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KRZYZOWA

The Krzyzowa Daily



MICC TRIALS

PRESENTED BY

*Friedrich Flick Case
Bikindi Controversy
Erdemovic*

MICC PRESS TEAM
October, 2022

Figure 1

Flick Case MICC Trial

FRIEDRICH FLICK

BY ZACHARY CHAVEZ & ELISABETH LACKNER

Did you know that, in the factories of the infamous war industrialist Friedrich Flick, over 8.3% of 120.000 mistreated laborers perished? It is on this day, wednesday, October 19th, 2022, that heated discourse transpired in the case of Friedrich Flick, as each attorney counsel presented firm cases to the honourable presiding judges of the (Model) International Criminal Court. Friedrich Flick has been marked as guilty of enslavement, which is punishable under Article 7 (1) (c) of the Rome Statute, by the presiding judges and sentenced to 6 years in prison and a forfeiture of all profit he'd made from 1944 to 1945 as a result of slave labor. Friedrich Flick is accused of being responsible of the crime against humanity of enslavement as a commander, punishable under Art. 7 (1c) and 28 (b) of the Rome Statute.

Friedrich Flick was born on July 1883 and was the leader of the NSDAP armament industry and was member of the BHO (1933) and NSDAP (1937).

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Flick earned money during the Weimare Republik (1919 – 1933) and had a important position in the heavy Industry of Germany. At first he supported different parties but this changed in 1932 when the NSDAP developed to become a powerful party. In essence, the arguments of the prosecution and defense teams can be characterized by an interpretationist view of the stipulations of the Rome Statute in relation to the case evidence.



The prosecutors of Friedrich Flick requested that Flick be marked as guilty and sentenced to 25 years in prison and to forfeit all proceeds earned as a result of the alleged enslavement of over 120.000 human beings. In opposition to this request, the defense counsel sought to guarantee Flick either a full acquittal or no more than 3 years in prison. Primarily, the prosecution counsel argued that the deprivation of liberty, which the ICC directly opposes, includes forced labor, which was present in Flick's factories. Following this line of discourse, the defense argued that because the workers weren't bought as property and some were paid, albeit to a minimal degree, the prosecution's assessment of the definition of slavery was inaccurate. Furthermore, factory workers couldn't leave the facilities, weren't paid, and were beaten by guards with truncheons, evidence that consequently bolstered the prosecution case. In the eyes of the prosecution, this information clearly falls under the purview of the Rome Statute's definition of slavery. The defense, however, emphasized the distinction between the crimes committed by camp meisters and what Flick had, on his own, done. Finally, the prosecution argued that, given his authority in

managing his own company, it is incredibly unlikely that Flick had no awareness of the cruel conditions under which his workers had operated and thus facilitated the crime against humanity of enslaving over 120.000 people. In order to dispute this claim, the defense counsel explained the apparent lack of connection between Flick and the abuses carried out in facilities in which Flick may not have been able to monitor. Essentially, There existed in Flick's factories a systematic attack to forcefully extract every ounce of willpower, primarily from Prisoners of War and prison inmates, for the sole purpose of fueling the Nazi war machine that had ravaged Europe, silenced tens of millions around the world, and withheld even the most basic rights of countless more, all while reserving power and political privilege for the elite, of which Friedrich Flick was a prominent member. Considering both counsels' arguments, it is my opinion that the sentencing was just and issued with sound reasoning that clearly connected the evidence of the case to Flick's involvement in the enslavement of over 100.000 workers. Nulla poena sine lege.

Figure 1

MICC Trial of Drazen Erdemovic

“12000 DEATHS, AND THEIR CONTROVERSY”

BY ANGELINA MSEIS



Drazen Erdemovic was one of the most complex cases to be ever taken into the MICC. The controversy that this case holds, between the civil right of life and the civil right of justice. The case itself takes place in Yugoslavia, a country in southern Europe, made out of 6 federal republics under a communist regime. The country itself was undergoing an economic and political crisis. Many wars took place during this time, causing a lot of social tension between the bosnian muslims, serbian orthodox and the catholic croatians.

30 buses filled with men, women and children handcuffed and blindfolded on their way to be shot brutally. On one side, the prosecution’s argument was that he was absolutely guilty. As an individual he, physically, with consciousness, executed muslim civilians. He knew, and was aware of what he was doing. He was no stranger to a rifle and of its consequences. When he was demoted for acting out in the army, he was only demoted; not threatened. Not killed. Not held by gunpoint. He could have just refused doing these horrible acts. Similarly, the defence team fully acknowledged the idea that Erdemovic committed the acts and should be punished accordingly. On the other hand, they highlighted the idea that he continuously tried to avoid his ‘duty’ and his acts were out of his

control, even though he had the knowledge it was a “shoot or be shot” situation that had fallen upon him. They also underlined the idea that he regretted it and admitted so the punishment should be proportional; he helped the testimony and the case itself. Furthermore it's important to take into account that he disobeyed orders twice and tried to avoid violence whenever he could. He was a good friend to anyone, not based on religion or ethnicity. He was just a young man, trying to help his family financially as best he could. These are all the things that the judges considered when finalising the verdict. The connections to the crime were crystal clear, there was no denying that. However, the accused was under extreme duress. Even though he disobeyed in the past, and could do the same again, this situation was of a higher magnitude that overweights the

the other situation. The threats were more serious and he had no choice but to meet the conditions that were laid out to him. He was found not guilty when taking all these things into account.

The case itself takes place in Yugoslavia, a country in southern Europe, made out of 6 federal republics under a communist regime.

SIMON BIKINDI - THE MAN THAT SPREAD A DEADLY MESSAGE?

BY ZUZANNA WANCISIEWICZ, FLORENTINE NIES, HANNA GÓRKA



Simon Bikindi was sentenced for 17 years in prison, according to articles 6a and 6b and 25 section 3c of the Rome Statute. He was actively supporting committing the crimes and he was fully aware of his songs being played during the massacres and that they were the priors to starting the riots. Bikindi is responsible for letting his music be spread widely and especially influencing the Interhamwe group. The Rwandan singer-songwriter Simon Bikindi, whose patriotic songs and compositions got played in public radio and broadcasts in the country until 1994, was accused because of his support during the brutal massacres in Rwanda. Concerning to article 6 and 25 of the Rome Statute, he was responsible for murders of Tutsi people and pushed other people to murder them. He influenced especially the young group of the MRND, the Interhamwe, by his songs. The trial started with the prosecution team presenting the background information of the case – they talked about the conflict between two Rwanda’s ‘ethnic’ groups – Tutsi and Hutu. The groups used to live side by side throughout many centuries

before the situation started to be uncomfortable. In 1959 Rwanda gained independence from the Belgian colonists and a Tutsi monarchy was built. In 1973, the government was overthrown by the Hutu general Juvénal Habyarimana, who became the first president of the new Rwandan republic. After a cultural fight in 1990, a pact between Tutsi and Hutus made them sign the Arusha Accords to build a new Rwandan republic with a shared government for both parties. Unsatisfied Hutu people and the uncleared attack on president Habyarimana finally caused the ethnical breakout in 1994 between Hutu and Tutsi people. The war lasted up to mid-July and ended up in a genocide with more than 500.000 victims. Simon Bikindi, a singer and a member of the political Hutu party in Rwanda wrote a song before the genocide that was later sang during the massacres. According to the prosecution team, he knew what the effect of his influencing lyrics was, while letting the songs be played publicly. The prosecutors want him to be sentenced for 15 years in prison. The defense team went through Rwanda’s history and pointed out, that his songs



were written before the genocide took place in 1994. It is presumed, that the Tutsis migrated to Rwanda decades ago, but it is still unclear how the conflicts started. Though it is most likely, that the economical difference between Tutsis and Hutus during the Belgian colonialism was one of the reasons why Rwanda's population divided up.

The genocide took place, but was Bikindi actually guilty? Was he directly connected to the murders of the Tutsis? To be considered guilty, Bikindi would have to engage into committing the crime which is not known. The only thing he did without doubt was creating songs that might have convinced Hutu people to the killings. The defenders said that artists are a very diverse group of people and they tend to write songs about things that are not spoken out in public. Bikindi didn't take part in killing people and the defense team claimed, that it is his human right to point out his opinion by accusing him of the crimes committed by other people. Would you analyze every song you listen to this deeply? Would you kill another person if for example Freddie Mercury sang about that? The defenders don't want his sentence to be longer than 3 years.

After both sides presented their views on the case, it was time for the judges to ask questions. The first one was directed to both of the groups – how should the term 'ethnic group' be described? The prosecutors explained, that in this situation, the definition of ethnic group should not be taken into consideration – the conflict wasn't based on the different ethnic groups itself, but just on the way Tutsi and Hutu people saw each other.

The defenders said that the difference between them was not ethnic, but it relied on the economic structure and difference, not their families or the way they were raised.

The next question was headed towards the prosecution team: Did the songs actually influence in any significant way? They replied positively, emphasizing that the songs are visibly persuading people to 'destroy the enemy' and even though it might have just been metaphorical, it could still influence its listeners to act in a specific way.

Furthermore, the defenders got asked a set of two questions: Does the lack of publicly denouncing the RTLM radio's usage of his music and the messages being spread alongside his songs indicate that he was a supporter of these actions?

And how does the fact that Bikindi was a shareholder in the RTLM radio affect his perception of the messages being spread by it? The team replied that these were just his thoughts, publicly shared, and that he could not decide what people think about his work. Following the defenders' argumentation, he had no way to react and even if he was in favor, Bikindi was not responsible for anything in this situation. The fact that the songs were played on the radio had financial meaning to Bikindi and he did not have the intent to support the messages that were spread along with his music.

After that, the prosecution team described the situation saying whether it was a genocide or not and explained their view. The prosecutors stressed that the conflict was based on the different ethnicities and



that the Hutu group wanted to exterminate the other. It was stated that Bikindi wanted to exterminate the Tutsi people as well and the acts that happened were definitely genocide, according to Article 6 of the Rome Statute. During 1994 no one would have taken out the dictionary to see if they are officially ethnically spitted, but they saw each other as different groups.

Later on, the defense team faced the next question. The MRND used Bikindi's songs to promote their violent and political messages; is this providing the meanings for the commission of the violent acts under Article 25 (section C) in the Rome Statute? They replied saying that the personal expressions are Bikindi's creativity and they did not have any further significance for the genocide.

The last question that the prosecutors were asked, was, if they think the genocide would have happened without Bikindi's songs. They responded underlining, that the tension between both ethnic groups already existed before, but his songs pushed the conflict more than it has ever been and that it made the genocide happen earlier than it would have without these songs.

The defense team answered another question connected to Bikindi's songs being played on the public radio, about him having no influence and no control to the things said along with his songs and why didn't he try taking the songs down the radio if he saw what the message did to the listeners. The defenders stressed,

that Bikindi is an artist and so that he had to let his songs spread widely to get his payment – if he would have taken his songs down he wouldn't have money to survive and the songs would be still played using the records already bought by many people.

The final question directed to the defense team was, if Tutsi and Hutu are the same ethnic group, why would they attack each other? They replied, that there have already been some conflicts no matter what person was in power. They had many breakouts and conflicts connected to the topic of economy and ruling.

The first trial ended with a sum up of both teams, starting with the prosecution. They said that they disagree with the defense team because Tutsi and Hutu perceive each other as a different ethnic group and even if they were the same group it wouldn't matter at all. Bikindi might have not taken active part in killing the Tutsis, but he raised the tension so he entered the conflict in some kind of way. Moreover, his songs were being played during committing the crimes and there is not any evidence, that he had tried to stop the radio in playing his songs. He also did not try to keep the Hutu people off killing and he strengthened that the Tutsis need to be exterminated. We can also notice that he tried to tell people to kill others through the words of his songs and even though sometimes it might be hard to find out what he actually meant, looking at some lyrics it is obvious that he was a supporter of the genocide of the Tutsis. Everyone,

even remotely connected to the case should be somehow punished because of Simon Bikindi and his songs many people were tortured by the Hutu and he intended to hurt these people. He didn't oppose the genocide and the murders, which concludes to the fact that he wanted to cause mental and physical harm to the Tutsi people.

The defense team summed up their argumentation, emphasizing that the Tutsis and the Hutu people are the same ethnic group, but separated in classes and their wealth. The songs might have been misunderstood. Thus, they were written few years before the begin of the massacre and Bikindi did not intend in committing these crimes. In the defenders' eyes, Simon Bikindi is not guilty and had no idea how his songs would be used and the way things turned out was unpredictable.

After the genocide happening and killing most of the Tutsi people of Rwanda, Simon Bikindi finally got sentenced for his commissions in the case. He was convicted for causing mental harm to the Tutsis and especially influenced the Interahamwe group by his patriotic songs.

THE MICC EXPERIENCE

BY ADI KHATIB (ISRAEL)



“Magnificent, eye opening and a once in a lifetime opportunity” is one of the things that describe the MICC program. Our team from Israel was one of the four countries that were chosen to participate in this masterly program. When we first came here to the MICC program it was a bit awkward but as we got to know everyone and how the vibe is here we realized that we have similarities.

For example, on mutual night; we got to know about everyone’s culture and where they are from. I also found out the first night that we had a gym on campus on which we could workout whenever we wanted and we were so electrified with spirit and joy because we are staying here for a week without any sort of fitness activity; this was also a great opportunity to

This time the program involves participants from Poland, Germany, Israel and the United States

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connect with the people that are with us.

On the first day we had a Human rights workshop which we were taught about how everyone has rights and how the court system works. We then had a guided tour in the village we are in and they showed us around and told us about the history of the village and how the members of the anti-Nazi resistance group Kreisau Circle met on the property, hosted by Helmuth von Moltke's great-grandnephew Helmuth James Graf von Moltke, who was executed for treason against Germany in January 1945.

The second day we got to know everyone who is on our teams and got to interact and work with them with group projects one of them being this article.

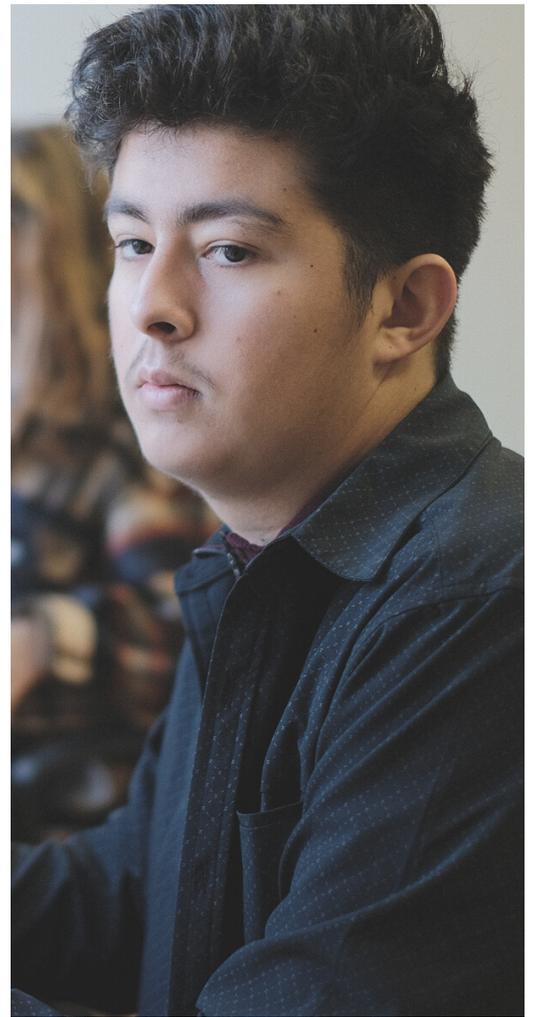
I really liked this experience and I recommend it to everyone because you learn about the law and how the court system works and is overall a fun wholesome experience.

This is a great opportunity to connect with the people from different cultures and backgrounds.

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THE MICC EXPERIENCE

BY ZACHARY CHAVEZ (USA)



I believe I speak for all of us when I say that we, the students from New Mexico, began this journey in order to further educate ourselves on the ICC and global status of human rights. We were presented with an opportunity to travel and immerse ourselves in an environment conducive to learning and we took it. We come from all backgrounds, be they cultural, political, or social, in the diverse landscape of New Mexico. Many of us had never had the opportunity to travel internationally or socialize with

students like ourselves from other countries and, to be frank, we didn't know what to expect from the MICC program, ranging from the workload to the trainers to the other students.

We may have had our own preconceived notions of who and what we would encounter, our own guesses about what it would be like to enter an entirely new atmosphere, surrounded by uniquely complex individuals. I'm sure we all had some picture in mind of

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what this program would be like but in no capacity did any of us anticipate the broader possibilities, perspectives, and opportunities that this program and, subsequently, its generous volunteers, have provided for us.

I've spoken with my colleagues on the topic of this program and we've come to agree that such a brief paper could not possibly cover the extent of our experiences as students and, perhaps more significantly, as friends. The dynamicity of the trainers, quality of discussions, and interactions with our fellow MICC students have all contributed to the growth of a truly unique, effective system by which we've all unified in our exploration of international law and human rights. Despite our differences, whether they originate from varying opinions, cultural differences, or elsewhere, we stand together as we learn from each other in an atmosphere that promotes

understanding on as many levels as possible.

We have proven capable of broadening our perception of that which exists beyond our 'world' in NM through the exchange of knowledge and comprehension that this program has given us. It is through this exchange, in fact, that we've developed a deeper, intellectually complex understanding of each other, not just as students of the law but as people, those we've shared meals with, with whom we've laughed, and with whom we've learned alongside. In our short time here, we've grown more than we ever could have imagined by participating in MICC.

Everything from taking part in the various workshops to the court trials to engaging with the other students has shaped this wonderful experience for us. It has been nothing short of an honor and a

privilege to be accepted into this program and, more importantly, to have worked alongside these intelligent, creative students of the MICC program.

All of us were unsure about our decision to undertake this great journey of sorts but I can confidently state that we made the right decision and we have all prospered in doing so. Personally, I wouldn't trade the time I've spent here, nor the experiences I've gained, for anything in the world. If I could give the future students of MICC, the future leaders of this new era, any piece of advice, it would be this: once you start looking ahead, to the future and to your time in this project, don't look back.

MICC



PRess tEAM



Hi I'm Hanna but my friends call me Koda. I'm dancing queen young and sweet only 17 years old and i come from Poland. I am attending a bilingual school. I am at the final class of high school (I know I don't seem at all, i look like a fourteen year old). About my interests, i play the piano and the guitar(basically i just love music), i sail and draw from time to time and also i am really interested in astrology and i love animals. A little hobby of mine is getting to know and learning about serial killers and all their trials.



My name is Angelina. I'm 17 and from Israel. I participate in my community orthodox scouts in my home town, jaffa. I am also in a leadership program called "Kavzinok", living in an area filled with so much conflict it's important to expose ourselves to programs with so much diversity.



My Name is Theo im 16 years old and from the hansa Gymnasium in cologne, Germany. Im very interested in Politics and jounalism and happy to be Here in Poland and work together with People from all over the world.



Hi, my name is Zuza but my friends call me Pip. I'm seventeen! I'm in the pre-last grade of high school. I really like learning new languages (currently learning Turkish) and collecting pretty rocks. I'm a plant person, I really enjoy reading books and my favourite sport is horse riding. And I love Lady Gaga. (another day, another slay)



I'm Zachary Chavez of Sandia High School, which I attend in Albuquerque, New Mexico. I enjoy football (soccer, not American football), tennis, history, and much more. I entered the MICC program due to my progress in Mock Trial, Model UN, and the International Baccalaureate program.



Hi, I'm Florentine, 16 years old and from Cologne. I like to write different types of texts - articles, poems, stories - nearly everything. And I always enjoy taking photos and videos.



Hey, My name is Adi Khatib and I am from Israel. My main hobby is mostly going to the gym but I also like riding my bike and writing code.



My name is Elisabeth and I am 16 years old. I love drawing and I am a creative and dreamy person. .