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“With a Heavy Heart, the Court Sets Ms. Trumbo Free”

Drama in Krzyżowa: Quarreling between judges and the prosecution in the Silva Trumbo case over the trial process. Regardless, the accused walks free

By Molly Abramson, Yael Grinspan, Wojciech Waligóra

On Saturday, 7 April 2018, the Model International Criminal Court (MICC) in Krzyżowa found that Movanian leader Silva Trumbo does not bear responsibility for the Independent Movania Forces (IMF) attack on the 30 Poorian policeman three years ago. The Prosecution could not prove that the attack was part of an international armed conflict, thus Trumbo was set free.

In a harsh statement of the court it was argued that if the Prosecution had prepared their charges differently, there would have been a different outcome.

This case addressed Trumbo’s connection to the attack against the Poorian policemen in Bedom on 13 November 2015 by an armed IMF group, while she was physically present in the neighboring country of

Richia. She was accused by the MICC Prosecution of willful killing and incitement, who demanded 15 years of imprisonment.

The Movanians are a minority population whose territory falls on both sides of the Poorian-Richian border and have representation in both governments. Following 2013, when the People’s Party of Pooria (PPP) leader Gomal Koradavan was elected president, the Movanians were revoked of their rights and members of parliament were taken into questioning and physically abused.

By 2015, a radical Movanian group formed the IMF, who started committing terrorist attacks against Poorian institutions. As a result, the Poorian Army (PA) deployed military into Movania, and all known

members of parliament and known supporters were arrested.

As a respected leader serving on the council of elders in Movania, Trumbo had become a symbol of resistance against the Poorian oppression through her speeches and campaigns, leading with her catchphrase “Whatever it takes”. The Poorian government issued an arrest warrant against Trumbo, but she managed escape to Richia and continue her campaign underground.

In the case being tried, Trumbo delivered a speech following a Poorian bombing on a civilian Movanian village, accusing Pooria of planning a genocide, and called out for the listeners to “take the fight to them”.

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Michał Żak

The following day the 30 patrol Poorian policemen carrying light armor and truncheons were attacked by an IMF group and were not able to receive back up from the Poorian military police. While shooting, the IMF fighters chanted “whatever it takes”.

In March 2016, Trumbo was arrested by the Richian authorities, who requested that the MICC exercise jurisdiction over the situation in Movania. During the MICC trial, the Prosecution, represented by John Alexander Schabedoth, Shira Gushpant and Kamil Lakomy, claimed that the court has jurisdiction over the case as an international armed conflict. They accused Trumbo of willful killing and incitement of the IMF attacks.

The Prosecution attempted to prove the effective control of Trumbo over the IMF attackers and demanded 15 years of imprisonment. Furthermore, they argued that the policemen were unarmed civilians of the state, thus the incident should be considered as an attack on civilians. Lastly, they emphasized that Trumbo cannot be protected under the right of freedom of speech.

On the contrary, the Defense, represented by Yuval Gutlohn, Yelizaveta Fedenko, Kinan challenged the claim identifying this case as an international armed conflict. They argued that Trumbo is a Poorian citizen; the attack occurred in the Poorian side of Movania; Movania is not an independent state; Pooria never ratified the Rome Statute; and Richia, the only other state involved, chose to refer the case to the ICC.

Furthermore, they claimed that willful killing and incitement cannot be proved beyond reasonable doubt, and that Trumbo never had effective control over the IMF, seeing as she was never a commander de facto. As for the claim that policemen should be considered as civilians, the Defense attempted to prove that under the Geneva Convention, this claim is not valid. Finally, they dismissed the argument referring to the freedom of speech.

Before the beginning of the trial, while still on the hearing of the Prosecution's charges by the Judges - Naomi El Peleg, Lena Harris-Pomeroy, Marharyta Melnik, Kinga Krężel -, problems arose. The goal of the Prosecution is to charge the person

accused of a certain crime, and as an official court procedure, the prosecutors must maintain a format and deadline in order to assure the right of the accused to a speedy and fair trial.

In this case, the Prosecution did not initially fulfill their duty as they presented a list of inclusive charges to the Judges, leaving the choice of the charges to the court. A representative of the Prosecution was asked to comment on this case.

“Prosecution believes that Silva Trumbo is responsible for the alleged acts, that’s why there were so many charges”, they said. “moreover, the accused made public appearances where she exhorted to violence and she knew about the consequences of her actions, which produced the opportunity for the prosecutors to find different aspects of the case, where the Rome Statute is applicable. We do not agree that we have not fulfilled our function”.

The court refused to comment in this case, to refrain from undermining the Prosecution position. Regardless, the issue determining the court’s decision was in fact mainly the inability of the Prosecution to prove Trumbo’s case as an international armed conflict. The court found Trumbo not guilty of the charges regarding to willful killing and crimes against humanity.

However, the court stated that if the Prosecution had been better prepared – the result would have been different: “It’s the court’s firm belief that if the prosecution had put more care into their preparation [...] the verdict would have taken a different turn”, they stated. “It is with a heavy heart that the court sets Ms. Trumbo free today”.

The Prosecution does not see eye to eye with the Judges’ accusations and legal opinion. “We believe that we made arguments that weren’t considered”, the Prosecution replied. “It is not our decision to determine if the case is an international armed conflict”.

Responding to the Judges' harsh statement, Jens Henning Fischer, MICC-trainer of the Judges, commented that, “It is fair to criticize the Prosecution Team for their tactics. However, it is not ok to criticize them for the outcome of the trial”. Henning Fischer believes that this is also a criticism against the Judges themselves. “Judges are here to establish the truth. It is their obligation to demand this information”.

While the quarrel continued, at the end of the day it does not matter whose legal procedure was inadequate. Silva Trumbo was not prosecuted and not sentenced any amount of imprisonment. She will not pay for the crimes she committed.

Not a glitch – Miller found guilty of murder

By Wojciech Waligóra, Yael Grinspan, Matan Lifshitz



Wojciech Waligóra

On 7 April, the Model International Criminal Court (MICC) in Krzyżowa found John Miller, CEO of the Richia-based Automated Defense Systems (ADS), guilty of murder as a crime against humanity under the Rome Statute. The court also found him not guilty on the count of persecution. As a result, they sentenced him to three years in jail.

The case concerned the killing of 36 Poorian civilians trying to cross into Richia. They were killed on the Poorian side of the Richia-Pooria border on the evening of 6 February, 2016 by BETA, a faulty automated defense system manufactured by ADS. The judges ruled that the case fell under the court’s jurisdiction, but struggled to reach unanimous decisions since the case had no precedent. “Throughout history, there has never been a specific judgment [...] of the massive atrocities that are a product of the production of companies”, the judgment stated. Yet, the court ruled that Miller had the opportunity to shut down the system between 28 January, when he was first informed of technical problem, and 6 February, when the event occurred.

The Judges also concluded that BETA was not installed to target civilians, and that the case was totally incidental, thus ruling out any charges pertaining to crimes

against humanity as described in the Rome Statute. The court did note that Miller was responsible for willful killing. However, the court ruled that crime committed by a subordinate did not apply to this case – primarily because BETA does not qualify as a subordinate that could have intended to commit a crime of such nature. The court ruled that while Miller was not innocent, he was not guilty under the provisions of the Rome Statute.

The verdict came the day after the Prosecution and the Defense left no stone unturned in pursuing their respective cases. The Prosecution explained the reasons behind implicating Miller as a war criminal citing provisions of the Geneva Conventions and their additional protocols. The Prosecution suggested that Miller was aware of the potential harmful effects of BETA as an automatic weapon. In addition, the Prosecution argued that Miller had sufficient time to rectify the glitches once they had been brought to his notice and that, at the least, he should have suspended its operation and replaced it with alternate arrangements.

Notably, the Prosecution called on the judges to adapt the provisions of the Rome Statute to evolving technological circum-

stances surrounding armed conflicts, and to treat automatic weapons, such as BETA, as subordinates working under the command of individuals like Miller. Pleading for justice under the principles of proportionality, the Prosecution demanded that Miller be imprisoned for 30 years.

The Defense, as opposed to the Prosecution, rebutted each of these arguments. In an impactful statement, Defense member Caroline O’Connor said, “engineers solve problems, it’s not a crime to make a mistake.” The Defense argued there was no reason to believe that the incident was part of a widespread or systematic attack. They claimed that tragic accidents happen on every border and one accident does not mean that the technology will not be better in the future.

In addition, the Defense suggested that the situation did not amount to an international armed conflict, and was instead related to internal strife, within which Miller had no affiliation to either of the warring parties. The Defense argued that Miller had no intent to cause harm and had no authority, equivalent to that of a military commander, over anyone who intentionally committed these crimes.

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Guilty for Murder

Poorian Staff Sergeant Ahmad Kasnoff responsible for the death of 48 people

By Anastasiia Piddubna, Nastasiia Pestunova, Judith Butzer



On 7 April 2018, the Model International Criminal Court (MICC) from Krzyżowa ruled that Poorian staff sergeant Ahmad Kasnoff was guilty of murder as a crime against humanity and two counts of war crimes. The verdict was rendered unanimously by Judge Jean Damascene Ndabirora, Judge Batel Sharvit, and Judge Agata Fabiańczuk of the MICC.

The case relates to the conflict in Movania which has been active since 2013. Movanians settled on both sides of the border between Richia and Pooria. However, Movania never existed as an independent nation. The central government of Richia granted the Movanians the right to self-governance on their territory. Pooria, on the other hand, has never officially recognized the Movanian minority, forcing upon them Poorian central rule.

After the election of President Gomal Korodovan on 6 April, 2013 and the coincidental forming of a single party government, Pooria initiated a crack down on independent journalists and Movanian members of the Poorian parliament. Not only did the Poorian government persecute Movanian individuals but they also implemented discriminatory policies, such as a ban on the use of the Movanian dialect in schools and the shutting down of radio stations which broadcast in the Movanian dialect.

In fear of the deteriorating political situation, many Movanian families decided

to leave Pooria to escape to Richia. Resistance movements in Pooria led to the forming of an armed militia in 2015, which also claimed responsibility for seven terrorist attacks against the Poorian government. As a consequence of the attacks, the Poorian Army deployed troops and military police to Movania, and more than 1000 Movanians were arrested on terrorism charges.

On 11 November 2015, Kasnoff received the order to launch three rockets on a target of military importance. At first, Kasnoff refused to obey his commander on the grounds that civilians living close to the coordinates of the target might get hurt. Moreover, he was not aware of any relevant military target in that area. However, after his commander threatened to kill him for disobeying, Kasnoff fired the rockets. Two of them landed in the bushes, but the third one directly hit a village and killed 48 people, including eight children.

For 48 people killed, Kasnoff was charged with murder and extermination as crimes against humanity and murder as a war crime. Intentionally directing the attack against a civilian population, the prosecution claimed, constitutes another count of war crimes. After hearing the charges, Kasnoff voluntarily turned himself over to the custody of the MICC on 11 July, 2016.

One central issue in the trial was the question of jurisdiction. The Prosecution claimed that seeing as Pooria has signed the MICC's statute and Kasnoff is a Poorian citizen,

the situation falls in the jurisdiction of the MICC. The Defense, however, refused to acknowledge the jurisdiction of the MICC on the grounds that Pooria has signed but not ratified the statute.

Another issue was the problem of criminal responsibility. The Prosecution emphasized the fact that crimes against humanity are always manifestly unlawful when it comes to command responsibility. In the Defense's opinion, Kasnoff was only acting in self-defense. He feared for his own life, but also for his pregnant wife, who lived in a village about 50 kilometres from the attack.

MICC Prosecutors Sophie Früchtenicht, Gil Karasenti and Karyna Shakhbazyan respectfully requested the court to sentence Ahmad Kasnoff to eight years of imprisonment based on Article 77 and 78 of the MICC Statute. In return, the Defense, consisting of Ravid Rom, Viktoria Kryshtal and Andrea Ćorić argued that the MICC had no jurisdiction over this case and therefore did not specify their demands. The three judges unanimously ruled that Kasnoff was criminally responsible for the death of 48 people killed in the attack and sentenced him to four years of prison.

In an exclusive statement to the Krzyżowa Observer, Prosecution spokesperson Gil Karasenti stated that although the case was very complicated and minor circumstances made the Judges and Prosecution feel mercy for the Defendant, the verdict was still fair.

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 **1299:** First record of the settlement in Silesia, ruled by Polish Piast dynasty.

 **1335:** Silesia becomes part of the Bohemia Crown.

 **1526:** Bohemia becomes part of the Austrian Habsburg Empire.

 **1740:** Prussian King Frederick the Great invades Silesia at the beginning of his war against Austria.

 **1742:** First Silesian War, Prussians claim most of Silesia except for Teschen and present Czech Silesia.

 **1744-1745:** Second Silesian War, Prussia claims and takes over of Silesia (treaty of Dresden).

 **1756-1763:** Seven Years War, Prussia remains in control of Silesia.

 **Late 18th century to 19th century:** Industrial Revolution in Silesia leads to bad working conditions, coal mining is controlled by the private industry, workers are often mistreated, land is held by large estate owners, the majority of upper and middle class is German while a large percent of mistreated workers are Polish. This situation leads to tensions between Silesian ethnicities.

1918/19: Revolution in Germany leads to the first German republic.

 **1938:** Munich Pact divides most of Czech Silesia between Nazi-Germany and Poland.

 **1922:** As a result of Polish uprising the territory is divided and the larger industrial area goes to Poland.

 **1921:** The result of the plebiscite favours Germany with the exception of the upper-east part of Silesia where majority of the population is Polish.

 **1920:** City of Teschen/Gieszyn/Cesky Těšín is divided between Poland and Czechoslovakia: the division is done so haphazardly that the boundary ran straight through some mines forcing miners to work in one country and live in the another.

 **1939:** After the invasion of Poland, Polish Silesia becomes part of Nazi-Germany; Polish Silesians get expelled from the area as a result.

 **1945:** End of the World War II dissolves all boundaries and restores the status quo pre-dating 1938 the exception is Prussian Silesia East of Lusatian Neisse which is under the Polish administration; German population is expelled from the area (does it sound familiar to anyone?).

 **1919:** At the end of the World War I, the treaty of Versailles creates a plebiscite to determine if Upper Silesia would remain in now democratic Germany or merge into the freshly founded Republic of Poland.

 **Since 1989/90:** Silesia is located mainly in Poland with smaller parts in Czech Republic and Germany.

It's Mine, No it's Mine, No it's Mine...!

Austrian, Prussian, German,
Polish, Czech - the back and forth
struggles for Silesia

By Valerie Hout-Parrish

A Second Chance for Krzyżowa

How a Silesian village came to the forefront for promoting democracy, mutual understanding and European unity.

By Judith Butzer and Swathi Gokulan

Spring has announced itself in the village of Krzyżowa as the evening light falls on the Krzyżowa estate. The last visitors from the tour through the restored buildings of the compound leave to have a drink at the bar in the old Cowshed. Students have gathered on the lawns to prepare for an international criminal court simulation organized by the Krzyżowa Foundation for Mutual Understanding in Europe.

Focusing on Polish-German relations and European unity, this organization brings people together from across the world to debate and discuss issues relating to memory and reconciliation. Amidst all these activities, one wonders how this small village in Poland came to symbolize intercultural dialogue.

The place has not always been so picturesque. The village formerly called Kreisau fell into decay after WW2. The property, which belonged to the Moltke family for three generations, was turned into a state-owned farm by the communist government of Poland. With the founding members of the "Kreisau Circle" dead, the rest of the anti-Nazi resistance group disintegrated and Silesia becoming Polish, the idea of a politically unified Europe through shared Christian values seemed to have gone with its spiritual fathers. None of the proposals the Circle had in mind for post-war Germany were actually implemented.

It was only towards the end of the 1980s that the situation changed. The leading role in the rediscovery of Krzyżowa was played by an anti-communist group called "Club of the Catholic Intelligentsia (KIK)" from the nearby town of Wrocław. Originally, the KIK was a group of Catholic intellectuals that was

formed in several Polish cities following the "Polish Thaw" in 1956 that marked the end of Stalinization in the country. Providing citizens with information from outside the Socialist Bloc, the opposition group promoted the broadening of independent thought and civil liberties.

In collaboration with partners from East and West Germany, the KIK hosted an international conference titled "The Christian in Society" in June 1989. Attended by participants from Poland, East and West Germany, The Netherlands and the US, the meeting involved a visit to the Krzyżowa estate. Appreciative of the great importance of the Kreisau Circle's ideas, a petition to the Ministry of Foreign Affairs was created, asking for the preservation of the Kreisau heritage by building an international youth center as well as a museum of European resistance against Nazi Germany.

Coincidentally, the same month also saw the first partly free elections in Poland leading to the appointment of Tadeusz Mazowiecki, Poland's first non-communist Prime Minister since 1945. Mazowiecki's interest in ameliorating German-Polish relations served as a catalyst for the KIK to further their cause.

Not only was the Krzyżowa estate and its invaluable past rediscovered by the KIK but it was also to become the setting for a defining turning point in the Polish-German relationship. In November 1989, the first state visit of German Chancellor Helmut Kohl and a meeting with the Polish Prime Minister Tadeusz Mazowiecki was planned. However, due to the unexpected fall of the Berlin Wall on 9 November, Kohl immediately postponed the

meeting. Finally on 12 November, the German Chancellor attended a reconciliation mass with the Polish Prime Minister in Krzyżowa.

In a now famous gesture, Kohl and Mazowiecki embraced each other, symbolizing peace and reconciliation between the peoples of Germany and Poland. More importantly for the future of Krzyżowa, they decided to found a Polish-German youth center on the compound of the estate.

With considerable help from the KIK, the Krzyżowa Foundation of Mutual Understanding was finally inaugurated in 1990 and became the formal owner of the estate. Financially supported by the Foundation for Polish-German Cooperation, the foundation renovated all the buildings on the compound and turned them into useful facilities. In 1998, following careful reconstruction and restoration work, the community center officially opened.

Today the Krzyżowa estate accommodates a youth hostel and a hotel, rooms for plenary and small groups. The "Manor" and the "Berghaus" hold memorials to European resistance with permanent exhibitions. Every year, thousands of visitors enjoy the peaceful atmosphere and are able to discover the long history of the wish for close relationships between European countries and the legacy of those who paid the highest price to defend it. By working towards European unity with the lively participation of civil societies, the Kreisau Circle lives on.

Making Krzyżowa home

Kreisau was renamed after WW2 when it became part of Poland. But even during these hard times, life in the village did not stop, locals say. Today Krzyżowa unites Western Europe, Eastern Europe and the whole world for dialogue between nations, generations and classes.

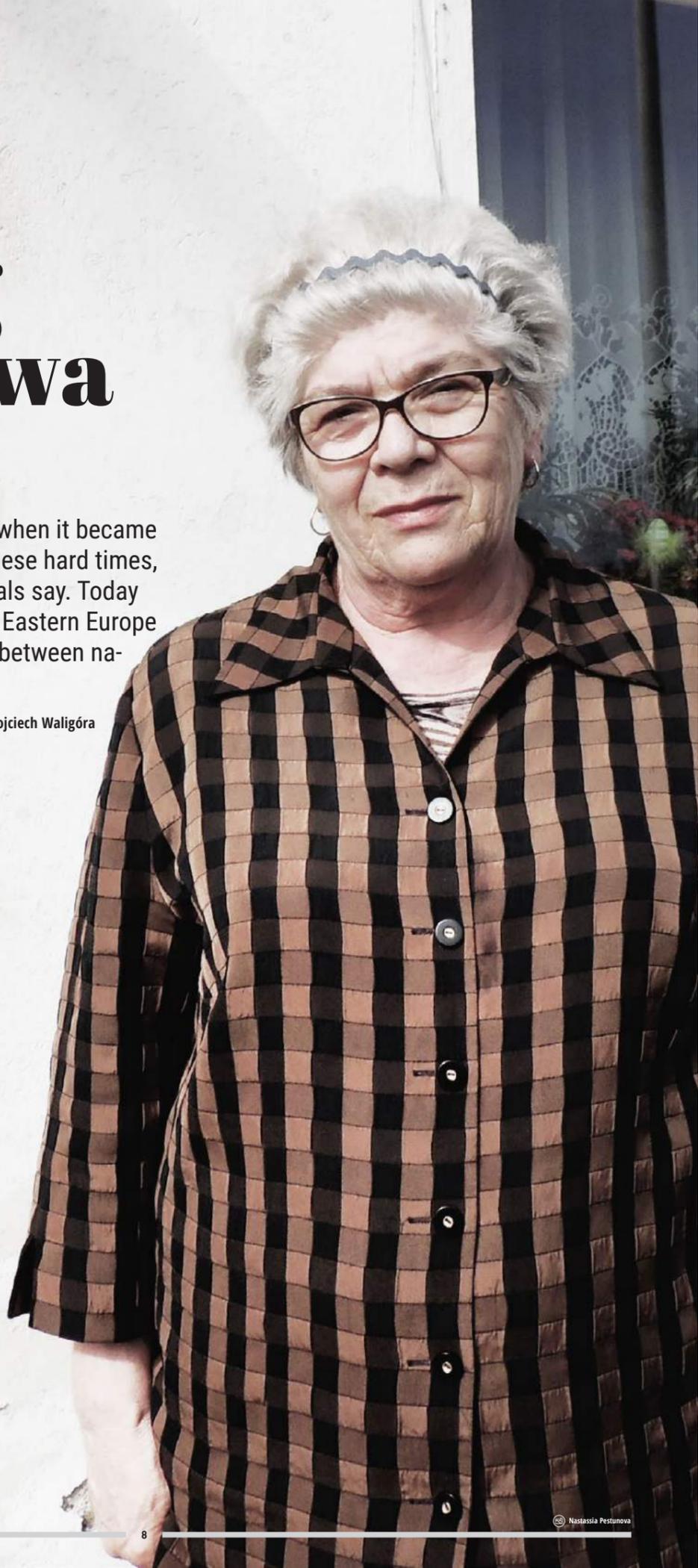
By **Nastasia Pestunova, Anastasiia Pidubna and Wojciech Waligóra**

Krzyżowa is not just a village in the administrative district of Gmina Świdnica in southwestern Poland, it is a unique place. This is real history that we can directly touch. A place where difficult stories of ordinary people and entire nationalities intersect; where people once passed through personal tragedies; and where today nations of the European Union and the whole world connect.

In order to delve into the history of Krzyżowa, we decided to set out on a short walk through the village. It is very small with only about 250 inhabitants living here. Some probably know the history of their place from their parents or grandparents. However, there are very few were there to witness it.

Our trip to Krzyżowa took some time because our goal was to meet eyewitnesses of the history of the village. During our walk we found an interesting white house. It seemed special compared to the other houses and on the facade there was a sign saying "Sołtys" - chair of the village council. We thought that such a person would certainly know something about Krzyżowa's past.

Unfortunately, it turned out that the chair of the village council was not present. We were already thinking that we would end up being unsuccessful – but when we wanted to leave and look for other citizens, a lady approached us and asked about the purpose of our visit. When we told her where we came from and what we were interested in, a pleasant surprise was waiting for us. It turned out that we came across a "living" story.



Nastasia Pestunova

Mrs. Bronisława is Polish, she was born before the end of WW2 in former Eastern Poland, today Ukraine and came to Krzyżowa as a little girl. Her parents, like most Poles, had to leave their homes after Soviet leader Joseph Stalin decided to move Poland's border westwards – and gave the country parts of what was Germany until then instead.

Bronisława's family was thrown into a train, filled with Soviet soldiers. They were sent to the so-called "Restored Territories". Bronisława told us how she arrived in Krzyżowa together with six other Polish families – all displaced from the country's former east.

At this point it can be said that human tragedies repeat themselves because the family of Bronisława, as well as others, occupied places previously inhabited by Germans. In 1946, the last inhabitants of Krzyżowa of German nationality were transported to one of the four occupational zones of post-WW2-Germany. Like Bronisława's family, they had to start a new life far away from their original homes.

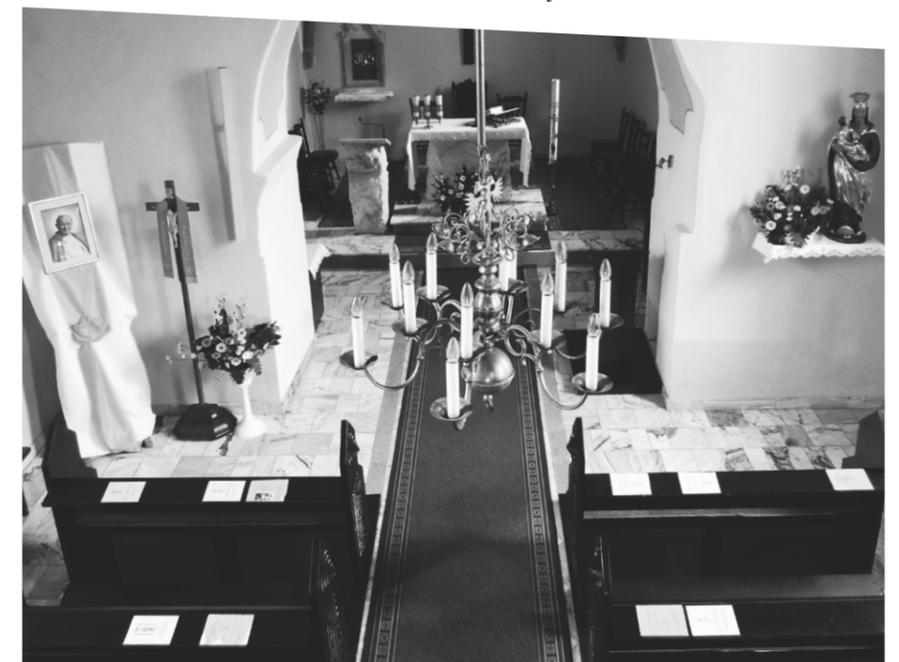
In Krzyżowa, Bronisława's father started working for the Polish railway company, which allowed him to provide well for the family, which was not easy at all in these post-war times. Most of the residents of Krzyżowa found work on the estate, which was transformed into a state-owned farm by the communists governing Poland.

Those years were very difficult for the small community and their hardship ended only after more than 40 years. Bronisława told us she was present during the famous historic Holy Mass held in Krzyżowa on 12 November, 1989. The Prime Minister of the first non-communist government in Poland, Tadeusz Mazowiecki and German Chancellor Helmut Kohl played a central part in it.

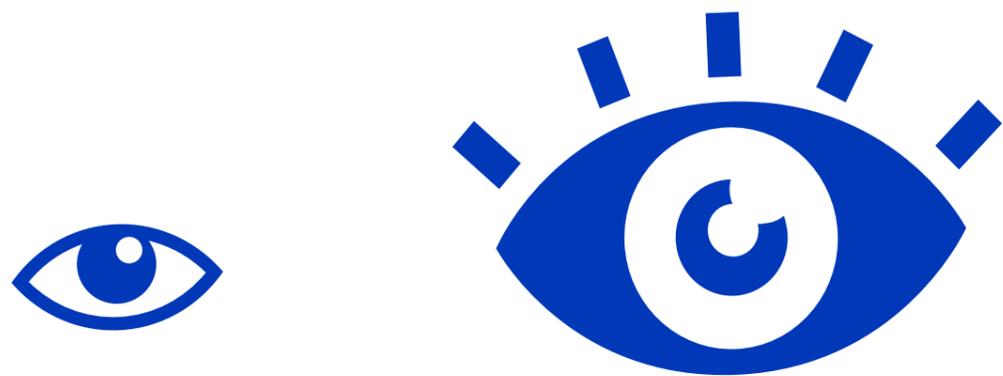
The symbolic beginning of a new stage in mutual relations between the two countries was the moment when, during the service, the heads of both governments embraced, as a sign of peace between their countries.

Prime Minister Tadeusz Mazowiecki emphasized at the time that the Mass of Reconciliation would strengthen mutual reconciliation. He made clear that Krzyżowa/Kreisau was and is a symbol for those Germans who fought Nazism.

After a short but very productive trip into the past, Bronisława gave us some materials about life in "today's" Krzyżowa and directed us to her daughter, the current chair of the village council. We met with Agnieszka Stochniel on the foundation's premises.



Nastasia Pestunova



Kreisau through Jewish eyes

There are definitely mixed feelings being at the MICC in Krzyżowa as Israeli representatives - but it is also possible to feel optimistic about being here.

By Molly Abramson, Yael Grinspan and Matan Lifshitz

As Israelis with a European Jewish background, mixed feelings regarding Poland have always been part of our historical context. Many of us descend from Holocaust survivors and have heard many stories about the Nazi regime, the Jews' suffering and our own families' losses throughout our education and upbringing.

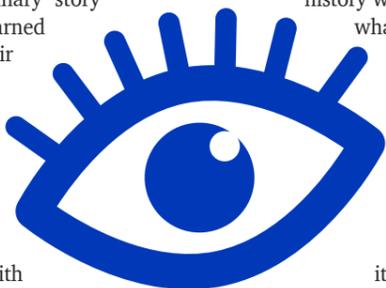
Upon our arrival to the Krzyżowa International Youth Center, we were exposed to the unique and extraordinary story of this village. As we learned about its residents and their role throughout history, we had a "two-faced" experience both as participants in the MICC University program discovering Krzyżowa for the first time, but also as Jews who have ancestors with connections to this very place.

Krzyżowa, or Kreisau in German, is a village in the district of Gmina Świdnica in the province of Silesia in southwestern Poland, with around 200 residents. The place is a host of the International Youth Center, which brings together primarily Polish and German youth, but also participants from many other countries around the world, to discuss and debate topics like international criminal law, as in the case of the MICC.



The existence of the village is known since 1335 but it became Polish only after WW2. Before, it had been under Austrian, Prussian and German rule as well.

One of the first activities provided by the MICC University was a guided tour through Krzyżowa estate. The pastoral environment, the clean and clear atmosphere, and the ideal weather that can be immediately seen and felt, conceal the complexity of the place whose history wasn't always as bright as what we currently see.



The tour began in the manor house on the site, today used as an exhibition and conference place. Along with the large territory surrounding it, the manor house was bought in 1867 by Count Field Marshal Helmuth Karl Bernhard von Moltke, a historical "celebrity" figure not just in Germany.

"Moltke the Elder" was the Chief of Staff of the Prussian Army for 30 years and is referred to as a war genius who changed the entire approach to army directorate in the field. This is also how he insisted on being remem-



bered. In our present day mansion, two historical paintings attempt to tell us an inaccurate narrative of the first Moltke's celebrity-like figure.

One picture shows Napoleon's forces marching into the then Prussian city of Lübeck in 1804. The French soldiers are presented as drunk, looting, disease carrying barbarians. Among all the rubble of the scene, a young blond boy is seen witnessing the battle – allegedly von Moltke.

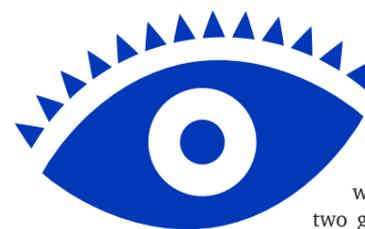
The second painting, right opposite to the first, shows Prussian and other German forces marching orderly and in clean uniforms into the french capital Paris headed by von Moltke riding on a horse.

In reality, General von Moltke was not physically present, neither as a boy witnessing the French invasion in Prussia, nor with the Prussian/German army in France. The purpose of these paintings is to glorify his prestige, constructing a heroic collective memory and narrative as a crucial role in German history.

It is the General Field Marschal reputation that made Kreisau a well-known village. Indeed, his legacy and narrative continued. His mansion and the manor sur-



Von Moltke's palace in Krzyżowa



rounding it was passed to two generations of the Molte family through General von Moltke's nephew, Helmuth Johann Ludwig von Moltke, as Moltke the Elder had no children of his own.

Ludwig was considered not only as the general's heir, but also as his conceptual "successor" and therefore he is referred to as the "Younger" Moltke. Because of his uncle's reputation, the Younger Moltke received special demands from those surrounding him in the military – but he was unable to fulfill those missions – and was even considered a family failure.

The tour continues to a trail leading to the residence of the village, and afterwards to the Kreisau Circle house, where Helmuth James Graf von Moltke, the great-nephew of the

Younger Moltke, lived with his family in the 1940ies.

On the way to the house, we reached a bridge which provided further historical significance to this village and made us realize how deeply our own personal history corresponds with Kreisau/Krzyżowa. As we were standing on the bridge, we learned that the river flowing below us was not always physically where it had been, rather its path had altered during WW2.

In 1933, the Nazi Party NSDAP was taken in the German government, with Hitler as its leader. In the years of the Nazi dictatorship to follow, Jews and other prisoners were brought to the estate to work. During one of the winters of WW2, as a result of snow, the river began to

overflow and it was decided to split it into two streams. However, those who had to do this extremely hard work were the Jewish Concentration camp inmates, and Polish and Russian prisoners of war.

Hearing this story, we realized once again how painfully deep the connection is between our personal history and the histories of Germany and Poland. The Jewish prisoners who worked the grounds could easily have been our grandparents, great aunts or uncles, or those of friends. Furthermore, we will never be able to know who they actually were, as their stories and experiences were lost after 1945. While we are eager to learn about this village and what it has become, it is impossible for us to ignore this "minor" detail of how the river was re-constructed.

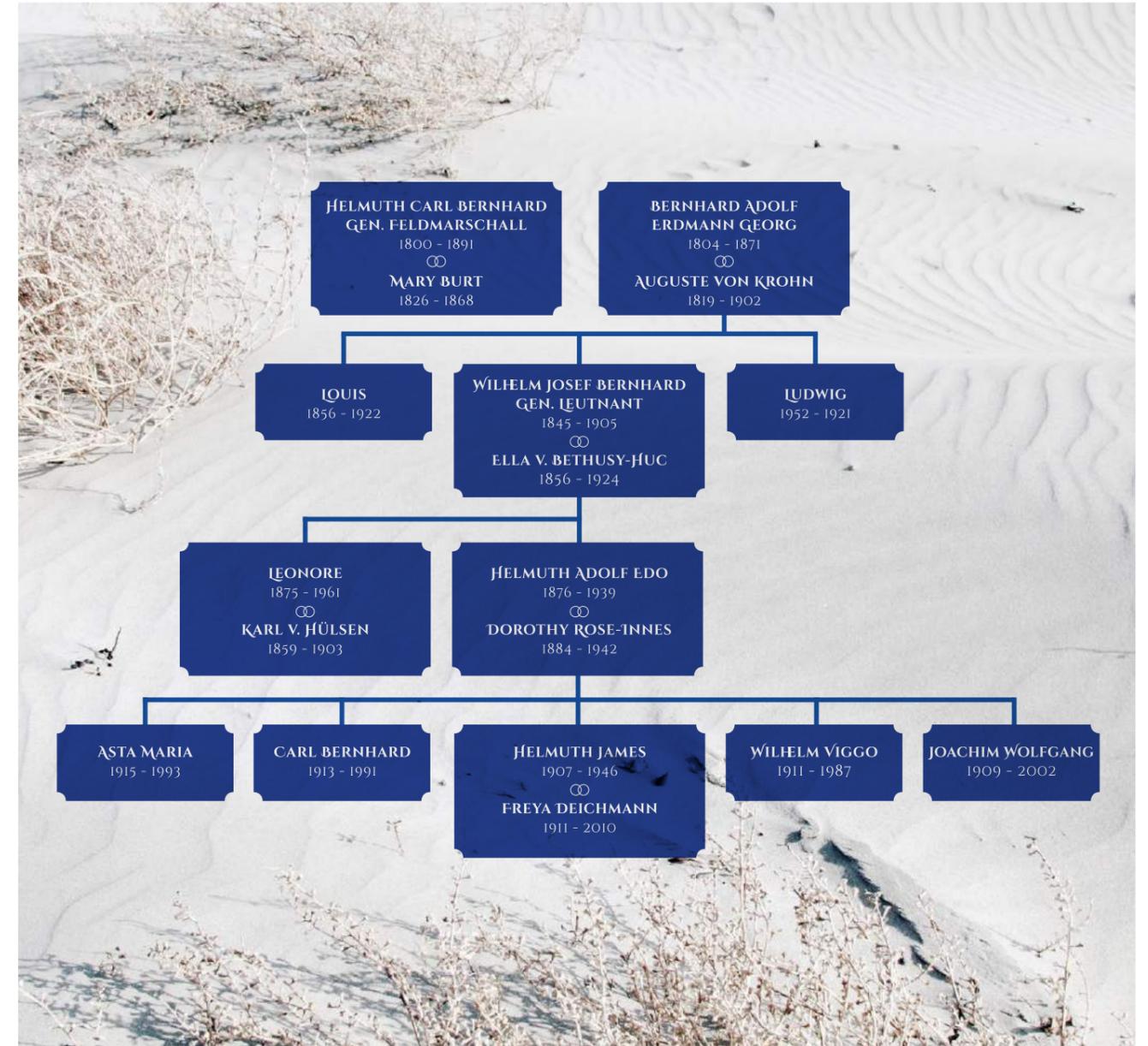




Wallpainting in Krzyżowa Palace: Enter of Napoleon's troops to Lübeck on 6 November 1806.
Source: S. Lipinsky, 1900 © Museum in Grudziądz



Wallpainting in Krzyżowa Palace: Enter of Prussian troops to Paris on 1 March 1871.
Source: W. von Looz-Corswarem © Museum in Grudziądz



Moltke Family in Krzyżowa

Further along the trail, we noticed the diverse range in the quality of living for the small number of residents in this village. Some owned big and renovated houses, some buildings that obviously have not been taken care about for decades.

Then we reached our destination – the house on the hill, as everyone calls it. This house served as the accommodation of Helmuth James Graf von Moltke, and his family since the Great Depression of the late 1920, as it cost less than the mansion to heat up and live in.



We learned that Helmuth James Graf von Moltke was a lawyer specialized into international law and attempted to promote this during the Nazi rule, even though this field of law was not of great interest for them.

Initially, von Moltke wanted to become a judge, but as his values differed and opposed to those of the Nazi regime, he understood that this was not an option. In addition, he was not sent to the front line of combat, but rather to administration, and afterwards Intelligence, because of his family name's prestige. Nonetheless, he opposed the

Nazi regime and secretly formed, aided by his wife Freya, a resistance group which met regularly in the house on the hill. Therefore, the group was named "Kreisau Circle".

The Circle included people with an army background, social democrats, Protestant and Catholic Christians. Their aim was to secretly help the Nazis victims, and eventually to plan the Nazi leaders' punishment for the crimes of their regime – and creating a concept for a democratic new order after Hitler's defeat.

Freya, as part of the Circle, was in charge of "administrative" duties. She scheduled the meetings, took notes, and disguised these

meetings as "social activities" in order to maintain secrecy. While her husband worked in Berlin, the couple wrote many letters to one another, while James consulted with and relied on her regarding the Circle's function.

In 1945, along with other Kreisau Circle representatives, James was convicted and executed by the Gestapo for treason, while Freya was overlooked by the Nazi authorities as responsible for the Circle's actions. She was able to hide all incriminating letters of her husband in a bee hive on the estate, as it was crucial for her to protect the documentation of their actions and enable



their story to be passed down to the future generations.

After the war, Freya – like all Germans – was forced to leave Kreisau and Silesia which became Polish. Over

40 years later, she became one actor in the establishment of the Krzyżowa Youth Center and fought to promote human rights, peace and mutual understanding in Europe.

While sitting in the room in which the Kreisau Circle assembled, it was imperative to confront our feelings regarding this village, its inhabitants and

their history. There are definitely mixed feelings being here as Jewish Israeli representatives - but it is also possible to feel optimistic about being in Krzyżowa. The Kreisau Circle deserve much credit for all their efforts to save Nazi victims, and we are comfortable feeling that thanks to resistance groups like them, we can safely stand here today and visit Germany and Poland.





“It is impossible to talk about international law in theory only”

By Yael Grinspan

The MICC was born in order to teach the core principles of the ICC through a simulation of trials before the ICC for high-school and university students from all over the world. The project was founded in 2005 by the Berlin-based Kreisau-Initiative e.V. along with its Polish partner-organisation Fundacja Krzyżowa dla Porozumienia Europejskiego (Krzyżowa Foundation for Mutual Understanding in Europe). Bringing together students from all around the globe, the MICC aspired to create intercultural dialogue and understanding among people of various national and social backgrounds in the components MICC School, MICC World and MICC University.

I sat down with Jens Henning Fischer, the head of legal training and the trainer of the Judges Team, in order to learn more about the program. Henning was a law and international politics student when he already knew he was not going to practice law. He discovered debate, started to actively work in it, and still focuses on it up to this day: he moderates talks, works as a debate coach, “and funnily, teach even lawyers how to speak better”, he says. Nowadays the MICC is the only actual legal thing he still does, “This is where I actually engaged in legal argument rather than just thinking how they could be represented better”.

The Krzyżowa Observer: How did you get involved with the MICC?

Jens Henning Fischer: My now-wife then-girlfriend was first working with the MICC and then took over the project's management. Both of us had background in university debates, and we felt that we could contribute in that aspect to the program, as in drawing the discussion away from the very legal discussions into talking about the big issues in hand and changing the way that we talk about it. I stayed up until now because even though I've done the cases tens of times, there is always something new. I'm not getting bored because the students come up with new ideas and I keep on learning.

What is so unique about the MICC project in your perspective?

MICC enables both university students and school student to discuss incredibly difficult issues in a way that is hardly offered anywhere else. At the beginning, the program was more legal, stricter. It was closer to what a moot court would be with teams from universities competing one another, but we saw that this kind of competition won't enable dialog. You won't discuss your ideas if you are with your teammates, because you want to win. It is important too, but we wanted to do something else.

Normally in most moot courts, the judges will be professors or lawyers - but here they are the students themselves. That means that instead of learning just how to argue and getting scores for the arguments, the students will also learn how to establish the value of an argument because they are actually convincing somebody of the argument they are making.

And in the school version?

In the MICC school version there is a strong part of historical human rights education, so in some sense we are using this legal concept as a tool to talk about very harsh, difficult historical situation. Because of the legal na-

ture and the legal way of thinking, they have the interest of knowing more, they try to understand what happened, try to get into the depths of the situation.

I do believe it is necessary, for example, to teach the holocaust by showing horrible pictures as happens in schools today, but it is also very off-putting because it might make the students feel powerless. They see this and they ask what is the connection to them, what should they do since it wasn't them. In our project, they can understand the difficult situations, and the positions that people had in them, that there might be something in favor of them, even though it might be difficult to accept sometimes. It is an important lesson. It teaches us about human rights, the rule of law, fair trial and so on.

How did the MICC change over time?

The project has grown massively. A lot of it has to do with the European Union financing – at first, we had to have three participating countries at least, which were Poland, Germany and a third country. And then the rules changed, and the union demanded four countries. Nowadays I am not even sure what the rules are because sometimes we have more than seven countries present, including countries like Uganda, South Africa, Vietnam and from all over the world, that come here to discuss, debate ideas and so on.

What difficulties do you encounter?

I would say the main difficulties derive from the fact that international law is a matter that touches everybody. It has a lot to do with politics, and real people. It is impossible to talk about international law in theory only, you can't just have abstract discussion about it, and you have to make sure that everybody is heard and no one is hurt.

For example, we've had different sponsors over time, and each had different guidelines. One foundation that sponsored us for many years had some particular views on things,

like the fact that what happened to the Armenian in the Ottoman Empire in 1915 has to be called genocide. At the time we had Turkish participants that walked out in protest when they saw this in the materials. That created a huge backlash, so you can see that realities and political processes sometimes break into the project.

Another example is from our MICC Western Balkan project between Bosnia, Serbia and Croatia, which is politically super charged. It is working great and gives opportunity for students to finally meet people from the other countries because normally they do not, yet when we started it we had people calling and saying they are not going to allow their children to attend if there is not, let's say, a Croatian judge on the bench or so.

What do you see in the future of the MICC?

For the first time in the history of the MICC, the Kreisau-Initiative named an employee dedicated only to the MICC, which is Kerim Somun from Bosnia. It has become a necessity because this project is growing so much and catching on.

Our next big project is called “Just Now”. We have created three short animated movies that can be used in classroom settings by teachers that are not experts on the field, who will be able to use them to teach human rights issues. The movies are about the international criminal court, the refugee convention because of its importance and relevance in Europe these days, and about sexual violence particularly in war because it needs to be discussed even though it is unbelievably difficult to discuss.

Our hope for the future is to establish more sessions of MICC experiences, to keep giving young people the feeling that they can actually change things themselves, that they are not just objects of political circumstances, but they are actors, and they have a voice. Maybe we are not creating revolutionaries, but we are creating people that have an open mind and are able to engage in discussions.



“Gacaca courts contributed a lot to the reconciliation process between Rwandans”

MICC-Judge Jean Damascene Ndabirora about community justice in Rwanda, moot courts and Krzyżowa

By Judith Butzer

The Krzyżowa Observer: How did you become interested in studying law? Have you always wanted to be a lawyer?

JD: That is a long story! Having been born in Rwanda, a country that experienced genocide, which also affected my family personally, I was involved in the hearing of cases when I was still a child. I appeared before the courts on behalf of my family during the Gacaca (pronounced gatʃatʃa, loosely translates to “justice amongst the grass”) courts. I guess after that I felt convinced that I needed law as my career, because I have been participating in those trials without any background of legal knowledge.

Initially, when I was a kid, I thought I would be journalist [laughs]. But because of my family's and country's history, I decided to switch to law. I wanted to be able to defend myself but also to defend other people who are vulnerable, and cannot afford legal services. And of course, that was the situation in the entire country. I saw many people with different issues; they could not help themselves and the country was not able to provide the legal services for everybody either. So I thought it would be a good decision.

You mentioned participating in a Gacaca trial. Can you tell us more about that traditional justice system and your experience with it?

It all started in Rwanda after the genocide. Many, many mechanisms were tried to see which one would be effective or which one would accommodate all the challenges we had in Rwanda regarding justice.

On 3 November 1994, the UN security council established the International Criminal Tribunal for Rwanda (ICTR), which was only supposed to prosecute individuals who were in the top positions, like the top planners, instigators, those people who were in the government and military positions, who had a very big influence.

They did not try every suspect and we had more than one million people who were suspected to have participated in the genocide. The assumption is that it would take more than a century to try all those people if we decided to try them before formal courts.

As the ICTR was established with only this limited jurisdiction on top leaders, the government still needed to have other mechanisms to try the rest of the suspects. Some of them were tried before national courts, others were tried before Gacaca.

Gacaca came as a decision by the government. Looking back in our history we used to have Gacaca, but just for very petty offenses. The government consulted with many people, including survivors, human rights organizations and international organizations.

The government pitched the idea and they were like: we have this model that we used to use in our normal life and we guess if we make some changes we can use this to try these individuals. I think that was in 2005. Then, after two years of pilot study, we decided to make it a national mechanism to try all the perpetrators.

Of course, at that time many people were in prison. The government had no ability to accommodate all the needs of the prisoners. More than one million people were in prison, with no due process. Then the idea was for people to appear before Gacaca, at least for those who were already in prison. If you admitted to the crimes you were suspected to have committed and asked for forgiveness, they were going to release you.

A lot of people pleaded guilty and they wrote letters admitting to their crimes. They were released so that they could attend Gacaca in their respective communities. But the main aim of Gacaca was not to punish, even if it was one area of it. The central idea was to bring back the perpetrators to their communities, to face the survivors, to face their own communities and address the issues that took place.

It was on a village level, Tutsi survivors could say something about what had happened to them, but also Hutu who didn't commit genocide could mention something about the suspects. They could say: I saw this person doing this, I saw this person killing this person. I saw this person taking the properties from this home.

It was like a citizen-centered justice, to make sure that everyone participates. Among the reasons were to just open up this chapter, which was not easy, and to make everyone at least open up about the real history. It was one way to reunite again and make sure that people can now coexist in the same community without issues. It faced a lot of challenges in the beginning.

A lot of people could not understand how a person who committed genocide could be tried by a person who has no legal background. In Gacaca, there was no legal representation, all these procedures that we know from normal proceedings were not necessarily applicable. It was just a community mechanism, where people share what they knew with their neighbors.

You can wonder who the judges were – just fellow citizens from the same village. We had these people who we called “inyangamugayo”. They were the judges who were supposed to be people of high morals, of good morals, who cannot be easily bribed.

Of course bribe is not something that you can test easily but they were presumed to be these people of good morals who cannot be bribed easily, who cannot lie, who can't judge

against someone just because of personal reasons. They were supposed to be reasoning from sides, the suspect's but also the witnesses' and the survivors' themselves when they were giving testimonies. Then they took the decision at the end.

They got six months training on how they can render the judgments, how they can try the proceeding from the beginning until the final judgment. Some cases were reported to have experienced some sort of corruption, they were taken to different villages. If you felt uncomfortable with your case being tried in your own village, you could write to the national Gacaca courts and they would transfer your case to another village, at least somewhere where people do not know you or do not know these perpetrators.

It has been good and bad, of course. If you are looking at it from international standards, all those things I mentioned – due process, representation, experience of the judges – all those things were not there but at least it served this element of giving time to both the suspects and the survivors to discuss again what had happened and they came up with some good solutions. Until now, I feel convinced that it contributed a lot to the reconciliation process between Rwandans.

Participating in a Gacaca trial must be so different from what we are doing here. What is your role during the MICC and what have been your experiences working with your team, so far?

It was the best experience, out of all the moot courts I attended, seriously. In the previous ones, there was no chance for a student to be a judge. They used to invite experienced international people, who were in that career. But the MICC gives us an opportunity to see what it would be like working as a judge; how am I going to render justice, how am I going to apply the laws, how am I going to reason from both sides, the prosecution and the defense?

I'm taking this as a good experience and actually, from the comments of yesterday's session, people thought I was doing it so seriously as if was not a moot court. I don't want to take it as an exercise, I need to take it as a little bit more real, so that I can feel its importance and feel how you as a judge should behave, if you are the final person to make a judgment that can have effects on someone's life.

If someone is sentenced to prison for 30 years and you were the person who rendered that judgment, you should ask yourself if you really judged that person in accordance with the law or according to your own feelings. I am not allowed to use my own feelings, I need to apply the law, I need to look back on what I've been through, all the theoretical knowledge I got from my classes. Then I try to apply it and see if I could be a good judge in the near future, if it happens [laughs].

One of the challenges in our team is that not all of the participants are on the same level when it comes to experience in international criminal law. Maybe in the near future, the MICC could provide first some two or three days of training, to make sure that at least everyone is having the same knowledge. I think that would be helpful.

And of course another practical challenge, which is not a particularity of this moot court but also in international systems, is that

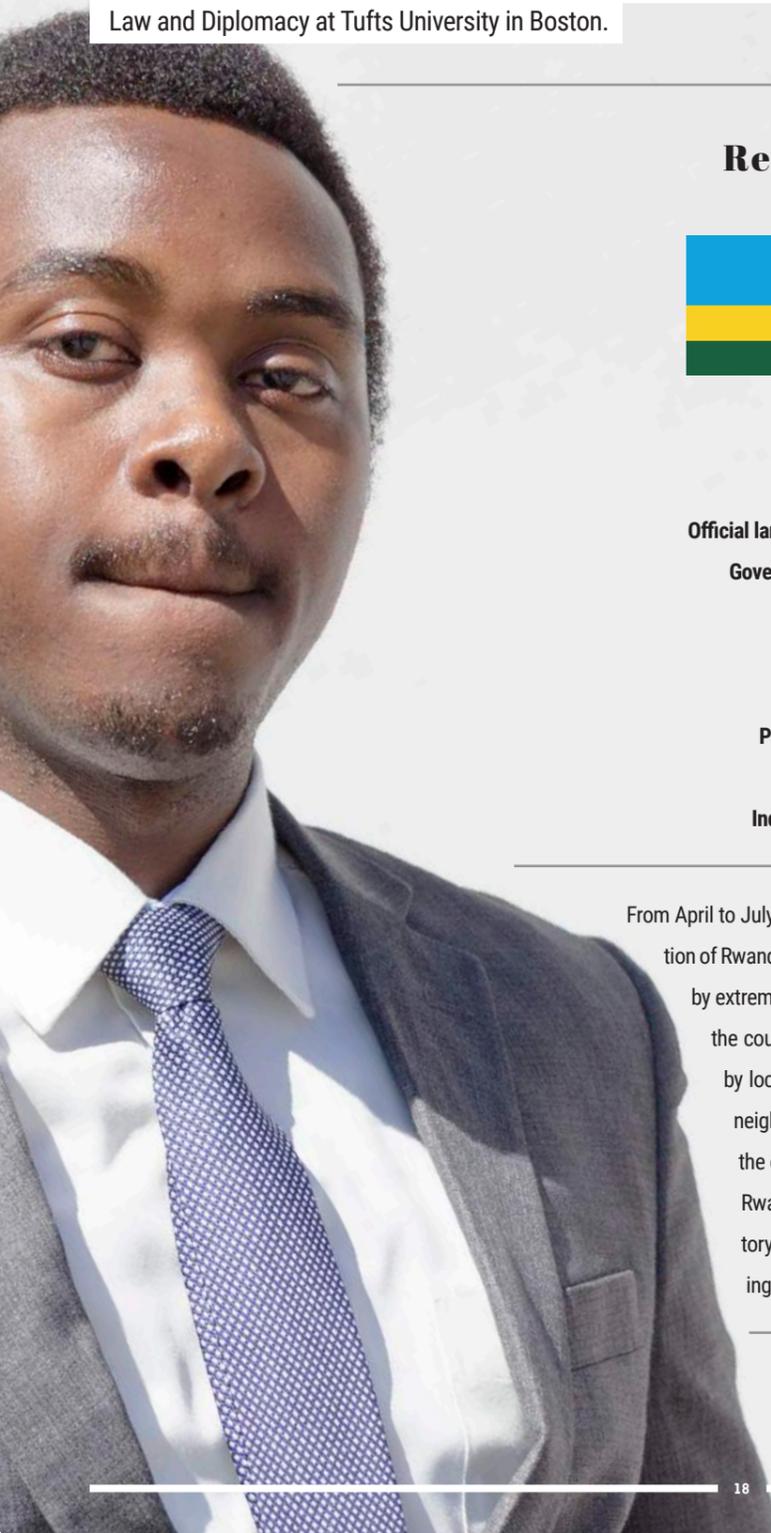
we come from different local legal systems. Some people are from countries that use civil law systems and others are from common law systems. It influences how we behave in the courtroom or how we argue the laws. But it is great to come together and it gives us an opportunity to learn from our the peers.

The MICC can help participants interact with their colleagues and work on the same project with no aim of winning or losing, I guess that makes it so special, compared to other

moot courts organized around the world. The ones I knew before were all about winning and losing, the team stayed only among their team members for the sake of winning against the rest of the teams.

But here, because I know that there is no winning or losing, I do interact with my fellows, I do talk to everybody, I do contribute to whoever asks me and I ask everyone. I think it makes it easier for participants to interact and share their own ideas on the cases.

Jean Damascence, who goes by JD, joined the MICC with the US team but is originally from Rwanda. After finishing his bachelor's degree in law there, he went over to the US for his master's degree in international law at the Fletcher School of Law and Diplomacy at Tufts University in Boston.



Republic of Rwanda



Flag



Coat of arms

Capital: Kigali

Official languages: Kinyarwanda, English, French, Swahili

Government: Unitary semi-presidential republic

President: Paul Kagame

Prime Minister: Edouard Ngirente

Area: 26,338 km²

Population: 11,262,564 (2015 estimate)

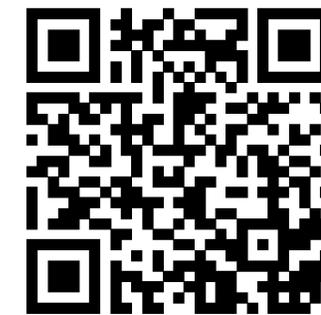
Currency: Rwandan franc

Independence: from Belgium, 1 July 1962

From April to July 1994, members of the Hutu ethnic majority in the east-central African nation of Rwanda murdered as many as 800,000 people, mostly of the Tutsi minority. Begun by extreme Hutu nationalists in the capital of Kigali, the genocide spread throughout the country with staggering speed and brutality, as ordinary citizens were incited by local officials and the Hutu Power government to take up arms against their neighbors. By the time the Tutsi-led Rwandese Patriotic Front gained control of the country through a military offensive in early July, hundreds of thousands of Rwandans were dead and many more displaced from their homes. The RPF victory created 2 million more refugees (mainly Hutus) from Rwanda, exacerbating what had already become a full-blown humanitarian crisis. Source: www.history.com

Be the change
that you wish
to see in
the world.

– Mahatma Gandhi –



“It is this fear of difference that authoritarian regimes capitalise on”

By Swathi Gokulan

Kinan from Syria is now living in Italy but remains committed to working on humanitarian issues and policy making.

When Kinan, now 26 years old, graduated from law school in Aleppo in 2015, the Syrian revolution had already turned into a full-fledged civil war. Having his studies marred by conflict, he knew joining the compulsory Syrian military service was not an option.

Alongside his law degree, Kinan also worked with an NGO, the Jesuit Refugee Services, where he was involved with the monitoring and evaluation of programs for Syria's internally displaced. He resolved to not have to partake in the war by moving to Lebanon.

As a refugee in Lebanon, Kinan worked with an NGO called House of Peace on peacebuilding activities in the Shatila camp with Palestinian and Syrian refugees. He went on to work with another Syrian NGO called “Basmeh & Zeitooneh” (Smile & the Olive).

His work in Lebanon gave him a better understanding of the complexities of the Syrian war from the outside. From the politics of war and terrorism to the political economy of the arms trade, he was able to step back and see the bigger picture.

As a Catholic Christian minority from Syria, Kenin was interested in the question of identity and citizenship, especially how it plays out in the Syrian context. This curiosity led him to pursue an MA in Islamic-Christian studies from St. Joseph's University in Lebanon.

“I hate the idea of sectarianism but it exists. I wanted to understand the dynamics and the relationship between these religions not just in Syria but also globally,” Kinan expresses.

However, the demands and urgency of his work did not allow him to complete the degree.

Nevertheless, Kinan is driven by the belief that peace can come only through interreligious dialogue and by overcoming our fear of difference. “It is this fear of difference that authoritarian regimes capitalise on,” he adds.

Kinan's resilience is accented by a realist view. “Upon recognising that these doctrines governing citizenship and identity are huge rigid structures, I turned to studying politics to make change,” he claims.

A scholarship led Kinan to Italy, where he currently lives studying international relations and global affairs at Università Cattolica del Sacro Cuore in Milan. He continues to work on refugee protection with a small organisation based in Italy.

Speaking of his experience in Italy, Kinan appreciates that his friends don't just see him as a Syrian but as a friend. “They are able to look past these barriers and we are close”, he says.

In Krzyżowa, Kenin is taking the role of a defense attorney. His connection to MICC goes back to his time in Lebanon. It was there he met Amy Rogers, who trains the legal defence team at MICC and was also working at the NGO with Kenin at the time. He learnt about the MICC and its programs from Amy, and she encouraged him to apply.

However, visa restrictions detered Kenin from taking it up seriously. “Moving to Italy made it easier to travel to Poland for the MICC, and I'm incredibly lucky to be here,” Kinan says. Speaking about his experience at MICC, he finds it enriching to be amongst participants

from different countries discussing a multitude of issues confronting the contemporary world.

However, this experience is tainted with a hint of cynicism. “While I'm learning a lot from discussing these international morals between the lines of the case and beyond, it bothers me to talk about international law because I can't see them being applied in Syria. There is no respect for these rules there. I am happy to be here but there is a parallel feeling of despair,” he articulates.

Kinan further expands on the applicability of international criminal law in Syria by highlighting the atrocities being carried out on a daily basis in the country. “There are people and organisations documenting these breaches of international law, but they are slowly getting fed up because there's no moving ahead. When the regime uses chemical weapons in Syria, everyone is quick to cry ‘war crime, war crime’, but nothing happens after that. It is frustrating,” Kinan asserts.

Kinan remains committed to working on humanitarian issues and policy making, and hopes to move away from refugee protection after the Syrian war to work on issues relating to rule of law, democratic change and transitional justice. “Regardless of what happens in Syria, I will continue trying to serve humanity.”

"Just reading about it is not the same as actually discussing it"

By Molly Abramson

Sophie Früchtenicht, a 21 year old MICC University participant from Germany, grew up near Hamburg and is currently in her second year of Law studies at Marburg University near Frankfurt.

Regardless of her intensive studies, Sophie works two jobs. One includes working with people with mental illnesses, mostly Schizophrenia. This is also what Sophie did as a volunteer after school in her "social year", an institution offered by the German state. She wanted to continue in this field, as to "not just be in this law bubble".

Nonetheless, Sophie busied herself with an additional law-related job as a student assistant in the Research and Documentation Center for War Crime Trials at the University. There, she is involved in the documentation of trials, which took place in the 1950s in Germany corresponding with crimes against humanity during WW2.

Another law activity Sophie takes part in is a trial monitoring initiative at Marburg University. "There are not that many war crime trials taking place in Frankfurt right now, but we monitor the cases mostly against people who fought in the Syrian War and came back to Germany, and are now accused of their membership in a terrorist organization". Sophie participates in this initiative during her

free time and believes that this is one of the reasons that Marburg University is interested in sending teams to MICC.

One of the most memorable cases the Sophie has worked on in Frankfurt was a case that she was involved in from the very beginning. This case referred to a Turkish citizen who lived in Germany for most of his life, but then joined a terrorist group fighting in Syria, Junud al-Sham. Sophie was extremely interested in seeing how the German security services investigated him.

In addition, they served as witnesses in court as they tried to prove his involvement in the terrorist group. "They only know that he was a part of this organization, but the set of criteria for Al-Sham as a terrorist organization was not that clear, at least for me and maybe some of the other students as well. So it was a really interesting case, as understanding the structures of who the German government defines as terrorists and who they don't define as terrorists".

Sophie shares why she chose to participate in MICC University: "Just reading about it is not the same as actually discussing it". Furthermore, she understands the historical importance of Kreisau and hopes to experience the "spirit" of the village and meet people from all over the world. Also, she had never been to any Eastern European countries.

From activist to lawyer

By Judith Butzer

Before becoming the first lawyer in her family, Carrie O'Connor (30, from USA) started out in quite a different field: Interested in liberal arts, she pursued her bachelor's degree at the Sarah Lawrence College in New York City and ended up working as an outreach coordinator for the Urban Justice Center.

As the Bronx has the highest rate of food hardship in the US, she created an outreach program on hunger issues for the organization. Turning her pilot project into a full-time legal clinic, Carrie worked as an advocate among many lawyers who were also focused on social change, in people's lives as well as in state politics. That is what she loved most about the work – the impact on her community.

Following the advice of her supervisors, Carrie then took the chance and made her passion into her career by starting to study law at the Fletcher School of Law and Diplomacy and Yale School of Law.



The MICC program came to her ears through a friend who participated last year, recommending it as an amazing opportunity. Always loving a chance to persuasively argue her side, Carrie followed her

friend's advice. She is on this year's defense team and thinks of it as allowing her and her team to delve into deep questions of morality and norms that law creates and upholds. Her team mates she describes as incredible, stressing the wonderful opportunity to meet people from other countries and even continents. This, Carrie says, also gives students the chance to compare legal systems and then merge those legal systems into coming up with the best defense for the client.

Another part of the MICC Carrie is excited about is the highly competent support of the trainers, who share their experience both from the real world and from having done MICC before. To Carrie, the MICC is not just about work, but about connecting people.

Thinking about the Krzyżowa Foundation, Carrie is amazed with the impressive amount of work and dedication that it takes to continuously bring together so many different groups to talk and create a wonderful model simulation as well. Especially in a time period where, she says, there has been a lot of dialogue about how difficult it is to have dialogue around the world. This is why, Carrie thinks, it's especially important to have insitutions that are both able to promote dialogue and tie it to the past and the future.

Practising for the Future

By Nastasia Pestunova

The Krzyżowa Observer: Why did you choose to attend the MICC?

Karina Shakhbazyan: Studying international criminal law, I became interested in this area of law. Upon learning about this opportunity, I was excited to take on the role of a judge, defendant or prosecutor. I agreed to apply immediately.

What do you think about the project?

I think that this is really important. MICC really pushes us to delve into the matters of the International Criminal Court and be part of it. Thanks to this project, we will be able to take on different roles in court. It's really good practice before starting out as a future lawyer.

Tell us something about your time here.

I really like the atmosphere in Krzyżowa. Everyone here is extremely friendly and sociable. From my conversations with the other participants, I have learned a lot about the history of their countries along with several important issues related to international criminal law.

Would you return to Krzyżowa?

Of course, I really enjoy being here. I fell in love with the beauty of this place. It is so peaceful and mesmerising. I really enjoy going on long walks and listening to birds here.



Karina Shakhbazyan, a 21-year-old law student from X University, Ukraine, is one of the prosecutors for the International Criminal Court at the MICC 2018

In her defence

By Swathi Gokulan

"Being in Poland during Passover as an Israeli might just have been a good decision," says 23 years old Yuval from Israel. As a third year student of law and international relations at the Hebrew University, Jerusalem, Yuval learnt about the MICC through a friend and found herself applying to the program because it aligned well with her studies. A trip to Poland didn't sound too bad either!

At MICC, Yuval is part of a delegation including eleven Israelis, many of whom she met here in Krzyżowa. She describes it as an "infectious disease" when Israelis meet other Israelis abroad: they just connect immediately. But apart from her own national cohort, Yuval is having a ball of a time with other participants from across the world, learning about their experiences and cultures.

She also talks about how fascinating it is to see how other nationalities understand and interpret criminal law. She is on the defence team for the first trial, and is knee-deep in preparations with her team discussing issues and writing papers. "My team thinks we'll win, but let's see!" she laughs.

While Yuval has always been interested in international affairs, a brief stint at the Israel-Syria border as an Israeli army officer sharpened her interest in the field. Being there at the start of the Syrian revolution was a gripping moment for her.

Hailing from Ra'anana, a suburb near Tel Aviv, Yuval joined the Israel Defence Force after high school for two years. "After my time in the army, I did what most Israelis do —waitressing around and travelling to several countries. It was amazing to go to these places and learn a lot," she says. Recently, she spent a summer in New York as a summer counselor for Jewish Community Center, which allowed her to travel across the US.

After graduating from law school, Yuval is excited to begin an internship at a private law firm in Tel Aviv. She is excited to move to Tel Aviv, and hopes to work in international trading and the hi-tech industry in Israel. When she's not studying to become an ace lawyer and travelling for moot courts, she can be found in her kitchen cooking anything that doesn't involve an oven. With her heart set in Israel, she cannot imagine herself living elsewhere but doesn't mind travelling all the time.



Finally, The Krzyżowa Observer asked the chirpy defence lawyer for some insider travel tips for Israel, which she was eager to share. Take it from Yuval: "Come in Spring. Don't stay only in Tel Aviv. Rent a car and travel across Israel. You can do it in one week! Also, It's super safe. So come already!"



An Israeli Patriot

An Interview with Shadi Khneifes, Druze member of the Israeli delegation

By Matan Lifshitz

The Krzyżowa Observer: Can you explain the history and attitudes of the Druze people?

Shadi Khneifes: The Druze descend from Jethro, the father-in-law of Moses. Jethro and others prophets of the Druze, and we have our own book of religion. The Druze believe in one god and in reincarnation.

Around a hundred years ago, when the Jews started to build a state of their own, the Druze helped them. They defended Jewish kibbutzim and provided the Jews with guns. There are around one hundred and forty thousand Druze in Israel living in the North, in the Galilee, the Carmel, the Golan Heights. My whole family served in the Israeli army. The Druze people, have no aspirations for our own state.

Can you tell me why you want to become a lawyer?

I think the law in Israel have tremendous impact on our life and I want to keep that. I want to work on the case of international law and wish to protect Israel in the international court. During my military service I wish to work on West Bank cases. It is a subject with a high sensitivity due to the fact that the IDF is under constant international pressure.

How is it to live in Jerusalem?

It is a beautiful city with a lot of beautiful places and attractions, although there are some places that are not so welcoming even when your mother tongue is Arabic.

You said that Arabs can tell the difference between Druze and Muslims?

No. I don't think that there is a difference between Druze and Muslims. We may share a different point of view in some topics, but after all we speak the same language and I don't see any difference between as.

Let's talk about your trail in the competition, what exactly is your case about?

The case is about a machine gun that accidentally killed 36 people - and the question who should take the responsibly for this. In the near future, a lot of cases will discuss those issues and it is good that we have the chance to deal with that before. I am in the team of judges in this case.

Hypothetically, if this issue happened in Israel and you were asked by the Israeli government to defend the case under international criminal law, how would you react?

No doubt, I will protect Israel. I think these kind of cases should be handled in an Israeli court, not an international one. I think that The Israeli court has already proven that it could handle elaborate issues like the Azaria case.

Non-Jews are no strangers to Israel. What is unique, however, is finding a non-Jewish delegation member in the MICC who is no less Zionist than most of his fellow participants from Israel.

Shadi Khneifes, 21, is a soldier-student in a military program that called in Hebrew "Atuda", and he is proud to consider himself as an Israeli Druze.

The Druze are Arabic-speaking citizens of Israel who serve in the Israel Defense Forces. In 1956, Israel's government designated the Druze a distinct ethnic community at the request of its communal leaders. They are considered as "brother-in-blood" of the Jewish Israelis. Members of the community have attained top positions in Israeli politics and public service. At the moment, the head of Israel's Ministry of Communications is Druze Ayoub Kara.

In a unique position to reach out to others, Shadi spoke with his heart following my question why he wants to serve our country. Shadi is originally from the town of Shfaram near Haifa. Currently, he lives and study in Jerusalem in the Hebrew University in his second year of Law school and he works at the ministry of justice as student position.

"Honestly, I thought it would be easier"

Interview with Kamil Łakomy from Poland

By Anastasiia Piddubna

The Krzyżowa Observer: Where are you from and what do you study?

Kamil Łakomy: I was born in Płock, which is around 100 km from Warsaw. I am studying at the Adam Mickiewicz University in Poznań. I study criminal law, currently in my fourth year.

Why did you choose to study law?

When I was in school, I wanted to study chemistry. But, now I am happy studying law and am even thinking about a PhD.

Why did you decide to participate in MICC this year?

I think that it is a very important case. My professor encouraged me to participate

and told me a lot of interesting information about international criminal law, especially regarding the Rwanda tribunal. I was very interested in participating in the event after that.

How do you like it here?

I really like it here. We have been discussing interesting arguments, which I'm enjoying. Everyone here has been very friendly and kind.

Are you finding the case challenging?

Honestly, I thought it would be easier. But, we have to read a lot of new information along with the Rome statute, of course, to decide if it is an international crime or not. At the same time, I do not think the case is very difficult. I think it is a classic case.

Tell us about your team. Where are they from and are you able to find a common language in which to communicate.

We have one member from Israel and another from Germany, who studies in Boston, USA. We're finding it very easy to communicate so language isn't a problem!

Do you like your role prosecutor?

I did not really want to be a prosecutor. I wanted be a judge! But, it's an interesting role for this case, so I have no complains!



Would you like to come back for the MICC next year?

If I have the opportunity and the time, I will be happy to return to Krzyżowa next year!

"I try to be fully engaged in the process and field of international law"

By Molly Abramson



If you have had the delight of meeting Olga Filiniuk (19), then you probably know that she involves herself in anything to do with international criminal law. As an international law student in the International University Mitso in Belarus, Olga deeply cares for the criminal topics of genocide and other crimes that are committed in this world. She also considers herself as a globalist who loves everything about globalization, and she tries to connect her life as much as she can to the international fields.

Olga occupies herself with different forms of studying international law, for example law competitions or going to lectures in the field. She is currently preparing for special moots in Moscow which also addresses international criminal law. "I think that our special and hard training with my mentors gave me a lot of knowledge about international criminal law and now I feel confident", she says. In addition, Olga's specialization as an international lawyer includes the knowledge of two language, therefore she is also studying Italian.

Olga's decision to participate in MICC University was based on the fact that she tries to be "fully engaged in the process and field of international law. I'm really interested in it because it's a new challenge for me where I can show my possibilities and my talents, and maybe I make some mistakes, but I learn from them. I want to develop throughout my whole life". Olga has been enjoying her time here, as she has the chance to learn and communicate with many students from different countries.

During the program, Olga plays the role of a prosecutor of the John Miller case. "It's the hardest case but the most interesting. It's about a border system which prevents people from crossing the border. It has special protocol which starts to shoot every person who tries to cross the border. John Miller created it and he didn't control it, so a lot of people died". Regardless of its complexity, Olga finds the case very interesting while working intensively.



“My family is an example that we can all live together”

By Matan Lifshitz

Nina is a 22-year-old law student from Bosnia, currently in her fourth year of study in Sarajevo. The Krzyzowa Observer: Can you briefly explain the situation in Bosnia and Herzegovina?

Nina Kuzek: Now, my country is divided into two parts, the Federation and the Republika Srpska due to the reason that it was the only compromise agreed upon by both sides to end the war in 1995. Because of the fact that my country has been through a war, it deals with a lot of issues to this day. The diversity is not just geographic but it also cuts across religion and culture. I am half Muslim, quarter Christian Orthodox and the other quarter Roman Catholic. My family is an example that we can all live together.

Can you tell us why you want to become a lawyer?

Actually, I am not sure that I want to become a lawyer. The title is pretty wide and there are plenty of options after completing academic learning. What I am really passionate about the issue of refugees and I am interested in working with an organization like the UNHCR.

So, what made you come to MICC this year?

I think that law is the same as any language and you need to practice it as much as you can. This way, MICC is a great opportunity for me to practice my public speaking skills and meet people from all over the world.

Let’s talk about your trial here. What is your case about?

The case is about a defense machine that accidentally killed 36 people. We’re looking at who can take responsibly for that case.

Suppose this were to happen in Bosnia. If 36 Bosnian civilians were killed accidentally, and you were asked to defend the case by the Serbian government, how would you react?

My conscience would not let me sleep at night, so I would probably say no. One life is as equal as another. It could be someone’s father or mother or son or daughter. However, I think, in any case and any court, everyone should have the same opportunity to be heard and raise their claims for protection.

Not a glitch – Miller found guilty of murder

The Defense also contested that the extrapolation of existing provisions of the Rome Statute to cover automated defense systems under the category of subordinates will undermine the development of international law. They stated that Miller did know of the technical glitch, but that did not amount to knowledge of crime and that he did all he could in his control to fix the technical glitch. The Defense also stated that a judgment implicating Miller would create a dangerous precedent.

As mentioned, the court found Miller guilty of murder, but not of persecution and sentenced him to three years in jail. The defense—disappointed by the verdict—stated that, “the court took the rights of countries to defend themselves.” The prosecution, however, declared that they predicted this result. “We believed justice was served and even though the court decided on a lighter punishment than we hoped for, we believe it is reasonable as this is still the first case discussing this kind of issue,” they asserted.



MICC 2018



Molly Abramson, 24

staff writer, editor and photo reporter, grew up in the US and moved to Israel at the age of 13. She lives in Jerusalem as a third-year student of International Relations, Sociology and Anthropology at Hebrew University. She works as a coordinator at the Council for Higher Education with international committees. Molly is interested in careers with international aspects and, in the future, hopes to help Jews from all over the world to move to Israel. In joining MICC, she wished to further expand her knowledge in International Law.



Judith Butzer, 25

staff writer and editor, was born in Karlsruhe, Germany, studies her master's degree in Peace and Conflict in Marburg. She studied Cultural Anthropology in Heidelberg and went to London as an intern with the International Campaign for Freedom in the United Arab Emirates. There, she worked on torture cases and talked to victims that escaped, trying to help them draw awareness to their cause. Nowadays, she focuses on human rights and was glad to join the MICC Press Team, finding it awesome to work with a real journalist and a real graphic designer.

PRESS TEAM

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Swathi Gokulan, 24

staff writer and editor, originally from India, is studying for her MA in Law and Diplomacy at the Fletcher School of Law and Diplomacy, US. There, she is focusing on forced migration and minority rights, writing her thesis about refugee protection and identity politics in India. After finishing her BA, she worked as a journalist in India. She hopes to write a book and live by the sea one day.



Yael Grinspan, 25

staff writer and editor, is a third-year student of International Relations, Sociology and Anthropology. She studies at the Hebrew University of Jerusalem, lives in Tel Aviv, Israel, and works in a non-profit LGBT educational organization. She used to work as a journalist for several newspapers and today is mostly interested in human rights and humanitarian aid. Her dream is to work with NGOs around the world and she decided to join the MICC to further explore international law and human rights.



Matan Lifshitz, 27

senior staff writer and photo reporter, is an International Relations and Communications student at the Hebrew University in his third year. He works at the Ministry of Foreign Affairs and as a reporter for a national online magazine. He currently lives in Jerusalem but grew up in Yavneh. In choosing his degree majors, Matan wished to influence his generation regarding Israel and improve his writing skills. As for MICC, Matan sought to improve his writing skills in English and have the chance to use it.



Nastasia Pestunova, 19

junior staff writer and photo reporter, born and raised in Stolín, Belarus, is a second-year student of International Law in the International University Mito in Minsk. She decided to study law after having many conversations with her uncle, who is a judge, and realized she is very interested in the subject. She would also like to study journalism with the goal of becoming a sports journalist. Joining the MICC was the first time she traveled outside of Belarus, and she loves it so far.



Wojciech Waligóra, 21

staff writer and researcher, is a second year law student in Posnan, Poland, where he grew up. He chose to study law because of his interest in history and Polish history, in particular. Wojciech will start working next year, most likely in Civil Law. He also felt that joining MICC was a great opportunity to communicate with others around the world working in this field.



Anastasiia Piddubna, 19

junior staff writer, is a third-year student of Law in Odesa Law Academy, and originally from Khmelnytskyi, Ukraine. Nowadays she is working as a trainee in a law firm, specializing in International Maritime Law. In the last few years she explored her love for traveling and has already visited nine countries! She decided to join the MICC to practice her legal knowledge and saw it as an opportunity to improve her English.

Michał Żak, 35

senior art director and photo editor, defines himself as Polish with a German passport, but suffers from territorial indifference and says that, first and foremost, he is a human being. He dreams of becoming the pope, but in the meantime tries to reinvent the wheel every year in the MICC magazine, and in journalism overall. He cannot imagine himself working at MICC without Rüdiger. In his free time, he likes to stare at people and wonder about their thoughts.



Rüdiger Rossig

“a 15-year-old in a 50-year-old’s body” and editor-in-chief, is a professional journalist, specializing in the Balkans for the past 30 years. He is an editor and reporter for the independent newspaper “taz. die tageszeitung” in Berlin and reports news mainly about Germany and the Balkans for national and international media. Rüdiger speaks 3 languages – German, English and Bosnian/Croatian/Serbian. He also plays in the Ska-band “Blechreiz”, and can proudly play guitar, dance, and smoke on stage at the same time. He joined MICC to work with youth and journalism, this year being his 11th time. Rüdiger cannot imagine himself working at MICC without Michał.

D O N O R S



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