

## Students solving crime -one step at a time



*Getting ready for the trials is not that easy!*

“Coming from across the European Continent, high school teams from Germany, Romania, Slovenia and Poland will bitterly clash during these coming days, as they bring back to life some of the most controversial cases in international criminal law, which have resulted from some of the worst atrocities in history.” Andrei-Ioan Stan, a 3rd grade student from Bucharest, states confidently.

Overall, 55 people from Slovenia, Poland, Germany and Romania will advocate for justice and human rights during the Model International Criminal Court - School (MICC School) from 9th-14th May 2010, in Kreisau (Krzyzowa), Poland.

MICC School, a simulation of the trials before the International Criminal Court (ICC), is a unique opportunity for high school students to experience how international law works in theory

and in practice. Divided into four groups – prosecution, defence, judges and press, pupils will deal with real cases, which were earlier prosecuted by criminal tribunals.

Apart from learning how the International Criminal Court deals with grave crimes, the students will get to know each other and each others’ countries, traditions and habits. People happily shared their expectations of the event with MICCroscope.

“I hope to have a lot of fun and I am looking forward to meeting loads of interesting people!” said the eager Matthias Clads from Germany. Jonas Lugibihl, another participant at MICC, wants to concentrate a bit more on learning opportunities of the project: “I expect to exchange ideas on a high intellectual and rhetorical level”, he said. Apart from gaining knowledge of the

legal issues, some students are interested in getting to know other people and the countries they come from. “We are looking forward to learning about people from Eastern Europe, because we don’t know much about them and their countries.” says Daniela Zapf and Sina

Spiegler, two participants from Germany. Finally, Jerca Aubrecht, a grade student from Slovenia, voices the expectations which are undoubtedly shared by most of the participants: “I hope for new experiences, new friends and fun.”

Luka Jelacic

## The Pursuit of Justice for Erdemovic

Since time immemorial it has been our utmost desire to lead a life where we can enjoy freedom of speech, action and conscience. However, no matter how hard some activists have tried to prevent discrimination, protect people from maltreatment during wartime and bring offenders to justice, this has not always been feasible.

Drazen Erdemovic was a Bosnian-Croat, who in his life served both in the army of Bosnia and Herzegovina and in the Bosnian-Croat army, also known as the HVO. He was forced to leave the HVO due to the fact that he had helped some Serbs to escape into Republika Srpska. Although he was reluctant to join the war, the fact that he lacked any kind of passport and had the responsibility to support his family compelled him to join the 10th Sabotage Department of the

Bosnian Serb Army, as a Sergeant.

His case can be seen as an example of the international community’s inability to fulfil its optimistic purpose of protecting human beings from atrocities. In July 1995, Erdemovic was given an assignment involving his transfer to Srebrenica, along with several other members of his unit. Soon afterwards, he was taken to a farm near Pilica where, according to his testimony, he was ordered to shoot Bosnian Muslim civilians who were driven to the place by buses.

Alis Simioniuc, a judge in the case of Erdemovic says: “Notwithstanding Drazen Erdemovic’s crucial cooperation with the authorities, his liability should not be diminished! Therefore we will definitely try to weigh both the mitigating and the aggravating circumstances.”

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## Georges Ruggiu - an 'unaware murderer'?

Perhaps as many as one million people died because of one man's words. In a small country - Rwanda - situated in central Africa, Georges Ruggiu worked as a radio journalist.

Ruggiu didn't speak Kinyarwanda, which is the national language of Rwanda, so it is alleged he didn't understand all of his broadcasts. Was he just a great marionette in the Hutu rulers' hands or was he knowingly telling Hutus that they

should kill Tutsis? It seems he distributed propaganda and because of that terrible crimes were committed. Estimates say that as many as one million people might have died. It was one of the biggest genocides in history.

The question is what the Court should do? Find Ruggiu guilty? The defence claims he didn't know what he was doing, but on the other hand should he have noticed what was going on

in Rwandan society? Perhaps, as the judge Gabriel Muszak thinks, Ruggiu was just in the wrong place at the wrong time, but the law is the law and he has to judge him.

Bartosz Bański, a member of the defence, adds that it's a recent case so it won't be a big challenge for him to find information and witnesses. Although, one must remember that a few years have passed and he is a bit worried about the

veracity of the evidence of witnesses.

It gets even more complicated, though, because as Jędrzej Kozak, a prosecutor, says: 'We don't really even know if Tutsis and Hutus are two different peoples or just political opponents.' Jędrzej thinks that it will be hard to say if Ruggiu will be found guilty, because Ruggiu himself didn't kill anyone. The trial is on Thursday.

Magdalena Gutorska

## MICC besets impunity

The infringement of human rights, crimes against humanity, war crimes and genocide seem to be just part of the horror that has swept the former Republic of Yugoslavia, yet out of all of the four cases tried at MICC School, this particular journalist found the case of Vinko Martinovic extremely intriguing.

Commander of the Vinnko Strago (ATG), a special anti-terrorist group, he allegedly gave out orders to use Bosniac civilians and prisoners of war for dangerous work and even as human shields. But as the morning rain falls down here each day, in lower Silesia, then fades away leaving us with a bright new day, the spirits of the defence and prosecution teams also change as each tries to dismantle the other's case, in a dance in which both partners started promisingly on the right foot and with their minds on glory. The stakes, therefore, are being raised since although the two parties may appear to be right, either could be wrong. One of the key elements in de-

termining the winners is the identity of Stela.

Asked for her opinion as an ordinary person about the Martinovic case, Alexandra Popescu, prosecutor, vehemently stated that "He is lucky to still be alive", emphasizing the gravity of the accused's actions. However, asked how she would comment from a professional point of view, leaving matters of the heart aside, she continues: "As such, I, along with the other members of my team, am going to try to obtain a 30 year punishment for this monstrous person[...] it is abnormal for such a person to be free in a society or maybe even do this type of actions again. It's better if we prevent another event like this by imprisoning him."

The same commitment was also shown by George Rusu, defense lawyer, when we enquired about what posed a challenge for him. He pointed out the questionable identity of Stela, a figure of a too low a rank to be regarded as Martinovic, some say. He also asserted that "Witness testimonies

present Vinko as a man that had a desire to protect the prisoners from the darker side of the conflict"

A part of the history of the MICC and the rule of law are now being written so media pressure is at its highest. Nonetheless, the course of this case will be decided in court and not in

the outside corridors, so in the end the judges will be the ones to determine the fate of justice, and whether he is guilty or innocent. This will depend on the power of the lawyers to make themselves heard. May the best man win...

Andrei-Ioan Stan

## The Pursuit of Justice for Erdemovic

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Beyond a shadow of a doubt, Erdemovic's case is awfully challenging, taking into account all the mitigating circumstances. Without his testimony, the mass graves around Pilica would have remained shrouded in mystery and the prosecutor would have been unable to find evidence of the Srebrenica massacre. Needless to say, the fact that the offenses were arguably committed under duress and without the possibility of another moral choice also influenced the prosecution trial.

According to Karolina Kulis, prosecutor in the Erdemovic case, the most challenging thing will be to

address the mitigating circumstances: "Allegedly, he acted under duress and the only way to avoid having to kill all those civilians was to give up his own life, in favour of theirs."

The bottom line is that around 8000 people were killed and this cannot be blamed only on the few dozen who have been imprisoned. What about the others? Will they ever have to bear the consequences of their crimes, or will only the immediate executors be punished? Will their superiors end up incarcerated? Hopefully, these questions will be answered during the upcoming trial.

Smaranda Georgiana Ciubotaru

## Enslavement and War: what's Friedrich Flick's stake in all that?

Friedrich Flick was a rich businessman from Germany who was producing weapons for the German army during the Second World War. He is accused of committing the crime against humanity of enslavement. The situation took place in his factories in Ruhra's Industrial District during the Second World War.

There are some difficulties and doubts about this case.

The biggest challenge in this case is to prove his guilt or innocence, because there are no documents which say for sure whether or not he has committed the crime of enslavement. From a legal point of view, it is not known whether he forced his labourers to work, exploited and enslaved them and did nothing to help. Did he in fact have direct control over all of his facilities?



Was he himself forced to carry out the Nazis' orders?

According to one of the prosecutors, Alicja, the case is tough (because of the lack of strong evidence),

but also an interesting one. Despite this, the prosecutors seem sure that they will win the trial. On the other hand, Blaz, one of the defence team, said 'It is a hard case, but we can still defend him'. The judge Jelena said 'We are glad that we are the judges in the case of Flick because we are aware of its historical importance, but it can be difficult to stay objective'. The verdict will show how impartial the judges are and how good the defence is at creating doubt in the judges' minds.

*Szymon Mikołajczyk*

## A flash view on Human Rights in Slovenia

According to the Constitution, "Slovenia is a democratic republic and a social state governed by law. The state's authority is based on the principle of the separation of legislative, executive and judicial powers, with a parliamentary system of government. Power is held by the people, and they exercise this power directly (through referendums and popular initiatives) and through elections." ([www.slovenia.si](http://www.slovenia.si))

The Constitution also contains special rights for the Hungarian, Italian and Roma ethnic communities. In Slovenia, every person has the same human rights and fundamental freedoms, regardless of one's nationality, race, sex, language, religion, political or any other opinion, financial situation, education, social status or other personal circumstance. However, this is not always the case in reality: "I had been frequently absent from work because of my child's illnesses, and because of that I was one of

the first people fired when the company had to reduce its number of employees" said Milena Zajelšnik, a retired accountant.

Under the Constitution, the Republic of Slovenia has an Ombudsman, who is responsible for the protection of human rights and fundamental freedoms. The Ombudsman is proposed by the President of the Republic and elected by the National Assembly by a two-thirds majority vote for a period of six years, with the possibility of another term.

The government generally respects and upholds the human rights of its citizens; however, there have been problems in some areas. Trial delays, indirect government influence on the media, cursory procedures for the review of asylum applications, violence against women, trafficking in women and girls, discrimination and violence against Roma and homosexuals and discrimination against former Yugoslav residents without

legal status are all issues of concern.

In 1992, 25,627 people were not registered the Registry of Permanent Residents of the Republic of Slovenia. These people were, at the time of Slovenian independence, citizens of the former Republic of Yugoslavia and were registered as permanent residents of Slovenia. They were not noted in the Registry because they did not apply for Slovenian citizenship or their request was bypassed by the authorities. This violation of human rights left 25,627 people with nowhere to go. "Slovenia should have found a fair way to deal with the Yugoslav population, rather than simply deleting them from the register" said student Tomaž Zajelšnik.

Another large area of the human rights work in Slovenia involves granting Roma children access to the education system. A few years ago in Slovenia, schools were legally allowed to segregate Roma children into

separate classes. What's more - this segregation was actually carried out. Following the adoption of the Strategy for Education of Roma in 2004, Slovenia's task has been to ensure that the measurements of the level of integration are recorded and that integration does not remain only on paper.

A big problem in the field of human rights is the former members of the Yugoslav republics that work at private companies illegally. The workers are not registered, so the employers don't have to pay taxes for their employment. "Private companies are abusing the illegal status of their Yugoslav employees to avoid having to pay employment tax. This is unacceptable!" said Irena Čarman, who is an accountant for many private companies.

So while Slovenia is generally successful when it comes to the protection of human rights, there are areas that remain problematic and which Slovenia has still to work on.

*Luka Jelacic*

# A Night to Remember - Intercultural Evening at MICC



Participants discovering the diversity and beauty of the four European cultures

There was dancing, singing, talking, laughing and certainly a lot of fun. The intercultural evening that took place at MICC School on Monday night offered a great opportunity for students, teachers and trainers as well to get to know each other and learn about other people's countries.

"I enjoyed the evening very much" said Jędrzej Kozak of Poland. "I think it was very fine. I can't even tell what the best part about it was. Everything was fabulous." He himself contributed a great deal to the evening. Together with his fellow countryman Aleksander, he performed a Polish song. Although it was already close to midnight when they took to the stage, the attention of the audience was all theirs. The song, composed in 1978, had been sung as a protest against the communist regime in the Poland. "We chose this song because it is not only nice,

but also shows something about Polish culture and history" Jędrzej added.

But the Polish group was not the only one which found a great way of informing everyone about their country in an entertaining way. Some, like the Slovenian, Romanian and Polish groups, chose to show presentations of their countries. Complete with pictures and jokes, these were both informative and amusing.

The Slovenians from Velenje showed especially great pictures of their country and made the crowd laugh. They also delighted the audience by bringing food. "We brought Prekmurska Gibanica, a traditional cake," said Jerca Aubrecht, a Slovenian, "it is a very typical food in our country."

The dancers among the audience also had

the chance to move their feet. Everyone could take part in the different kinds of traditional dances that groups from Poland, Slo-

venia and Romania presented.

The group from Bucharest introduced a slow dance. "It was very interesting seeing the traditional dances from the other countries," explained Luka Jelačić from Slovenia, "It's not at all the kind I normally dance in a disco or somewhere. But I liked it." His favorite part of the evening was a different one, though. One of the Germans dressed up as a Bavarian girl and brought bacon and bread. "That was very funny" says Luka.

"I really enjoyed the German boy dressed up like that. Best part of the night!"

Paul Kramer

Press Team hopes you enjoy reading the newspaper!



Paul Kramer, Magdalena Gutorska, Szymon Mikolajczk, Luka Jelacic, Jerca Aubrecht, Andrei-Ioan Stan, Smaranda Georgiana Ciubotaru, Adam Rudnicki and Irina Jurcisin.