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Das mehrsprachige Webportal publiziert fortlaufend Informationen zur historisch-politischen Bildung in Schulen, Gedenkstätten und anderen Einrichtungen zur Geschichte des 20. Jahrhunderts. Schwerpunkte bilden der Nationalsozialismus, der Zweite Weltkrieg sowie die Folgegeschichte in den Ländern Europas bis zu den politischen Umbrüchen 1989. Dabei nimmt es Bildungsangebote in den Fokus, die einen Gegenwartsbezug der Geschichte herausstellen und bietet einen Erfahrungsaustausch über historisch-politische Bildung in Europa an.

# Shaking hands



Second issue, 18th April 2007

## Erdemovic faces the Fair Trial

The first of the four trial simulations was the Erdemovic case. According to the audience, the procedure of the trial went well. They were „exceptionally good for the first case” (Friedhelm Weinberg), although they had the least time to prepare themselves and they did not really know

what to expect.

Irina Ovcinovic enjoyed acting but wished that she had more time to prepare herself. She practically lived the simulation, which could be seen when she suddenly shouted into the room: „Objection!”.

The judges could not really pay attention to anything else but writing down questions, but Philip Domschke could still confirm, that the trial was a great success. One of his favourites in the case was, of course, his robe. Not that he would not feel powerful without it, but he still enjoyed wearing such a fancy dress.

Also Clara Schoneweg had fun during the trial, but especially liked the question and answer session. In her point of view, „the defence was not well prepared by their trainers, so that they did not have the necessary technical vocabulary”. Overall she describes the trial as „terrific”.

Anna Schmidt agrees with Clara, that further vocabulary would have helped her with the question and answer session, but she believes, that the trainers taught them a lot and she learned more than she thought they would. She admits that they had some disadvantages because they did not have as much time for preparations as the other groups. Nevertheless, she had fun and all the work and nervousness was forgotten, and just the good and enjoyable parts stick in her mind.

*Marie-Sophie Keller*

*Debating at the courtroom.*

## Ruggiu pleaded guilty „Speer wasn't able to change the conditions of slaves, but he tried...”

At the final trial of the MICC program, which was the RUGGIU case, a battle of words between prosecution and defence was held.

Due to the pleading of the prosecution, in which the accused Georges Ruggiu was charged with direct and public incitement to kill and cause serious harming to members of the Tutsis and hence with direct and public incitement to commit genocide, he should be sentenced to 20 years of imprisonment.

The Defence pointed out the unawareness of their client, mentioning that even when he realized the crimes, he could not deny to be a member of RTLM, because otherwise he would have been in deadly peril. They even doubted that the killing of the Tutsis was a genocide, because the defence defined them as a political and not as an ethnic group. Thus they submitted that the defendant was not guilty.

Both, defence and prosecution were very well prepared and were mostly able to answer the question of the judges in an appropriate way and to defend their arguments.

This was also shown in the "objection battle" between David Schaefer, defense lawyer, and Kamil Celer, prosecution. They were eagerly trying to convince the judges.

The Prosecution put emphasis on the evidences and the question of responsibility of the propagator of messages that tell people to kill other humans. As an example, they mentioned the broadcast from the 18<sup>th</sup> of June 1994, in which "Ruggiu even directed military to Gitwe Hill in mutura Commune, where, then 70 Tutsi families have been killed," as Isabelle Kronisch stated.

The defence pointed out the human aspects and the circumstances. "Ruggiu was in the wrong place at the wrong time, during dramatic circumstances." said David Schaefer during his final pleading.

In the end the effort of prosecution and defence showed success: Georges Ruggiu was sentenced to prison for 12 years.

*Rebecca Maria Knecht*

The third trial to be heard at the MICC was Albert Speer's case. It took place at 9 o'clock on 17<sup>th</sup> April, in Krzywowa. Eventually the judges unanimously agreed on his guilt of a crime against humanity under Article 7 and sentenced him to 20 years of imprisonment.

Speer was the Nazi Party's chief architect and later he became the minister of armaments. He was charged with abuse and exploitation of human beings for forced labour in the conduct of aggressive war as a crime against humanity, particularly of Article 7(1)(c) of the Rome Statute.

The prosecution consisting of Katarzyna Gryzlo, Piotr Ludwiniak and Franziska Leutner and the defence team made up of Vojtech Boruvka, Jule Eising and Katarzyna Bloch were already sitting behind their desks, when the judges entered the courtroom. This was the task for Bartek Kurowski, Tobias Fernholz and Marietta Seedorf.

The prosecution claimed that under Speer's control, the slaves were forced to work in horrible conditions all day long, with no leisure time. According to the prosecutors, slaves were also mistreated and even tortured. They also tried to prove that Speer ordered people to be deported from other countries to Germany for forced labour. Prosecution requested imprisonment for 25 years.

Defence lawyers were arguing that Speer wasn't able to change the conditions for slaves but he tried his best and made Jews work in factories to save their lives. As mitigating circumstance, the defence lawyers brought in that Speer pleaded guilty. Their proposal was to sentence him to 5 years.



## Objection! Overruled

„Haradin Bala is not the man responsible for the execution of 10 men on July 26<sup>th</sup> 1998 in Berisa Mountains.”

This was the statement of the Defence team in the battle for Haradin's Bala innocence with the team of Prosecutors. They were trying to prove that the accused was guilty of imprisonment and torture as a crime against humanity and a murder as a war crime.

According to Przemek Zielinski, 17, it was a „bloody masacre of justice”. He also complained that the judges had not controlled the case.

As the two sides sat behind their tables with identifiers in front of them and evidences in their heads, the war for the judgement began. As the trial continued, both Prosecutors and Defence team started to empty their magazines, filled with bullets of argumentation.

„I think that it was clear from the beginning that the judges will not sentence the accused to as many years of imprisonment as the Prosecution would like. The prosecutors simply had no evidence to prove Bala guilty”, said Caroline, member of the Defence of the Bala trial.

After the pleadings of both sides, the judges started to ask the questions. This part was full of objections, mostly overruled without even listening to them.

The final pleadings were made by Karolina Mikołajczyk from the Defence team and Przemek Zieliński from the Prosecutors' team. „It is the most difficult part of the whole trial because you have to write it during .”.

Then judges headed for the special room to make a fair judgement. It took about an hour for them to decide which of the statements were more convincing.

The judgement stated that Haradin Bala is not guilty of murder. He was sentenced to 2 years in prison for imprisonment of Serbs and Albanian collaborators in Lapusnik Prison Camp.

From that moment on, we can still hear the echoes of this case. Many people said, for instance Piotr Ludwiniak, that the case was an exhibition of erudical skills of Prosecutors and Defence lawyers who were trying to prove completely opposite points of view.

Marta Rudnicka

*The judges anticipating the arguments of the Bala case.*

## Improving our skills

*Becoming objective judge, convincing prosecutor and defence lawyer*

“We do not punish the bad, we punish the worse.” says Johann-Friedrich Fleisch, one of the team leaders, besides Isabelle Loewe, of the judge team and describes the punishments of war crimes.

During the whole day, the sun was shining, but now, in the cooler becoming afternoon, the judge team sits outside in the shadow and jitters.

Each of them concentratedly listens to the explanation of the trainers.

“ We talk about the essence of Human Rights. Human Rights vary in different cultures, but there are certain common principles. The ICC tries to protect those principles.” describes Johann Fleisch the task of the International Criminal Court, in one of the special trainings, the participants of the MICC got to be prepared for their tasks during the trials, concerning their judicial and rhetorical skills.

Andreea Pavel, project coordinator of the MICC, describes that the goal of the rhetoric training, is to convey how to hold an interesting and convincing presentation and to catch the listeners' attention.

The aims of the legal training are to understand and to learn how to apply the basic principles of the Human Rights for the legal argumentation.

Therefore, the participants were taught suitable for their specific role as defence lawyer, judge or prosecutor.

Under the direction of their team leaders the model-judges got to know about the role of circumstances and the purpose of punishment, and also gained a more detailed view on the Human Rights.

The judges of the Erdemovic case felt that the most important aspect, they have been taught, was the importance about the knowledge of the certain laws and the need to follow them precisely. The significance of the circumstances played a very crucial role in their case.

The prosecutors were advised by Edgar Krassowski and Kseniya Oksamytna, by whom, according to Gizela Fraszczak and Kevin Kuehnert, the participants felt very well supported, but still free enough to work on their own way. The information, given about the structure of their pleading and about the use of evidences just as the specific vocabulary were seen as very helpful.

Pawel Sosnowski, defence lawyer in the Erdemovic case, thought the training's most important lesson was to learn how to present a legal argument, based on the articles of the Rome Statute. He was very impressed by the “case knowledge” of the trainers Kristina Nechayeva and Jan Lemnitzer., who thought the team was very interested and willing to work, although they could have read more of the witness testimony. Jan Lemnitzer described the team to be better than the one of the last MICC, especially according to the English skills.

From the performance during the trials, one can conclude that the aim of the trainings stimulating the teamwork and preparation of presentation

and argumentation was successful. And whether there have been some mistakes in the performance of the trials, we handle this as Johann Fleisch said: "We will not say, we did anything wrong."

Rebecca Maria Knecht



*The groups doing rhetorical and legal training*

## Make them sharp The real case III - Speer

*The defence - an unknown mystery? A portrait.*

The Nuremberg Trial sat for the first action in court in 1945. Its aim was particularly to decide whether Nazi leaders are guilty of war crimes. Flooded by controlled and dummy figurines, Albert Speer, charged with committing a crime against humanity, was the most memorable of them.

To this fact contributed his doubtless intellect but also Speer's very special relationship with Adolf Hitler. Speer was probably after Eva Braun his closest friend. His calm and facty denouncement of Nazism and the fact he accepted imprisonment for 20 years as a fair punishment raised even more attention. Who was Albert Speer and were 20 years enough for him actually?

Albert Speer was born in 1905. When he was young he developed a strong interest in mathematics and planned to become a mathematician but changed his mind and decided to study architecture.

At this time, the Nazi Party was gaining a lot of momentum under the leadership of Adolf Hitler. Speer began attending rallies and decided to join the Nazi Party. His name came up when Goebbels was seeking an architect and he recommended Speer to Hitler. Soon, Speer was promoted to work as the Nazi Party's chief architect and later even became a minister of armaments.

According to Henry King's opinion, his youngest prosecutor and the author of *The Two Worlds of Albert Speer*, Speer's access into the high politics caused his rising misunderstandings between him and Hitler.

After the war had ended, Speer took part in the German government that took over temporarily. He also held a number of lectures for Allied leaders to explain Nazi policies and what Germany had been doing during the war. During one of the lectures, he was arrested and sent to Nuremberg to stand trial.

He ultimately plead guilty to all charges and was sentenced to twenty years in Spandau Prison.

As stated in the Free Information Society, until his death in 1981, Speer repeatedly insisted that he did not know of any extermination programme, gassings and the bad conditions of people forced to work for rising German armaments. If it is true or not, we won't find out today. What we know is that Albert Speer was a remarkable person of the Nazi-German leadership even he was sentenced and convicted.

Lenka Smekalova

Even though the end of MICC is approaching, memories will last forever. Memories of events, experiences, people newly met and also trainers who devoted their time voluntarily to young people in order to help them, improve their rhetorical skills and enlarge their legal knowledge.

Two of them are Jan M. Lemnitzer and Kristina Nechayeva, defence team trainers, who were very popular among students acting the defence lawyers. Jan took care of the rhetorical part of trainings and Kristina's task was to prepare the young people from the legal point of view.

Shaking hands has made a research among the participants and even asked the both most important people of the article. Let's have a look what Kristina and Jan said about MICC, its running, participants and attitude.

„Well it's a long history... Basically I have two reasons for this – firstly I really like taking this kind of legal trainings. It can help to develop your arguments, to make them sharp. I just think it's great exercise for young people,” Jan M. Lemnitzer told us reacting on the question why he was so motivated in training defence lawyers. “And secondly I take it as an Eastern European project. There are a lot of projects to be held in Germany, but I think it's good to offer the same opportunities to people from various countries. I like that the international teams are formed and participants are told to work together, and they have to. I really appreciate their motivation, both the Germans' and participants' from other countries.”

He also think that: "It's the best MICC ever. All the trials had the clash, good arguments and even no trial collapsed! Also all the participants were 100% motivated, everybody was really into it."

Kristina Nechayeva, a lawyer in the field of international law, is particularly interested in criminal law. Many people interviewed by Shaking hands were surprised by her youth, activity and admired her for the fact she's married and about to have a baby despite all her activities. "I am greatly impressed by this MICC school! All the participants are highly motivated, smart and talented. They are brilliant trial actors." Kristina told us. "Judgments in both Erdemovic and Bala case, in my opinion, can be regarded as the victory of the defence teams. In Erdemovic case the sentence requested by the prosecution was reduced substantially. And in Bala case the finding that the accused is not guilty of the main charges is a real victory of the defence." After being asked to compare MICCs she has attended, Kristina said: "I can compare this MICC School and MICC University 2006. I would say that the level of performances of the MICC School's participants is not lower than that of the law students. "

"I really appreciate the work they have done for us. I only think there would have been more time for better preparation." said Pawel Sosnowski, Poland, who would be glad for one more day to have equal chances with the other teams in the trials. Two more girls from Poland shared their opinion with us. Karolina Mikolajczyk was touched by their friendly attitude. "Jan was great when the trial was approaching and Kristina was such a sweet person. When the trial ended, she just came and started hugging us, it was so nice." When Katarzyna Bloch had a problem or she didn't understand: "Kristina said it calmly and was very patient. Jan told us precisely: You have the bad pronunciation with this, this and this or you must change this and this.... He helped me a lot. Kristina wasn't there during my trial (Speer case) but when I saw Jan, he nodded his head and I thought: we can do this". Participant from Germany, David Schafer's role was a defence lawyer too in Ruggiu case. "I think the trainings were very interesting, maybe kind of long, but still a pleasure. My rhetorical trainer, Jan, really really helped me to improve my speech." All the defence lawyers from the Czech Republic agreed on the fact that they could not have been prepared by better couple of trainers. "Kristina really helped me with my position paper, she had a wide knowledge and legal skills. I admire her since she is so young and hard-working." Katka Tillingerova said. She was kindly surprised that Jan was satisfied with her work at the trial. Matej Soukup really enjoyed working with Jan and Kristina but he felt like sometimes they were contradicting themselves by giving different advices. "It was very funny but also confusing." Tereza Rehorova was working mainly with Jan and she was glad that he stayed with them till the late night, when they needed to finish the position papers. She added that: "He helped me a lot with my speech."

*Lenka Smekalova*

## The real case IV - Ruggiu

Georges Ruggiu, born on 12th December 1957 in Belgium, got to know some Hutu people during his studies. He quickly got into a friendship with them and started to adapt their ideologies and ideas about the relation between the Hutus and the Tutsis; two ethnical groups in Rwanda, Africa.

The Tutsi, although being a minority, formed the monarchy of Rwanda. In 1959 the Hutus started a revolution, which led to the abolition of the monarchy and to the declaration of the first Republic in 1961.

The revolution was violent and caused the huge ethnical clashes between those two racial groups, which were expressed by the killing and extermination of hundreds of Tutsis in the early sixties and seventies.

At this time, on 5th July 1973, the Northern Hutus took over the control of the country and created a military state.

In the early nineties, weapons were given to the civil Hutus, to grant the killing of more Tutsis.

Most parts of this violent movement were led and organized by Radio RTLM ( free/independent radio and television of the thousand hills), which was founded in 1993 and meant to " defend the Hutu majority".

Georges Ruggiu had close relations to the leaders of Rwanda's army and worked at this radio station, as a producer and journalist, from January to July 1994.

He broadcasted messages, that supported the Hutu's ideology and told the Hutus to

- 1) kill or harm the Tutsis on a physical and psychological level
- 2) persecute the Tutsis and some Hutus and Belgians that were seen as "traitors" or "enemies".

The people also were told where the several Tutsis were located and how one could get respectively kill them.

For example, on 18th June 1994, Ruggiu broadcasted that there still were Tutsis alive in Gitwe and directed that roadblocks be reinforced so that none of them could escape.

Ruggiu left Rwanda in July and was arrested on 23th of that month in Mombasa, Kenya, because he was charged of crimes against humanity such as murder and conspiracy to commit genocide.

He pleaded guilty on 15th May 2000 and got a punished with an imprisonment of 12 years.

Mitigating circumstances/aspects were:

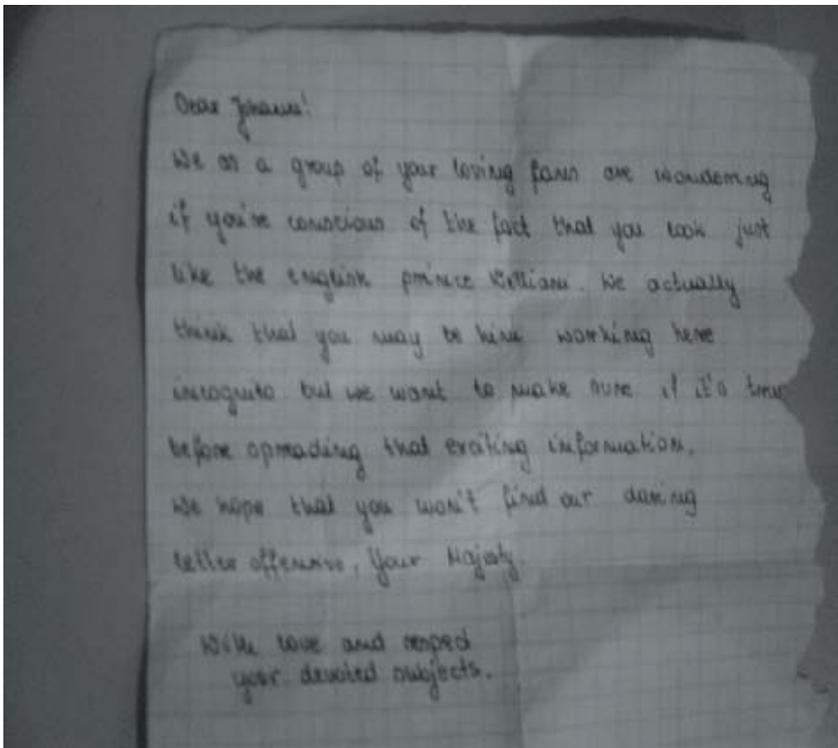
pleading guilty, cooperation during the investigation, no previous convictions, easily impressionable character, regrets and pangs of remorse, helped saving wounded Tutsi children, had no influence on the decisions of RTLM and hence no direct participation on the genocide.

Aggravating circumstances/aspects:

special character of the crime, central role of Ruggiu due to his position as a producer of RTLM during the massacres.

Georges Ruggiu did not appeal against the judgement.

*Rebecca Maria Knecht*



## Mysterious Love Letter

*There is royalty amongst us, possibly*

One morning, Johann Fleisch woke up, unsuspecting, when his room mate called his attention to a mysterious document, which he found in front of the door of their room. Somebody must have passed it under the door while they were sleeping.

When he curiously opened the paper, he discovered, that an admirer had written to him. In their point of view the apparent similarity to prince William cannot be a coincident. They believe that he actually is the prince himself incognito.

„We hope that you won't find our daring letter offensive, Your Majesty. With love and respect, your devoted subjects.”

After reading this interesting note, „William” was astonished and amazed. He would certainly enjoy to approach his fans, but does not dare to do so, because he does not want the letter to fall into the wrong hands.

Johann was actually flattered when he read the letter and he is not intimidated by it at all. Of course he gave the letter to the press team for further researches and analysis, but he really wants that special gift from his admirers back. He was so happy about it, that he decided to hide the letter in a secret place, so he could read it whenever he feels bad or insecure.

So we want to thank those life-saving heroes, who made a man happy. And just for you, who wrote the letter: There is hope for you, because when asked, whether he was Prince William, Johann ended the interview with a mysterious: „If i were, would I tell you?”

*Marie-Sophie Keller*

*The devoted subjects wrote the letter.*

## Wanted! Yummy!

*We are not loving it - the food*

This is a reclamation. The kitchen that provides the students that participate at the MICC has more than once been criticized.

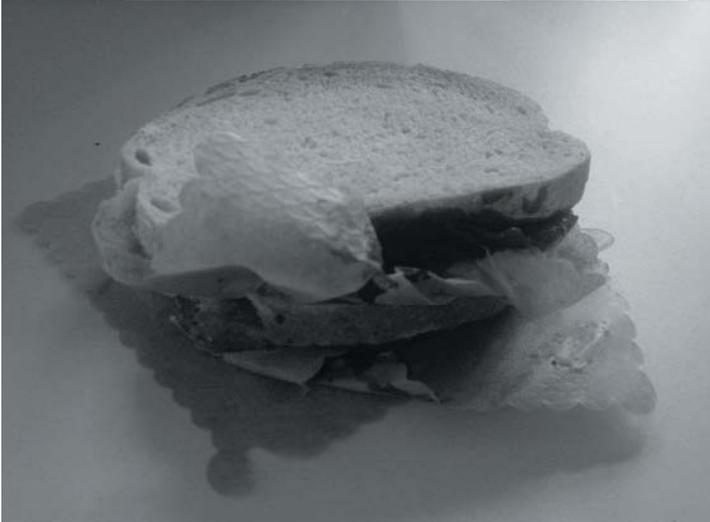
The main problem is, that the portions are too small to fill the hungry tummies of the starving youngsters. Furthermore, the food, is just not enjoyable, so that most of the students need to provide themselves with products from the little shop around the corner.

That was the case, when some students went to the shop after a non-satisfying lunch in the dining room. The but the only thing in the freezer was just the meal we had eaten that day, because the restaurant obviously buys the food at the same store.

Some students even complained, that the small portion actually makes them steal more food. They are not allowed to go for a second helping, so they become more and more imaginative. They change their clothes, they put on hats, pull faces, just to get a proper meal.

We do not want to upset our kind hosts, but we advice them to let the poor hungry boys and girls from the MICC have a second plate with food, so that they are able to work as sufficient as they want to.

*Marie-Sophie Keller*



Matej Soukup is wanted for committing crime against the press team. On Monday he sneaked into the computer room and unplugged the energy on purpose, aiming to destroy the articles of the press team.

Anyone, who can provide substantial evidence of his location and current occupation please urgently get in contact with the local authorities and press team.

If there is nobody to call, you may hit him.

Reward: Two good meals.

*What is it? And what was it before?*

*The press team consists of:*

Rebecca Maria Knecht, Marie-Sophie Keller, Marta Rudnicka, Sebastian Telschow, Lenka Smekalova, Friedhelm Weinberg and Irina Iurcisin.

# Great success!