

Krzyżowa Times

exclusive:

**Conversation with
Maja Nenadović**

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The Law Exists For the Rich Too

Author: Karolina Pawłowicz

Friedrich Flick is sentenced to 6.5 years' imprisonment by the MICC in Krzyżowa. Additionally, he has to pay compensation to each survivor and to the families of those who died in his factories, an overall sum of 2.4 million dollars.

"The hardest part of the verdict was reaching a consensus in terms of the length of imprisonment. Some of us argued that it should be 5 years and some 8, so we decided to take the middle number. Nevertheless, we were convinced about the compensation proposed by the Prosecution as it is very important to make the life of victims easier." – stated a member of the judges' panel, **Ofir Ken-Li**.

The Prosecution accused Friedrich Flick of having committed

the crime against humanity of enslavement according to article 7(1)(c) and article 28(b) of the Rome Statute. The prosecution found him guilty and asked for a sentence of 20 years' imprisonment and a compensation of \$2000 to each surviving laborer and the families of those who died. The defense pleaded not guilty.

After yesterday's trial the prosecution was confident of their victory. 'They have very good arguments, but on the other hand I did not found enough legal basis and some arguments were just not expanded enough' – said a member of the prosecution team, **Bartosz Szzyler**. However, the defense team also achieved a success. 'I am not sure if we will win, but in my opinion we definitely managed to lower the sentence.' – stated the member of the defense team, **Andreas Lackner**, yesterday, after the trial.

The prosecution's plea was based on Flick's power to change the poor working conditions and the defense focused on the lack of evidence of Flick's intent to exploit

on the other hand, argued that those people had not died all at once so it was possible for him not to be aware of those deaths. The prosecution added that Flick must have been receiving some reports about the number of workers hired in his company or complaints about poor living standards from his employees. In opposition to that argument, the defense also noted, that Flick had a huge company, so the system of administration was very large.

The prosecution finished by arguing that as the head of his company Flick had a real power to change workers' conditions at least a little bit, but apparently he did not want to do it, so responsibility lies completely with him. On the other hand, in their closing argument, the defense focused on the SS officers guarding the employees and the fact that it was the government, that was responsible for supplying food during the war and thus blamed it instead of Flick.

FLICK'S FACTORIES

Friedrich Flick was a German industrialist, who was in charge of several industrial companies. Employees in Flick's companies had cruel living and working conditions. Because of the pressure of rising production due to demands by the military, workers were guarded all the time by SS and also every sign of employees' weakness or exhaustion was reported. Conditions of living were very cruel. Of 120 000 forced workers at least 10 000 died due to working conditions and requirements.



Erdemović is Free

Author: Gloria Weber

Dražen Erdemović was declared not guilty by the MICC in Krzyżowa. The court decided that the accused was acting under duress and cannot be held responsible for his actions in the court of law.

"I think the biggest obstacle among our team was determining whether Dražen Erdemović had acted under duress and whether he had prevented the greater good with his actions. By not refusing orders he saved his own life and prevented an additional death that was not necessary." – said a member of the judges' panel, **Mitchel Latimer**.

The prosecution's indictment was to sentence him to ten years' imprisonment for committing murder as a crime against humanity, as referred to in Article 7(1) (a) of the Rome Statute. Mr. Erdemovic stated in a testimony, which he voluntarily submitted, that he killed about 70 people in Srebrenica on July 16th, 1995. The defense pleaded not guilty, and – in case the court would find him guilty – suggested as an alternative punishment a maximum three years' imprisonment.

During the war in former Yugoslavia, Dražen Erdemović gained a lot of military experience. He was a sergeant in the Bosnian Croat Army (HVO). After helping several Serbs to flee, instead of killing them, he was planning to escape to Switzerland. As he



did not have a passport this was not possible. He found shelter by joining the Serbian Army. At first he kept his high rank, but after refusing to kill several innocent civilians, he was demoted to the rank of a simple soldier.

The prosecution believed he was guilty for multiple reasons. First and foremost they claimed that he, as a soldier, knew what he was doing. They said that he was aware of his actions and in this situation the orders he received were inhumane and he should not have executed them. The defense, on the other hand, stated that even though Erdemović was aware of the consequences he was coerced into committing those murders, because his own life and his family were in danger. After wanting to refuse he was told: "If you do not wish to [follow the orders],

if you - you can just go and stand in the line together with them. You can give us your rifle." This is how Erdemović explained his commander's actions in the testimony.

The prosecution refuted that even if he encountered dangers, his orders were unlawful. "I think the crime still would have happened. But he would have died the death of a hero", a member of the prosecution, **Laura Martinez**, stated.

In addition to that, the prosecution seemed surprised by the defense admitting Erdemović's partial guilt, as the member of the defense team, **Leonie Matejko**, expressed: "They did not focus on what we said."

Bikindi is free to express himself

Author: Jakub Unold

Bikindi was found not guilty by the MICC. Simon Bikindi of Rwanda was accused of aiding and abetting genocide, punishable under Article 6 (a) and (b) and 25 (3) (c) of the Rome Statute.

The prosecution believed that he was guilty and asked for a sentence of life imprisonment. The defense pleaded not guilty.

"I feel sad that we failed, but I have a feeling that we did our best", member of the prosecution, **Ola Subczak**, explained.

The prosecution wanted to prove that Bikindi is responsible for the crime because he never really tried to stop the broadcasting of the songs on RTML Radio. The defense claimed that he was innocent, because the songs were written 2 years prior to the massacre.

The prosecution team stated that at any point Bikindi could have ordered the radio station to stop playing the songs as he was a host and co-owner of the RTLM radio station. On the other hand, the defense underlined his right to artistic freedom and freedom of expression. Because songs are metaphorical, the defense stated that it could not be proven beyond a reasonable doubt that Bikindi agreed with the interpretation of his songs.

Simon Bikindi was a well-known composer and singer of popular music and director of the performance group Irindiro Ballet. Simon Bikindi was also an official in the Ministry of Youth and Sports of the government of Rwanda and a member of the MRND political party. His patriotic songs were playlist staples on the national radio station Radio Rwanda during the war from October 1990 to July 1994 before the Rwandan Patriotic Front took power. Twasezereye, a song composed in 1987, means "We said goodbye to the feudal regime."

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Annoyingly incorrigible idealist

P.T.

War witness Maja Nenadovic was invited to hold an interactive session with the participants of the Model International Criminal Court 2015 in Krzyżowa, on February 19th. Maja spent her adolescence Hungary as a refugee of the Yugoslavian war in the 1990's. The war started when she was ten years old. She is now working at the Anne Frank House Foundation after obtaining a PhD in political sciences.

Maja was wearing a friendly smile on her face when we joined her in a local café for this interview. By looking at her, one could never tell what she has been through.

What citizenship do you have?

It's a difficult one. For a long time I only had Croatian citizenship, because I didn't want to change that, but last year I became a Hungarian citizen as well. Since Hungary is such a problematic country right now, I felt that I wanted to be Hungarian as well just so that I could speak to other Hungarians as a fellow Hungarian. I basically became Hungarian to annoy people. (laugh)

In which countries have you been living?

I was born in Yugoslavia and I lived there for ten years. Yugoslavia fell apart due to the war when I was ten and then the part of the



country where I was born became Croatia, so I stayed there for another four years and then moved to Hungary with my parents. I lived in Hungary for four years. Then I lived in the Netherlands for three years when I was in college, then Hungary for my Master's degree, then the Netherlands again for two years for my second Master. Afterwards, I lived in Bosnia for a year, then I went back to the Netherlands to do my PhD for five years, and then I came back to Hungary and spent four years there. Now I am back to Croatia.

How do you feel when talking about the war?

I had talked to the MICC groups before but I have never called this whole situation ridiculous before. I guess, I felt at ease because there was something ridiculous about the fact that we have students from two countries here, the USA and Israel and we are doing here the simulations of war crime trials for wars that happened long ago, while actually these two countries are at war right now. And we talk

about Syria, we talk about Russia we talk about Ukraine and I just find the whole thing ridiculous. And by ridiculous I do not mean not serious, I mean too serious to be able to talk seriously about it.

When did you meet your parents again?

I met them during the war a few times when they were able to get the permit to leave, but this was very rarely. So basically, I got reunited with my family a year after. At that point, already, both of my parents had lost their jobs, because they were part of the wrong ethnic group. They did not have any way of supporting our family, so my father and my mother moved to Hungary the next year, just after I came back from there. My mom said that my sister and I would come back once the UN peace keeping troops arrived. For the next three years I lived with my grandparents. I became reunited with my parents four years after the war altogether.

Model International Criminal Court

----- February 17 - 22, 2015. -----

Was it difficult being a refugee during high school? Were you bullied because you were from a different ethnicity?

No, I was simply an outcast. I went to a bilingual high school so there were some subjects in English and some in Hungarian, but I had everything in English, because that was my main language at that time. I think I wasn't bullied because my classmates were a bit afraid of me. My English was stronger than theirs and I was just so serious. I came there at fourteen and you have to understand that I was already a refugee; there was a war, so I grew up very quickly. It is like overnight all of a sudden you are thinking about things that you would have never thought about before. I came to school the first day and there was a boy who was pulling another girl's hair and I was looking at them as if they were aliens. I thought 'What are they doing?'. I did not understand their behavior. Later on, I realized that they were just being kids. I did not know how to be that anymore because we stopped being kids

during the war. I mostly hung out with the teachers. I was not bullied, but I did not have any friends.

Do you miss not having a childhood? Was it hard to grow up quickly?

If I take this pen away from you right now (takes pen away) you might miss it because you are really going to need it and do not know what to do without it. However, you would get used to it very quickly. It is hard to miss something once it is gone, in the sense that I do not know what my childhood would have been like had I been allowed to have it. I did wonder a lot what my life would have been like had there been no war, but there is no way of getting an answer and I can only guess.

What was special about the Anne Frank Diary in contrast to other stories about war?

The diary itself only helped me in the sense that it gave me the idea to write my own diary. It planted the idea in my head. I read her diary and from that I kind of

learned the lesson that during the war, you have to write a diary. This is the only reason why I started writing one myself. Her gift to me was very directly indirect. The gift of writing a diary is a gift of self-reliance. When you cannot talk to anybody else, when you have no one to comfort you, because your parents are not there and your sister is a teenager and she is going through a hard time herself, the only person you have to comfort you is yourself. Your diary listens to you.

Was the diary an inspiration for you to join the Anne Frank Foundation or was it fate?

It happened completely by chance, it happened by accident. Actually, I did not remember why I started writing my diary until I joined the NGO. I started doing certain programs, I started doing trainings and somebody asked me: 'When did you read the book?', so I did the math and realized that I read it when I was nine. One year before the war started.

At the end of the interview, could you please describe yourself in three words?

That is a hard question. Annoyingly incorrigible idealist. [Laughter] This is my final lesson: Annoy the hell out of people. I used to be ashamed of being an idealist, but now I am cool with it because I notice that people get annoyed. It is good to be different in an annoying way. You have to be the one to speak up, you have to be a role model. It makes other people think that maybe they should do something too.

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Model International Criminal Court

----- February 17 - 22, 2015. -----

What is your impression from the MICC?



Leonie Matejko, Bonn, Germany

I really like it because it is very international and you get to meet a lot of people from all over the world, from places you would normally not travel that often to. For example Israel, I have never been there and I do not know any Israelis. That is kinda cool.



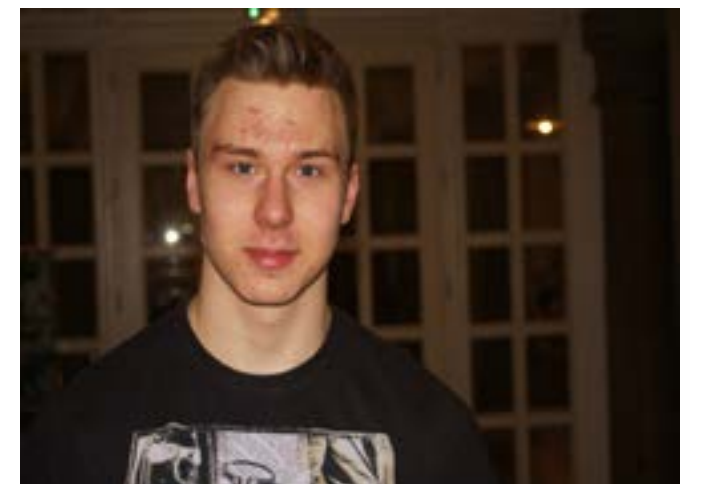
James Campbell, New Mexico, USA

I am really liking it so far. It is pretty great meeting people from around the world and learning about the legal system internationally and whatnot. It is a really good opportunity and it is cool to meet so many different people. It is awesome.



Armeer Morad, Beit, Israel

It is amazing. So much fun. Specifically hanging out with you guys from Germany and Poland and the US.



Aleksander Zoladkiewicz, Wrocław, Poland

It is pretty nice to meet people from other countries. What I think is best are the people from Israel. They are pretty enthusiastic and positive, I would not have thought they would be like that. And all of them are really nice people.



Tali Sahar, Eilat, Israel (teacher)

We are very impressed by the kids and the organization. Everything is new for us, it is very exciting to be here. We like the idea of the MICC very much. I hope we will be invited to come again.



Tobias Sechelmann, Tecklenburg, Germany (teacher)

I think it's really a great project. I like the idea. This is my third time here and it has always worked wonderfully. It brings people together from all around the globe. It's a very serious subject we are talking about here, but I think the way people interact really shows that they are equal to the task.

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The Experiment

Guest columnist: Valeria Schreider

The Experiment (2001) Drama/ Thriller
"Das Experiment" (original title)

120 min - [Drama](#) | [Thriller](#) -

For two weeks, 20 male participants are hired to play prisoners and guards in a prison. The "prisoners" have to follow seemingly mild rules, and the "guards" are told to retain order without using physical violence.

Director: [Oliver Hirschbiegel](#)

Writers: [Mario Giordano](#)(screenplay)

Stars: [Moritz Bleibtreu](#), [Christian Berkel](#), [Oliver Stokowski](#)

The participants and their teachers came together to the "Palace" in Krzyżowa to watch the movie "The Experiment" on the evening of February 20, 2015.

The teachers chose this film because of the fact that the human psyche plays an important role in this movie as well as in the trials in which students were participating.

The movie was about several average men who want to get some money by taking part in an experiment. After they underwent psychological tests 10 of them got the role of a guard and the other ones the roles of the prisoners. If they wanted to get the reward of 2000 marks they had to stay and play their roles for at least two weeks. The guards had the task to take care of the prisoners and make them follow the rules.

Right from the start some of the prisoners started to provoke the guards. Because of this the guards, also started to ignore the rules the professors had given to them at the beginning of the experiment. The most important rule they had to keep is not to use violence to punish the prisoners. Also, some of the prisoners really suffered under the new situation of sharing their cells with two other ones and having no privacy. Everything got out of control. In my opinion, this movie is a violent example of how the human psyche can work in stressful situations like this one.

When the film ended one of the teachers started a discussion. He asked us what we think about the violence of this movie and whether we think it is possible that something like this can really happen. He also explained to us that an experiment like this had already been tried in a study at Stanford University. No one died but the film was quite realistic.

Most of the students were shocked. "It was very interesting. Especially the point that people can get that different in a situation like this as fast", participant Daniel Gugliotta explained.

Student Lisa Cossmann added: "I'm very shocked about the violence the people used in this experiment and also how they reacted to the rules they were given". Some of them were maybe a bit bored but when they realized this is something that does not only exist in this movie they got more interested and that got them thinking. And maybe that is the point why the teachers had chosen this movie for us.

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