other Palestinians managed to stay.

According to the state of Israel, the country is a democracy with equal rights for all of its citizens, Jews and non-Jews. However, in practice, it does not work out this way.

One example is the educational system. The government evidently invests more in Jewish students than Arab students. For example, in 2005, $192 a year were spent, by the Israeli government, per Arab students in comparison with $1100 per Jewish student, according to the Follow-Up Committee for Arab Education.

There are more opportunities provided for Jewish students, such as international programs and a wider variety of subjects, which helps prepare them to choose paths for their futures. Hebrew is a mandatory subject in Arab schools, while Arabic is not mandatory in Jewish schools. It is obligatory for Arab students to do a ‘Bagrut’, the official matriculation exam, in their second language of Hebrew or higher in order to receive a high school diploma, while Jewish students don’t have to do a bagrut in Arabic, and the ones who do normally study very basic Arabic, which already means that the level of importance afforded to the Arabic language in Israel is at a much lower level of importance than Hebrew.

It is mandatory for Arab schools to learn the history of the State of Israel from the view point of Israeli historians, which gives a biased view which may not necessarily be true.

Another example of the lack of equal rights in Israel is the job search process. Many of the good job offers, especially for educated people, will ask if you have served in the army, which would automatically mean that preference is given to Jews over Arabs. “Military service is kind of a tool that is being used more and more in order to exclude the Arabs, because they don’t do military service,” said Sawsan Zaher, director of the
Economic, Social and Cultural Rights Department at Adalah, the Legal Center for Arab Minority Rights in Israel.

Another similar example would be apartment searches. Many people in mixed cities refuse to sell or rent out apartments to Arabs, violating the equal rights law Israel claims to have. “If you allow Arabs into Jewish neighborhoods, you are asking for feuds to ensue,” said the Chief Rabbi Mordechai Nagari from the Maale Adumim settlement. Even in mixed cities such as Tel Aviv-Jaffa, speaking Arabic out loud would turn heads. “There is discrimination in allocation of resources: land and housing and funding for schools and local councils,” said Jafar Farah, head of Mossawa, an advocacy center for Palestinian citizens.

However, there are rights that are equal for all citizens of Israel, such as the healthcare system. Healthcare in Israel is universal, and medical insurance is compulsory. All Israeli citizens are entitled to basic healthcare as a fundamental right, and thus, everyone is insured for health care services. This also applies to Palestinian-Israeli citizens and is an excellent benefit that everyone wants to hold on to.

In addition to that, Israel has very good social services systems for its citizens which include: child and family welfare, care of the aged, care of the handicapped, rehabilitation and community organizations.

In short, despite being "Israeli citizens," there are much fewer opportunities for Palestinians in Israel who are definitely viewed as low class citizens, and are treated as unwanted guests in a region where they’ve lived for ages and ages.

Sources - http://www.al-monitor.com/pulse/originals/2013/05/israeli-army-service-rights-discrimination.html##ixzz2sreO2E8s

Lana Lubany, Israel

Polish Prisons

Every person living in a modern society has certain rights. Theoretically.

It seems like Poland belongs to countries that respect human rights because of the Constitution. However, when it comes to exercising and performing the repressive function it looks like our government abuses its power.

Firstly, we need to pay attention to the detention centers, which are separate entities, but now they also serve to perform a custodial sentence and take over function of prisons. Theoretically detention center should last no longer than three months, but in fact, sometimes people spend there up to 6-7 years waiting for a trial.

What is more, instead of solving the problem of overpopulation in prisons our system still holds formal arrangements. Consequently, Poland has been repeatedly punished for providing too small minimum living space for prisoners. The area in a cell per one convicted shall not be less than 3m2. Presented standard applies to all prisoners regardless of the size of his sentence or prior criminal convictions. And what’s the truth? Prisoners usually have for each other about 1m2.

Furthermore, there are commonly known problems of placing non-smokers in the appropriate cell. Meanwhile officers often consider a cell for non-smokers as a cell in which most of the prisoners don’t smoke. The situation is similar when prisoners want to receive a special diet. These people tend to be directed to a psychiatrist, waiting weeks or are deceived in a malicious way. Thus, the prison system does not meet their basic responsibilities which is to provide them with food.

Moreover, in many jails and prisons system of visits with inmates is still so “organized” that families and guests are forced to wait for hours, standing in line in the winter, the cold and the rain, until they are allowed to be let into the visiting room. The family of an unpopular prisoner may have to wait longer than others.

However, the greatest attention must be paid to the fact that convicted persons are treated as objects, with “identification numbers”, while their supervisors know only their files. It often leads to serious problems with communication.

Some time ago, European Court of Human Rights found a violation by Poland against torture and inhuman or degrading treatment in cases of Piechowicz and Horych. Both cases relate to the status of a dangerous prisoner. Mirosław Piechowicz was arrested in June 2006 on charge of drug trafficking and participation in an organized criminal group. He has been classified as a dangerous prisoner and was being held in complete isolation. He was subjected to continuous monitoring and personal checks. His feet and hands were cuffed every time he left his cell. The prison governor said that these safety precautions must have been used in case of a dangerous prisoner. Restrictions were also applied during visits with family. During his stay in prison there was no new ground for extending this status. In relation to M. Piechowicz restrictions have been applied for 2 years and 9 months. On the other hand, Andrew Horych is still subjected to these restrictions, a total of more than 7 years.

The situation in polish penology isn’t good. Non-governmental activists do what they can to improve conditions for inmates, but they are not able to do anything without help of normal citizens and government officials. We have a long way ahead of us to change the structure which prevails in Polish penology. But changes are possible. We need time and motivation, but we are able to do so.

Anita Plucinska, Poland
Time to Close Guantanamo Bay

Since 2001, the Guantanamo Bay Detention Camp has stood as a symbol of “might makes right” foreign policy in the name of fighting terrorism, regardless of human rights abuses. President Barack Obama once again asserted his intention to close the facility in his State of the Union address.

Though President Obama largely focused on economic and social reforms in his annual State of the Union address on January 28, he also reaffirmed his intention to close the American detention facility at Guantanamo Bay. Said President Obama, “this needs to be the year Congress lifts the remaining restrictions on detainee transfers and we close the prison at Guantanamo Bay because we counter terrorism not just through intelligence and military action but by remaining true to our constitutional ideals and setting an example for the rest of the world.”

Conditions for prisoners at Guantanamo Bay are certainly not in line with American constitutional ideals. Human rights abuses that violate both domestic and international norms are prevalent in the detention camp. Most of the 166 prisoners at Guantanamo are held without trial or charge, many of them captured thanks to huge ransoms from the US government in exchange for information on terrorist activities. In impoverished areas, these incentives can drive people to provide false evidence and make false accusations of terrorist activity. Many prisoners are subjected to torture during interrogations, a technique which has been criticized as abusive and unreliable by American military personnel. These practices violate articles five, nine and eleven of the Universal Declaration of Human Rights as well the sixth amendment of the American Constitution.

In an attempt to bring attention to their plight and protest their indefinite detention, Guantanamo inmates staged a large hunger strike last year. Guantanamo officials responded with force-feeding, which was criticized as degrading and dehumanizing by UN officials.

Inmates at Guantanamo Bay are suspected terrorists with varying levels of affiliation with Al Qa’ida and the Taliban. Some prisoners there have been senior Al Qaeda and Taliban officials, dangerous radicals and masterminds of terrorist plots. However, others were imprisoned there for indirect connections to terrorist groups, for wearing a type of watch associated with Al Qaeda and Taliban. Some prisoners there have been senior Al Qaeda officials. Several detainees were teens when first captured. Critics of Guantanamo interrogation policies claim that all suspects deserve fair trials, regardless of the accusations leveled against them.

President Obama first stated his intention to close the American detention center in Cuba while campaigning for the presidency in 2007, but today, two years into Mr. Obama’s second term, the facility remains open. Obama’s campaign promises to close Guantanamo engendered an executive order in 2009 which promised to close the prison within a year. Obama’s promise to close Guantanamo even helped him win the 2009 Nobel Peace Prize. However, that promise remains unfulfilled. Obama’s reference to the prison in the recent address will hopefully bring a renewed vigor to conversations about closing the facility.

Many stand with the president in the opinion that the government should close Guantanamo. Among the supporters of this proposition is Major General Michael Lehnert, who opened the facility in 2001. ”Our decision to keep Guantanamo open has helped our enemies because it validates every negative perception of the United States”, wrote Lehnert in an op-ed last year. He also criticized the interrogation techniques used in the prison and said opening the detention center was a mistake. Many human rights watchdog groups, among them the American Civil Liberties Union, Amnesty International and Human Rights Watch call for the closure of the facility.

Even though about half of the 166 remaining Guantanamo Bay detainees have been cleared for release, moving them to other facilities proves difficult. The United States government is often apprehensive to return prisoners to their home countries, many of them marred by instability. Given several high profile prison breaks by terrorist groups in the Middle East last year; this is understandable.

However, an uncooperative legislature has also made transfers to the United States increasingly difficult. With the memory of September 11 still looming fresh in their minds, few Americans want suspected terrorists, guilty or not, in their home states. This aversion to transfers to American prisons is reflected in the National Defense Authorization Act (NDAA), the yearly Congressional budget for the Department of Defense. Previous NDAA bills have put inconvenient restrictions into place concerning the transfer of Guantanamo inmates. However, in the NDAA of 2014, Congress loosened restrictions, possibly signaling increased cooperation with the Obama administration on the Guantanamo issue.

Congress should work with Obama in closing Guantanamo Bay. The United States needs to demonstrate their commitment of all people’s human rights, regardless of nationality. They need to show that American hypocrisy on human rights issues is ending. Americans cannot compromise our fundamental political values in the name of fighting terror. If Obama keeps his promise and pushes hard to achieve congressional cooperation to close the detention center at Guantanamo Bay he will support US interests internationally, improve opinions of American foreign policy worldwide and put an end to a symbol of American repression and hypocrisy.

John Chappell, United States
**Bosnia**

During the massacre in Srebrenica in 1995, over 8000 Bosnian Muslims were killed by soldiers of the Republika Srpska in the largest mass killing since World War II. Drazen Erdemovic, along with other Croat soldiers, killed bus loads of people by executing them on a farm in Pilica. However, the situation was far from straightforward. Erdemovic's superior officer threatened him and his family at Pilica. Erdemovic had, and would again refuse to follow orders. After feeling huge guilt, Erdemovic turned himself in to the International Criminal Tribunal for the Former Yugoslavia and shed light on what had happened in Srebrenica. He went on to testify against senior leaders in the Republika Srpska who ordered the action, among them Ratko Mladic and Radovan Karadzic.

Erdemovic's complicated case inspired an emotional debate among the MICC students during the simulation of his trial. Many MICC participants feel sympathy for Erdemovic and his situation, making the case all the more interesting. Several major disagreements between the defense and prosecution teams made for intriguing arguments from both sides. The defense claimed that Erdemovic was acting under duress due to the threats against him and his family and should therefore not be held accountable for his actions. The prosecutors countered by noting that three lives, those of Erdemovic and his family, should not be valued over those of far more victims. Since the number of lives saved by Erdenovic shooting the Bosnian Muslims was less than the lives lost, the prosecution claimed that the situation did not fall under the Rome Statute's definition of duress. Another difference between the two teams lay in their beliefs concerning whether Erdemovic's actions did indeed fit into the definition of crimes against humanity. The defense asserted that Erdemovic did not know of the greater context of his actions, and therefore he did not have intent and knowledge to commit crimes against humanity, though he did intend to shoot the victims in Srebrenica. In response, the prosecution cited evidence in which Erdemovic said he knew the mission of his unit from the beginning. In describing Erdemovic's character, the defense painted a picture of a family man and the prosecution one of a soldier.

During the verdict, the judges team determined that the Srebenica massacre was a systematic attack against a civilian population, and therefore fits the Rome Statute definition of a crime against humanity. The judges preferred the prosecution's interpretation when considering Erdemovic's intent, asserting he did indeed intend to shoot and kill the civilians on the farm in Pilica. However, they decided Erdemovic was under imminent threat of death, though there was no imminent threat for his family. After internal conflict within the team, the judges determined that Erdemovic's life can not be weighed against the lives of his victims, and therefore asserted Erdemovic was under duress at the time of the mass killing in Pilica. This frees Erdemovic from responsibility, and he was declared innocent.

**Rwanda**

In only three months, members of the Hutu tribe in Rwanda killed approximately 1 million Tutsis. This mass killing was the result of decades of ethnic divisionism encouraged by German and Belgian colonists who divided the Hutus and Tutsis, ethnically and culturally similar peoples, by preferring Tutsis in the government bureaucracy.

The words Hutu and Tutsi, originally socio-economic identifiers, became permanent ethnic terms when the Belgian colonial government issued identification cards which perpetuated the division between Tutsis and Hutus. After independence, Hutus came into power after decades of subordination to Hutus and colonists. In a military coup, Juvenal Habyarimana, a Hutu, founded a single party state ruled by the National Republican Movement for Democracy and Development (MRND). In resistance, Tutsis founded the Rwandan Patriotic Front (RPF), a rebel group which fought against the Hutu rule until the Arusha Accords, which guaranteed power sharing. The violence in Rwanda began soon after the death of Juvenal Habyarimana, who’s plane was shot down by either the RPF or MRND extremists who wished to incite genocide against Tutsis. Youth paramilitary groups collectively called Interahamwe began a cycle of ethnic killings against Tutsis and Hutus moderates. The Interahamwe mass murdered with only clubs and machetes. Killing continued until the RPF reached the Rwandan capital of Kigali and overthrew the MRND government. During the killings, pro-Hutu radio stations espoused violent rhetoric to encourage violence. Simon Bikindi, a Rwandan lyricist, musician and government official, wrote songs interpreted to have lyrics which encouraged violence. Indeed, the pro-Hutu radio stations RTLM and Radio Rwanda played Bikindi’s songs many times a day.

At the MICC, students simulated Bikindi’s case, which was originally tried by the International Criminal Tribunal for Rwanda, established as an ad hoc tribunal by the UN Security Council.
The heated debate comprised of several major arguments from the prosecution and defense. The two sides argued as to whether the Rwandan violence was indeed a genocide, since many scholars argue there is no real ethnic distinction between Hutus and Tutsis. The defense noted that this would mean the ICC has no jurisdiction over Simon Bikindi’s situation. The two sides also argued about whether or not Bikindi intended for the music to encourage violence and whether he could be expected to disallow playing of his songs on the pro-Hutu radio stations.

The judges ruled that, due to the strong perceived differences between Hutus and Tutsis, though not actual, made the three months of killing in Rwanda a genocide. The judges decided that Bikindi could not be held responsible for not removing his music from RTLM because he was neither a civilian or military commander. However, the judges did find Bikindi guilty of aiding and abetting genocide and said he indeed intended for his lyrics to encourage division and violence. Bikindi was sentenced to a five year prison sentence.

John Chappell, United States

Around the world in two hours: an evening of intercultural speed dating

Krzyzowa is a very small village in Poland. Surrounded by fields and a little river, you can hardly hear a sound except for birds and dogs. But on the evening of the 17th of February, 2014 this small village was shocked by the pure energy of life. New Mexican, Polish, Israeli and German cultures were united in one room. They started with a speed dating game to get to know each other better. After that, the pairs had to show each other how their favorite animal behaves and what sounds it makes. Then the presentations started. The American group was first. They guided the audience to New Mexico where they have the biggest watermelon in the world (which is actually a mountain) and a flavor of spicy food that the audience could experience. After everyone was in Poland again, they got little presents from the US.

The next country to visit was Germany. They had made a movie about their home town of Bonn with a lot of common clichés about German people. If someone had been standing in front of the door, they might have thought “Why do they shout KAMELLE? And what does it actually mean!” And if they had entered the room, they might have had HARIBO, a sweet of Bonn, thrown at them. Though Carnival is starting next week in Germany, the German group started it early on the 17th of February.

The Polish participants prepared a full menu. Most of the people agreed that the food, albeit with unpronounceable names, was delicious. The meal was followed by three presentations about the bridges, dwarves and guitar festival traditions of Wroclaw. They finished their presentation with the dance every student has to learn for their prom night. It looked easy. All you have to do is go, count to three and stress the third step. However, it is a tricky dance and when tried together with the music you get easily confused.

The last country was Israel. They brought halva, a sweet, sang a partial but not less beautiful song, a Zulu war dance which made the whole building shake, an Arabic song and a Japanese expression that meant “Life is the highest treasure.” They closed with a Jewish prayer.

The atmosphere was a mixture of curiosity, suspense and fun. Everyone enjoyed the evening and will never forget it. After two hours, the people in the room have experienced more culture than they could ever learn in school.

Solveig Vorfeld, Germany