



How do a person's origin and nationality influence their views on judicial questions?

Project Documentation of the Model International Criminal Court Krzyzowa/Kreisau 2024

Written for CertiLingua®

Student: Kai Veenema

Tutor: Dr. Sebastiaan Okel

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Starting point

My project “MICC- Model International Criminal Court” took place from 3rd until 10th May 2024, in Kreisau/Krzyzowa, Poland, at the International Youth Meeting Centre Krzyzowa (IYMC).

In autumn 2023, it was first introduced to me by my history teacher, who would supervise and accompany the project. I told him about my plans of doing the CertiLingua-certificate¹, since he does not only teach history, but also supervises the CL Project Documentations at our school. I told him, I was looking for an international face-to-face project to fulfil the CL requirements. Originally, I thought about writing a project documentation about one of the several projects I did during my exchange year in Estonia, e.g. folk dancing: The intercultural exchange with other teenagers, connected through the Estonian folk dance, a cultural heritage for several centuries, would have been, without doubt, an interesting and adequate project. Unfortunately, the criteria for CL did not allow a project documentation in Estonian, since the language is not taught at German schools. I had to switch to another project; that is how I became aware of the Model International Criminal Court (MICC).

The MICC is a simulation of the International Criminal Court (ICC) in The Hague. It is organised by the Kreisau-Initiative e.V. and mainly funded by the European Commission as an Erasmus+ Program. 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 management describes the idea behind MICC as “debating human rights issues and exploring ways of dealing with massive infringements upon human rights.”²

The MICC aims to educate and promote dialogue among young people from different European countries on issues related to international criminal justice and human rights as well as to increase their awareness and understanding of the ICC's role in promoting accountability for international crimes. Furthermore, the participants should be encouraged to further support the ICC's aims and values. Overall, the MICC is intended as a contribution to a juster and more humane world.

¹ In this report, I will use CL as abbreviation for “CertiLingua”.

² MICC, Welcome Address

For this specific MICC project in which I took part, sixty-six students from three different countries (Poland, Greece, and Germany) came to Krzyzowa.

The IYMC in Krzyzowa, Poland was chosen as the location for the MICC, because the historical site and the educational institution it is today promote democracy, tolerance, and international understanding among young people. The institution 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 “Kreisauer Kreis” or Kreisau Circle, a group of German resistance fighters around Helmuth James von Moltke during WW II. The group developed several drafts for a post-war state, which would replace the Nazi regime after its defeat. The Kreisau Circle met at the family estate of von Moltke in Krzyzowa, that was built by his grand-granduncle Helmuth von Moltke. Today, 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.

My motivation

After I returned from my exchange year in Estonia in 10th grade, I decided to apply for the CL-certificate. I have always had the idea of studying abroad, so the certificate caught my attention. “The CertiLingua excellence label makes it easier for graduates to access internationally oriented degree programmes and opens up career prospects in a European and international context”³ was stated by the Quality and Support Agency – a part of the State Institute for Schools in North-Rhine Westphalia – on their website. The certificate could improve my chances of studying or working in another European country. After the exchange year in Estonia, I was highly motivated to do so. After I talked to the tutor of the CL-commission at our school, I decided to sign up for the MICC.

But not only the prospect of a wide range of studying and working opportunities abroad made me apply for the MICC. Above all, it was my personal interest in history, politics and jurisprudence that led to my decision in favour of the MICC, so that my anticipation was quite

³ Standardsicherung NRW – CertiLingua Exzellenzlabel

enormous just before we left for our journey to Poland. I was looking forward to getting together with other adolescents from Poland and Greece and to discussing several topics related to international law and punishment. I experienced during my exchange year that one's origin and nationality as well as the manner of growing up have a great impact on our personal opinions. This can give rise to disputes and controversies, particularly for international jurisdiction, as jurisprudence is always an interpretation of a legal text. I asked myself: "How do a person's origin and nationality influence their views on judicial questions?" I hoped that – with this in mind – I would be able to contribute towards more tolerant cooperation in an international context.

Next to the face-to-face encounter with other European adolescents, I was eager to enlarge my knowledge about the methods and the history of the International Criminal Court (ICC). A three-day internship in eighth grade was my first point of contact with international law; I worked at a law office. The head lawyer dealt with human right violations. For instance, he worked for the NGO Amnesty International. Moreover, he took part in trials at the Regional Court Bonn and the International Criminal Court in The Hague. During my internship, I read case files from the time of the genocide in Rwanda. Not only the judicial verdict, but the historical and social circumstances, which led to the mass murder of the Tutsi-people intrigue me even today. This case of massive human rights violations shows clearly that the jurisdiction must take the political and social as well as historical circumstances into consideration to pass a just and satisfying verdict. In my role as a judge at the MICC, I aimed to do so.

Personal expectations

The MICC caught my attention due to my interest in History, Politics and Jurisprudence. Additionally, I was looking forward to working together with Polish and Greek adolescents in the upcoming workshops. Finally, I applied for the MICC school because of my personal expectations.

Firstly, I was looking forward to plenty of interesting discussions. I enjoy debating political and social matters, for instance with my family or friends. In ninth grade, I had the opportunity to participate in the "Model European Parliament" (MEP) which is an annual event at my school. Like the MICC, it is a simulation, not of the work of the ICC, but instead of the legal process in the European Parliament. For one week, all the students of ninth grade participated in committee meetings, wrote resolutions and held speeches. The final event was a parliamentary

debate at the city hall. As my High School is one of the few certified “Europe-Schools” in Germany, the MEP is part of the regular curriculum of the subject “Economy and Politics”.

When I applied for the MICC, I expected a similar simulation. I expected controversial debates, not about political or social matters, but about ethical and judicial questions. Moreover, I hoped to be able to include my knowledge of history; as I said, the jurisdiction must take the political and social as well as historical circumstances in consideration to pass a just verdict. A historical site like the von Moltke’s family estate, where the MICC took place, is furthermore a witness of passed centuries and the heritage of one of the most important families in the newer German history. Therefore, I was expecting to gain more knowledge about the family von Moltke and, in general, about the life of Dukes and Duchesses in Prussia and Silesia during the first half of the 20th century. Since my own family has their roots in the Baltic states, I have been interested in the life of the German Upper Class in Russia and the eastern provinces of the German Empire for several years.

Secondly, the encounter with adolescents from other European countries gave rise to some expectations. I was convinced that I would bond with the other participants due to the intense debates and work sessions. I was hoping to find some friends from abroad – as well a crucial part of the face-to-face experience.

Linking to the school curriculum or a school subject

The MICC is linked to the school curriculum in several ways. Although we never spoke in class about the International Criminal Court, about its work and history, the ICC addresses many threads and harms that were the ramifications of individuals’ decisions through the course of history. The history of mankind is the history of war, exploitation and the abusive use of judicial and executive power. But it is also the history of international cooperation, peaceful reconciliation and the fight for liberty and justice. Therefore, dealing with the ICC means dealing with human societies. And human society is the subject of History class, English or Social Science lessons.

In our History lessons we talked about the most obvious and cruel example of the massive exploitation and humiliating of whole social and ethnic groups in history: the rule of Nazi-Germany over Europe. The oppression of interculturality and diversity and the claim of superiority of the so-called “Aryan race” on the continent led to millions of deaths: Jews, Sinti and Roma, people with disabilities and members of the queer community were the victims of a deadly ideology and the abusive use of jurisdiction and executive power. In 1935, the Nazi

administration passed the *Nürnberger Rassegesetze* (Nuremberg Race laws), which were meant to create a judicial legitimacy for an Apartheid-society. Within the MICC, the participants dealt with the Nuremberg Tribunals (Friedrich Flick), which were set up to persecute the war criminals. These trials can be seen as the forerunner of an International Criminal Court. Moreover, the implementation of “unalienable Rights”⁴ through the “Bill of Rights” and the constitution of the USA were presented and discussed in English class. The MICC wants to contribute towards the world-wide availability of judicial persecution based on equal and unalienable rights, or “induce a work environment conducive to remembrance, understanding, reflection, and motivation for future engagement for the goals promoted by the ICC.”⁵

Preparing for the project

Within the MICC project, the participants had to deal with three cases of international human rights violation during the Second World War (1939-1945), the civil war in Yugoslavia (1990/91-2001) and the genocide in Rwanda (1994). The focus lay on Friedrich Flick, Drazen Erdemovic and Simon Bikindi, who were accused of contravening international human right or of committing war crimes.

Friedrich Flick was accused of exploiting prisoners of war, especially Jews, during the Second World War in his factories; he was a daring and resourceful German industrialist and established a major industrial conglomerate in the coal and steel industries. Since 1932, Flick had supported the Nazi-administration financially and benefited by his close relationship with Heinrich Himmler, the leader of the SS. He was prosecuted by the judicial administration of the allied states, the Military Tribunal in Nuremberg, in 1947.

Drazen Erdemovic was a soldier in the 10th Sabotage detachment of the Bosnian Serb Army in July 1995. He participated in the executions of hundreds of unarmed Bosnian Muslim men from the Srebrenica enclave. He was the first person to enter a guilty plea at the Tribunal and later testified as a witness in separate trials providing significant and detailed evidence about the crimes committed.⁶

Simon Bikindi was a composer and singer and worked at the Ministry of Youth and Association Movements of the Government of Rwanda. His patriotic and ultranationalist songs were playlist staples on the national radio station Radio Rwanda during the Rwandan Civil War. For

⁴ Declaration of Independence (1776)

⁵ MICC, Welcome Address

⁶ International Criminal Tribunal for Former Yugoslavia

his actions during the Rwandan genocide, he was prosecuted for incitement to genocide by the International Criminal Tribunal for Rwanda (ICTR) in 2008.⁷

For each case, the MICC management had prepared a case file, containing the most important information about the personal data, the accusation, the historical context and the course of the trial. For each case, the participants were given a role and tasks in a prosecution, a defence and a judges' team. In my role as a judge of the Nuremberg Trial, I had to read the case file of Friedrich Flick as well as the first thirty-three articles of the Rome Statute, the judicial basis of the ICC.

Carrying out the project

The project began on the evening of 3rd May. In small groups of five, the students were asked to discuss differences and similarities between each other. The groups were selected randomly, my group consisted of two Greeks, one Pole and two Germans (including me).

The following day started with a human rights workshop; we got to know the most important and common human rights, then had a discussion on controversial political and ethical questions. For instance, whether gay couples should be able to adopt children or whether the government should introduce compulsory vaccination. There was not a lot of disagreement: Most of the students supported the equality of gay couples regarding adoption right as well as the benefits of compulsory vaccination. Very few were against adoption rights for same-sex couples because of their religious beliefs. For the first time during the project controversies occurred between the participants, based on their origin: All students that were against the equal treatment of heterosexual and gay couples came from Greece.

For the rest of the day, we got an introduction to the historical context of the three different cases and had a lecture about the importance of the press and the media in a trial.

On the second day of the MICC school, we learned about legal argumentation. The lecturer told us the most crucial principles of the ICC's jurisdiction and explained how a crime can be determined. It is the duty of the prosecution to prove that somebody is guilty ("Burden of Proof"), which means that a criminal act ("material element") was committed with intent ("mental element"). If there is no adequate evidence for the guilt of an accused person, he/she is acquitted ("Presumption of Innocence").

⁷ International Crimes Database, Wikipedia

After the lecture, the small groups –which represented the prosecution, the defence and the judges of every case – worked on their case file: Depending on the role, the presentation of the case and the personal matters of the accused person can be different. My co-judges and I had to pay attention to an informative and objective language in our case document.

The following day was filled with the trial simulations and the preparation of the verdict. After the prosecution and the defence had presented their arguments, my co-judges and I had to decide, whether Friedrich Flick was guilty or not. For hours, we discussed pro and con arguments and finally got to an agreement the next day. We managed to make compromises based on legal argumentation, even though the interpretation of the accused's actions (“material element”) and his state of mind (“mental element”) was quite different; handing in the verdict was without doubt the most satisfying moment during the whole week. In the evening, the whole group watched the ESC together and sang karaoke. Additionally, the Greek and the Polish students showed some of their folk dances to the rest of the group.

During the final two days, a guided tour presented the history of the Von Moltke's manor and the activities of the Kreisau Circle (*Kreisauer Kreis*) to the participants. Furthermore, we had a trip to Swindica (*Schweidnitz*), a quiet but (due to the colourful building façades) joyful town. Lastly, we got to see Wroclaw (*Breslau*), the capital of Lower Silesia and the fourth biggest city in Poland. It was destroyed during the Second World War and rebuilt in its original state afterwards. Today, the old town with its gothic townhall is a popular tourist destination and a perfect example of the Prussian impact on urban development during the 19th century in the Poland of today.

Linking the intercultural perspective to the course of the project

In preparation for the MICC, I formulated an international research question: “How do a person's nationality and culture influence their views on judicial matters?”

In advance of the project, it seemed incredibly important to me to be aware of the cultural background of the persons involved in a judicial process. Because – that was my assumption – everybody adapts unconsciously the behaviour and values of their surroundings, especially one's family. As we grow older, we start to reflect on our behaviour and question the values that were taught to us. It is part of adolescence. Still, nobody will ever be completely independent of their educational or cultural background. Therefore, nobody will ever pass a verdict that is completely neutral. And therefore, it is important to consider different perspectives while

discussing matters of international jurisprudence. My research question was meant to be a contribution to a juster verdict discussion, as the judges would be aware of their biases.

During the course of the project, the question quickly became obsolete, because I could not find any evidence for biases based on the cultural background. Of course, there were controversies regarding adoption rights for gay couples or mandatory vaccination. However, it was not the cultural background that evoked the difference in opinion. The discussion was a result of sixty-six individuals, encouraged to state their personal opinions. In fact, a division between the nations, resp. the cultures, was not recognizable and the fact that five Greek students rejected the adoption right for gay couples seemed a random co-incidence.

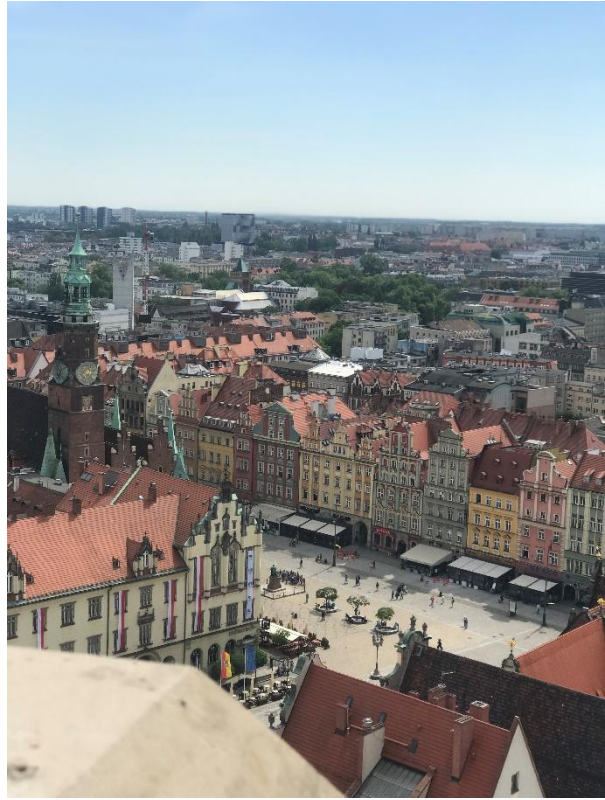
I experienced the same while discussing the case of Friedrich Flick with my co-judges. Every one of us had an individual interpretation of the material and mental element of the accused, but it was not the expression of the affiliation to a certain people or culture. It would not have been a surprise if my Polish co-judge would have forced us, the rest of the panel, to agree on a humiliating and disproportionately strict sentence for Mr Flick, a stakeholder in the Third Reich. Just because his people were massively exploited during the Second World War. But nothing like this happened.

Based on my own experience, the answer to my research question must be: Nationality and culture do not influence people's views on judicial matters. In fact, it is our individual history, our personal experiences as well as the manner of growing up that influence our views on judicial matters. There is no distinction between Greek, German or Polish adolescents regarding international law that can be explained by the cultural background.

One must consider that World War II came to an end eighty years ago. And that none of the students, taking part in the MICC, experienced the terrifying and humiliating crimes, committed by the Nazi regime. The fall of fascism in Europe facilitated a European integration that freed the people from the restricted national consciousness. Eighty years later, we are not only Germans, Greeks or Polish. Born in the millenniums, today's adolescents identify themselves as Europeans as well. That is why the national origin has become less of importance than several decades ago.



Wrocław, main square 1



Wrocław, main square from above 1

Reflection

I described the idea of the MICC in the beginning of my project documentation. It was founded to debate human rights issues as well as it should raise the awareness of the participants for infringements upon human rights. Furthermore, the MICC is supposed to contribute to a “mutual understanding in Europe and beyond” and motivate young people for a “future engagement for the goals promoted by the ICC.”⁸

Personally, I evaluate the realization of the project goals as successful. During the several workshops, the participants debated the validity of human rights (“Human Rights Workshop”), the idea behind an international court (“Introduction to the ICC & Media”) or rather the necessity of the judicial prosecution within the frame of the Rome Statute (“Why do we punish?”). After participating in the MICC, I understand the value of unalienable human rights, not only in Europe but worldwide. I feel confident with legal argumentation, and I am familiar with the judge’s work at the ICC now. I think, I learnt to weigh arguments for finding a just compromise – also an important skill in the context of international relations. The face-to-face

⁸ MICC Welcome Address

encounter with other European adolescents contributed to this as well: Debating different points of view within the framework of a judge's panel or a group discussion made me aware of the varying stances on judicial matters. In summary, the MICC helped me to develop new skills and confidence regarding communicating and debating in a supranational framework.

Therefore, the **CertiLingua Standards of Excellence in Intercultural Competences** were achieved. As described, the MICC strengthened the “skills [for interacting] in intercultural contexts” as well as it contributed to my “awareness and attitudes”⁹ towards foreign cultures. This included collaborating with other participants (writing the verdict) as well as acting in a reflected way in an international project, whilst being aware of one's own biases and behaving respectfully towards others (group discussions, workshops). Moreover, the MICC promoted intercultural exchange between European adolescents – for example with mixed groups and community activities. I have become more open to foreign cultures and traditions and appreciate the possibility of free movement and interculturality in the European Union. The project showed me that the country of origin – may it be Poland, Germany or Greece – does not matter. Not only in the context of international jurisdiction (remember my research question), but in the context of hanging out, of living together and of creating the future. In Europe and worldwide.

Intercultural Experiences

Before the MICC, I was quite excited and looking forward to the week I would spend with young people from other European countries. After receiving the timetable for the whole week, I was surprised that the first days were mostly filled with working sessions in small groups – in my case with the other judges who would deal with Friedrich Flick. Great parts of my day, I was asked to spend with my co-judges, preparing the case for the trial and (after the trial simulation) writing a verdict. Of course, we had discussions on the case. However,



debates with all the participants were rather seldom; the first Human Rights Workshop was the only occasion for discussing controversial matters, for instance the adoption right for gay couples. Nevertheless, I enjoyed the work with the judge's panel, not only because it required historical background knowledge about the Third Reich (as I am interested in history, I enjoy such debates), but because it really went into detail. Arguing about single words and discussing

⁹ CertiLingua Standards of Excellence in Intercultural Competences

details for hours, completed by finally handing in the draft– this was probably the best moment during the entire week.

Next to that, I enjoyed the free time in the evening. I expected to hang out with people from other countries, but in fact I spent a lot of time with my own school mates. I became friends with people from my school I had barely talked to before. In contrast, the encounter with participants from other countries, respectively from other schools, during the free time was



rather seldom – for example as the Greek students introduced some of their folk dances to us. Today I do not have any contact with the students from Poland or Greece, but the friendships with school mates last until today. Overall, participating in the MICC was a great experience. The exchange of ideas with my co-judges (and partly with the entire

group of students) urged me to reflect my own point of view. The workshops gave interesting insights into the work of the ICC and legal argumentation. Finally, the week in Krzyzowa led to new friendships, which last until today.

Retrospective Reflection of the intercultural experiences and the course of the project

I already touched on the personal benefits of the MICC. As described, the week in Krzyzowa improved my discussion skills as well as my ability to work with legal texts like the Rome Statute. It gave some insight into the work of the ICC and confronted me with uneasy opinions, controversies, and dispute.

I am convinced that all the challenges were beneficial to my ability to act in an international context. Working together with people from different cultural backgrounds, who spoke different languages and were influenced by their own perceptions, might produce intercultural difficulties. In fact, on the first day of the MICC, a group of Greek students questioned the equality of heterosexual and homosexual couples regarding the right of adoption. I was not of their opinion. How to deal with such a controversial topic? As always in an international context, it is crucial to listen to each other. I listened to their arguments and responded calmly and respectfully - as I did in the discussions with my co-judges. The MICC taught us to listen to each other, to be tolerant towards different opinions and to behave respectfully and friendly

with each other. That is the key for every human interaction – and becomes even more important in an international context.

Next to controversial opinions, I was able to observe some cultural phenomena: For the first time, I recognized that it is nearly impossible for Germans to describe their culture. While the Polish and Greek students introduced some of their national folk dances, the German students were unable to do so. We do not have folk dances anymore, except a few regions in the south of our country. Neither do we have traditional songs. As we were asked to introduce some of them, we played pop music from the 70s and 80s. In contrary, the Polish and Greek students knew about their cultural heritage and even prepared national dishes. In comparison with us, the Germans, they were proud of their country and their traditions. They experience it as something beneficial and worth maintaining, while in Germany, patriotism is still frowned on. This experience really changed my perception on European integration and tolerance; for the first time, I understood that patriotism and tolerance do not automatically exclude each other. Especially for European adolescents, it is important to know that they can be proud of their national origin and approve of further European integration at the same time.

In conclusion, what did I learn in the course of the MICC project?

I learned that the only way for achieving a just world is to have international cooperation and to implement an international jurisdiction – in other words, the ICC. I learned that we must be friendly and respectful towards each other – otherwise we will not be able to find satisfying compromises. I learned that patriotism is not the opposite of tolerance; that it is possible to identify with a community (one's people), a language (one's mother tongue), and a country (one's native country), while being open-minded and tolerant towards unfamiliar cultures, languages, and lifestyles. I learned that we must learn from each other.

The international encounter does not have any specific impact on my future plans. However, the experience of the MICC widened my perception and encouraged me to learn new things and to be open-minded. Whatever I will do in the future, it will be with the awareness that communication, tolerance and curiosity are the key for a just, respectful and diverse society.

Declaration of independent work

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

Permission for anonymous publication

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.*