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Prosecution defends their arguments. Photo by: Federico Kersting

Between Accusation and Commiseration

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The former Bosnian Croat soldier Drazen Erdemovic was convicted for 9 years in prison for the executions of 70 Muslims at a farm near Pilica during the Bosnian Serb invasion 1995 in Srebrenica. Prosecution pleaded guilty in sense of crime against humanity and war crime. Yesterday, the Model International Criminal Court adjudicated upon the case.

The especialness of the crime made it hard to find an adequate verdict for the judges, since Erdemovic acted both as accused and witness in his own case, which besides offered a lot of mitigating circumstances in favor to the accused. "The accused wanted to protect his pregnant wife and child." Furthermore, the accused found himself under extremely threatening circumstances, hence it follows,

that Defence saw the crime the former soldier committed as an action under duress.

The Prosecution, however, supported the fact that Erdemovic could have refused the order, since there were no life-threatening circumstances which allayed the guilt. "Responsibility is not only with the commander, it is with every single soldier".

It was the controversial feeling between accusal and commiseration which created a nervous and excited atmosphere in the court room. Even the Prosecutors could not stay untouched by this conflicting situation. "It is very hard to judge as an Prosecutor, because when we talked about the case, I could really feel with him. Besides, the Defence has strong arguments", said Simon Block before trial.

The strength of these arguments and the testimony of the witness did not convince

the judges of an innocent accused acting under duress, but they did consider mitigating circumstances which finally led to an imprisonment of 9 years. An adequate judgement?

"I am very satisfied with our decision. I really feel comfortable with what we have done. Our decisions were very similar, there were just

tiny differences. But we came to a good decision." said Fenja Fiegenbaum, member of the judge-team.

But above all alleviation about the verdict even from Defendant's side, the participants had a very special and difficult case to deal with, which proved that there cannot be made any judgments without using rational facts and intuition with the same importance. "Tragical situations like the situation of Erdemovic always have an effect in our life. It really influenced my thinking about Muslims", stated Dominika Zaremba, member of the Prosecution.

reforming the police, cases of inhuman and degrading treatment continue to be reported. The Government promised important modifications to the Criminal Code, but no such changes were made.

This is not to say that there have been no improvements in the observance of human rights since their emergence, but rather than the rational for doing so has been inconsistent and unimpressive.

READ IN THIS ISSUE:

- > WELCOME TO KREISAU, WELCOME TO MICC P.2
- > REFUGEES - THE MAIN CHALLENGE TO HUMAN RIGHTS PROTECTION IN ISRAEL P.3
- > A CLOSER LOOK AT ICC: CHALLENGES, EVENTS, SUCCESS AND FAILURES P.2
- > ONE DAY OF MY LIFE IN MY COUNTRY P.4-5
- > "COMPROMISING PRINCIPLES" P.5
- > SECOND LIFE IN PRISON P.9
- > GUILTY OR NOT: IS GEORGES RUGGIU RESPONSIBLE FOR 1 MILLION DEATHS? P.10
- > BUILDING INTERNATIONAL FRIENDSHIPS P.13
- > USELESS INFORMATION P.14