

# The Krzyżowa Observer

MODEL INTERNATIONAL CRIMINAL COURT (MICC)  
MARCH 2010

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Ambitious, confident and communicative **Page 8**



## UNEXPECTED, BUT JUSTIFIED

By *Helena Nikolenko*

I was holding my breath when interviewing the judges of the second case who were willing to give the details of the source of their unexpected, but justified verdict. As it came out, the wisest tips usually are the simplest.

The final decision on George Empro's case caused as much surprise as a birthday present. The court's decision proved that the properly constructed speech of the MICC prosecutors did not help them to achieve their main goal: proving George Empro's criminal responsibility.

Yes, prosecutor George Chitidze did a passionate job. That was why most of the people in the courtroom seemed to be pretty close to supporting the prosecution's position. Still, Chitidze did not persuade the MICC judges. Taking into account all those happy faces of the half of the courtroom and cheered greetings all around, no space has been left for any public doubts and objections in regard to the result. Still the primary, burning interest in George Empro's case was the fatal argument that led to the ruling. So, eventually the main, major argument that made the goodness of Justice Femida smile to the defence was in choosing the lesser evil - which is always about relieving the guilty person more than imprisoning the innocent one. Despite the perfect oral presentation and technically constructed chain of arguments, the prosecution failed to present any solid evidence. That automatically put them opposite to the defence, which managed to avoid literally rich constructions while stressing the facts or actually, the lack of them. Those which would have testified to George Empro's guilt. Unexpected, but justified!

# EMPRO GOES FREE!

For the first time in the history of the MICC, a defendant has been released *By Irma Husic*

It is always better to release the guilty than to imprison the innocent", says Maid Konjhodzic, the presiding judge in case two of the 2010 Model International Criminal Court (MICC) case.

On Monday, 22 March 2010, the judges of the Model International Criminal Court in Krzyżowa decided to set Distelon's strongman George Empro free and reimburse him for the time he spent in detention. Empro's responsibility for detaining and abducting Solanian soldiers could not be proven beyond all reasonable doubt.

Almost all of the MICC participants and coaches followed the court trial. From the perspective of the observers in the courtroom, the prosecution team was really passionate about the case. But although they made a great presentation too, the prosecutors did not manage to convince the court that

the defendant was guilty.

Empro's defence team, for their part, "presented two decent arguments to the court", as Judge Konjhodzic put it. Consequently, Empro left the courtroom as a free man.

George Empro is the president and de facto military dictator of Solania's neighbouring country, Distelon. The prosecution had investigated and accused Empro of detaining and abducting Solanian soldiers between 1997 and 1999. Furthermore, the prosecution thought it could prove that Empro is still holding people incommunicado to the outside world and their relatives and friends at undisclosed locations.

The defence's main argument was that George Empro could neither be accused nor found guilty of these crimes, as they were committed before the Rome Statute came into force. This argument is based on Art. 24 (1) of the

Statute, which states: "No person shall be criminally responsible under the Rome Statute for conduct prior to the Statute's entry into force".

The prosecution, on the other hand, invoked Art. 11 (1): "The Court has jurisdiction only with respect to crimes committed after the Statute's entry into force". In court, the prosecution noted that forced disappearance has to be considered to have the nature of a "protracted crime", since the disappearances were ongoing when the Rome Statute was signed and are still ongoing today.

The MICC judges made it clear that it was really hard for them to find a just, legal solution for this problem. "We changed the verdict many times. Both the prosecution and the defence teams made good arguments: the verdict was literally determined a few minutes before it was presented to the court", stated presiding judge Konjhodzic.

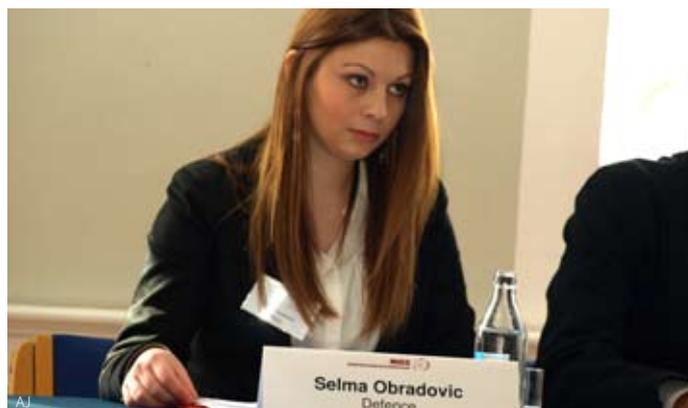
## “HE KILLED PEOPLE AND WE KNEW IT”

An interview with Selma Obradovic, Juri Bechaim’s defender *By Viorica Corlat*

On 1 October 2007, Duranja requested that the MICC prosecution investigate and charge Juri Bechaim with the war crime of wilful killing for ordering the execution of Sheik Ahmat Chalabi. At the court in Krzyżowa, the prosecution and defence argued about the purpose of this act. Was it a military attack or one of self-defence? On whose territory was it committed? Are the Geneva Conventions applicable in this case? The court decided that Duranja can be considered subject to international law and the Geneva Conventions can be applied. Furthermore, the attack can be considered an international armed conflict. However, because the defence supposed that Chalabi could have killed hundreds or even thousands of people, he was sentenced to seven years in prison.

**The Krzyżowa Observer: What are your feelings after hearing the trial decision?**

I feel quite well. I thought the decision could be different, but I knew that the judges would do their best. Ahmad Chalabi got seven years in jail and, in my opinion, this is right. He killed people and we knew it, but what we were trying to argue was that it was not an armed conflict.



**Did you think the court would decide like this?**

Actually, I thought it would be worse and he would get many more years.

**The court said Juri Bechaim had ordered the attacks. Do you identify him as a murderer?**

Murderer? No, I don't identify him as a murderer. He wasn't a terrorist. He ordered this action but he was also trying to protect other people. My team

constantly repeated that we know it is not right to kill people. I mean “life is life” and nobody can decide about the lives of other people, but Juri Bechaim was preventing the death of a lot of other people so in my opinion he is absolutely not a murderer. And I hope we proved it, otherwise he would have received more than seven years in jail. If he were a terrorist or an officer or a commander, his sentence would have been more severe.

**So if he is not a murderer, what do you call him?**

It's difficult to say, but maybe a military officer who tried to protect other people.

**You said that the Geneva Conventions are not applicable in this case. Why not?**

They are not applicable because attacking people is not protected by the Geneva Conventions.

**So, what is your opinion of the verdict of the MICC judges?**

All of us had different opinions. But we are pleased that the sentence was so mild. We tried to prove that the ICC is not responsible since the Geneva Conventions cannot be applied in this case. This is not a decision that should be made by the ICC. I can't say what we felt. But seven years of prison is not much in this case.

**How do you like your work at the MICC?**

When I first came it was very hard. I did not expect it would be like this. The first day we worked for about eight hours and I wanted to go home, but now I know that it was a great experience for me. I don't know how it will influence my career yet, but I think it will be very useful.

## micc group 2010



And all together: “MICC(iiii)”

# “15 YEARS FOR THE DLF MILITARY LEADER”

Yusuf Dulani’s fight for Duranja’s independence eventually ended in prison

By *Jolita Pranskunaite and Shorena Latatia*

**O**n Sunday, 21 March 2010, the MICC judges had to decide whether Duranja Liberation Front military commander Yusuf Dulani was guilty of murder and responsible for killing innocent civilians on Solanian territory.

The first question in the trial was whether or not the MICC had jurisdiction. The defence submitted that this court did not have jurisdiction under the Rome Statute.

The MICC judges decided that the Dulani case is admissible even if Solania is not party to the statute because the country first signed the statute and then withdrew its signature. They argue that the Rome Statute does not provide for the possibility of a member withdrawing its signature and that the

treaty was therefore binding. The court also stated that, due to the fact that Solania requested MICC prosecutors to investigate the situation there and charge the accused, the court has jurisdiction, too.

The other disputed question was whether the accused, Yusuf Dulani, committed a crime against humanity. The defence submitted that the prerequisites for such a crime were not fulfilled in the case of the DLF since it did not have control, de facto control or any authority over the territory and therefore could not implement any organised policy in the areas in question. The prosecution and defence both believed that Dulani was the leader of the DLF and that his militia was an influential power in Duranja. They also believed that, at the time

of the suicide bombing, the DLF was without doubt an organisation with its own structure, leader, financing and influence on regional policy.

The recruitment of fighters was obviously a policy of the DLF. The court emphasised that actions like the attack on a civilian population by a non-state organisation can be organisational policy according to the Art. 7 (2) (a) of the Rome Statute.

By drawing attention to the circumstances surrounding the organisation and planning of the suicide attacks, the prosecution also convinced the court that Dulani’s actions were systematic. But the court was not convinced by the argumentation of the defence, which questioned the systematic nature of the attacks. Indeed, the DLF attacks were not isolated and random

incidents and therefore can be considered systematic. The court also stated that they were widespread.

Furthermore, the dispute over the question of Dulani’s responsibility continued. Here, Art. 28 of the Rome Statute was taken into account. Even though the court found that all the requirements for respondeat superior criminal liability had been fulfilled, it concluded that there were no grounds for excluding the criminal responsibility of the accused and therefore he was held responsible for crimes against humanity.

The court found that living under suppression in occupied territories of Solania was a mitigating factor. The aggravating factor was the recruitment of non-combatants for suicide attacks with the intention of killing civilians. For the reasons mentioned above, the court found Yusuf Dulani guilty and sentenced him to 15 years of imprisonment. The prosecution had requested 20 years.

After declaring independence in 1949, Solania occupied several territories that were mostly inhabited by the Duranja population. Since that time, the Duranjans have been demanding independence and they established the Duranja Liberation Front (DLF) as their armed forces.

The DLF consists of two factions: a political wing and a military wing under the command of Yusuf Dulani. Due to a lack of weapons and outside support, the DLF resorted to suicide attacks within core Solanian territory. DLF fighters were recruited with promises of religious benefits to those who “sacrificed” themselves, especially if this ended up costing the lives of Solania civilians. The suicide attacks were carried out in the summer of 2003, resulting in about 20 dead and 150 wounded on 4 different occasions.



## “TAKE IT OFF!”

What means of convincing a court are just?

By *Jolita Pranskunaite and Shorena Latatia*

**T**he first case was solved – and the judgement has a clear and logical structure that leads to an unambiguous result: a sentence for Dulani, the leader of DLF. This decision was based on the arguments of the defence and prosecution. But it still has some weak points.

Firstly, even if the court proved that taking the case into consideration and analysing it is within its jurisdiction, some doubts still remain. It is a fact that Solania withdrew its signature from the Rome Statute. Is the statute allowed to be unsigned? In the legal doctrine, this question is actively being discussed at

the international level: for instance, is the statute of the USA a national party to the Rome Statute or not.

Secondly, it is not precisely clear whether all the requirements for a crime against humanity were fulfilled. The crime committed by the accused does not meet the requirement that the attack has to be part of a state’s policy or organisational policy. Due to the fact that there is no definition of organisational policy in the Rome Statute, earlier ICTY cases in which the court defined that this kind of policy could be carried out only by a group that has effective control, de-facto

control or authority over the territory should be referred to as precedents.

In the present case, the DLF was fighting for independence – which implies that the militia did not have effective control of any territory, but instead was trying to get it. Thus the attacks in question could not have been the organisational policy of the DLF.

The final arguable point is the sentence. In other, similar cases, perpetrators of similar crimes were sentenced to 20 years. In Dulani’s case, the court held

that there were both mitigating and aggravating factors. Therefore, he should have been sentenced to 20 years, too. It should be mentioned that Dulani’s advocate took off his black jacket in the courtroom to show that his shirt was white. Many members of the audience were astonished, if not indignant, about that and others were rapturous - but no one was apathetic. The defence wanted to show that there can also be good things underneath the bad and negative ones – and that justice must see both!



## CAUGHT IN THE ACT!

By Helena Nikolenko



It seems like our Belorussian friends are not used to dull court pleadings... An innovative approach was skilfully implemented in the official court procedure during the first case by Maksim Kavalionak. The representative of the MICC Defence team obviously felt like undressing – providing the rest of the courtroom with a splendid view of his team's position and... his own manly chest. Good job, Maks! It seems like Marilyn Monroe was not the only one who became famous by playing tricks with her clothes.



Krzyżowa will apparently be remembered not only as a number of workshops and entertainment facilities, but as a place of unexpected romantic meetings as well. Some of our MICC participants had wonderful opportunities to feel that during one of the evening preparations. Viktoria Pysmenna (Odessa, Ukraine) and Shorena Latitia (Georgia) will hardly ever forget the kisses to their hands they received from the unknown (but SO experienced in kissing!) Polish stranger who somehow happened to get to the second floor of the hotel. Giorgi Chitidze - their brave MICC colleague from Georgia - could do nothing other than stand up for the dignity of his pretty new friends by wishing the stranger a nice journey.... to Mars! XOXO

**The trainers:**  
Jens Henning Fischer, Lars Büngener  
and Alena Hartwig

# VOTUM SEPARATUM

Although the judges found Ms Frienda not guilty of the crime of genocide, there were different opinions on the trial *By Anna-Kristiina Einama and Nadezda Vyazankina*

Today, the case of Clementine Frienda was tried at the MICC in Krzyżowa. From the start, it had been considered one of the most controversial cases of the four presented at this year's MICC.

Clementine Frienda was a representative of the Ministry of Interior Affairs of Solania. She was in charge of a programme with the explicit aim of "achieving a better mix in the population structure and easing tensions within Solanian society".

The programme contained three specific policies: tax breaks for mixed marriages between Solanians and Duranjan; teaching only the Solanian view of history in all schools, regardless of an individual school's makeup and ethnic mix; and finally, taking children out of impoverished Duranjan families to educate them in special state schools in Solania's capital, Levivat.

The explicit aim of the last policy point was to reduce poverty amongst Duranjan families. But Duranjan considered it a mix of measures aimed at erasing their national identity and kidnapping their children in order to destroy their society.

The prosecution at the MICC demanded a penalty of thirty years for Ms Frienda. She was accused under article 6 (d) and (e) on genocide and also article 28 (b), because in her position as minister, she was responsible for this policy. The prosecutors stressed Ms Frienda's knowledge and intent to reduce the number of marriages,

which would unavoidably result in lowering the Duranjan birthrate. But the emphasis was put on the last aim of the program: taking the children out of Duranjan families and educating them separately from their parents and families. Ruta Mrazauskaite, an MICC prosecutor, stressed the fact that although children of a certain age were only transferred from impoverished families, this does not abolish the



fact that it was forcible transfer, which forms the material element of genocide. Since a mental element does exist as mentioned above, this transfer meets the criteria of the crime.

The defence, on the other hand, found that it was not possible to charge Ms Frienda under these terms. The main goal of the Solanian advocates was to prove the complete innocence of their client.

Defender Anna Koltunowska (Poland) commented: "It should be taken into account that we live in a democratic

society where human rights are of paramount importance. According to this case, there are no strong facts relating to Ms Frienda's illegal actions. So it's impossible to go against the presumption of innocence."

The arguments of the defence were voiced so cogently that the decision of the court was in favour of Ms Frienda. But the situation was not that simple. Although the judges found Ms Frienda not guilty of the crime of genocide, there was a difference of opinions amongst them. Judge Wojciech Maciejewski (Poland) found a special intent to destroy the Duranjan who lived in Solania as a group in the actions of Ms Frienda. He

stated that the accused desired to take away only children of poor Duranjan families to help them by giving them an education, not to harm them. All actions conducted against Duranjan children could have had a very bad influence on the rest of the Duranjan population and finally result in the slow destruction of the Duranjan in Solania.



## micc press team 2010



**The members of the press team:**  
Shorena Latatia, Christopher Falke, Jolita Pranskunaite, Anna – Kristiina Einama, Rüdiger Rossig (coach), Viorica Corlat, Irma Husic, Nadezhda Vyazankina, Helena Nikolenko.

# A CASE OF COURAGE

From Marshall von Moltke to the Kreisau Circle *By Anna-Kristina Einama*

**U**ntil 1945, today's Krzyżowa was called "Kreisau". It acquired historical and political importance mostly due to belligerence..

Today's layout of the manor house complex was modelled on the Austro-Prussian war of 1866. Helmuth Karl Bernhard von Moltke, commander of the Prussian army, bought the deserted estate and had it re-designed for him and his family.

The second important inhabitant of Kreisau was Helmuth James von Moltke (1907-1945), who was a great-grandnephew of the commander - and

actively resisted the Nazi regime during World War II. It was also here the famous "Kreisau Circle" gathered. Helmuth James' mother was a South African of British descent. Therefore he was brought up mainly in the spirit of the British educational tradition. After starting his studies in law and political science in Berlin, he had a chance to travel and made several trips abroad.

When the Second World War began in 1939, the "Abwehr", Nazi Germany's counter-espionage agency, drafted Moltke as an expert on military law and international public law. It was there that he had a chance to gather information from foreign newspapers

and military attaches on the German Wehrmacht's activities and to forward this information to the Abwehr - but also to work out his visions of the political and jurisprudential development of a future, post-Nazi Germany.

It was probably his access to diverse information that allowed him to take a course of action opposite to authoritarian, fascist ideas.

In the Kreisau Circle, Moltke was accompanied by Peter Yorck von Wartenburg, Adam von Trott zu Solz and many other German conservatives from the traditional aristocracy and gentry who shared his criticism of the Nazi regime and his ideas about the democratic German integration into an interdependent Europe. The members often met in small groups in Berlin, but for larger meetings they travelled to Kreisau. The conversations between

Graf von Moltke and his companions opposed to the Nazi regime resulted in the development plans for the future of Germany and Europe after the defeat of Hitlerism. They represented future-orientated ideas for post-Nazi Germany and became famous as the Kreisau Circle.

It is important to mention that, although they were opposing the criminal regime, they took only non-violent action since most of the Circle's members were religious and believed that eliminating one dictator would only produce others. Despite their hopes, their political aims failed.

Moltke was arrested for his antagonistic activity towards the leading regime and the Circle's activity burned up into ashes. A few months after he was arrested, some of the more radical members attempted to assassinate Hitler. They failed and finally most of the leading members, including von Moltke, von Wartenburg and zu Solz, were executed.

According to Helmuth James, the guiding belief of the Kreisau Circle was that dictatorships "not only cause the destruction of cities, but also the horrific destruction of people's hearts and minds". In short, both the hope for a better future and the belief in human rights shaped the Circle's activities. They also strove for the development of an open, pluralistic society.

This is what made the Kreisau Circle so important - and it remains an example of courage today.



**Helmuth James Graf von Moltke (1938)**

# FIAT JUSTITIA!

## ICC and MICC as a Chance to Change the World

By *Nadezhda Vyzankina*

**W**hether we like it or not: wars and armed conflicts are normal in today's world. The most important thing is to understand how it is possible to correct this situation..

"The main contribution of the ICC is the creation of a universal system of justice", Miriam Spittler of the ICC-Office of the Prosecutor says. She is right: the International Criminal Court (ICC) is one of civil society's great achievements of the 20th century.

The ICC is situated in The Hague, Netherlands, but its proceedings may take place anywhere in the world. Its forerunners are the Nuremberg trials following WWII and the ongoing ad hoc tribunals on former Yugoslavia and Rwanda, the ICTR and ICTY.

The history of the ICC itself starts with the negotiations on the Rome Statute. This court, at least theoretically,

embodies the principles of equality and impartiality worldwide for the first time in history.

Ideally, every country in the world should ratify the Rome Statute, the legal basis of the ICC. If this happens, no perpetrator of genocide, war crimes or crimes against humanity anywhere in the world will get away with impunity. As of October 2009, 110 states have ratified this statute. A further 38 countries have signed but have not ratified. And indeed, since the court came into being in 2002 ongoing ICC investigations have already affected governments and militias, for instance in the conflicts in Uganda, Sudan and Colombia.

But that is exactly why not every state in the world wants to sign the Rome Statute: many countries see the ICC as a danger to their sovereignty.

For example, the US – even under President Barack Obama – almost certainly will stick to the position that it is

not prepared to join the ICC unless the Rome treaty is amended in some way that provides stronger protection for US citizens. The US military namely still fears that the court could be used to prosecute American soldiers abroad.

Obviously, there is still an international need for promoting the ICC. A great means of getting young people interested in the court is the Model International Criminal Court (MICC).

The MICC is a simulation of the ICC for high school and university students from all over Europe, Israel, Palestine and the US. It has taken place in the village of Krzyżowa, Poland once a year since 2006.

Through the MICC project, high school students can improve their understanding of how international criminal law and its institutions work and increase their knowledge of the human rights violations and humanitarian crimes that are punished under international law.

The idea of a simulation dealing with cases in humanitarian law and reaching beyond individual classroom settings is a new one, at least in Europe. It dates back to around five years ago, when Mr Hans Fleisch, the executive director

of the Federal Association of German Foundations, proposed the project to the Kreisau Initiative for implementation in Krzyżowa.

And what is the essence of the MICC? The core of the project is a simulation based on a fictitious case dealing with current dilemmas in international criminal law. But MICC is more. For five days, students have the opportunity to learn, train and discuss the issues surrounding the case at hand with trainers, professors and other professionals in the field.

For example, in conversation with the visiting representative of the ICC Office of the Prosecutor, Miriam Spittler, participants came to know interesting and useful information, especially on how to work in the ICC. "There are a few ways to get a job in the ICC", Miriam explained. "But you can participate in the internship programs for six months which will help your career in many respects."

According to Miriam, the second way to is to apply for job on the official ICC website. That is how she got her job in The Hague. "And thirdly, you can act as a volunteer in the different UN programs".



International Criminal Court  
in Hague

## Me and the MICC

For me, the MICC can be considered as a contribution towards a better understanding and implementation of human rights and international humanitarian law.

Moreover, what could be better than to have the role of a judge, a prosecutor or a defender, or be part of a Press team? It is the first step on the way to influencing the situation in the world, to building a real democratic civil society where there is no room for atrocities, abuse of powers or absence of fairness.

So the MICC really fits the old Latin phrase: "Let there be justice, though the world perish!"

## OF COURSE WE CONTRIBUTE

An interview with Miriam Spittler *By Jolita Pranskunaite and Shorena Latatia*

**O**n March 19th, Miriam Spittler, Judicial Assistance Adviser in the Office of the Prosecutor of the International Criminal Court in Hague, visited the MICC university in Krzyżowa. She told the participants about her daily routine at the court and also answered many of the students' questions.

**The Krzyżowa Observer: What do you think of the MICC and how do you see the perspectives of such projects?**

Such seminars of course are very important. It gives you the opportunity

to discuss the issues that are linked to the International Criminal Court and international justice. It gives you a good opportunity to think about the issues and come up with new answers, solutions and brainstorming sessions. That is very important in this project and for the international justice system that is set up in the Rome Statute. Innovative ideas and suggestions are welcomed and needed.

**Does the ICC support initiatives like the MICC? And if so, how?**

Of course the ICC contribute to such projects. We always come to meetings and attend such seminars whenever we

can. The Office of the Prosecution of the ICC has a law project on international criminal law for students.

**Are the decisions of the ICC based on moral or legal justice?**

The whole system of the ICC is based on the Rome Statute. This statute

provides a very clear legal background for the court that is the basis for all cases, investigations, prosecutions and convictions of individuals. The ICC deals with the worst crimes and it's important to have sensitivity and to be sensitive to what victims feel. We should not forget that system of the ICC is innovative and the feelings of victims can participate directly in the proceedings because they have been hurt so deeply.



Miriam Spittler,  
the ICC Prosecutor Office

# A PIECE OF HISTORY FOR THE FUTURE

Today's Krzyżowa connects the fight against the Nazis and the struggle for a united Europe

By Helena Nikolenko

**A** complex of gorgeous buildings, a splendid view of the countryside, countless entertainment facilities - and a breath of history in every single stone...

Do you recognize the place that is never tired of giving you inspiration from the sun's first rays in the morning until the moonlight blankets Lower Silesia during these five special days? This is a rhetorical question, of course, as we all know some memories simply cannot fade away!

The sleeping rooms under the roof of the cow stable will always stay with us as a yellow memory note because of their soft beds full of sweet dreams waiting after the craziest working day; the constant, sincere laughter next door; and of course the delicious meals down on the ground floor.

## Krzyżowa behind the curtain

All of the current names of the residence buildings take their origin from the purposes they were originally created for.

In the bar of the Cow Stable, even an internet item on the computer desktop proclaims one of the principles of Krzyżowa Foundation: "Living in truth and rejecting lies".

Although Freya von Moltke has often visited her own former family estate since the fall of the Communist regime in Poland in 1989, she has never stayed for a night at the residence since she wants to make it clear that she accepts the fact that Krzyżowa is today in Poland and she is therefore a guest in her former home.

"This is the most workable atmosphere I have ever felt", says our new German friend Diana, rushing upstairs in the manor house. It seems the atmosphere of the-best-result-possible has been spread everywhere, filling every room, giving its taste to the coffee and the burning hot discussions.

The better the rest – the better the work. Simply put – but completely right! Ping-pong, sauna, billiards, bicycles... Mmm, was there anything in Krzyżowa we expected?! Watching a Georgia-Ukraine ping-pong battle with all its show and must-have enthusiastic shouts, T-shirt throwing and hand-shaking left no chance for overestimation.

Visiting the horse stables, the garden house and just letting yourself walk outside the grounds opens a wide range of possibilities for you to feel like a part of the remarkable past of the former residence in former Kreisau.

What is today the seat of the Krzyżowa Foundation for Mutual Understanding in Europe and a beautiful meeting centre originally was the residence of the von Moltke family, who opposed Hitler during the Second World War.

An outstanding woman, Freya von Moltke (1911-2010), gave her blessing to the transformation of her former estate in former Kreisau into a place promoting European integration. Thus, after thorough restoration the stately home is used today as an international youth meeting place and continues its tradition of mutual respect and understanding.

The Freya von Moltke Foundation also made it possible for the estate to speak for itself and add to the significant events of its past by various means. The most significant and major one of which is the complete exhibition on the Kreisau Circle on the first floor of the famous manor house.

Another symbolic piece of history is the Cross of Nails from the cathedral of the English city of Coventry. Symbolizing reconciliation after the destruction of this church by Nazi bombers, the cross was given to the Foundation in 2000. By telling its own story, the Cross of Nails situated right next to the permanent exhibitions on the resistance to the Nazi and Communist dictatorships makes its

**Freya von Moltke**  
(29.03.1911 - 01.01.2010)



The Krzyżowa Manor house

own contribution to the atmosphere of Krzyżowa.

The work of the International Youth Meeting Centre is at the heart of the foundation's activities. It organizes programmes and seminars for young people from all over Europe throughout the year. The programmes address a broad palette of topics: united Europe, multi-cultural art, the environment, the history of resistance against totalitarian systems, and intergenerational encounters.

Working together in these projects makes it possible for participants to replace nationalistic and cultural stereotypes with curiosity, trust, acceptance and willingness to engage in dialogue. At the same time, as our enthusiastic MICC participants were passionately trying to feel the reality of the ICC, the Krzyżowa residence opened its door to a number of other significant events.

There were various seminars and conferences on topics from Poland, Germany and the Ukraine, Rotary Club seminars and common history lessons involving participants who were born before or during the Second World War.

Feeling as a part of some significant activity, you anticipate creating something that "matters", in some way paying back the place that has accepted you so sincerely.

One of the brightest examples of such a contribution is the von Moltke family genealogical tree in the nearby garden house. Appearing as a result of five years of volunteer work in Krzyżowa, the genealogical tree symbolizes one of those numerous ties that connect memorable pieces of history with a precious contribution from today.

Now it should go without saying that here that "history" is not a synonym for "past". Krzyżowa is a piece of history for the future – and this is what makes the former von Moltke estate so attractive to socially active leaders and people who seek to support the tolerant and peaceful coexistence of nations, social groups and individuals in Europe.

## Views on the spot

**Nazaryan Marina of the MICC 2010 Judge team:**

"Actually, I was not aware of the historical background of this place until I got an invitation to the MICC. Afterward, obviously I did some research but the information provided by the internet appeared to be nothing compared with the real spirit of Krzyżowa!"



**Alena Hartwig, MICC 2010 trainer of the Prosecutor's team:**

"Krzyżowa is a deeply historical place. The castle, the paintings, the yard – everything speaks history. I know a bit about von Moltke's significant impact on this village and I totally support the idea of making their former residence into the heart of various social projects instead of turning it into one more frozen museum."



**Waldek, owner of the bar at Krzyżowa:**

"I do not actually care about the historical connection of the past and political present of this place. Still, I show great support for the events happening here because Krzyżowa Residence provides a decent job for me and some other natives. And of course, I have been a witness to the remarkable changes this place has been through. Krzyżowa Foundation for Mutual Understanding in Europe is doing a great job!"



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## THE GORGEOUS GIORGIS FROM GEORGIA

**"I would like to make a toast to freedom, to beauty and to our one and only homeland, Georgia." By Irma Husic and Jolita Pranskunaite**

Have you ever heard of a custom to make a toast for every glass of wine? Have you ever met people who celebrate life, beauty, freedom and peace every day? No, you haven't? Then read on through our story and meet four gorgeous Giorgis from Georgia!

What is probably the most amazing story of MICC 2010 was brought out by four Georgian guys called Giorgi. Well yes, it is possible! There are four of them from the same country and the same university. All of them study law and all of them are attending this year's MICC.

"In our generation it was very popular to name children George or Giorgi. I like it because it's an international name, but

on the other hand, it's very difficult when you walk down the street and somebody shouts "George". You realize that nobody has been calling you because there are so many other Georges in the street", says Giorgi Chitidze.

The other Giorgi mentions that this name was given to many children in honour of their country and their

religion, which was restricted during Soviet Union occupation time.

What do these guys expect here? They all came here to share their knowledge with other participants and coaches, to encounter new cultures and share their own customs. The Giorgis hope to benefit from learning about international criminal law and

human rights and also to improve their language skills.

These guys not only have an ambition to enhance their mental equipment; they are also handsome and popular among the female participants. Communicative, confident and courageous men attract the softer sex and make participating in the MICC more exciting.



**Sensational models from Georgia**  
Giorgi Chitidze (20), Giorgi Tielidze (21), Giorgi Javakhadze (20) and Giorgi Margiani (20)

### Coaches and participants



**Agnieszka Janik** (28) and **Nina Lüders** (30), the organizers.

It's not a normal moot court. The project has a different structure. It was a competition and now it's more like a seminar. "We are happy to have so many students interested in the MICC, both from Eastern and Central Europe. We hope that the participants have fun but we also expect them to work very hard and get a bright idea of the ICC and international criminal law."

**Christopher Falke** (22) is a Media Management student from Berlin. As he says, he came to Krzyżowa by accident as the last step of his internship program. Before that he cooperated with the Kreisau initiative in Germany by doing some graphic design for them.

"I already knew the building and the grounds from pictures, I liked them and I wanted to see what they look like in reality".

He is the coach of the Press team, responsible mostly for design and layout of the newspaper.

"I hope that the Press team will unearth some interesting stuff I didn't know about yet. I'm open-minded for anything they like to do, for any kind of inspiring and interesting stories."



**Amila Ciber**

*Date and place of birth:* 5 May 1989, Mostar, Bosnia and Herzegovina

*Role at MICC:* Prosecution team of case 2

*Reasons for coming to MICC:*

- To learn something
- To get to know new cultures and a lot of students
- To have fun

*Favourite coach:* probably Jens

*The importance of the MICC for her:* a project from which I can learn a lot, the place where I can get an idea of how the ICC and all of its parts function.

### JENS HENNING FISCHER

Jens Henning Fischer (33) is a specialist in international relations and international law. His task at the MICC is to help students benefit from the MICC because, in his opinion, international criminal law is a field that is not being taught in very great depth at universities.

This year Jens is one of two coaches of the team of judges. "Someone recommended that I come here and I must say I'm enjoying it very much", he says. "I found working with students from both university and high school very inspiring and interesting", Jens explains.

Jens studied law and political science in Passau and Berlin, and now works as a communications coach. Although he decided not to be a lawyer, he still likes legal reasoning so he coaches students how to speak and argue better. The coach describes a definition of justice and claims that it makes a clear distinction between moral and legal justice.

"Both of these two go together fairly well", he states. "In the field of international criminal law the crimes are so horrible that in any meaningful sense of the word justice is very hard to combine". Whichever perspective you take - whether that of the perpetrators, the victims or society - the damage that has been done cannot be undone by putting people up for trial. In the legal sense, justice is the application of the law according to Jens.



## imprint

Published by the Kreisau Initiative Berlin e.V.  
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March 2010

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FUNDACJA WSPÓŁPRACY  
POLSKO-NIEMIECKIEJ  
STIFTUNG  
FÜR DEUTSCH-POLNISCHE  
ZUSAMMENARBEIT



Xianjing Tang and Johanna Lerch were originally members of the Press team but they joined the court as spokeswomen. Pictures: Arturo Lazar (AL), Agnieszka Janik (AJ), Monika Lawrenz (ML), Michiel Konst (MK)

For more information, visit [www.model-icc.org/micc-university](http://www.model-icc.org/micc-university)