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MICC TRIALS

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***Flick Found Guilty
Erdemovic Case***

**MICC PRESS TEAM
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The Case of Erdemovic

by Ruben Cuesta-Ray

There had been a long night of deliberation and arguments between the judges over the complicated trial of Drazen Erdemovic. In the end, what the judges delivered was a complete non-guilty verdict. In what may be an unexpected result to some, and a relief to others, there were many highlights in this turbulent case.

The prosecution maintained the belief that Erdemovic was aware of his participation in systematic murder and that there was no imminent threat. The most present evidence of an imminent threat was a quote from Erdemovic's commander to stand in line with the men and boys in Srebrenica, and hand him his rifle. The prosecution argued that this quote did not necessarily imply that this meant Erdemovic would've been shot as well. "He assumed he would be killed, but was not told he would be killed", the prosecution stated. And so, the prosecution presented Erdemovic with a sentence of 15 years.

The defense's main argument hinged on the idea of duress according to the Roman statute. They conceded that their defendant was tied to the crime of murder as a crime against humanity and for personally killing 70 people. However, they argued that he was both under duress from his commanding officer and physically under duress as he was suffering from headaches and sickness.

"He did have to think about his wife, who was pregnant at the time", the defense had also pointed out. The defense wished to see Erdemovic either be ruled not-guilty or be sentenced to 5 years.

The judges began to deliberate after both sides had made their case. They worked even into the night to come to a conclusion. While at some point, a few of the judges had believed that it would have been better for Erdemovic to die rather than have killed the 70 civilians. They were quickly talked down from this line of thought as it was believed to be contrary to the idea of duress.

In the meantime, the defense and prosecution offered their thoughts on the trial. The prosecution was satisfied, saying, "we did state our most important arguments." The defense agreed and added that they "really liked the trial." The defense had also thought the trial had gone "pretty good, considering we were only 3 people."

The court began its judgement the following day. The judges sided with the defense that Erdemovic was in fact under duress. However, they disagreed with the defense's argument that the shooting at the bar was an example of an imminent threat. One of the judges pointed to the fact that the man who perpetrated the shooting had also shot other people at the bar and was not a subordinate.

"On whether Erdemovic was reasonable in his actions or not, the judges sided with the defense. "However much it hurts to say this", a judge stated, it was a difference between "70 lives of the prisoners and 71 lives". Nothing Erdemovic could have done would have avoided a lesser loss of life that day. With that said, they concluded by finding Erdemovic non-guilty.

The prosecution and defense both shared their post-verdict thoughts and offered insight regarding their sentencing decisions. "We didn't want 30 years", the prosecution explained, believing that such a sentence was meant for the worst crimes imaginable. "We were already suspecting that they might not find him guilty." The defense was more confident in their thoughts surrounding the case, stating, "We did think that he would be found not-guilty." On their choice to have settled for a 5 year sentence or a non-guilty ruling, the defense believed that it was a necessary compromise.

The judges also poured in their own thoughts about the case, showing that in truth, none of them were confident in their decision. "It was our job to say he was not-guilty", a judge said. "We can all agree that we are all not extremely morally confident", another judge explained, "Legally, I know we did everything by the book." All of the judges viewed Erdemovic negatively, believing "he was victimizing himself."

Flick Found Guilty

by Annie Zaharov

Having considered all the evidence and arguments provided by the prosecution and the defense, on the charge of being responsible for a crime against humanity of enslavement MICC Court finds the Accused Friedrich Flick guilty. Having found the Accused guilty, in finding a just sentence, the Courts takes the following circumstances into account: The influence from the Nazi Government, The presence of SS guards outside of Friedrich Flick's control, Friedrich Flick's position as a powerful leader of his own armament industry. The prosecution requested sentencing him to 15 years in prison, a fine of 500 million EUR and the forfeiture of all proceeds acquired through his criminal activities. The defense requested no more than fines or forfeiture of assets equivalent valuing an approximation of what he gained through his use of slave labor.

For all of these reasons, this Court sentences Mr. Friedrich Flick to 5 years of imprisonment. The Court orders a fine of 500 million EUR and the forfeiture of all proceeds acquired through his criminal activities.

Prosecution's case states that Friedrich Flick is responsible for the crime against humanity of enslavement as a superior civil commander punishable under article 7 1c of the roman statue. Prosecution argues that there were records of abuse going on in the workplace including beatings, improper nutrition, work environment being overcrowded and unsanitary. There's evidence of mistreatment of workers in documents as well as in witness statements. Prosecutors argue that "Data cannot prove that forced workers had the same food rations as the regular population received." and a witness statement claims that "We were very weak, because

we received too little food and also no medical treatment." A witness report states that abuse was going on in the workplace, workers were punished by being beaten with wooden sticks or truncheons. " A lot of inmates had lice and so the camp was disinfected. We had to walk by a barrel and put our shirts in it to have it cleaned from the lice.

After that procedure the camp commander came to control the situation and found a single louse in the shirt of a Polish Jew. He started beating the man and only stopped when the man collapsed. Then he was taken upstairs under the shower where he died." These statements clearly show the horrible conditions that the forced factory workers had to live through. Lack of proper nutrition and working under hard conditions which led to death is evidence of mistreatment of the workers. Prosecutor states that for that reason Mr Flick failed to take

any of the necessary and reasonable measures within his power to prevent the enslavement of the workers in his factory because as the leader of the armament industry the absolute authority in his company and as a superior affiliate commander Flick had the power to prevent the mistreatment of his workers. Prosecution asked for the accused Mr Flick "is sentenced for 15 years of imprisonment a fine of 500 million euro as well as a forfeiture of all proceeds acquired through his criminal activities."

Defence claims that under article 28b "A superior shall be criminally responsible for crimes within the jurisdiction of the court committed by his/her subordinates under his/her authority as the result of his/her failure to exercise control properly over such subordinates. (ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and (iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution." Responsibility of Flick does not hold under each of these descriptors for the 28th article in the roman statute any conviction of international crimes including enslavement.

requires a connection between the committed crime and the accused. While the facts seemingly point at the fact that the workers at the factory were enslaved as the result of their working conditions and their lack of payment,

Friedrich Flick can only be convicted so long it is proven that he was aware of these circumstances and able to change them."

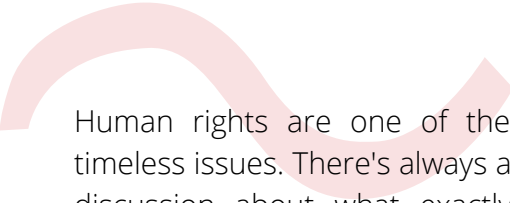
Defence argues that the testimony of Witness Z claims that every two-three weeks it was announced how much money had been assigned to each laborer despite never actually being paid. Reasonably the extent of Flick's knowledge of labourers wages having not visited the factory is the wages announced in the court and on paper as far as Flick knew the workers were being paid and therefore not enslaved to his knowledge. Considering his knowledge of crimes committed at the factory we are unable to determine if Mr Flick ever visited the companies themselves and therefore cannot for a reasonable belief believe that he did so. Testimony of Witness Z claims that "every two-three weeks it was announced how much money had been assigned to each laborer despite never actually being paid." Reasonably the extent of Flick's knowledge of labourers wages having not visited the factory is the wages announced in the court and on paper as far as Flick knew the workers were being paid and therefore not enslaved to his knowledge. To consider what control Mr Flick had over the crimes both allocation and control of concentration camp inmates in the factory was done by the state. The enslaved laborers at Flick factory were provided entirely by the state and any concerns of the company were destroyed.

In addition the work assignment of prisoners of war was controlled by the agencies of armament with cruel threats and measures to ensure the production requirements were met. The nazi regime which was out of the control of Mr Flick was responsible for implementing the use of slave labor and eliminated the potential for commanders to disobey by using harsh threats and measures. Even if Mr Flick was aware of the conditions in his factory which he was not, he had no control of the direction of the state. The defense asks that the accused Mr Friedrich Flick is found not guilty and in case that the court finds the accused guilty we ask that his sentenced no more than the time he has already spent in detention as well as fines or forfeiture of assets equivalent the amount of what he gained in through his unknowing use of slave labour. Even if you are not convinced of Mr Flick's lack of knowledge, Mr Flick's inability to influence the decisions of the head of state beyond reasonable responsibility is clear. While he did profit off the unpaid labour of others the just punishment of this exploitation is to require the forfeiture of assets and funds gained in the course of his factory owning. Any amount of jail time would only be just if his civilian commander had both knowledge of the crime being committed by his subordinates and reasonable control over that.



Human Rights in Poland

by Hanna Stepura



Human rights are one of the timeless issues. There's always a discussion about what exactly we mean by human rights and if they are really respected in our countries. Sometimes it's in a moment when an unusual case comes to general knowledge, and sometimes we have longer discussions about it. Even if we don't talk about that now, tomorrow or next week we may start.

In my country - Poland - not everything is as clean as it looks. At the moment our political situation is quite destabilized, because of the emigrants camping out on our borderline with Belarus. Some people want to let them in, but this isn't like we're ignoring the situation. It's all about that process: the Belarus government gets those people into their country and tells them they'll go straight to Germany, but instead they send them to the Polish borderline.

So the whole situation is about manipulating somebody - immigrants are somehow used like slaves to get to the destination, and people who bring them into the border clearly don't care about their lives, just want to make a good video of 'the crisis' they caused themselves. At some point we get to the human right to be free, which is violated by Belarus. We don't have anything in common with bringing those people here, and they don't want to have asylum in Poland, but in Germany.

Also in Poland a recent subject is abortion. Because of the Catholic Church, who finds it is a bad thing, the situation led up, to some of our politicians making abortion a forbidden action. Now doctors are scared of being accused of illegal abortion - this fear led even to a young woman's death. It's a very controversial topic now,

because somehow it's protecting the right to live by protecting an unborn child, but in a different point of view it's also violating the right of freedom, which tells us we can do whatever we want with our own life (in that case it's the future mother's life).

Besides these things, our government violates the right of no discrimination. Politicians in Poland don't think about LGBTQ+ people like others. Some of them even say that it's just an ideology, or that it's not normal. They just don't understand what those words may cause, and they don't even try to understand that. Even when some young people tell them they're wrong they stick to their words. Also while writing this article, I heard that a new law against the LGBTQ+ community in Poland has been passed through parliament. So if it'll pass through the senate

too, and be signed by the president, LGBTQ+ in Poland will officially be a cult, and promoting it - eg. having a LGBTQ+ flag - will be forbidden. Sometimes our civilians also violate that right, because some people in Poland are almost xenophobic. Of course that isn't how the whole society works, but there are people scared of the change foreigners may cause in culture, or beliefs.

As you all can see our government isn't perfect and average people aren't perfect as well. But most young people don't understand why older people usually agree with our politicians. Luckily for us, each year more and more young people start to show that they aren't okay with politics. Maybe the next election will change something in the government, but for now we need to wait till

that time, and unite to make a change in our country. This is also an advice for everybody: don't wait until it is too late to avoid something you don't agree with. Even if it's about politics - one voice always has a chance to make a difference in many lives. Let it be a good voice telling everybody to avoid something bad for the whole society.



THE DISINTEGRATION OF YUGOSLAVIA

BY JULIN WIRTHLE

Think of your home country for a split second, the people, the religion, the language, the culture. I imagine there were some specific things that came up in your mind right away, but probably somebody who also lives in your country thought of something totally different. This is because the people living in one country are so different in terms of their culture which they identify with. In worst-case-scenarios, situations like these can lead to cultural separation and even violence between the different ethnical groups.

This is what happened in Yugoslavia in the 1990's. After World War 2, Yugoslavia was under the dictatorial rule of Josip Broz Tito who improved the economical and political situation of the country. At the time the country was divided into 6 republics: Serbia, Slovenia, Croatia, Montenegro, Macedonia and Bosnia and Herzegovina which all consisted of different ethnical groups. When Tito died in 1980, a power vacuum formed but the political power rested with the federal government again which was weakened, causing a number of political and economic crises such as corruption and high debts.

These crises caused many protests against the government as the people did not trust it.

Additionally, there was an increase of nationalist movements of the ethnical groups who then wanted to be an independent country which was reinforced by the crises. But because of the multiethnic population within the republics it was impossible to allocate one geographical larger piece of land to only one ethnicity. Therefore, the ethnicities fought each other in order to claim certain cities. For that the ethnicities drove each other out with use of violence which can be called ethnical cleansing.

Serbia wanted one central power for the federation while other republics such as Slovenia and Croatia supported the idea of a democracy. Ultimately, the conflicts started between Serbia and Kosovo, which consisted mostly of Albanians, as Serbs wanted Kosovo to be a part of Serbia and used violence to suppress protests against the unity of Yugoslavia under domination of their country.

In Croatia the Serbian minority protested against the newly elected nationalist government

and stated their independence of a soon-to-be independent Croatian country.



This is when violence was increasingly implied on both sides but there was a clear advantage on the Serbian side as they were supported by the Yugoslavian army because of how much control the Serbian government had on the army. Finally, in June 1991 Slovenia and Croatia declared their independence after being accused of creating a conspiracy against the state of Yugoslavia which gave a reason for the Yugoslavian army to intervene in the conflict and actively support the Serbs living in Croatia. But only a day after, the Yugoslavian army invaded Slovenia provoking the commencement of the war.

Meanwhile, the war in Croatia had already been going on for a few months because the ethnic tensions which were also caused by the entering of the Yugoslavian army in Croatia were so immense that they sparked civil war.

In March 1992 Bosnia and Herzegovina followed the example of Slovenia and Croatia and also declared its independence but due to its even high ethnic diversity war immediately started between the different ethnicities which led to the death of around 100 000 people.

Macedonia previously declared its independence in September 1991 but in contrast to the countries named before, there were no wars in the newly established country and the UN soldiers employed for the protection of the border between Serbia and Macedonia were unnecessary as the two countries had a good relationship over the years.

The federation of Yugoslavia was finally dissolved after a long time of war which caused economic crises. However, Serbia and Montenegro were only declared as independent from each other in 2006 and Kosovo in 2008 though it has not been accepted by all nations.



CONVERSATION WITH GRANDPARENTS

BY EMILIE DEFEU

HELLO DEAR READER, MY NAME IS EMILIE AND IN THE FOLLOWING, I WILL BE TELLING THE STORY OF MY GRANDPARENTS, WHO SHELTERED A FAMILY DURING THE BOSNIAN WAR. FOR THIS, I INTERVIEWED THEM AND THE RESULT OF THEIR EXPERIENCE I HAVE TRANSCRIBED IN THE BELOW:

When the war started in former Yugoslavia, 1991, the EU states decided to provide shelter for refugees. So as well in Salzburg, Austria, where a former hotel served as an accommodation for them. My aunt worked at that time in a pharmacy, very near to the hotel, when one day a man, named Harris, walked in and stated that he is a refugee from Bosnia-Herzegovina, whose wife will soon expect their child and they needed help. Through my aunt, in the community where my grandparents live, the priest responded with a local proclamation, if a few households would be able to also provide shelter for refugees and there were fortunately some who agreed to do so. Under those few, also my grandparents.

Emilie Defeu: Why did you decide to take a family under your protection and what were your expectations regarding the situation?

Grandparents: Our first thought was: 'we need to help these people'. We had compassion for those who lost everything. It didn't matter if we were able to or not to take in those people. Luckily, we had the opportunity to provide shelter, so my siblings [my grandmothers] and I could take two families in.

E.D.: How was the first acquaintance?

G.P.: Of course, we couldn't speak each other's language, so we communicated through signs, our bodies and drawing. Especially Mustafa and Klaus [my grandfather], they made grand use of drawing. Every time they tried to tell each other something, e.g.: When they worked together in the garden or the garage, they eagerly drew it on the paper and showed it to one another, like two mad men. Advija learned the [German] language very fast and later, when they went back, she was also teaching German in schools. But it was wonderful. An exceptional, special and among all things a warm encounter.

E.D.: How is your relationship with the family today? Are you still in contact?

G.P.: Yes, we still are. Directly after the war, Klaus and Ingrid [his sister, 1st image; front page] went to visit them, in Tuzla, where they now live. Two years later we visited them again and in 2017, Advija and her second son came to Salzburg, to visit us again, after 20 years. Advija and I [my grandmother] are still in contact via Facebook and Email. Mustafa and Harris are unfortunately no longer with us, and all the children are grown up and have now their own little families.

EE.D.: Regarding the current migration and refugee crisis in Europe, would you be ready and give shelter to a family again?

G.P.: That is out of the question. Of course, always. Concerning our age, it might become a bit difficult to accommodate them, but we will always be ready to help where we can. We have been actively helping refugees for 15 years. Most recently it was refugees from Afghanistan.

Background information:

"[The] family, [they]'ve taken in, consisted of Mustafa[1st picture; in the middle] and his wife, their daughter Advija and her son[2nd image; on the left]. They lived in Zvornik, directly on the border to Serbia. Advija's son was born on the exact day when the war broke out, so his mother went to the hospital. When the news broke out, that the Serbs are taking over, among other things too, with brutal violence concerning the pregnant Bosnian women, hospitalized, she flees. From the shock, she couldn't feed her newborn and had to use sugar water for the time being. Harris' [family friend of Mustafa's family] wife had six sisters, each of them a husband, which all got lined up and shot in the head, back in Yugoslavia, Harris included. Miraculously and fortunately, he survived and could flee. The only damage he suffered was a shattered jaw and a striated temple on the right side of his head, from the bullet."



PRESS TEAM



Hey, I'm **Julin Wirthle**. I'm 16 years old and I'm in grade eleven. I live in Rösrath, Germany which is near Cologne. In the future I would like to do something with forensic psychology. In my free time I enjoy playing the violin and playing board games with my family.



My name is **Orry Miller**. I'm 16 years old and I come from Israel. I am in the 11th grade and currently studying in Tel Aviv-Jaffa. I like to listen to music, meet new people and dream about my future.



Hey, my name is **Nina Mühlenbroich** and I am from Germany. I attend the 11th grade. In my free time I like to read and play Badminton. In the future, I plan on attending a university and work in the career fields journalism or law.



Hello, my name is **Emilie Defeu Wotoh** and I'm part of the press team of this year's MICC Project. I'm a 16-year-old student from Germany and enjoy listening to music as well as doing creative work in my spare time. Political and societal issues such as journalism are a few of my numerous interests, the latter is also something I would like to work in later.



I'm **Hanna Stepura** from Trzcianka, Poland. I'm in 1st grade of high school and my favourite subjects are chemistry and English. I'm in Press Team during the MICC project.



My name is **Ruben Cuesta-Ray**. My hobbies are writing and cooking mainly. I live in the state of New Mexico in the United States.



Hello, I'm **Annie Zaharov**! I am 16 years old and from Israel. I love cats, music and horror movies.



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