

# The Krzyzowa Daily

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MICC – Model International Criminal Court

## German Industrialist Found Not Guilty

Author: Boston Russo



### German Industrialist Found Not Guilty

In the trial of Prosecution v. Friedrich Flick, the accused Mr. Flick was found not guilty.

Friedrich Flick was an extremely wealthy German industrialist. He built an enormous fortune during the First World War, and by 1933, his holding was the 3rd largest in the entire country of Germany. Flick supported many parties with hefty donations, however, the NSDAP (National Socialist German Workers Party) was Hitler's party, and because Flick was not particularly fond of Hitler, he did not support it until 1932. By then, the NSDAP was able to attract the masses, meaning Flick donated almost exclusively to Hitler's party in order to gain corporate power, and eventually became a member.

After 1938, Flick became the leader in the production of arms. Flick desperately needed workers to conduct the expansion of his production. In order to fill this gap, the conglomerate used "forced slave labour" by employing the work of Prisoners of War and inmates of concentration camps. The treatment of these forced labourers was inferior, with approximately 10,000 of the 120,000 labourers dying as a direct result of mistreatment or accidents on site. It is not clear whether or not Flick had any direct knowledge of circumstances, or if he had at any point visited the company.

The prosecution started strong by accusing Mr. Flick as guilty of the crimes against humanity of owning slaves and abusing and killing them. They claimed that "Ownership of one or more persons

is a crime against humanity" and that using these labourers against their will was undoubtedly slavery. The defense responded by claiming this was forced labor, not slavery. The defense argues that there was no sense of ownership. Slavery is defined as an organized movement against one or more persons by selling, trading, or bartering. This argument was surely considered, but in the verdict of the case, this "forced labour" was indeed considered slavery.

The prosecution argues that Flick was obliged to be aware of the circumstances in his own factories, therefore he was responsible. The defense says that flick had no power due to the government control of the conditions in his factories. The court says that Flick must have had knowledge of the conditions. The court was unable to agree on the extent of the control Mr. Flick actually had.

In the verdict of this riveting case, the court found that the crime against humanity of slavery was committed and that Friedrich Flick must have had knowledge of the conditions to some extent. These findings sound like the path to an anonymous "guilty" ruling. This wasn't the case, however. In a surprising turn of events, the defense walked out of the courtroom with a ruling in their favor. The three justices were unable to come to a decision easily. After hours of deliberation, Friedrich Flick was found not guilty, with a 2-1 split of justice opinions.

## Songwriter Found Guilty

Author: Wiktoria Rybicka

The case of Simon Bikindi, being directly connected to the genocide that took place in Rwanda in 1994, historically goes back further than just 1994. Before the World Wars what is now Rwanda used to be a German colony. Then, due to the treaty of Versailles it



came under the Belgian rule. Not being able to uphold the local administration on their own, the Belgians introduced the local people into the administrative structures.

Back in those days the Rwandan population consisted of three ethnic groups – the Hutus (80%), the Tutsis (18%) and the Twa people constituting only 2% of the society. It is said that there were major differences between these groups, for example the Hutus were said to have pigmy origins and to be more portly, whereas Tutsis have Namibian origins and appeared more "aristocratic", so to say. Due to the fact that Tutsis were regarded somewhat as a royalty, they were the ones brought into the administration by the Belgians. And to make a long story short that is where the conflict between the Hutus and the Tutsis started.

Up until 1959 the Hutus had no say in politics, however the situation changed with the breakout of the revolution in 1959; the Hutus were now coming to the power they strived for so long. In 1974 General Juvenal Habyarimana, the leader of Parmehutu, took charge. In response, 10 years later the Tutsis counteracted and formed the RPF (Rwandan Patriotic Front) and overtook the north of Rwanda. In the light of that, Habyarimana was forced to



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start a discussion with the Tutsis. Bringing no results to the Hutu-Tutsi conflict, the general's reign only lasted 20 years, since in 1994 the plane he was on was shot down. Directly after the incident the capital city of Rwanda – Kigali went on lockdown for 100 days and that is when 800 000 up to 1,2 mln Tutsis were brutally massacred by the Hutus.

How does Mr Simon Bikindi fit into all of that? Bikindi, an ethnic Hutu, was a singer, a songwriter, a shareholder at the RTLM (Radio Télévision Libre des Mille), a civil servant of the Ministry of Youth and Sport and a member of the MRND (National Republican Movement for Democracy and Development) party. His songs were said to directly incite to hatred and violence, therefore Simon Bikindi was indicted for aiding and abetting the commission of genocide, punishable under art. 6 (a) and (b) as well as art. 25 (3) (c) of the Rome Statute.

Whether the Rwandan songwriter was guilty or not was for the Prosecution and the Defense teams to argue and for the judges to decide. So on November 22 the Model International Criminal Court gathered to hear the case.

Having opened the trial, the judge then gave the floor to the Prosecution. They stated among others that the accused was the one to decide when and where his songs would be played and he used that power to broadcast the songs over 20 times per day. Thus, it was impossible for him not to have influence on the listeners, especially in a country where around 90% of the population owns a radio. The Prosecution then requested for Mr Bikindi to be found guilty and sentenced to 20 years of imprisonment.

Moving on to the Defense, while stating their case they pointed out that the Tutsis were in fact targeted by the Hutus, therefore the counterattack – whatever its form – could technically be considered as a form of self-defense. On top of that, the message songs were metaphorical and Mr Bikindi's cannot be held responsible for they way his songs were interpreted. Finally, the Defense appealed that if the judges find the accused guilty, he should serve a minimum sentence.

The opening statements were followed by a very detailed cross-examination. The judges came up with a total of 9 questions, one of which was directed to both the Prosecution and the Defense, so we heard 6 answers on the

side of Prosecutors and 4 on the side of the Defense. Having heard the closing statements, the judge concluded the trial.

On the following day came the verdict and so everyone gathered once again to hear what has been decided in



the case of Simon Bikindi. First the relevant facts of the case were once more reviewed. Later on, the judge presented the merits of the case pointing to articles 6, 25 (c), 30 and discussing the Defence's reference to article 28. Eventually, the verdict was announced, which found Simon Bikindi guilty of aiding and abetting the commission of genocide.

## Erdemovic Case Closed, Soldier Who Shot 60 Civilians Found not Guilty

Author: Jael Keck

It was the biggest massacre since World War Two. More than 8000 boys and men, a theoretical threat to the Serbs, were executed cruelly in the Bosnian "safe town" Srebrenica.

The conflict which caused it all started in the 90s. The state Yugoslavia slowly but surely fell apart. It started with Croatia and Serbia who declared their independence, both countries with more or less one religious and ethical majority throughout them. The next country who tried to gain its independence was Bosnia-Herzegovina. However, its people were divided into Bosnians, Serbs and Croats and, consequently, they turned against each other. Thus, the UN created so-called safe towns for the Bosnians who had no military to defend themselves and nowhere to go. Dražen Erdemović was a part of the Serb army at the time. In his past, he had tried to save several civilians with different origins which lead to him being reduced to a simple soldier. On July 11th 1995, he and seven other soldiers were commanded to shoot about 60 Bosnian boys and men, who searched shelter in Srebrenica, and was shot when he declined to do it again in a school in Pilica.

He confessed to his crimes later on and helped to unveil the horrible homicides that took place in Bosnia-Herzegovina. Both sides – prosecution and defence – admitted that Erdemović did shoot the civilians, although the defence argued he could not be found guilty because his superiors had forced him to commit the crime using threats. However, the prosecution claimed that the quote "If you don't want to shoot them, you can hand me your rifle and stand in line with them" actually implies that Erdemović was told to stand in line with the other soldiers without shooting instead of standing with the Bosnians who were shot. Moreover, the prosecution argued that he was not actually worried about being shot since he had refused similar orders before and wasn't harmed. In relation to that, the defence pointed out that, in a legal system, you cannot assume he was not threatened based on the outcome of other situations. Finally, the prosecution contended that, as a soldier, he was not



allowed to kill civilians and therefore the homicide wasn't reasonable or necessary. Subsequently, the defence tried to illustrate the situation Erdemović had been in and therefore create an emotional appeal. Why should a young father, who had friends in all ethnic and religious groups and had always refused to kill, willingly shoot 60 civilians? they argued. You could reason though that it is questionable to try to create an emotional appeal to a man who shot dozens of civilians just because his life might be in danger. Regarding this, the defence states that they believe they had enough evidence to create reasonable doubt, which would result in a verdict of not guilty. In the end, that is actually what happened. Apparently, the defence's arguments sufficed and created enough doubt to free Erdemović of all charges and declare him not guilty, at least in a legal sense. However, it stands open to debate if Erdemović should have been punished for his actions or not.

# Universal rights and universal violations

## Human rights in Germany

Author: Jael Keck

In the last 30 years, since the wall fell and Germany was reunited, country made huge progress. Today, it is one of the most advanced countries worldwide, and one would assume that the adherence of human rights would be a given. However, appearances are deceitful. Especially these times, new movements of racism re-awake, with terrible consequences. Because of the Syrian war, the majority of her population had to leave its home and seek shelter in a foreign country. Over one million of these refugees have come to Germany. However, instead of helping these people and trying to integrate them, many people are disgusted and scared. Why? Apparently because Muslims are terrorists! The numerous terrorist-acts in the last years have left their marks in the German's minds and thus, they claim the mostly innocent refugees are guilty instead of the responsible organisations. Why, you ask? Because some of the most known terror organisations, e.g. the so-called IS, are of Muslim origin, and therefore all Muslims must be terrorists. Most of the people who believe in that have never had contact with a refugee in their life, but decide to rather believe in the news than to get to know some of them personally. Of course, there are other reasons why the refugees should leave Germany, according to these people: The refugees are taking the German's much needed workplaces, they threaten the majority of Christians in Germany, taxes – paid by Germans – are used to help people



who cannot even speak German, they are not trying to adapt to the German culture. Though, instead of helping them to learn German, get to know the German lifestyle and thus adapt to Germany and become a part of her population, these Germans want them to leave Germany as soon as possible, not caring that the refugees don't have another place to go to. The wish for the refugees to leave has become so strong that people reach for extreme measures, not caring that they do not observe the Universal Declaration of Human Rights. In the last few years, the German Neo-Nazis have grown alarmingly stronger. Moreover, several people attempted to burn down refugee shelters and by doing so, violating the refugees' right to life and security, the third article of the UDHR. In 2017, racism reached its peak. In September, the elections of the German Bundestag took place, with devastating results. The 'Alternative für Deutschland', meaning 'alternative for

Germany', a right-winged party which party manifesto partly opposes the human rights, gained over 13 percent of the votes. Thus, being the third-strongest party in the Bundestag, the AfD could have had a lot of influence, but luckily, all other elected parties were not content to form a coalition with the party. Still, its extreme manifesto and the extremely high numbers of vote are very worrisome. In its manifesto, the party does not allow any more refugees to enter Germany and even establishes a minimum number of refugees who have to leave Germany again, although article number 14 of the UDHR does state that everyone has a right to seek asylum of persecution in other countries. Furthermore, the party plans to prohibit teachers and students to wear headscarves, thus violating the right to freedom of religion. Members of this party do not even recoil of making comments in public which can only be described as racist. Its former leader Frauke Petry, for example, doesn't know what to think about the numerous 'Germany is colourful' campaigns since, as she says, a compost heap also is colourful. Moreover, Dubravko Mandic, leader of the AfD court in Baden-Württemberg, describes Barack Obama as a "Quotennigga", meaning something similar to "nigga of odds". Finally, Alexander Gauland, the party's second leader, caused a lot of uproar in Germany by stating that Germans like Boateng, a black football player, as a football player, but not as a neighbour. These comments are not only racist, but threaten the freedom of all humans in Germany and encourages other Germans to follow their lead. However, the party can still voice freely its view. Hopefully, in the next few years, the situation will settle and the German society will realize that the refugees are only human, just like them, and thus accept that they are allowed to live according to human standards, because, in my opinion, human rights should be a given and not something that is open for discussion.

## U.S Human rights Issues

Author: Boston Russo

The United States, like all countries deals with the issue of human rights far too often. Many of the rights contained in the Constitution are equivalent to rights found in the UDHR (Universal Declaration of Human Rights), especially those related to political and civil liberties. In addition, the United States Supreme Court has identified fundamental rights not explicitly stated in the Constitution, such as the presumption of innocence in a criminal trial and freedom of movement.

After the horrifying events of WWII, The American Declaration of the Rights of Man and the Universal Declaration of Human Rights (UDHR) are adopted in 1948. The United States leads the efforts to draft both documents.

This 1896 U.S. Supreme Court case

upheld the constitutionality of segregation under the "separate but equal" doctrine. It stemmed from an 1892 incident in which African-American train passenger Homer Plessy refused to sit in a Jim Crow car, breaking a Louisiana law. Rejecting Plessy's argument that his constitutional rights were violated, the Court ruled that a state law that "implies merely a legal distinction" between whites and blacks did not conflict with the 13th and 14th Amendments. Restrictive legislation based on race continued following the Plessy decision for many years. This case violated human rights on a fundamental level, because it discriminated against people based on the color of their skin. The fact that "separate but equal" was ever considered equal is a complete mystery when it comes to the equality of the human race. This issue was finally brought to life on a large scale in the case of Brown v. Board of Education, in which Oliver Brown, civil rights activist, sued the Board of Education of Topeka. This was a landmark case in the civil rights movement for the United States. This ruled segregation of schools illegal. Another major human rights issue in the U.S. was the internment of Japanese Americans. Two months after the Japanese Bombing of Pearl Harbor, rumors spread, fueled by race prejudice, of a plot among Japanese-Americans to sabotage the war effort. In early 1942, the Roosevelt administration was pressured to remove persons of Japanese ancestry from the West Coast. Ten internment camps were established in California, Idaho, Utah, Arizona, Wyoming, Colorado, and Arkansas, eventually holding 120,000 persons. Many were forced to sell their property at a severe loss before departure. Eventually, most of these people returned home, but that didn't change the fact that they lost everything: property, business, family connections, and years of their life. This was an obvious display of disregard to civil and human rights. Thirty-one states still allow for the death



penalty, though in 2016 only five states carried out executions, led by Texas and Georgia. The Delaware Supreme Court ruled unconstitutional the state's death penalty statute, and the Delaware Attorney General announced that he would not appeal the decision. Nebraska reinstated its death penalty because of a November popular referendum. California residents voted to retain the state's death penalty. The death penalty seems to

be a ridiculous thing to still exist in 2017. The maximum security prisons in the U.S. have such a low rate of escape, there seems to be no point to killing people just to get rid of them.

On any given day, approximately 50,000 children in the United States are held in correctional facilities. This number represents a 50 percent drop from 1999, but is still one of the highest rates of juvenile detention in the world. Every US state allows children to be tried as adults under some circumstances, and approximately 5,000 child offenders are held in adult jails or prisons at any point in time. There are a few specific circumstances in which this would be appropriate and reasonable. The number of children who have their childhood taken away because of mistakes they made is far too high in the United States.

The United States is one of the leading countries in improving universal human rights, however, there are still glaring issues when it comes to ensuring all people are given equal rights. The United States is continuously working to make up for the horrible past and the still flawed present.

## Complicity and Human Rights Abuses in Poland

Author: **Wiktorja Rybicka**

There are many factors that have significant influence on the situation concerning human rights in a country such as the current government or general social awareness of what individuals can and cannot do. Lately, the situation in Poland hasn't been very promising since the far right wing is now in power. Additionally, the awareness of one's own rights is at a very low level. That is mainly why so far, there have been many cases of hate crimes, xenophobia and discrimination acts. The first act violating human rights I would like to refer to is the case of Justyna H. from April 2017.

To start with, who is Justyna H.? Justyna H. is a local coordinator of Obóz Narodowo Radykalny (ONR), which would translate as follows: National Radical Camp. Inciting to hate towards Muslims (which would mean breaking the 7th article of the Universal Declaration of Human Rights), the woman publicly declared: "we will not let Islamic scums destroy our nation". And even though she broke the law (international law as well as domestic law) the Prosecutor decided to remit the proceedings, therefore the case did not even go to trial.

Another transgression of the UDHR in Poland I wish to address is a matter quite dear to me personally. Since 2016 the authorities have been visibly interfering with our cultural institutions (for example theatres) as well as cultural undertakings (specific plays, happenings or events). Artist have not only been denied their constitutional freedom of artistic expression but also their safety has been compromised. How? Let me explain based on one specific example. One of the most renowned polish theatres (Powszechny Theatre of Warsaw) staged a play called "The Curse". What caused the commotion around this play was one scene, in which an image of the polish pope Jan Pawel II was vulgarly defamed, or at least some claim it was. Now, it is perfectly understandable that someone might not have liked the play. The religious people might even have felt personally offended. However, what I do not understand is the demonstrations in front of the theatre before and after the play (the demonstrations took place every single day "The Curse" was being played), throwing glass bottles at the actors and the audience as well. In light of the UDHR and human decency, is it okay that we have to live in a world when one is

afraid to go to the theatre because they could be attacked? Is it okay that one has to watch their back because of the events they attend? And is it okay that one has to refrain from expressing his opinion the government won't like what they have to say? Unfortunately, that is not the end of the list of violations in Poland. In fact, it is not even the beginning. Hate crimes are occurring on a daily basis, foreigners are getting severely beaten up and becalmed no matter the region or city. Many Poles may not be aware of this simply because these cases are not highlighted enough in the media or are not talked about at all. Nonetheless, just because you are not aware of something, does not mean it is not there. Therefore, I believe we need to take matters into their own hands and fight for our rights before it is too late.

*On the day the world ends / A bee circles a clover,  
A fisherman mends a glimmering net. / Happy porpoises jump in the sea, / By the rainspout young sparrows are playing / And the snake is gold-skinned as it should always be.*

*On the day the world ends / Women walk through the fields under their umbrellas, / A drunkard grows sleepy at the edge of a lawn, / Vegetable peddlers shout in the street / And a yellow-sailed boat comes nearer the island, / The voice of a violin lasts in the air / And leads into a starry night.*

*And those who expected lightning and thunder Are disappointed. / And those who expected signs and archangels' trumps / Do not believe it is happening now. / As long as the sun and the moon are above, / As long as the bumblebee visits a rose, / As long as rosy infants are born No one believes it is happening now.*

## PRESS TEAM



My name is Jael Keck and I am seventeen years old. I came here to Krzyzowa as a part of the German delegation from Bonn. I was very excited to work in the press team because I plan to work as a journalist in the future and, in my opinion, the photography and video skills which we acquired here are not only crucial for that field of activity, but for our daily lives.



Hello, my name is Wiktorja and I come from Poland. I quite frequently engage in various international projects, such as e.g. the European Youth Parliament and that is why I first decided to take part in MICC. However, with every single passing day it's become more than just another project to me. It's an experience that I will definitely remember as very unique, educative and most definitely memorable.



My name is Boston Russo and I am 16 years old. I come from New Mexico in the United States. I have a passion for journalism and learning, as well as gaining new cultural and social experiences. I am ecstatic to be a part of the MICC in Krzyzowa this year. The MICC is a great opportunity to learn about the world and international law.



I am Georgette Shakar and I am from Israel. I will be turning 18 on the 17th of December. I am part of the press team in the MICC programme in Poland. I love to travel, explore and experience the beauty of new places. What I like about MICC is that we get to meet new people, have more knowledge about human rights and feel more educated.



Hi, I'm Michał, Michael or Michelle however you want to call me {pick one}. I'm from Poland and I took part in MICC because of my interest connected generally with politics, history human rights or laws and changes that appear in today societies. For me this project was a great opportunity to broaden my horizons.