As a sign for constant development the MICC 2012 presented a novelty: Besides the regular legal sessions a simulation of the UN Security Council took place on the last day.

The Security Council discussed whether the situation in Syria should be referred to the ICC. The ongoing fights between the rebels and the Syrian army caused a great deal of casualties and there is reasonable doubt if these can be considered as crimes against humanity and war crimes; the question whether the ICC or the Syrian courts should investigate these allegations was answered differently by a preluding debate.

A necessary symbol

By Nicole Kreft

What is the exact purpose of the ICC? Is it to be seen first and foremost as a legal institution that decides about guilt and innocence or does it also act as an important political player on the international stage? Concerning this crucial question in the discussion of the Syrian case, the opposition positioned itself clearly stating that the ICC was not a political institution and therefore unable to promote peace and justice at the same time: „Arrest warrants sometimes have little more than symbolic character for the victims.“

This argument not only questions in a doubtable manner the political significance of an International Criminal Jurisdiction, but also plays down the importance symbols can have for the victims and the international community.

Certainly, criminal prosecutions are not able to satisfy all the victims’ needs and there has to be done more to achieve a better interaction with the victims in criminal trials. Still, a symbol of consideration for their suffering and of taking interest in the horrible crimes that are happening in Syria is urgently needed after the failure of the Security Council resolution in February and can definitely contribute to peace and justice.

Two Vetos prohibit the peace process in Syria

By Esther Helmert and Nicole Kreft

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tbc on page 2

The Syrian Arab Republic (short: Syria)

Current President: Bashar al-Assad
Population: 22.5 million (UN, 2010)
Capital: Damascus
Major religions: Islam, Christianity

▶ Increasingly isolated by the international community in the last few years due to its role in Lebanon and supporting Iraqi insurgents
▶ Inspired by the uproar in North African countries and in the Middle East ("Arab Spring") Syrians demonstrated for reforms from January 26th 2011 on until today
▶ Security forces of the government suppressed this, at least 5,400 people have died since than due to the unrest
▶ Attempts of the Arab League and the United Nations to start a peace process are currently happening, Kofi Anan as the special envoy started the peace talks

Source: bbc.co.uk
The proposition argued that the national community needs to stand for the Syrian population. The referral could also help in the ongoing peace process as there had been similar effects on other cases. The international awareness that will happen with the passing of the resolution will also acknowledge the high number of victims.

Even though the Syrian courts in general would be able to treat the criminal charges that are being discussed, they are not able to do so at this moment. Therefore the ICC needs to take action in this matter immediately. Still, this will have no effect on the sovereignty of the Syrian state.

The Opposition in contrary stated that the sovereignty will be questioned with this action and the Syrian courts are capable of taking charge in this matter. Hence the matter is also a political question and the ICC is not the right institution to address this.

Additionally, the opposition argued that the work of the ICC might hurt national awareness that will happen with the passing of the resolution would not be able to do so at this moment. Therefore the ICC needs to take action in this matter immediately. Still, this will have no effect on the sovereignty of the Syrian state.

In addition, the prosecutors tried to emphasize the importance of the civilian status of the protesters. To prove they cannot be declared terrorists the prosecution highlighted: „a civilian is any person who does not belong to one of the categories of persons referred to in article 4 of the Third Geneva Convention“. In contrast, the defense team stated that there was no intention to kill those people at the square. „It was clear from the beginning that Thiral acted on the given orders,“ said the defender Naida Isić.

The court agreed that the killing was not planned. However, the people on the square were classified as civilians and therefore, the court decided to relieve Thiral of the charges for the crimes against humanity. Instead, he was given a prison sentence of three years for the murder of twelve people. The prosecutors claim the jury’s verdict went against the weight of evidence, „The prosecution team declares its respect to court and accepts its decision. However, in our opinion this decision was not based on clear legal ground. As prosecutor, I want to highlight the controversial nature of the decision: According to the court there was no widespread and systematic attack in purpose of article 7 of the Rome Statute. Furthermore, the court defined Mr Thiral’s attacks as an exercised crime. Considering the gravity of his actions we do not share the courts' opinion. “

And this is the statement of prosecutor Levan Gochitidze after the trial:

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Bashar Thiral not guilty for the crimes against humanity - but gets three years imprisonment

By Eldin Čeho

In the case of prosecution vs. Bashar Thiral, the defendant is accused of having committed crimes against humanity for the killing of twelve people in the state of Alamena. It took the judges several hours to deliver the verdict which made it one of the longest trials in the history of MICC. But still, was the justice really served?

The demonstrations that started on the central square of Alamena on August 15th, 2010, threatened to escalate into a violent riot. Protesters were seen carrying Molotov cocktails so that the government sent their armed forces in order to suppress vicious masses.

As the riot intensified, the authorities ordered a police squad to use live ammunition which resulted in carnage and 265 protesters got killed. Twelve of them were shot by Thiral, a member of the police force at the time. This incident caught the attention of the ICC.

After the prosecution and defense stated their cases before the judges, a few interesting debates arose. The heavily discussed argument whether the attack was in self-defense was linked to the question if the Molotov cocktail is a lethal weapon.

Two Vetos prohibit the peace process in Syria

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Before... and after

Interview by: Asya Kostina

This is what defender Anastasia Murzanovskaya said before the trial:

“The position of the defender team is that Bashar Thiral did not commit the crime he is accused of. The main point is that there is no material that could prove the evidence of his actions and therefore no arguments could lead to find him guilty of crime against humanity according to the Rome statute. Certainly we will try to prove Thiral’s innocence to the honorable court.”

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It was so quiet you could hear a pin drop when the prosecution at this year's MICC pleaded Ebenezer Kruger, the ex-minister of interior affairs and education of Alamea, was found guilty of genocide and crimes against humanity. No accusation could be worse in international criminal law. However, the judges ruled differently.

On March 12th 2012, Krzyżowa was the venue for the trial on Kruger's policy concerning the ethnic group of the Ehuts. Prosecution did not only see the ex-ministers reform of the educational system and his integration-policy overshooting the target - but rather estimated them as crime and even genocide.

The background of the trial is the Alamean-revolution in 2011 and the successive breakdown of tourism lasting till today. The Ehuts ethnic minority depended essentially on this branch – and has not only been suffering from suppression and lacking education, but also from high unemployment rates. In order to prevent total economic collapse, Ehut children went begging – and their community moved to makeshift homes or tents.

While Kruger planned to provide housing capacities and a social welfare system, prosecution thinks he ignored the Ehut's culture which implies living together in a community: „Basic social welfare cannot in any way compensate social isolation“, prosecutor Gia Metreveli insisted.

But for defender Roman Maroz, prosecution completely misunderstood Kruger's policy: „Those reforms sought to raise life standard, to overcome poverty and to integrate Ehuts into society including full citizens rights.“

Kruger's second measure was even more controversial - and made prosecution demanded verdict of being guilty of genocide and crimes against humanity: Ehut children who did not attend school were taken away from their parents to boarding schools for six months. While prosecution could not imagine any justification for this, defence portrayed Kruger's policy as noble act.

To aggravate the situation, Alamea has ca. 50.000 deaf people including a high number of children who were affected by Kruger's measures, too: The minister tried to integrate them into the school system by taking them out of their social environments. Prosecution, therefore, accused him of acting with the intent to separate children from their families:

„He knew them well and all his actions are aiming to destroy their hitherto prevailing way of living“, as Prosecutor Tsimafei Savitski put it. Therefore, prosecution pleaded for genocide according to articles 6 (c) and (e) of the Rome Statue - requesting 12 years imprisonment.

But for defence, deaf people do not constitute a group in the sense of the Roman Constitute, so that the accusation is ungrounded.

Although MICC-judges condemned the forceful transportation of homeless people and the removal of children as unjustified, they also saw these measures were not only directed against the Ehut population. Judges Sabrina Manteuffel and Wojciech Giemza acquit Ebenezer Kruger therefore from the accusation of having committed genocide.

„Unjustified, unrightful and wrong“

The MICC-judges left no doubt about their opinion of Ebenezer Kruger’s integration policy – but set the Alamean Ex-Minister free anyway By Nadine Düe

How to (ab)use the G-word

By Nadine Düe

When prosecution pleaded Ebenezer Kruger was guilty of genocide, they referred to the forcible removal of Aborigine children in Australia (1910-1970). But this has never been classified as genocide - although the extents of the measures were more severe than in Alamea.

This shows how important language is in the genocide-debate: Only the use of the G-word can end whole discussions. Who would want his country to be responsible for horrible crimes like Auschwitz? Obviously nobody, so the defence reaction to this attention-grabber often ends in total inhibition.

Canadian law professor William Schabas therefore insists of concentrating more on „crimes against humanity“ instead of discussing when mass murder stops and „the ultimate human crime“ starts. Samantha Power, another specialist, adds another point: „Be careful, genocide finding could commit the government to actually do something.“ Whereas the victims want the G-word to be discussed in terms of recognition, the government fears huge reparation costs.

If the word genocide in debates really helps to heal the wounds of the history has to be discussed further on.
The Krzyżowa Observer

It was not Waldo’s fault

MICC judges ruled Port Hamsa’s head of police is not guilty for 73 dead and 400 injured people at the local football stadium  By Hanna Kharlamava

On a drizzly Sunday morning the case of the head of police of Port Hamsa, whose omission provoked unnecessary violent deaths, was proceeded by judges of Model International Criminal Court in Krzyżowa, Poland on March, 11.

Clearly everybody at the courtroom focused on the main controversial points of the incident: Was the incident an ordinary clash between rival fans - or an intentionally provoked conflict based on inter-ethnic hatred? Did security guards open the gates leading to the pitch on purpose to add fuel to the fire? And finally, who is to be held responsible for the stampede?

Prosecution was sure that disorder started on the pitch between supporters of Port Hamsa’s football team and fans from Tishkuk. Prosecutors said that stadium gates were intentionally opened by the policemen as a perfect trigger to turn this situation into a mass clash. In their opinion, representatives of Tishkuk were attacked not just because they were followers of opponent football team - but as members of an ethnic group.

Prosecution tried to proof this by putting an emphasis on the fact that the ethnic rivalries were widespread in Alamea and often led to violence. Consequently, they insisted on 25-years term of imprisonment for Ben Waldo as a punishment for his passive, but still unquestioned role in committing grave crimes against humanity and acts of genocide.

But defence held a passionate speech with hardly contestable arguments. Their trump card was an analogous precedent: the „Hillsborough County case”, where a parliamentary commission came to the conclusion that the stadium authorities were guilty for ceiling the gates - but not for opening them. That is why defence considered actions taken by the police of Port Hamsa to be appropriate as, in this case, security opened the gates with aim to minimise the number of victims.

Speaking about future destiny of Ben Waldo, his attorneys insisted that the police chief was not responsible for any crimes his subordinates might have committed. It is because the Alamean law places the responsibility for security on the first place for the owners of the stadium and therefore Ben Waldo is not a person to be blamed.

They also declared the situation did not represent „widespread and systematic attacks” including elements of crimes against humanity. Defence also mentioned the nationality of victims was not clearly determined – and therefore could not qualify the clash as an act of genocide.

Eventually, the court decided that elements of crime of genocide were not fulfilled — but elements of crimes against humanity. However, MICC judges decided to exonerate the defendant from any responsibility as, according to new, post-revolutionary Alamean law the corresponding legal act dating from before the revolution was out of force. Therefore, Ben Waldo left the courtroom as a free man.

The MICC decision left the prosecution unsatisfied not only because they lost the case - but also because their strong arguments were not seriously taken into consideration.

Secondly, it proved impossible to find out whether opening the stadium gates was an attempt to save lives - or a convenient way to express racial hate. Defence thought prosecution could not prove any intent. But in the majority of doctrinal sources, precedent law and in accordance with the article 28 of the ICC-Statute, a condition exists that if the command intent is taken place, then the intent not of commander, but of the executor - in our case - subordinated local and private security guards - should be proved.

Ben Waldo acted indirectly. His guilt took place in a situation of omission when he knew or should have known that his police were committing or about to commit crimes. That is why the correctness of the verdict of judges remains doubtful – and a legal reason to appeal the decision remains, too.

The panel of judges applying to the Supreme justice.

The verdict remains doubtful

By Hanna Kharlamava

The MICC decision left the prosecution unsatisfied not only because they lost the case - but also because their strong arguments were not seriously taken into consideration.

The first disputable moment is related to the legal act applicable for regulating the relations of subordinating in the police structure. Relying on the context, an agreement dating from before the revolution is still in force as there is no information on whether new rules were fixed in new Alamean law.

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What is the MICC for YOU?

Some personal impressions of participants of MICC 2012  By Nicole Kreft and Nadine Düü

Name: Esther Helmert  
Age: 24, country: Germany

For me the MICC is the attempt to bring together students from all over Europe and to work and learn together. We have the opportunity to exchange knowledge about international criminal law.

Name: Naida Isi  
Age: 22, country: Bosnia

At the MICC I can approve my English and communication skills. I have made friends and connected with other law students around Europe.

Name: Iryna Lysenko  
Age: 25, country: Ukraine

MICC is my first interaction to the world of legal litigation. It’s good to make friends who are lawyers and can be a source of advice for my future NGO work.

Name: Natallia Karkanitsa  
Age: 21, country: Belarus

MICC is the possibility to have practical experience at a real court. It is more a realistic simulation than a competition. For me MICC succeeds!

Name: Levan Maisuradze  
Age: 20, country: Georgia

For me the MICC is the chance to meet interesting people. We share our experience with the other participants and the trainers. I really appreciate this chance.

Name: Anita Garnuszek  
Age: 21, country: Poland

MICC is the chance to act in a simulation and practice to be a lawyer instead of only learning from books.

Name: Rauno Kiviloo  
Age: 20, country: Estonia

At MICC I can meet people and find out more about international law. Compared to other experiences I made here the focus is on law and on punctual statements instead of debating.

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There is no way to run away from your shadow…

Illustration by: Michał Żak
“We aim to promote knowledge”  
By Nadine Düe, Nicole Kreft

How has MICC developed during the last six years?
MICC is a project which is in a constant change. At first it had been designed similar to the Jessup International Law Moot Court Competition but nowadays it has lost its competitive character in order to create a space for intercultural understanding. It is still very important to have a certain intellectual level. Nevertheless, Krzyżowa shall be a meeting point for international dialogue among young, open-minded students. With MICC we try to encourage critical reflections not only on criminal law but also on educational and political systems. Especially in those countries where international law is not highly discussed at university, we aim to promote knowledge about humanitarian law and human rights protection.

What is one special purpose of MICC in your opinion?
First of all we try to simulate cases in current world affairs with an exceptional criminal dimension. We want our participants to treat these cases in a professional manner but also to be in a constant reflection and distance from too abstract approaches. We should constantly keep in mind the individual cases instead of only juggling with the number of victims.

What has moved you the most deeply?
I think it was the incident with the Turkish delegation that left on the second day of this year’s MICC due to some serious misunderstandings. But I am sure that the MICC has behaved in the right way but it reminds me that we deal with sensitive issues.

What was the funniest moment for you during your MICC-time?
One day we found a table stuck with its tabletop on the wall and wondered how it worked and who was responsible for it. As the strange construction emitted an unpleasant smell, we started investigations and found out that some Polish students had stolen all the butter from the breakfast buffet, spread it on the complete table top and finally stuck it to the wall. It still makes me laugh.

A glimmer of The Hague in Lower Silesia  
By Nadine Düe, Nicole Kreft

„I deeply hope that the horrors humanity has suffered during the 20th century will serve us as a painful lesson, and that the creation of the International Criminal Court will help us to prevent those atrocities from being repeated in the future.”

Luis Moreno-Ocampo knews what he is talking about when he addresses the member states of the Rome Statute after his election as first Prosecutor of the newly founded International Criminal Court (ICC) in 2003. The Argentinean lawyer had prosecuted the masterminds and top military leaders of the „Military Junta Trial” in 1984-85 - the first case against top commanders responsible for mass killings since the Nuremberg Trials.

The Nuremberg Trials, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), both initiated by the UN, are the historical role models for the ICC which came into force in 2002, shortly after the Rome Statue was ratified by over 60 states worldwide.

The idea of the ICC as an independent international organization is to end impunity for the perpetrators of the most serious crimes of concern to the international community. Its creation met the long aspired need for a permanent international court. In the Rome Statue, which is the basis of the ICC, the member states reached a consensus on the four worst atrocities in world affairs: genocide, crimes against humanity, war crimes and aggression.

The founding principles of the ICC are spread and internalized since 2006 by one of the most outstanding projects of the Kreisau Initiative: Model ICC or briefly: MICC.

University students from all over Europe once a year follow the invitation of the Kreisau Initiative to the village of Krzyżowa. There, they get the opportunity to simulate fictional cases dealing with current dilemmas of international criminal law. Assisted by a trainer team of six specialists, around 50 students learn to adapt the role of the prosecutor, the defence, the judge or the journalists of an international trial. During five days they familiarize with arguing cases on a professional level.

Through its work, MICC University promotes the values of human rights and international justice and makes a contribution toward intercultural understanding among young people.

Jens Henning Fischer has been training the judges at the Modell International Criminal Court since its beginning
Krzyżowa - more than a place to stay

The inhabitants of the village surrounding

Walking along the bumpy streets of Krzyżowa one might get the feeling to be in the average Polish village somewhere in Lower Silesia. The soothing mixture of the surrounding sounds of nature rarely gets interrupted by the noise of an engine. But what makes the small village extraordinary is the historical background of this place - and its everlasting monuments carved in stone.

One of them is Aleksander Sajtek, a young salesman who lives on his parent's farm just opposite of Krzyżowa estate. His grandparents moved there in the 1940s and since then, they are cultivating crops and keeping livestock.

Afte moving a job in Świdnica selling agricultural products, and on being asked about working hours he said: „I usually work 10 to 12 hours every day, and in summer sometimes up to 16 hours.” The salary is modest and he earns enough to have a decent life in Krzyżowa. He still wants to move to a bigger town eventually. His brother is going to be in charge of the family's farm in the future, therefore he is free to raise a family somewhere else.

“The best place to find out about the village is the old library of Krzyżowa estate where about 5.000 books are available at the moment.”

In small villages like Krzyżowa traditions are still important and Aleksander wishes to find a wife and to have children in the near future. At the same time, he perceives himself as an atheist and does not seem to feel much pressure to fulfil society’s demands: „I don not think too much about the future. Here in Krzyżowa, we just live for the moment.” In his spare time Aleksander travels a lot through Europe and enjoys crossing the borders of the other European countries freely.

For the people of Krzyżowa, this village means more than a place to stay; it is both the paradise and a sanctuary, a heaven on the Earth if you will.

The best place to find out about the village is the old library of Krzyżowa estate where about 5.000 books are available at the moment. There we met Dominik Kretschmann, a German lawyer who works for the Krzyżowa Foundation for Mutual Understanding in Europe; sitting near the library’s fireplace and talking passionately about people in Krzyżowa.

According to Kretschmann about 40 percent of the approx. 200 village inhabitants are working for, in or around the manor. Most of the locals own farms and make at least part of their living out of it. Since Poland became a member of the European Union in 2004, agriculture is more subsidized and people in Krzyżowa are therefore encouraged to work efficiently on their lands.

Krzyżowa has no school, so pupils have to go to other nearby towns where they can get receive their education. The nearest schools are located in the town of Świdnica, approximately twelve kilometers away. It is also the place where new ways of entertainment can be try out by the young people of Krzyżowa.
There is something that distinguishes Krzyżowa from similar villages: it is not only the palatial baroque complex, surrounded by picturesque park, but especially the aim to which it is dedicated today. The whole estate is used for international meetings and conferences for youth coming from all around Europe. Nowadays the owner of this estate is „Krzyżowa Foundation for European Understanding“. Bought in 1867 from the Prussian state by Field Marshal Helmuth Karl Bernhard von Moltke, the manor and the village of Krzyżowa – then called by its German name, „Kreisau“ - was operated as a farm. After the death of the first owner in 1891, his nephew Wilhelm Joseph Bernhard von Moltke continued this work.

But the third owner, Helmuth von Moltke, did not manage to keep the farm profitable. As a result, he and his family had to move out of the palace in 1928 to the gardener’s house because they could not afford the heating costs.

When Helmuth James, son of Helmuth von Moltke, took over the estate in 1929, he continued the farm work, but also used it from 1940 on as a meeting place for „The Kreisau circle“, a group of people who opposed the dictatorship of Hitler in Germany. In Kreisau, meetings of people from different backgrounds were taking place. They formed plans of post-war Germany, with the aim to create a strong and stable government after the predetermined downfall of Hitler.

It was very important to them to form a society where everyone had the right for self-determination and would be able to take on political responsibility. Unfortunately, Helmuth James von Moltke got arrested in January 1944, and killed by the Nazis in January 1945. After the end of the Second World, the whole of Silesia became a part of Poland. The German population was expelled and Polish farmer displaced by the Soviets from today’s Ukraine and were brought to live, now renamed, „Krzyżowa“.

Under Communist rule, the estate was used as a farming school until 1989. The manor fell into decay and thus serving merely as a symbol of power and prosperity it once had. But then, in July 1989, a group called „Club of Catholic Intelligence“ invited interested people to form a foundation inspired by the activities of the Kreisau Circle and guided by its ideals.

After the fall of the Berlin Wall in 1989; the final decision to establish an international meeting centre in Krzyżowa. West-German Chancellor Helmut Kohl celebrated a „mass of reconciliation“ in a meeting of historical proportions, with the first prime-minister of post-communist Poland – Tadeusz Mazowiecki. Conclusively, the buildings of the estate were restored and renovated one after another by the newly founded Krzyżowa Foundation. Youth camps started to take place even during this period. The buildings of the estate are named after their previous use, therefore the rich history of the place can not only be read about in the exhibition at the palace, but is also incorporated nowadays.

After officially opening in 1998, the estate has been used as a meeting place to broaden the understanding of Europe and has meanwhile been visited by thousands of young- and not only young! - people. The activity of the foundation itself is divided into four directions: the International House of Youth Meetings, the Place of Memory, the European Academy and the Centre of Conferences.

The International House of Youth Meetings is the most important among all the projects of the foundation. It work is based on principles of openness, readiness for a dialogue, creativity, independence and activity of youth and occumenism. Boosted by this explicitly anti-stereotype approach, during seminars, trainings and conferences holding there young people get acquainted with each other, to acquire knowledge about foreign traditions and views.

The special spirit that everyone can feel when entering the Krzyżowa estate has its backgrounds in the rich history and the visionary spirit the Kreisau circle brought to life here. But it is, as well, nurtured by the work of the foundation that is happening everyday and in which the participants of the different events take a big part in.

A first and probably the most important step towards peace and mutual understanding between nations of Europe is done by the Krzyżowa Foundation.
A very rare mix

The Kreisau Circle’s members came from very diverse social, cultural and political backgrounds By Esther Helmert

Apart from Helmuth James von Moltke, the Kreisau Circle consisted of about 20 people - but due to security issues, only Moltke and Peter Graf York von Wartenburg knew every participant.

York, who worked as a civil servant after studying law, was Moltke’s best friend and the second (unofficial) head of the group. When Moltke got arrested, York joined the group of Claus Schenk Graf von Stauffenberg who tried to assassinate Hitler on July 20th 1944. As a result, he got arrested and killed the same day.

It is interesting that the members of the Kreisau Circle had a very diverse background which can exemplarily be seen by the friendship of York and Moltke. Moltke was Protestant and pursued a rather socialist policy, York was Catholic and thought that a potential assassination of Hitler was justified, which Moltke opposed.

Besides the two friends, both coming from aristocratic families, people from working and middle class were participating in the Kreisau Circle’s meetings, too. This mixture of different people and their opinions working together was very rare in Germany at this time.

Another important member of the group who had a great impact and interest in the forthcoming of the Kreisau estate after 1989 was Helmut’s wife, Freya von Moltke. She, like her husband and York, studied law before the war and was able to flee with her two sons after the Second World War to South Africa and later moved to the US.

Freya published several books about the Kreisau Circle - and the letters she and her husband wrote each other during the time of the war and his imprisonment. Freya von Moltke supported the „Krzyżowa Foundation for European Understanding” and the „Freya von Moltke Foundation for the New Kreisau” actively until her death on January 1st, 2010.

Helmuth Karl Bernhard Graf von Moltke

Helmuth Karl Bernhard von Moltke was born on October 26th 1800 in Parchim now in Germany. He joined the Danish military and later only the Prussian army where he became a military consultant, published several books - and contributed to several important victories of the Prussian and later German army.

For winning the war against Austria in 1866, he received a donation from the Prussian king – and used the money to buy the estate in Kreisau to fulfil his dream of a country home from himself and his family. He died in 1891 and made his nephew the heir since he did not have any children with his wife.

„The most humane thing that you can do at war is to put an end to it as fast as possible.“

- Helmuth Karl Bernhard Graf von Moltke
“Mediation cannot be the sole mechanism”

Anja von Rosenstiel, peace mediation trainer in this year’s MICC, is fascinated by the heritage left by the Kreisauer Kreis - and the idea to solve conflicts with dialogue. By Nadine Düe

The Krzyżowa Observer: Anja, it is your first time at the MICC. What did you feel about the invitation?

Anja von Rosenstiel: It is a very exciting event. The great thing about the MICC is that it is historically rooted. You have the heritage of the Kreisauer Kreis and the continuity of an idea about peace and justice. It is important for a moot court that you have a historical link and historical models you can turn to.

You held a training session for the role of a mediator, so how come that you switched from the position of a lawyer to an arbiter?

I have never felt comfortable studying law. I did not like this adversarial approach and to hide behind positions and shoot arguments against each other. Often you have a very limited perspective on a conflict and relational aspects are left aside. As a lawyer you solve problems but as a mediator you look at a problem from different perspectives. During my work in the environmental ministry in Germany I realised that I was really fascinated by negotiations. It is better to develop a solution which is based on cooperation and consensus. This insights brought me to mediation.

Do you think the times of Courts and trials are over and mediation is the future?

Kreisau is the best example that you need both. Helmuth James von Moltke established a network of dialogue and left the idea of an International Court and a system of justice. His wife Freya von Moltke developed his idea and focused on building up relationships, reconciliation and dealing with the past. Freya accepted what happened in the German history and therefore opened up a completely new space to think ahead. She concentrated on finding ways to connect with the Polish people and to reconcile.

In mediation you can talk about restorative measures like truth commissions, apologies and commemoration. But it cannot be the sole mechanism in a peace process because it cannot deliver truth and justice. So you need both approaches: Courts and mediation.

The heritage and the projects which arise from the idea of the Kreisauer Kreis is like a toolbox or a treasure which you can use for other conflicts as well.

You mentioned mediations and truth commissions. What is the role of truth during a mediation process?

In front of a court, decisions about the truth are made on the basis of more or less convincing evidence. In a mediation process you talk about interests and ways to find a consensus or a compromise. It is not the goal to find out the truth. But for me it is still very important that the participants of the process are honest to the mediator. I once observed a mediation where someone had a hidden agenda and used culture to make the strategy work. The mediator bought it and ignored the actual gender problem which occurred during the mediation. I could not stay neutral and as mediator of the session, I would have stopped it.

How do you think mediation will develop in the future?

I’m quite hopeful because the big players in international relations such as the UN, the EU and the OSCE invest in human resources to establish mediation support units. The Iraq and Afghanistan are a good example that you can force a negative peace to come but that it needs better cooperation with the local population to maintain peace and reestablish order, stability and security. All these organisations work on the idea of having a network of internal and external mediators who establish a dialogue with the local population. In the long run you need dialogue and a peace process especially with the local community. There has to be much more communication and interaction between the mechanisms of mediation and trials to make them both more effective.

Yesterday we had a practical example of a failed dialogue. The Turkish team left the MICC due to misunderstandings about the Turkish-Armenian history and the role of Sunni Muslims in Islamic terrorism. Why was there no mediation possible anymore?

Mediation is a voluntary process and only works when both sides want to talk to each other. In this case it was too late, the students already introduced further steps so that it was not in their hands anymore to stay or not. The solution was already on its way and they were on a point of no return. It wasn’t their decision anymore. They delegated their authority so that the prerequisites for a mediation weren’t set anymore. Mediation is a decision making process but at that point the decision was already made.

A honorary guest and trainer of
Micc 2012 - Anja Von Rosenstiel
Age: 42
From: Berlin, Germany
A licensed lawyer, now working in the field of Peace Mediation.
Career:– used to work for the German federal ministry of environment in Berlin, focused mainly on a preparation of environmental projects for Eastern Europe.
– finished her masters degree in mediation European University Viadrina in 2011.
– had a practical training in Mediation at the University of Missouri Columbia School of Law.
– received her legal education at the law schools of the universities of Munich and Geneva.

Our Press Team got a chance to have a conversation with Anja sharing her experience as a lawyer, as a mediator and as an intelligent successful woman. Anja is not only passionate about her work but she’s also keen on history, especially on the history of Kreisau/Krzyżowa and Moltke family. Anja really likes art and her lovely way to learn about it is visiting different exhibitions. She is also interested in psychology. She believes that art deals with psychological perception.

In addition, Anja does sports and she prefers skiing and tennis. But most of her time she spends with her four children. Anja is sure that it is very important to stay in dialogue with children and see how they develop.

Anastasiya Kostina
A lasting memory for the village

The output of the Krzyżowa Foundation does not only go back to the participants’ country, but also stays in Krzyżowa

By Esther Helmert

In the left hand corner of the churchyard a lot of different crosses made out of wood instantly attract attention. About a dozen of them stand together, three meters tall and all carved differently by hand. According to Dominik Kretschmann of the Krzyżowa Foundation, one of the crosses is a dedication to a previous priest of the church who was highly involved in the work of the Krzyżowa Foundation. The others resemble the apostles.

All crosses serve as a reminder of the International Summer Arts, a project where people from Central and Eastern Europe gather. The woodwork is a result of this is the attempt to prolong the Summer Arts in the village.

As Churches used to be a cultural centres of settlements, the place for the crosses is not a random decision, but refers back to this.

In Krzyżowa 37 participants and six trainers gathered for the Model International Criminal Court simulation for five days, shared their experiences with each other and were able to apply their skills to the court successfully. They received help from their respective trainers and the lengthy debates can be seen as evidence of this.

Motivated people came for MICC from eight different countries. Not only people from Poland participated in the project, but also from Georgia, Germany, Ukraine, Estonia, Bosnia Herzegovina, Netherlands and Belarus. The tradition of simulation in Krzyżowa will be continued with hopefully as many enthusiastic students as the MICC had this year.


Facts & Figures

By Tamar Shengelia

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The resemblance is astounding: was Wojtek able to hide his ancestry until now or is it just a cruel trick of our imaginative minds?
Press Team

Eldin Ćeho
Age: 22
From: Mostar, Bosnia and Herzegovina

Eldin Ćeho was born in Mostar, in a cold November of 1989; the same year Nintendo released their most popular handheld video game player – Game Boy! Whether it was this event, or Suri’s apparent position in the constellation that made him a big nerd- it is still unknown. Currently, he studies Bosnian & English language and literature at the “Đzemail Bijdic” University of Mostar. It saddens him that he is unable to study Klingon as well. Eldin is a member of the first stand-up comedy workshop in Bosnia and Herzegovina with a long-term goal of introducing it to the rest of the community.

Esther Helmert
Age: 24
From: Berlin, Germany

Esther, 24, from Berlin Germany, likes to dance, bake cakes, spend time with old friends or make new ones and is famous for having bruises on her legs without knowing where they were coming from. She did her Bachelor’s degree in childhood studies and is now studying education science at the Technical University of Berlin. When she is not busy baking (or eating) she is also actively involved in a scholarship organization for gifted students and is training in Theme-centered Interaction to facilitate and lead groups.

Asya Kostina
Age: 16
From: Odessa, Ukraine

The youngest member of the Press Team but, nevertheless, talented and open-minded first year student of National University “Odessa Academy of Law”. She just joined the department of International Law and Journalism. Basically, she has always dreamt of becoming a journalist. She loves travelling, but also she loves her country and her city. She believes that the international process of globalization, in particular the organization of international events. This is the right direction to develop courts, law and public opinion.

Nicole Kreft
Age: 24
From: Erfurt, Germany

Nicole has just started a Master’s program in Peace and Conflict Studies at the University of Marburg – basically to achieve world peace as soon as possible. As this is a quite challenging task, Nicole needs a great deal of beauty sleep, chocolate and coffee to work efficiently. To avoid the negative side affects chocolate usually has, she cycles everywhere on her beloved red mountain bike. If her career shouldn’t work out, there is still a great plan B: Nicole is looking for someone who is willing to finance her lifelong trip around the world. Any volunteers?

Hanna Kharlamava
Age: 21 years old
From: Minsk, Belarus

Hanna is a 4th year student of Belarus State University, her major is international public law. Journalism is her hobby; Hanna holds a position of vice-editor of the faculty’s newspaper «The FIR times», her strong point is interviewing. These skills are the result of previous philological education and great interest in Belarusian and Russian classic literature, and also diletantish, but very sincere, interest in psychological nature of interpersonal relationships. She is also a member of charitable organization «Chasing the happiness». Besides, Hanna practices yoga and maybe that is why she is so harmonious and smiley all the time.

Tamar Shengelia
Age: 24
From: Tbilisi, Georgia

Tamar is a future-oriented person, trying to do her maximum and grasping her opportunities. She is a Master of European Studies and at the time a specialist of American Studies. She likes travelling and participating in different projects, currently involved in over 40 of them. Tamar is also an experienced trainer and she had several target groups in Georgia. She is a founder of three NGOs in Georgia and still is going to establish the fourth one in the nearest future. Tamar’s hobbies are singing, dancing, reading and organizing charity actions.

Nadine Düe
Age: 23
From: Bielefeld, Germany

Originally Nadine comes from Bielefeld, a city in the West of Germany, which according to a running (unfortunately never ending) gag among Germans does not really exist. After she did her Bachelor of Arts in History and German Linguistics/Literature in this conspiratorial city, she is doing her master’s degree in Peace and Conflict Studies at the Philipps University in Marburg. Beside her studies she spends her time traveling, meeting her friends and doing martial arts (which sound more frightening as it actually is). But violence, of course, is no solution.

Michał Daniel Żak
Head of Layout

A talented guy from Poznań, living in Berlin, studied Philosophy at Adam Mickiewicz University and Intercultural Business Communication at Friedrich Schiller University. He admires intercultural projects and organized many. Currently working as a graphic and concept designer. His hobbies are reading, riding and running. Michał’s favorite quotation: “I hope it is true that a man can die and yet not only live in others but give them life, and not only life, but that great consciousness of life”.

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