

# The Krzyzowa Daily

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MICC - Model International Criminal Court

## War Criminal Goes Free

How German industrialist Friedrich Flick exploited 120.00 people and still got away with that



Author: Martyna Skrobotowicz, Poland

Friedrich Flick's figure causes wide controversy in history and rightfully so. His success is both uncanny and suspicious. For some he will remain a genius mind, for the others, a war criminal.

In 1930s he was the owner of significant fortune gained during IWW. Naturally, great power comes with huge money. As many entrepreneurs at that time he became engaged in politics, but it was his affiliation with NSDAP that brought him wealth and position. In 1937, Flick was given a title of "Leader of the defense industry" and his 132 factories provided up to 35% of army weapon demand. Around 40-60,000 of his employees were prisoners of concentration camps, forced laborers and prisoners of war. The surviving documents show that the conditions at the factories were extremely difficult: chronically malnourished workers struggled for 12 hours a day, kept in primitive-equipped barracks, were regularly beaten and ill-treated, many of them suffered from tuberculosis. Flick's responsibility is a subject of consideration.

On trial he was accused of the crime against humanity of enslavement as a superior civilian commander, under Art.7 (1) (c) and Art. 28 (b) of the Rome Statute. According to prosecution the act of enslavement occurred when the government of Third Reich lended camp prisoners to Mr. Flick who then used their labour to obtain significant profits. They also point out the deprivation of freedom as the factories were surrounded by a wired fence and guarded round the clock. Despite weekly announcements of

salary assignments witnesses agreeably testified that they never saw any money. Moreover, the malicious treatment of the workers indicates that they were treated like objects rather than human beings. In opposition stands the view of the defense who finds the extreme circumstances being responsible for the mistreatment. They claim that times of war determine special regard and Flick's "employees" were treated no different than the ordinary prisoners. However, the aspect of "direct and systematic attack" stays incontestable and the defense focused on proving that the enslavement didn't happen, based on its definition.

The matter of connection between Flick and the crime was discussed subsequently. The prosecution pointed out that "he must have had knowledge of the attack since there was an abundance of documents regarding the conditions in the factories, as well as lists of worker's names." The evidence material includes the testimony of Flick's secretary who was personally responsible for delivering comprehensive documents. Therefore, for the prosecution it would be unreasonable to think that he as the owner had no knowledge of it. Although the crime wasn't committed by his own hands, it was done under his control. So called "Meisters" were responsible for disciplining the workers, but their actions couldn't have been confidential as they were just a element of hierarchical structure created in Flick's enterprise.

Despite of all the evidences, the court announced Flick not guilty. One cannot forget that this decision crated a dangerous precedent. Currently many societies are struggling with problems of overexploitation of the workers and their rights being violated. Today's verdict has sent a message of acquiescence to fishy entrepreneurs around the world. Following the Flick's case verdict results, we as a humanity need reconsider what justice means to us.



## 'Songs that kill': Simon Bikindi's case

Author: Dominika Białek, Poland

### The Roots of the Conflict

Genocide in Rwanda has its sources directly in ethnic division between tribes and their historical socio-economic differences. To gain in-depth explanation we should refer to the historical background of the conflict. The antipathy between habitants - Hutus, Tutsis and Tuas - has grown substantially since the colonial period. In 1984 Germany acquired power over Rwanda and during the Berlin Conference regulated European colonization. When the Belgian colonists arrived in 1916, they implemented identity cards classifying people according to their origin. Actually both of the groups followed the same traditions and even had marriages between themselves. However Tutsis were often taller and wider than Hutus. The Belgian considered the Tutsis to be superior to the Hutus and that's the reason why they became ruling minority.



In 1962, Rwanda and Burundi gained independence. The monarchy broke out in the country, the Rwandan republic was proclaimed and new president Gregoire Kayibanda was elected. He was a member of Hutu group. The violence made many Tutsis flee their country, while main Hutu party consolidated its position and eliminated any another political activity. New president Juvenal Habyarimana took over government by staging a military coup in 1973. On April 6, 1994, president Habyarimana died in plane crash in Kigali. This is known as a trigger event that lead to the Rwandan genocide.

#### Inciting genocide with the songs

Simon Bikindi was born in 28 September 1954. He is a very popular Rwandan singer-songwriter. He was also an official in the Ministry of Youth and Sports and a member of MRND. His patriotic songs were playlist staples on the national radio station Radio Rwanda during the war from October 1990 to July 1994 before the Rwandan Patriotic Front took power. It has been established that Interhamwe groups listened to Mr. Bikindi's songs prior to starting massacres. The Prosecution shared a conclusion, that there was an intent to destroy a specific ethnic group in Rwanda. The Defense argues that there is no difference between Hutu and Tutsi, but the Prosecution believes that the crime committed was genocide. They think that Anti-Tutsis propaganda, created by RTLM radio with support of Bikindi, caused mental and bodily suffering of the Tuasis and their supporters. However, it is known that Bikindi had a wife, which is a Tutsi. It shows him in a different light. The Prosecution asks for punishment of 14 years of imprisonment for accused Mr Simon Bikindi, guilty of abetting and aiding the crime according to Article 6 (a) and (b) and 25 (3) (c) of the Rome Statute.

#### To be or not to be: Verdict

The most controversial part of the trial is the verdict, not because of its content, but lack of justification. Court finds the Accused Mr. Simon Bikindi guilty based on all the evidences and arguments presented by the defense and prosecution, on the charge of aiding and abetting a genocide. The Court sentenced him to two years of imprisonment with a monetary penalty of 100,000 Euro. As we didn't hear the in-depth explanation, our press team tried to figure it out on a press conference.

The court agrees that avoiding to do anything about an urgent situation is a sufficient reason to found Bikindi guilty on the charge of aiding and abetting genocide after article six of the Rome Statute. Inflicted monetary penalty triggered discussion whether any sum would be able to compensate victims' losses. Furthermore, the defender said that Bikindi must pay the price for hate speech and take responsibility for his work as a popular artist.



### (In)justice: Dražen Erdemović is found not guilty

Author: Pawel Lau, Germany

#### Background

In March 1996, the Serbian soldier Dražen Erdemović told the an ABC field reporter about a mass murder in Bosnia. He got arrested and became the first person who ever brought information about these events to public. When the state of Yugoslavia collapsed, the Serbian army was the strongest armed group in the area. They got most of the weapons of the former Yugoslavian army and tried to conquer as many territories as they could in order to strengthen the new independent Serbian nation. During this conflict in the early 90's, the United Nations established Safe Zones for refugees all over the conflict area. Serbian soldiers had the mission to „clean“ the country from Bosnian/muslim people. As a result, there were mass movements of Bosnian families fleeing from their homes. The troops tried to block all UN operations from the beginning, so as in Srebrenica, a Safe Zone opened in 1993. In July of 1995, Serbian troops under the command of Ratko Mladić entered the city. Dražen Erdemović was part of them. The Serbian army came into the refugee camps and started to separate Bosnian men and boys from their families. Serbian soldiers declared to the Dutch units that they're searching for war criminals among the refugees. The Bosniaks were driven

to schools, sport halls or other facilities in villages around Srebrenica. Then the army started to fulfill their mission of ethnic cleansing: men and boys were told to stand in rows, with their back facing armed soldiers and got shot. Erdemović himself at have been shooting dead the refugees for hours, till he asked his leaders for a permission to leave. After a few days, up to 12500 people lost their lives.

#### The Trials

Prosecution accuses Mr. Erdemović for acting against Article 7(1)(a) of the Rome Statute which applies for crimes against the humanity, meaning any systematic and widespread attack on civilian population. Erdemović confirmed that he took part in the execution, so the connection between him and the crime has been proved. His defense argued that if Erdemović obeyed the order to shoot dead the civilians, he would get into serious danger - the other soldiers have told



him that he could stand in the row with the other victims and get a shot too. Prosecution argued back: Erdemović still obeyed executions in the past before the Srebrenica massacre without getting any life or health threatening consequences. Prosecution pleaded to sentence him for 15 years imprisonment, defense pleaded to find him innocent.

#### The Veridict

After discussing the case in a trial, the judges found that Mr. Erdemović had knowledge about the attack and the attack considered as a crime against humanity according to Article 7(1)(a) of the Rome Statute. On the other hand, the judges accepted that Mr. Erdemović found himself in a life threatening situation where he could be shot if he refuses to kill the civilians. These arguments led the judges to decide that Dražen Erdemović is not guilty. In addition, jury mentioned that one human life cannot be weight up against 70 others.

## Syrian Story

### STORY BEHIND THE NUMBERS

#### Interview with Majd Mshaty

Authors: Jakob Ortlepp and Arthur Dick, Germany

### THE GENESIS OF THE SYRIAN WAR

Author: Maksymilian Zielonka, Poland

The Syrian Civil War is an armed conflict still ongoing on the Syrian territory and spilling in neighboring countries such as Iraq. It is fought mostly between the Ba'athist Syrian Arab Republic led by President Bashar al-Assad supported by his allies and the opposition of the Assad's authoritarian regime with a help of Jihaddi Islamists.

The uprising outbreaked on 15 March 2011. It began with peaceful demonstrations when hundreds of thousands of people went out onto the streets. The army got an order to deal with protestants bloodily, and the Syrians were killed all over the country. The government cut off access to electricity and water in cities of resistance movement, and began to destroy them using airstrikes, tanks and even severely forbidden chemical weapon.

The very difficult situation in the country forced a great part of Syrian society to leave their homes to escape from danger. Despite their will they became refugees.

'Refugee' is displaced person who has been forced to cross national boundaries



Majd (on left) with his friend in Syria

and who cannot return home safely. Refugees got their rights during Geneva conventions in 1951. They have the right to safe asylum and they should have medical treatment, schooling and work provided by the state they are staying in. In certain circumstances when adequate government resources are not immediately available, such as the sudden arrival of large numbers of uprooted persons, international organizations such as UNHCR provide assistance.

*The newspapers say there are nearly 13 million Syrians refugees in the world. 'We are not numbers. Unfortunately, we are treated like numbers.' That's what Majd Mshaty told during a meeting with a MICC-School 2018 participants. He is a Syrian refugee in the Netherlands. But first of all he is a young man with brave heart, open soul and bright dreams. MICC-School students tell the story behind the numbers.*

#### What is your name and age?

My name is Majd Mshaty, and I'm 23 years old.

#### Please tell us, where were you born and where do you live now?

I was born in Aleppo, Syria. I assume you heard about it? Now I live in Amsterdam, the Netherlands.

#### How did you sense the beginning of the conflict in Syria?

Back then I was actually quite young. I was 17, a high school student, when the war started in the south. We didn't feel the war, we didn't feel anything yet. When in 2012 the war broke down in Aleppo I was preparing for my final exam. It was very difficult to study and I was very concerned about my future. Suddenly the opposition bombarded the area where I lived. There was no service, like electricity...

#### No water?

There was no water sometimes. When our area was under siege there was no access to food. As a result we could stay hungry for a whole day, and not only once.

#### That sounds really hard. What were your biggest fears while living there?

To lose someone. Someone in my family, or a close friend. I did lost two friends later, both of them were civilians, and girls. One was taken down by a sniper and the other one was killed in a bombing.

#### What was your first reaction to the outbreak of conflict?

When the war broke down I was pretty sure it is going to last for a long time. Since then I tried to escape, because I wanted to have a safe future.

#### What was the turning point that made you leave country?

In Syria you have to do a military service when you turn 18, unless you're a student. At that time I was studying dentistry, a friend of mine was studying

as well, but he was taken to the military by the militia. They just didn't care. That was the point I decided to leave.

#### How much money did you need to leave the country?

Back then I needed 9000 Euro. Now it's nothing but during the war it was a very big sum due to the inflation of our currency.

#### Please tell us about your journey from Aleppo to the Netherlands.

I left Syria in September of 2014 and I arrived in the Netherlands in January of 2015. First, I took the bus from Syria to Lybia. Fortunately, I got there safe and moved on with the plane to Turkey. From there the journey really started. We got in the boat with 11 other people I already knew. We got kicked out of the boat in the middle of nowhere. We had to climb up a mountain in Greece for seven hours, with no food, no water and no security. How I got from there to the Netherlands is a secret and I would like to keep it that way. (laughing)

#### Why did you decide to go to the Netherlands?

A good friend of mine went to the Netherlands before me and when I wanted to leave Syria, I found out that the Netherlands provide the best service for refugees.

#### What did the Netherlands provide you with?

They gave me food and shelter in the camp. Later they offered me a house in Amsterdam and gave money to live on, while I was learning the language. After I finished learning, I chose to study at the university.

#### What were your emotions when you arrived to the Netherlands?



Majd and his friend, Syria

I felt very happy and safe, because my time in Greece was terrible, like 3,5 months in hell. I also felt lonely, because I am used to live in a close-knit community, not an individual society.

**Have people ever had a bad attitude towards you?**

No, I've never been discriminated. In my opinion discrimination is something that you imagine yourself. If you feel different, you will often feel offended. I did not feel that way, that is why I've never been discriminated against as a refugee.



Majd Mshaty during a meeting with a MICC-School 2018 participants.

# Women's Rights, Human Rights

Author: Alina Kanivets, Ukraine

*«We cannot all succeed when half of us are held back». — Malala Yousafzai*

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. Without human rights, society would go back to ancient times in terms of morality. Everyone has the right to life, liberty, security of person, nationality, freedom of thought and opinion. Everyone should know about rights to be free from fear for their lives.

Women's rights should not differ from the rights of men. These rights include the right to live free from violence, slavery, and discrimination; to be educated; to own property; to vote; and to earn a fair and equal wage. They should be a normal thing in an evolved society, in a 21st century, in a world where everything is possible.

**Women's Rights in Europe today**

**Germany.** The gender equality in Germany still remains a problem. Women in Germany earn less than men, few women manage to take leading positions, the share of unemployed among women is much higher than that of men.

**Ukraine.** Domestic violence is a widespread problem in Ukraine. At least 600 women in Ukraine die because of gender-based violence each year,

compared to around 170 deaths per year because of the armed conflict. Law that criminalizes domestic violence came into force only on 7 January 2018. Still, most believe it does not protect victims and might in fact cause additional violence.

**Poland.** It is one of the few countries in the world that has outlawed abortion which is a controversial topic in Polish politics. Now most abortions are illegal there, except in cases of rape, when the woman's life or any form of health is in jeopardy, or if the fetus is irreparably damaged. Many mass public protests of women are happening because of this restrictive abortion law.

**How you can help Women's Rights**

Responsibility to protect human rights resides first and foremost with the states themselves. The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. At the same time we can contribute to gender justice in simple ways every day.

Maida Omerćehajić, trainer : *«We can support women, provide education for all ages and always be an ally for those who need it. It is also important to learn about women who have shaped and changed history - both in schools, and through creative initiatives, such as the #ZeneBiH project from Bosnia and Herzegovina».*

Christian Wienert, teacher: *«First of all a thorough legal basis for gender equality has to be created. That means, for example, establishing equal chances on the job market and salaries. Furthermore, there is a responsibility of the media and advertising for promoting gender equality in order to raise awareness for women's rights».*

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