



"In which ways does the cultural background of the different participants in the MICC affect their view on and judgement of the discussed topics and the content of the cases?"

Project Documentation of the Model International Criminal Court Krzyzowa/Kreisau 2022

Written for CertiLingua®

Student: Thea Brunk

Tutor: Dr. Sebastiaan Okel

Table of contents

<u>1. Introduction</u>	2
<u>2. Motivation and preparation</u>	3
<u>2.1 My Motivation</u>	3
<u>2.2 Preparation for the Project and my research question</u>	3
<u>2.3 Connection to my school life and curriculum</u>	4
<u>2.4 Personal outlook and expectations</u>	5
<u>3. Implementation</u>	6
<u>3.1 Explanation and course of the project</u>	6
<u>3.2 Answers to my questions and personal experiences</u>	8
<u>4. Reflection</u>	12
<u>5. Appendix</u>	14
<u>5.1 Declaration of independent work</u>	14
<u>5.2 Permission for anonymous publication</u>	14

1. Introduction

My project “MICC- Model International Criminal Court” took place from May 3rd until May 9th, 2022, in Kreisau/Krzyzowa, Poland, at the International Youth Meeting Centre Krzyzowa (IYMC).

The Model International Criminal Court (MICC) is a simulation of the International Criminal Court (ICC), organized by the Kreisau Initiative e.V. and the Krzyzowa Foundation for European Understanding. The Kreisau Initiative e.V., and therefore the MICC, is part of the Erasmus+ program of the European Union. The EU funds Erasmus+ programs because they promote European values and cooperation among the younger generations. The MICC provides a platform for students and young professionals to learn about and engage with international criminal law and justice. The MICC aims to educate and promote dialogue among young people from different European countries on issues related to international criminal justice, human rights and to increase their awareness and understanding of the ICC's role in promoting accountability for international crimes. For this specific MICC in which I took part, 43 students from five different countries (Poland, Greece, Croatia, Bosnia-Herzegovina and Germany) came to Krzyzowa.

The IYMC in Krzyzowa, Poland was chosen as the place to implement the MICC, because the IYMC is a historical site and an educational institution that promotes democracy, tolerance, and international understanding among young people. It was founded in the early 1990s by the Kreisau Initiative e.V., a German-Polish non-governmental organization that was established to promote reconciliation and cooperation between Germany and Poland.

The Kreisau Initiative e.V. was established in 1989. The organization was named after the Kreisau Circle, a group of German resistance fighters around Helmuth James von Moltke who plotted to overthrow the Nazi regime during World War II. The Kreisau Initiative e.V. seeks to continue the legacy of the Kreisau Circle by promoting democracy, human rights, and intercultural understanding through educational and cultural programs, advocacy, and networking activities. The MICC is one of the projects they organize to put these aims into effect.

2. Motivation and preparation

2.1 My Motivation

It was not love at first sight between the project and me. After reading a short description of the project provided by the teacher who selected me as a participant, I was at first unsure if I wanted to take part in this project.

A part of me was strongly interested in participating in an intercultural and international project which was to take place in another country with students from five different countries. I greatly enjoy meeting new people and learning from them. The other students all came from countries that I knew very little about and for me this seemed to be a great opportunity to learn about the countries and their cultures. Also, the program for the week was going to be in English and therefore it was a good opportunity for me to practice my English.

However, I was not sure whether my interest in law was strong enough to be a participant. When my teacher approached me, I could not imagine myself simulating a court trial for an entire week. Yet, I still went to the first meeting with the teacher who organized this project at my school. During this meeting I gained a completely different perspective on the project. I learned about the function of the ICC, the focus on human rights of the project and the historical importance of the trials that would be dealt with at MICC. So, after this meeting it was clear to me that the actual trials would only be one of many parts of the overall program. I realized that the focus of the project was on the intercultural encounter and my interest was captured.

2.2 Preparation for the project and my research question

Once I had made the decision to take part in the project, I was really excited for it to start. My excitement rose even further when we received the names of the group members we were going to work with and material to work on. We received information on the cases we were going to simulate during our week in Krzyzowa and the contacts of our group members. My small group of four people (including myself) got in touch before we met in Poland via Instagram, but we decided to each prepare ourselves individually for the project. Therefore, we did not really get to know each other well before we met personally at MICC. I spent quite some time before we left off to MICC reading through the case files, informing myself about the procedure of the trial and the historical background of my case. My case dealt with the genocide in Rwanda in 1994 a topic I had heard about before but did not know anything about. While working on the

case already, I also got familiar with the Statute of Rome from 1998, in which the rules and laws of the ICC were laid down. I started to inform myself more about human rights. While reading, I gained a strong interest in all the topics that I was not sure would interest me when I first heard about the project. From this I developed my main research question:

In which ways does the cultural background of the different participants affect their view on and judgement of the discussed topics and the content of the cases?

I was interested in finding out differences and similarities between the different cultures and countries. As a result of this thought I also wondered in how far the participants from other countries might be different than the teenagers I knew from Germany, and in how far they were informed about the countries of the other participants.

2.3 Connection to my school life and curriculum

Human rights and international law were a recurring topic in classes like history, social sciences, and pedagogy. All teachers also had the duty “to prepare every young person, through education and training, for the exertion of responsibilities, rights and duties in the state and society as well as in the surrounding community.”¹ Teachers also needed to convey an understanding of cultural, social, and political contexts. MICC was therefore a great opportunity for students to apply their acquired knowledge about international law and human rights and deepen their understanding of them. The cases we dealt with at MICC all had to do with gross violations of human rights. A part of the week’s program were also Human Rights Workshops that taught us the foundations of human rights.

In history classes we mainly learned about Germany’s history and history from a German point of view. On top of that we did not learn much about modern history. We only had the time to study our history until the reunification of Germany in 1989. The three cases that were simulated at MICC dealt with the genocide in Rwanda in 1994, the Bosnian War beginning in 1991 and the third one with a crime committed during World War II. The third case was brought to court at the Nuremberg Tribunal, in which major crimes committed during World War II by representatives of the Nazi regime were prosecuted. This is the only case that had a direct connection to our history class. The time of, before and after World War II was discussed in my classes in great detail. My case was from the International Criminal Tribunal for Rwanda (ICTR), created after the genocide in Rwanda in 1994. While my case was not linked to the

¹ Gislinde Bovet, Volker Huwendiek (Hrsg.): Leitfaden Schulpraxis. Cornelsen Scriptor, Berlin 2014, ISBN 978-3-589-16307-6, S. 536.

German curriculum directly, from a German perspective there is a historic link to how to deal with gross human rights violations and Genocide as a society and as an international community and how to prevent such atrocities from happening again in the future. Thus, dealing with a historically very important case about which I had not had any previous knowledge about, motivated me and sparked my interest even more.

2.4 Personal outlook and expectations

As I had already worked on the material, we received previous to the start of the project and with my intercultural experiences - for example a school exchange in Canada in tenth grade for half a year or an exchange to France with my school in seventh grade - I felt well prepared to leave for MICC and was excited to go there. I had no worries that I would have trouble communicating with the other participants in English because I could easily communicate in this language after my stay in Canada. Since most people in my grade in Germany spoke English quite well and could communicate their needs, feelings, and thoughts I expected it to be the same at MICC. I also expected everyone to be roughly the same age, at maximum two years apart. Even though I felt prepared for the work on the cases I still expected it to be a challenge to deal with such difficult and professional topics. I also had some thoughts about how my interest in law would develop during the week.

Personally, I went into the project motivated to get to know new people, maybe even building up deeper connections with some other participants and calling them friends at the end of the week. I perceived myself and our whole group from Germany as open-minded and also expected everyone else to be open-minded, excited to be part of the project and therefore willing to get to know people from other countries. As I did not know much about the other countries and their cultures, I expected all our cultures to be relatively similar since we are all from European countries.

I was so focused and a little stressed with preparing my court case for the MICC, that I did not spend much time thinking about possible difficulties that could occur during the week in Poland. Generally, I was only filled with positive expectations.

3. Implementation

3.1 Explanation and course of the Project

We spent one day sightseeing in Berlin as part of our program, before we went on to Poland. Thus, we already left Bonn on May 1st and then on the 2nd we as our group from my school and our teacher spent two days in Berlin. We visited the Museum for Flight and Migration in Berlin, did a guided tour through the Reichstag and we took part in a guided tour of the city centre.

We left Berlin for Krzyzowa by bus on May 3rd together with the other participants who had also travelled to Berlin. On the first evening in Krzyzowa we were welcomed at the MICC School by the seven trainers of the project and spent some time getting to know the other participants.

The actual MICC program started the next day, Wednesday May 4th. The agenda for the upcoming days included workshops and working groups to prepare the participants for the trials that conclude the MICC program. The workshops took place with all participants. To prepare for the trials the participants were divided into working groups a few weeks before the MICC started. There were three groups with four members each for all three cases. Every case had a defence team, a prosecution team, and the judges. One group of participants did not take part in the actual trials. This was the press team. They documented the whole week, wrote articles for a newspaper they published at the end and collected material for a video which summed up the week. [Link to the video: <https://youtu.be/gt5khOMDdZM>]

We used the 1st day to prepare ourselves for the work on our cases. It started with a Human Rights Workshop held by one of the trainers. Then we did a guided tour through Krzyzowa to the house of the Kreisau Circle and after lunch we had another workshop to learn about the historical background of our cases. In the early evening we had one last workshop which introduced us to the role and work of the ICC and explained the legal argumentation needed for the trial. The day ended with a “Mutual Evening”. During this mutual evening all groups from the different countries presented their country and their culture with presentations, food and music we all had prepared.

On Thursday, 5th May the whole day was spent to prepare the cases in the small groups. I was in the prosecution team for the case of Simon Bikindi which was argued in front of the International Criminal Tribunal for Rwanda. This tribunal aims at prosecuting the main

instigators of the genocide in 1994². We had to prepare our statement for the trial which aimed at a guilty verdict and a prison sentence for the accused. This statement had seven different parts: Historical Background, The Accused, Indictment, Material Element, Connection, Mental Element and Sentence. In order to prosecute Simon Bikindi we had to inform the court about the historical background of the case, present the accused, formulate an indictment of a crime after the definition of the Statute of Rome, prove that the crime had actually happened; prove the connection of the accused to the crime, prove that the accused was aware of his actions and could thus be held accountable for them and lastly demand a proper sentence. To find all the necessary information and to write our statement, we worked eight and a half hours split up into four time-blocks that day.

For Friday, it was planned to hold all Trial Simulations before lunch. But the trainers decided to postpone the Trial Simulations until after lunch in order to discuss conflicts between participants that had escalated the day before. One of the participants from my German school was a transgender boy. He had a conflict with one girl from Bosnia-Herzegovina with whom he was in the same working group. Their conflict was about content on the one hand but also about the right use of pronouns for the transgender boy and general acceptance for him as transgender person. This was not only an issue between the Bosnian girl and the German boy but many participants from the other countries used wrong pronouns for the boy several times. Even though most of them did not do it on purpose, it hurt his feelings and he did not feel respected as the person that he was. After this conflict was discussed with the entire group, moderated by one of the trainers, and the main parties had had a personal talk, we started with the trial simulations after lunch.

The first step of the trial was for both parties to read out their statements. Once this was done the judges could ask questions to both parties and in the end each party got the chance to read out their Final Pleading. In the evening after the trials, we had another workshop with the topic ‘Why do we punish?’ And the judges had to prepare their verdicts in the evening, while all the other groups had free time.

² <https://unictr.irmct.org/> [date: 25.03.2023]

On Saturday, the verdicts were presented and there was a press conference where the press team asked questions about the different cases. In the afternoon we had two more workshops: one was on 'Discussion on Law, Justice, and Verdicts' and the other one was the concluding human rights workshop.



Sightseeing in Wrocław.

On the last day, Sunday May 8th, we all went sightseeing in Wrocław which is the third most populated Polish city. We did a rally in mixed groups from the different countries and afterwards had some free time to spend on our own. We were back in the International Youth Meeting Centre Krzyzowa (IYMC) for dinner. The Bosnian and Croatian group already left that evening, but before they left the whole group of participants spent one last evening together with games, music, and snacks.

On Sunday morning we left and travelled back to Bonn.

3.2 Answers to my questions and personal experiences

My main research question was: In which ways does the cultural background of the different participants affect their view on and their judgement of the discussed topics and the content of the cases?

To find an answer to my main research question I wanted to find out how similar or different we would all be in general, as people but also in our beliefs, culture, and views. Moreover, I wanted to know if I and other teenagers are well informed about other European countries and cultures.

During the time I spent to prepare myself for the MICC I not only developed some research questions but also expectations. I expected everyone, including myself, to be open and outgoing, I wanted to get to know the other participants well and I expected that there would not be any big differences in our cultures and behaviour.

What I noticed very quickly was that many other participants were either some years younger or older than myself. Because of the age gap the range of the English level was very wide. There

were participants from the age of 15 to 19 and some were nearly fluent in English while others had difficulties in expressing their thoughts and had strong accents.

It was definitely noticeable that the people with better English skills had a much easier time getting to know others and having their first conversations with others even before the program started.

Unlike my expectation of everyone being outgoing and excited to meet new people, most of the participants, including myself, were rather shy at the beginning. For some people it might have simply been because of problems with the language or the nature of their personality. Just like I had expected, I did not have trouble with the language, but I did not approach the other participants in the beginning as much as I had imagined. For me it was the group dynamic that I got caught up in. It was hard to make the first step.

To overcome this initial shyness of everyone, the games we played together and the tasks we had to do to get to know each other on the first evening really helped. In the course of the first evening many people started to open up and interact with others.

One of the activities we did was a game to find similarities between us and I think that really helped to quickly connect to people and find topics to talk about. It was helpful to focus on similarities rather than differences between us.

I quickly started to interact with more participants and was really excited to finally get to know them. Still, most of the interactions were in the context of the program and not during the free time. For example, during the eating times, though we were eating in the same room at the same time, most participants sat with their own national groups.

The workshops we did on the first day were not as interactive as I had wished them to be. It was similar to sitting in school, a teacher presenting something and asking a few questions from time to time. There were always short coffee breaks between the different program points which we used to talk to the other participants. We exchanged our views on the things we had learned or simply got to know each other better. I tried to interact with as many participants as possible and I quickly did not have any problems to approach others anymore. So, from the second day on, it was just like I expected that everyone was open and motivated to get to know each other.

The “Mutual Evening” that was part of the program was another step for me to find out new information on the other countries and cultures. Through these presentations I found out that most of the educational systems were very similar. I also found out that the countries really

were more similar, the closer they were to each other geographically. At the same time, each country had an own culture that could be clearly distinguished from the others.

What was quite different was the way the groups spoke about their countries. All the other groups showed way more national pride than we, the Germans, did. The other groups brought flags of their countries, they spoke in a proud and admiring way about their countries, and the Polish group sang traditional folksongs. Due to our historical background, national pride is seen very critically by many Germans. We also presented all the nice spots and attractions in our hometown and mentioned successful and important historical people but overall, our presentation seemed more neutral in comparison to others.

While working on my case with my small group with two girls and one boy from Greece, Bosnia, and Poland we did not have any intercultural conflicts. We did have different ways of approaching tasks and the ability to speak English varied. This led to discussions at some points, but overall, we worked together very well. We also got along very well so that we used our time to chat about topics beyond our case. The day we only worked on our case was a long and exhausting day. No matter how well our group worked together, the preparation of our statements for the trial remained a big challenge due to the complexity of the case. Sadly, we lost the trial and did not get the sentence we wanted for the



My group working on the statement for the trial the following day.

accused Simon Bikindi. We discussed the outcome in our group afterwards and came to the conclusion that we were disappointed with the result but happy with the work we had delivered nevertheless.

Since nobody in our group had a personal connection to the case, we all had similar views on the content. Nobody was influenced by their religion or cultural upbringing with regard to how the case was viewed or treated. This was not the case in all groups.

In two of the working groups there were conflicts due to the cultural background of some participants. One of the conflicts happened in a team of judges who were working on the case about the Bosnian war in which a soldier was forced to shoot many Muslims and was later indicted for murder. One girl in the judge team was a Bosnian Muslim herself and thus had a

strong personal and emotional connection to this case. During the preparation of the verdict of the judges for the sentence of the accused soldier, the group could hardly come to a conclusion. The mentioned Bosnian girl wanted the highest sentence possible for the accused and refused to take into account the information presented by the defence team to lower the sentence. The other three judges all proposed a more moderate sentence since the accused was forced to shoot the victims. Their sentence was justified by the Statute of Rome and it considered the information presented by both parties. The judges were working on their verdicts late at night and the group was not able to agree on a compromise. That led to the trainer deciding that the wish of the majority would be the verdict for the presentation the next day. The Bosnian Muslim girl was not happy with this result, but the trainer did not see another solution to this conflict and needed to bring the work to an end.

The other group also had some disputes about the working strategies and results of their group work, but their conflict was mainly personal. It was the conflict that I have already mentioned earlier in the description of the course of the project. The issue in this conflict was that a participant who was transgender was insulted and not addressed with the correct pronouns several times during the working periods. This conflict escalated so much that the two parties were screaming at each other and were not able to finish their work together. Since this conflict was not about the content of the case but about how to treat others and respect their feelings, it was discussed with the whole group the next day. Solving this conflict was spontaneously added to the program for the whole group, but it was not possible to solve the problem between the two. Until the end the Bosnian girl had no understanding of why her behaviour had hurt someone's feelings. We learnt from the other Bosnian participants that the Bosnian girl had grown up in an extremely conservative environment and that none of them had ever had any personal experience with transgender people. Apart from the one girl who could not come up with any understanding for the situation, the others were open to reflect the situation and change their behaviour. They said that they were grateful for this encounter because it taught them a lot.

These two situations answer my research question quite well. The cultural background always affects someone's views and judgement. However, the extent to which it does differs. It can depend on the religion, the upbringing in your family, what you were taught in school and by society. My observation was that the cultural background of the participants affected their actions and judgement of situations the most, when they were emotionally and personally connected to a topic or situation. In these situations, it was hard for the participants to put

themselves in a contrary position and understand the different perspective. The Bosnian Muslim judge for example had an emotional connection to the case she dealt with because she was part of the group that was innocently killed during the war. Due to this emotional connection she could not distinguish between what she personally wanted the sentence to be and what would be appropriate according to criminal law.

The two situations that I described led to problems in intercultural dialogue. However, different cultural backgrounds can also lead to learning experiences. This was the situation with most of the Bosnian girls who quickly acknowledged and corrected their behaviour after realizing that this was important to the transgender boy.

I would also like to add that the cultural background is not the only aspect affecting a person's behaviour and coming from different cultural backgrounds can still lead to finding many similarities. In many ways (interests, activities) and in our plans for the future we were all very similar.

4. Reflection

Participating in the MICC was a great decision and has taught me a lot. I was excited about the MICC prior to going there and the preparations had already created some expectations. Most of my expectations were fulfilled, but not all of them. For example, I did not build up lasting friendships with other participants. I got to know many of them and had interesting discussions with some of them. The people I got to know the best were the people in my working group, the participants in the room next to mine and some others who were just really outgoing. So, while I was there, I had a great time with many of the other participants during the official program and in our free time, but the connections were not held up long afterwards. I wish this could have been different.

In the beginning of my documentation, I mentioned that I was excited to see how my interest in the contents of the project would develop. I found all the workshops and lectures very interesting. I was happy that I had the chance to learn about the other cases as well, because they dealt with very interesting and important historical events.

My eyes were also opened to having more understanding for people's behaviour, no matter how incomprehensible it seemed to me at first sight. I was reminded that there are always reasons for people's behaviour which do not justify all actions but which can explain them.

I also realized that I live in a really small bubble and that my horizon is a lot narrower than I thought it to be. I knew barely anything about the other countries before I went to MICC which in retrospective seems a little ignorant.. Of course, we were there to learn and widen our horizon, but I could have acquired some basic knowledge in advance. Especially because all the other groups knew quite a lot about Germany already. Especially the Polish group surprised me with their extensive knowledge about Germany and their ability to speak some German.

My friends and I also had some discussions with the Polish students about political views and issues apart from the program. Our views on many topics were quite different and the discussions were thus very lively. It was not always easy to stay calm and to stick to arguments during the talks. Even though some of their statements and views shocked me personally I am glad that we had these conversations. They strengthened my discussion skills and showed me once again that I live in an environment in which most people have the same opinions and largely just assure each other. MICC taught me that it is also very important and interesting to have discussions with people who do not share the same opinions.

During MICC I was reassured that I am capable to act in an intercultural context. I think that I was already capable to interact in an international context before, but this project further improved my abilities. Every new encounter and exchange widened my horizon and I gladly want to participate in more intercultural exchanges in the future.

Participating in the MICC influenced me and my perspective on the importance of intercultural encounters and the education on human rights and international law. I think that it was an important and formative experience for everyone who participated, and I would recommend it to all people my age. I also learned that sometimes the biggest challenge was not the language or the cultural difference but something as simple as making the first step to approach another person.

5. Appendix

5.1 Declaration of independent work (obligatory)

All project documentations need to be produced by the applicants themselves who have to declare this with the following statement.

“I hereby declare that I have written the project documentation on my own and only used the listed references and aids.”

5.2 Permission for anonymous publication (obligatory)

It is planned to make the project documentations available for scientific research and for the CertiLingua network by publishing examples of best practice on the CertiLingua website. This will be done anonymously. The author’s consent is nevertheless necessary.

I hereby authorise the anonymous publication of my project documentation.

I hereby deny the anonymous publication of my project documentation.

Thea Brunk, Bonn, March 26th, 2023