

JAHRESBERICHT
2011

Enforcing Human Rights Law by New Means

ECCHR

EUROPEAN CENTER FOR
CONSTITUTIONAL AND
HUMAN RIGHTS

Enforcing Human Rights Law by New Means

ANNUAL REPORT 2011



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I. A whole year of spring

2011 was a special year. In Tunisia, Egypt and Libya, dictators whose fall few would have deemed possible were overthrown; dictators who operated according to the principles of the police state, with all the systematic human rights violations this involves. 2011 was, then, a good year for human rights, even if it is in no way clear whether these developments will prove to be sustainable and truly profound. In any case, the events of the Arab Spring have made one thing very apparent: the process of “working through” systematic human rights violations with legal instruments will be central to this new beginning. The difficulties of this process, of bringing those responsible to justice, was also evidenced in last year’s events.

Judicial human rights work – sometimes, but not always, in the context of regime change – is what ECCHR is all about. In the past year, ECCHR has confirmed and built upon its position as a major and visible actor working in the area. Not only because it has proved able to respond to current events with speed and measure, as shown in its work in Egypt and Bahrain. Nor simply because it has developed “thematic sets” – Uzbekistan, Lidl, Sri Lanka – that are now being addressed through policy. Nor because its staff are rapidly becoming in-demand experts addressing all areas of judicial human rights work. But also because the Center, now in its fourth year, has arrived in terms of its institutional organization.

N° 235



DU REGISTRE D'IDENTITE

(Application de la loi du 8 août 1893)

la loi du 8 août 1893, par-devant

s'est présenté

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Date de la naissance :

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The key components to the ECCHR success story remain the same: enthusiasm and creativity. Nowhere is this enthusiasm more apparent than among the team of highly motivated and highly competent lawyers who make up the Center's core. The Education Program, unparalleled in Germany and elsewhere, has been further professionalized; the many "interns" make an important contribution to the work of the Center. Their enthusiasm is vital, without it they would not be able to take all those tiny steps that must be completed. Alongside this (essential) enthusiasm is judicial creativity: the thinking (and acting) beyond the beaten paths of legal convention that is the Center's hallmark. This was particularly apparent last year in the OECD complaints that ECCHR launched simultaneously in four European countries.

ECCHR's work is not simply important, it is also – and I am pleased to be able to confirm this – successful. The following report proves this. Here, we must thank those numerous foundations and organizations that have supported ECCHR institutionally or on individual projects in the last year. Without them, ECCHR could not do its work. And it is work that needs to be done.

PROF. FLORIAN JESSBERGER

Member of the Advisory Board

EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS E.V.

II. A year of activity

A year of activity is coming to an end. The revolutions in Tunisia and Egypt began auspiciously, and the new perspectives they opened up proved to be significant for far more than just the people in these two countries. In both Tunisia and Egypt, and before long across the whole Arab world, people started to ask questions about how society is constructed: a young generation is now asking for social perspectives, the marginalized masses are calling for the fulfillment of their basic rights, and all those taking part in the uprisings are demanding greater civic participation.

Yet amidst this change, classic human rights remain important in Tunisia and Egypt: calls for freedom from arbitrary detention, torture, and sexual violence on one hand, demands for legal limits to the activities of the police, military and intelligence agencies on the other. This is where we come in, ECCHR and the global network to which we belong. We help social movements in the global south bring torturers and other human rights violators to court for their actions. Ideally, of course, these are domestic courts. This may not always work, but one should always try.

Judicial interventions by western organizations are not always met with unconditional approval, particularly in Arab states where emergent groups are seeking to develop their own identity. In these situations, we can often offer our expertise. We are currently advising human rights organizations in Latin America (Columbia, Mexico). At a seminar in Cameroon in summer 2011, we helped African colleagues to develop legal and political strategies to support charges against human rights abuses. We have also submitted expert legal opinions (*amicus curiae* briefs) to domestic court proceedings, such as the case “Sugar Ledesma” in Argentina. Working on behalf of severely injured protesters from Cairo who received medical aid in Germany in spring 2011, we have submitted complaints to UN institutions.

In the event that all domestic avenues appear blocked – and unfortunately, this is almost always the case – we are ready to initiate criminal or compensation proceedings in Europe on behalf of victims. In the case of the Argentinean military, this strategy proved effective. During the long years of impunity for dictatorship crimes, which lasted

throughout the 1990s and stretched into the 2000s, we and others filed charges in Europe. Since 2007, we have been able to experience the Argentinean courts' own response to the injustices of the dictatorship. One example of this is the case of Elisabeth Käsemann, a German citizen who was murdered in May 1977. On 14 July 2011, officials from the secret detention center El Vesubio were convicted by an Argentinean court of torturing and murdering her.

This level of success has not yet been achieved in our work against the Chechen President Ramsan Kadyrov, or the Sri Lankan military. And yet, something seems to have changed in these seemingly hopeless cases. Sri Lankan General Jagath Dias, having been granted the status of diplomat, was forced to abandon his work in Switzerland and Germany when we published detailed accounts of his suspected war crimes. Kadyrov no longer travels to Western Europe for fear that he will meet the same fate as his henchmen, who were convicted by a Viennese jury of murdering the dissident Umar Israilov. Even former US President George W. Bush reacted when we and our partner organizations announced that we would initiate criminal proceedings against him in Switzerland for the acts of torture that were committed in Guantánamo, as even Bush himself has admitted. His visit to Geneva, scheduled for February 2011, was subsequently canceled.

The Bush case illuminates both the potential and the limits of our legal human rights work. The once-powerful president may have feared criminal prosecution, yet ten years after its establishment, his torture camp in Guantánamo lives on. Our work is not simply about securing individual convictions – it is about changing structures. Over the years, we have worked against unjust structures, in the Arab states, for example, or within the corporate world, where production and supplier chains force employees in the Global South, often women, to work in degrading conditions. Western European arms dealers and security firms, the suppliers of dictatorships the world over, also come high on our agenda.

After five years of work, ECCHR is able to rely on an experienced team, an internationally-renowned advisory board, and a collection of donors that together allow us to continue our judicial work in the fields “International Crimes and Accountability” and “Business and Human Rights”. The theme “Gender and Human Rights” runs through all of our work. In 2011, our “Education Program” continued to engage numerous young lawyers from around the world.

WOLFGANG KALECK
General Secretary
EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS E.V.

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PORT DE BEYROUTH
Via l'embarquement
Le 9-5-1924
Le Commissaire spécial

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III. Business and Human Rights

It is not only states that violate human rights. Economic actors such as transnational corporations can both perpetrate and aggravate human rights abuses. Economic and social human rights are most acutely at risk in countries which lack the state and societal frameworks that normally limit corporate activity in the interest of human rights. People who are affected by large infrastructure and industry projects often find themselves denied any legal redress. States neither include them, nor offer them any complaints procedures. When the transnational companies responsible do not abide by the relevant international industry standards, people are displaced, deprived of their livelihoods through the total or gradual destruction of their environment, and denied their right to water, food and adequate housing.

If the country concerned offers no hope of compensation or restitution for the victims of such human rights violations, and there are little or no international complaints mechanisms, then ECCHR looks for creative ways to enforce the rights of victims within the country where the corporation's headquarters are located. We have submitted criminal complaints against high-level employees of a German engineering firm which is leading the construction of a hydroelectric dam in Sudan. Many thousands of people lost their homes when a region close to the dam was flooded without warning. The criminal complaint states that basic German criminal law has been violated. It also maintains that, contrary to initial appearances, social and economic human rights have also been violated, such as the right to adequate housing.

Working within global production networks, transnational corporations endanger basic human rights, be it directly, via overseas subsidiaries, or through their global network of suppliers. Many European companies have relocated their supplier firms to countries where workers are prevented from founding trade unions or subjected to brutal repression, denying workers the opportunity to negotiate their pay or fight for their right to individual employment protection.

Fast-paced sectors such as the textile and electronics industry profit particularly from minimal wages, low levels of employment protection and inadequate social standards. This environment facilitates flexible delivery plans that can change at short notice, keeping costs and risks at a minimum. These exploitative working relations affect women in particular. For this reason, we consciously stress the gender-specific aspect of this discrimination.

In 2010 ECCHR filed a complaint against Lidl, arguing that it used false and misleading advertisements. The discount retailer was advertising its good social standards, while all the while labor rights were being massively and provably violated in its Bangladeshi supplier firms. But does the liability of German corporations for labor abuses in the supplier chain extend beyond competition law? We examined this question in two of our 2011 studies. In contrast to academic publications on the topic, our perspective on the German legal system arises directly from practical case work. Both studies conclude that criminal and civil law provide good points of departure for those seeking to hold corporate human rights violators accountable for abuses in the delivery chain. Nonetheless, they note the pressing need for legal reform to allow victims of corporate injustice to proceed against companies whose headquarters are in Germany or Europe, giving them the chance to demand restitution, investigate the abuses committed against them, and hold companies responsible for their crimes.

2011 saw significant developments in human rights standards for corporations. We were able to work with and alongside this process. The Guidelines for Multinational Corporations of the Organisation for Economic Co-operation and Development (OECD) were fundamentally reworked in the last year and enhanced with a comprehensive chapter on human rights. The UN Human Rights Council approved the Guidelines in summer 2011. Although the amendments fail to establish direct human rights obligations for corporations, this remains an important development.

Our practical experience was streamed into these processes. Regarding the UN Guiding Principles, we were able to present our ideas during an international conference of specialists in Berlin, which we co-organized, and an expert hearing in the German parliament. These principles, we stressed, directly oblige states such as Germany to improve their legal situation. Germany must therefore create effective legal avenues for the victims of human rights abuses that allow them to investigate the injustices they have suffered and achieve commensurate reparation.

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Application de la loi du 8 août 1893,
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The Lahmeyer case: The state prosecutor investigates

The Merowe Dam in North Sudan is currently one of the largest hydropower projects in Africa. According to conservative estimates, around 40,000 people have been affected by the construction of the dam and the corresponding displacement. The German corporation Lahmeyer International GmbH has taken over both the planning and the surveillance of the construction, and is responsible for initiating operations in the dam and the hydroelectric works.

Lahmeyer started the construction of the dams without negotiating relocation plans with the affected population, a step that is required by the relevant World Bank standards. As the first turbines were put into operation, the Sudanese Government had failed to agree on a deal with the affected people. As the construction project moved forward under Lahmeyer's leadership, these people were literally flooded out of their homes. Around 4,700 families were affected. They lost their livelihoods in the flood: houses and crops were destroyed, livestock and other belongings were swept away.

In 2010 ECCHR submitted a criminal complaint against two senior employees of the engineering office Lahmeyer International GmbH to the State Prosecutor in Frankfurt am Main. International experts supported the charge with expert opinions and statements. The state prosecutor has since begun investigations.

We see these cases as symptomatic of the danger posed to economic and social rights by large infrastructure projects (the right to adequate housing, for example, or the right to food and drinking water). While projects of this kind are supposed to benefit the local community in so far as they contribute to the development of a country, authoritarian regimes such as that headed by President al-Bashir are rarely concerned about the social and ecological side-effects of their plans. In the case in question, the German corporation Lahmeyer has intensified the inhuman actions of the Sudanese government through its reckless management of the construction project. When a German corporation commits such a blatant violation of the right to adequate housing and food, this must be considered criminal. If German citizens participated in the displacement in Sudan, then the German criminal justice system is obliged to conduct comprehensive investigations.

Uzbekistan: OECD complaints

Uzbekistan is the world's fifth-largest cotton producer and its third-biggest exporter. In part at least, this is due to the fact that the country uses children to gather around 50% of its cotton harvest. In response to their involvement in the trade of this cotton, ECCHR submitted OECD complaints against seven cotton traders to the respective National Contact Points (NCPs) in Germany, Switzerland, the United Kingdom and France.

The cases have been accepted for consideration in all four countries. While in France the mediation proceedings remain pending, in the other countries we have already met with representatives of the cotton traders. In this way, ECCHR succeeded in creating a dialogue between the European cotton traders and civil society organizations. Adding a further element to a growing international campaign, these cotton traders can now apply their influence on Uzbek authorities to force them to end the use of child labor in cotton production.

Should this fail to work, the cotton traders – like other corporations working within the immediate context of the Uzbek government's human rights abuses – must end their trade relationship with Uzbekistan. Corporations are obliged to follow due diligence guidelines on human rights abuses in the supplier chain. According to international standards such as the OECD Guidelines, companies are prohibited from supporting or sponsoring practices which are in violation of human rights. We have described our varying experiences with the National Contact Points in Germany, the UK and Switzerland in a position paper. We go on to make concrete recommendations for the impartiality of NCPs, their consistency, and their transparency.

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IV. International Crimes and Accountability

It is generally recognized that torture, war crimes and crimes against humanity (the systematic use of sexual violence as a strategy of war, for example, or the disappearance of dissidents) are gross human rights violations and crimes under international law. In theory, the victims of these crimes have the right to demand prosecution and reparation. In reality, the responsible authorities frequently fail to initiate investigations or secure criminal prosecution.

ECCHR works to uphold the interests of those who fall victim to these international crimes. In particular, we fight to bring high-ranking state and military officials to justice for their acts. Proceedings like these deal with more than the individual functionary's responsibility for systematic crimes against humanity. Rather, they seek to examine and address the systematic injustice and the wider dynamics of (civil) war. Often, this process collapses because the responsible authorities continue to protect the powerful or once-powerful state or military officials who are responsible for the crimes. All too frequently, the decisions made by criminal prosecution authorities appear to be motivated largely by political expediency. As a result, the international crimes committed by powerful states and their allies are far less likely to be investigated and prosecuted than those perpetrated by government members in less significant countries.

The difficulties involved in enforcing the responsibility of powerful states can be seen clearly in the US torture cases. In 2004 and 2006, ECCHR's General Secretary, attorney Wolfgang Kaleck, filed charges against the former US Defense Secretary Donald Rumsfeld and other US officials, alleging their involvement in war crimes and torture in Guantánamo and the Iraqi prison Abu Ghraib. Initially, the Federal Prosecutor rejected the call for investigations on the grounds that these could instead be conducted in the USA. When, two years later, these had still not begun, the Federal Prosecutor refused to

initiate investigations, arguing that it was inconceivable that the alleged perpetrators would appear before a German Court. The Federal Prosecutor's decision was evidently influenced by diplomatic pressure from the US Government.

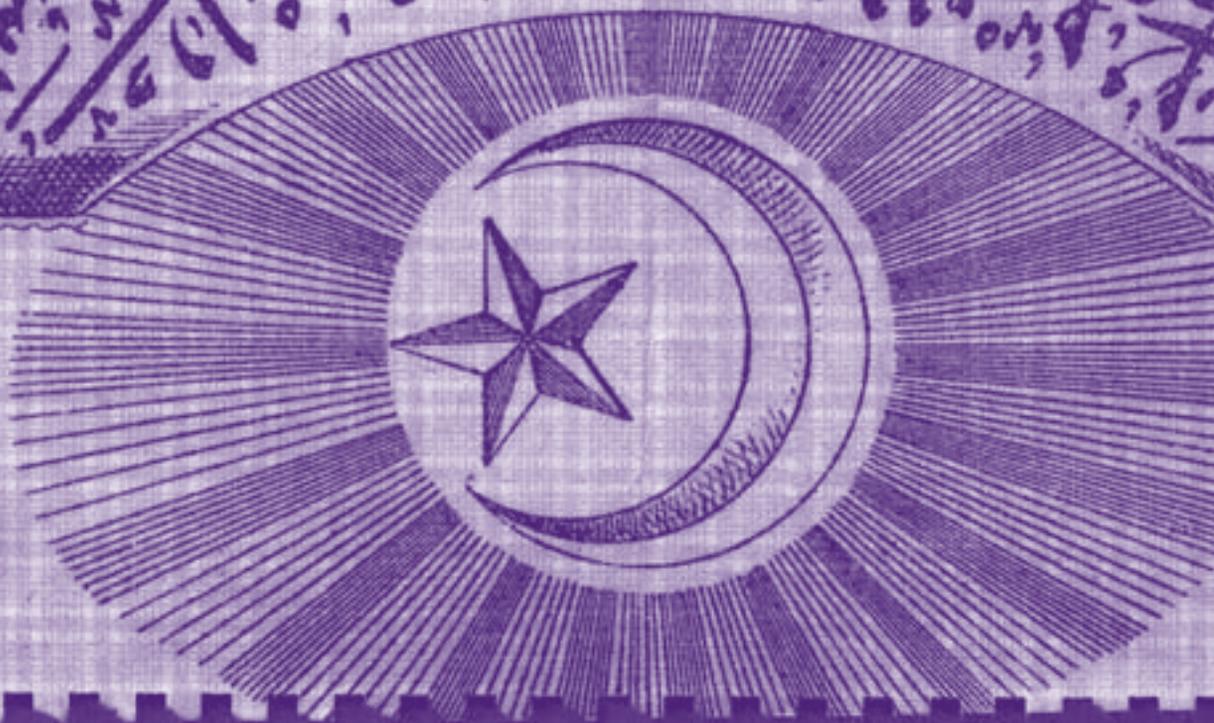
Despite this, ECCHR remains committed to bringing those responsible for torture in Guantánamo to justice. Since 2009, we have been supporting the criminal proceedings in Spain against six former members of the US government. The defendants are accused of systematic torture and brutal, inhuman and degrading treatment of Guantánamo detainees.

In February 2011, we reaffirmed our conviction that Europe must not become a "safe haven" for torturers and war criminals. Former US President George W. Bush had planned a trip to Geneva, where he was scheduled to speak at a charity function about peace. ECCHR and the Center for Constitutional Rights (CCR) prepared a criminal complaint on behalf of two victims of the United States' post-9/11 torture program. When other organizations announced that they too would be filing criminal charges, Bush canceled his visit.

In order to construct a free and democratic society, it is essential that you address the human rights violations committed by the deposed regime or the various warring factions. Together with other societal processes, legal proceedings such as criminal prosecution or compensation complaints offer a suitable forum to both assess the guilt of high-ranking human rights violators and to evaluate the wider societal dynamics that facilitated their crimes.

2011 was the year of the Arab Spring. After decades of systematic repression, the people of Tunisia and Egypt forced the resignation of dictatorial regimes. In Syria and Bahrain, people are continuing to fight for democratization. Egyptian and Tunisian human rights organizations are now looking to work through their country's recent history in order to build a new, democratic society. Working in cooperation with local organizations based in these countries, we have represented the interests of individual victims of state violence through legal opinions submitted to UN committees and investigative commissions.

Signature du Docteur
P. G. G. G.



Criminal proceedings in Germany against leading member of Colonia Dignidad

In August 2011 ECCHR filed criminal charges against a former leading member of the Chilean sect Colonia Dignidad, Hartmut Hopp. In the complaint we accuse the defendant of participating in the sexual abuse of children in the years between 1993 and 1997 and in the disappearance and murder of three dissidents in 1976. All crimes are alleged to have been committed within the grounds of Colonia Dignidad in Chile. Hopp fled to Germany when the Chilean judiciary ended decades of inactivity by passing a criminal sentence against him.

ECCHR submitted the charges to the State Prosecutor in Krefeld, which opened formal investigative proceedings just days later. After 25 years of half-hearted investigations by the the Bonn State Prosecutor, there is now new hope for the many victims of Colonia Dignidad, who have long waited for serious investigations and prosecutions for the crimes committed.

The South Chilean colony Colonia Dignidad has been run by German citizens for the last fifty years. They have committed numerous human violations in this time. Opponents of the Pinochet regime (1973–1990) were disappeared, tortured and murdered there, and German and Chilean children were subjected to systematic sexual abuse.

The case represents one small step in the wider process by which Chile is dealing with the crimes of the dictatorship, crimes which involved German citizens, and to which official German policy made an as yet unclear contribution.

The Jagath Dias case

Some war crimes cannot be dealt with, because diplomatic immunity blocks the way for criminal prosecution. It is the role of ECCHR to stop this from happening. Take Jagath Dias, Major General in the Sri Lankan army during the final stages of the civil war and until 2011, Vice-Ambassador to Germany, Switzerland and the Vatican. As a result of our work, he has been forced to give up his post. Germany has since conducted preliminary investigations into his alleged international crimes, and the Swiss Federal Prosecutor has announced that Dias will face criminal prosecution should he re-enter the country.

Dias stands accused of war crimes committed during the end phase of the Sri Lankan civil war in early 2009. In January 2011, ECCHR presented a comprehensive dossier substantiating these allegations to the Foreign Ministry in Berlin. In cooperation with the organizations TRIAL and the “Society for Threatened Peoples Switzerland”, the same dossier was submitted to the Swiss Federal Department of Foreign Affairs in Bern. We also demanded that Dias relinquish his diplomatic visa. In the dossier, we accuse the 57th Division of the army, led by Dias, of attacking civilian no fire zones, hospitals, places of religion and humanitarian facilities. According to UN reports, the final offensive of the Sri Lankan army against the rebel group Tamil Tigers (LTTE) in early 2009 claimed the lives of around 40,000 civilians. Drawing on both the dossier and the UN reports, the two Swiss organizations filed criminal charges in August 2011.

As a vice ambassador with a diplomatic visa, Jagath Dias enjoyed diplomatic immunity from criminal prosecution in Germany. ECCHR has called on the German Federal Government to seriously consider accusations of international crimes when issuing future diplomatic visas. In the event that these crimes have not been independently investigated in the submitting state or through an international institution, the competent Federal State Prosecutor should conduct its own preliminary investigations. The events of the Jagath Dias case must not be repeated.

Nous soussignés
M^r Leon Nighid
légitimes M^r Nighiditch (née
et M^{me} Almas
est Arménien Catholique n^e
le 10 Mars 1874 et
et confirmé le 20 Fev

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V. Gender and Human Rights

The majority of human rights violations correspond directly or indirectly to gender injustice. The effects of this frequently remain invisible because human rights discourse often remains male-dominated. In addition, the degree of access to political, civil, economic and cultural rights continues to differ depending on gender. Yet despite this, traditional role structures and state and non-state power relations combine persistently to deter people from addressing the injustices they have suffered on the grounds of their gender, their identity, or their sexual orientation.

ECCHR aims to consider gendered dimensions in all of its case work. Wherever possible, we seek to draw attention to the different gender-specific effects of human rights abuses. In our studies of corporate liability for human rights violations, we focused closely on possible ways of making actors liable for gender-specific discrimination.

In recent years, our work in the area “Gender and Human Rights” has concentrated on the fight to end impunity for sexual violence. Gender-specific violence is a human rights violation and one of the most extreme manifestations of gender discrimination. While sexual violence is recognized at the international level as a special type of human rights violation and a form of torture, perpetrators continue to enjoy extensive impunity for their actions. Witnesses who speak out in court face an often unbearable process of re-victimization and basic stereotyping. In response to these experiences, many women who are due to act as witnesses change their minds and refuse to testify, or retract their statements.

Impunity perpetuates the suffering of those who have been subjected to sexual violence. ECCHR campaigns for investigations into sexual violence committed during armed conflict and under authoritarian regimes. These investigations, we stress, must not discriminate against, or re-traumatize, those involved.

FDLR-trial observation

2011 saw the first complaint filed in Germany for a violation of the code of crimes under international law. Two former leaders of the Rwandan military group “Forces Démocratiques de Libération du Rwanda” stand accused of crimes against humanity, in particular the murder and enslavement of a woman, sexual assault or rape, and other war crimes. The FDLR is alleged to have used sexual violence against the Congolese civil population as a part of their battle strategy. In numerous cases, they are alleged to have plundered, killed and committed grievous bodily harm. The women involved are said to have suffered many forms of brutal mistreatment. Some died from their injuries. Defendant Ignace Murwanashyaka is not accused of committing these crimes himself, but rather of failing to prevent his subordinates from carrying out the acts (so-called command responsibility).

ECCHR is working with other organizations to monitor the trial, paying particular attention to the role of the female witnesses involved. While it is essential to the trial that the crimes are explained, there remains nonetheless the danger that the witness will be re-traumatized and re-victimized. Various options exist at a national and international level for dealing with witnesses in a way that is both respectful and protective. We are calling, therefore, for the unconditional compliance with international standards, and asking that the court implements all existing German protective measures, even when it is dealing with foreign witnesses.

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VI. Education Program

Central to ECCHR's work is its targeted education and training program for young lawyers. We want to teach students, trainees and young lawyers about the judicial philosophy underpinning human rights work and the practical procedures involved in developing strategic cases.

In 2011, we expanded our education program. For the first time, we advertised our internship places, allowing us to successfully attract interns from different disciplines from Australia, France, Ireland, Italy, New Zealand, Austria, Slovakia, Sweden, Switzerland, South Africa, the USA, Venezuela and Cyprus. Interns typically work at ECCHR for several months at a time. It is important for us that we do not only attract lawyers from Europe onto our training program. In particular, we are keen that lawyers from the Global South are able to work with us.

The interns who take part in our education program form an integral part of the ECCHR team and work with us at all stages of our case work. They carry out research, develop judicial arguments, and draft complaints. Once a week, trainees and participants of the education program contribute to the practical work of the organization through discussion events. Following a short presentation on a theoretical or practical question, we discuss the issues raised as a group. Participants of the education program can use these occasions to exchange ideas and discuss their experiences.

Since March 2011 the participants of the education program have organized a weekly Human Rights Cinema in which they show documentaries and feature films which deal with current human rights issues.

ECCHR also organizes seminars with a number of German universities, such as the University of Regensburg, the European University Viadrina in Frankfurt (Oder) and the Hertie School of Governance in Berlin. We are particularly pleased to work with the only German human rights law clinic to date, located at the Humboldt University in Berlin.

In addition to the education program in Berlin, we have developed a seminar concept that is specifically geared towards the needs of lawyers working in the Global South. The first two regional workshops (Bogota, Colombia in 2010 and Douala, Cameroon in 2011) have both shown that the legal strategies cannot be limited to trials held in Europe. Our experienced cooperating organizations and partners in the Global South have repeatedly requested that we support their local and regional efforts. In collaboration with these organizations, we hope to use these seminars to develop transnational strategies to deal judicially with concrete cases of corporate human abuse that have arisen through the work of the participating organizations.

The seminars combine mutual learning with training components. On the one hand, they offer a platform for human rights attorneys from the Global South to exchange experiences and ideas about strategic human rights litigation. On the other, they allow selected experts from the Global North to educate lawyers about specific issues related to the initiation of strategic and transnational proceedings in Europe and North America. In this way, we can use our expertise to contribute to transnational strategic litigation.

VII. Appendix

Expert Legal Opinions

POSITION STATEMENT

on the draft of the guidelines “Prospect-Respect-Remedy”
by UN Special Rapporteur for Human Rights and Transnational Corporations,
John Ruggie, published in January 2011.

DOSSIER

on the accused Geoffrey Miller, former commander at Guantánamo
Bay, regarding his role in the torture of prisoners at Guantánamo Bay
and Iraq,
submitted to the Spanish National Court of Justice
in cooperation with the New York Center
for Constitutional Rights (CCR)
in January 2011

EXPERT OPINION

on the liability of six former US Government Officials (“Bush Six”) for
torture and other war crimes according to international criminal law,
submitted to the Spanish National Court of Justice
in cooperation with the New York Center for
Constitutional Rights (CCR)
in January 2011.

DOSSIER

on the war crimes allegedly committed by the 57th Division under
command of Major General Dias in northern Sri Lanka between April
2008 and May 2009,
sent to the German Foreign Office, the Swiss Federal
Department of Foreign Affairs
and the Vatican in 2011.

AMICUS CURIAE BRIEF

on the obligation of the Argentinean state to investigate and criminally
prosecute those responsible for the human rights violations committed
by the sugar corporation Ledesma during the military dictatorship,
filed in the cases “Arédez y otros” (Arédez and others) “Bernard y otros” (Bernard and others)
and “Guerrero” at the Federal Court no. 2 in Jujuy (northern Argentina)
in April 2011.

POSITION STATEMENT

on the human rights responsibilities of international business, for a
public hearing of the German Bundestag’s Committee for Human
Rights and Humanitarian Aid,
presented in April 2011.

AMICUS CURIAE BRIEF

in the case of “Esther Kiobel and others” against “Royal Dutch Petroleum Co. and others,” jointly filed with the Center for Constitutional Rights (CCR), the International Association of Democratic Lawyers, the International Commission of Jurists, the International Federation for Human Rights, the UN Special Rapporteur Oliver De Schutter and Prof. Florian Jeßberger,
submitted to the Supreme Court of the United States of America
in July 2011, and another in December 2011.

FORMAL COMMUNICATION FOR CONSIDERATION AND ADOPTION OF MEASURES

relating to the Arab Republic of Egypt, in support of two severely injured protesters from the protests in the Spring of 2011 and the need for compliance with minimum human rights standards in Egypt,
submitted to the UN special rapporteurs on freedom of assembly,
freedom, health, torture and extrajudicial killings
in July 2011.

POSITION STATEMENT

on cases of violence against peaceful demonstrators in the Kingdom of Bahrain and their widespread and systematic character,
submitted to the Bahraini Independent
Commission of Inquiry
in September 2011.

SPECIALIST STATEMENT OF POSITION

on the role of Hartmut Hopp in Colonia Dignidad (Chile), his collaboration with the Pinochet regime and his crimes against the residents of Colonia Dignidad,
filed with the Krefeld State Prosecutor
in October 2011.

ALTERNATIVE REPORT

for the fifth periodic report of the German Federal Government before the UN Committee against Torture,
submitted to the UN Committee against Torture
in October 2011.

Public Events 2011 (A selection)

INTERNATIONAL WORKSHOP:

Femicide in Latin America

Partner: Heinrich-Böll-Foundation

7 March 2011, Berlin (Heinrich-Böll-Foundation)

INTERNATIONAL WORKSHOP:

Strategic litigation against transnational firms

Partners: Misereor, Bread for the World, Leigh & Day, Sherpa, Earth Rights International, International Federation for Human Rights

22–25 June 2011, Douala (Cameroon)

INTERNATIONAL CONFERENCE AND WORKSHOP:

10 years after 9/11: Looking Back,

Moving Forward

Partner: Amnesty International Germany, Republikanischer Anwältinnen- und Anwälteverein

28–29 June 2011, Berlin (Passion Church)

INTERNATIONAL WORKSHOP:

on corporate responsibility in international production chains, with special consideration of gender-specific labor and human rights violations

Partner: Friedrich-Ebert-Foundation

11 August 2011, Berlin (Friedrich-Ebert-Foundation)

PODIUM DISCUSSION AND PRESENTATION OF EXPERT ANALYSES:

Compensation for Gross Human Rights Abuses: Contemporary Relevance and Challenges for State Immunity

Partner: Republikanischer Anwältinnen- und Anwälteverein

12 September 2011, (The Hague University of Applied Sciences)

PANEL DISCUSSION:

International Counter-Terrorism and Cooperation between Intelligence Agencies

Partner: Amnesty International Germany and Human Rights Watch Germany

31 October 2011, ECCHR Office

INTERNATIONAL WORKSHOP:

Transitional Justice – A way of fighting sexualised violence during warfare? Strategies on conflict resolution and reconciliation, the example of South Africa

Partner: Gunda-Werner-Institute and Frauensicherheitsrat

3 November 2011, Berlin (Gunda-Werner-Institute)

INTERNATIONAL CONFERENCE:

Rights and Responsibility: The way ahead for business and human rights

Partner: Friedrich-Ebert-Foundation, Misereor, Forum Menschenrechte, Corporate Accountability – Network for Corporate Accountability, Germanwatch

21–22 November 2011, Berlin (Friedrich-Ebert-Stiftung)

INTERNATIONAL WORKSHOP FOR LAWYERS:

Meeting of European experts from law and practice on the prohibition of torture

Partner: Redress

25–27 November 2011, ECCHR Office

ECCHR HUMAN RIGHTS LECTURES:

International Criminal Justice and Africa – the case of Hissène Habré, with the winner of the Right Livelihood Award, the alternative Nobel Prize, Jacqueline Moudeïna

Partners: Misereor, Bread for the World, Amnesty International Germany, Human Rights Watch Germany, Working Group on Chad

First December 2011, ECCHR Office

Publications

ECCHR Publications

ECCHR (ed.):

Transnationale Unternehmen in Lateinamerika: Gefahr für die Menschenrechte?, [*Transnational corporations in Latin America: a danger for human rights?*],

March 2011, 56 p.

ECCHR (ed.):

Folter und die Verwertung von Informationen bei der Terrorismusbekämpfung. Die Fälle Kurnaz, Zammar und El Masri vor dem BND-Untersuchungsausschuss, mit einem Vorwort des ehemaligen UN-Berichterstatters über Folter, [*Torture and the use of information countering terrorism. The causes of Kurnaz, Zammar and El Masri before the parliamentary inquiry concerning the role of the German intelligence service, with a foreword by former UN Special Rapporteur on torture, Prof. Manfred Nowak*],

May 2011, 112 p.

ECCHR (ed.):

A comparison of National Contact Points – Best practices in OECD complaints procedures,

December 2011, 12 p.

Independent Publications

MIRIAM SAAGE-MAASS:

Arbeitsbedingungen in der globalen Zulieferkette. Wie weit reicht die Verantwortung deutscher Unternehmen?, Internationale Politikanalyse der Friedrich-Ebert-Stiftung,
November 2011, 21 pages.

Specialist Articles

FLORIAN JESSBERGER/WOLFGANG KALECK/ANDREAS SCHUELLER:

Concurring Criminal Jurisdictions under International Law,
in: Morten Bergsmo (ed.): *Complementarity and the Exercise of Universal Jurisdiction for Core International Crimes*,
Oslo 2010, p. 233–246

WOLFGANG KALECK:

Terrorismuslisten: Definitionsmacht und politische Gewalt der Exekutive,
in: *Kritische Justiz*, Heft 1, 2011, p. 63–70

WOLFGANG KALECK/MIRIAM SAAGE-MAASS:

Kämpfe um soziale Rechte. Können strategische Gerichtsverfahren gegen transnationale Unternehmen einen Beitrag leisten?,
in: *Juridikum* Volume 4, 2010, p. 436–448

WOLFGANG KALECK:

Bombeneinsatz von Kunduz ohne Konsequenzen?,
in: T. Müller-Heidelberg u.a. (Hg.): *Grundrechte-Report 2011. Zur Lage der Bürger- und Menschenrechte in Deutschland*,
Frankfurt a.M. 2011, p. 54–58

WOLFGANG KALECK:

Die verschwundenen Gewerkschafter von Mercedes Benz Argentina,
in: *Juridikum*, 3/2011, p. 343–351

CLAUDIA MÜLLER-HOFF:

Strategic Human Rights Litigation: Can It Be Used Effectively
Against Transnational Corporations?,
in: *Aportes DPLF*, Volume 15, 2011, p. 24–26

MIRIAM SAAGE-MAASS/YVONNE VEITH:

Keine usbekische Baumwolle aus Kinderhand auf den europäischen
Markt – Mit soft law gegen Kinderzwangsarbeit?,
in: *Juridikum*, 3/2011, p. 352–363

MIRIAM SAAGE-MAASS/WIEBKE GOLOMBEK:

Transnationality in Court: In Re South African Apartheid Litigation,
in: *European Journal of Transnational Studies*, Volume 2, Issue 2, Autumn 2010, p. 5–25

ANDREAS SCHÜLLER:

Gleiches Recht für alle. Die juristische Menschenrechtsarbeit gegen
die Folgen von 9/11,
in: *Friedensforum. Zeitschrift der Friedensbewegung*, 6/2011, p. 33–34

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Finances

Income	2011
DONATIONS	5.915,90 €
THIRD PARTY FUNDS	553.291,95 €
SERVICE FEES	16.227,50 €
INTEREST INCOME	1.492,23 €
Total	576.927,58 €
STOCK ON 01/01/2011	158.376,46 €

TOTAL	735.304,04 €
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Outgoings	2011
PERSONNEL COSTS	357.259,90 €
EXTERNAL SERVICES	8.165,22 €
OCCUPANCY COSTS	36.746,38 €
PUBLIC RELATIONS	19.170,37 €
PROJECTS, EVENTS, TRAVEL AND ENTERTAINMENT EXPENSES	164.379,90 €
INVESTMENT COSTS	4.016,41 €
OTHER EXPENSES	41.627,70 €

TOTAL	631.365,88 €
STOCK ON 31/12/2011	103.938,16 €

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Escape carpet

The annual report is illustrated with images by Berlin artist Silvina Der-Merguerditchian, who grew up in Argentina, the grandchild of Armenian grandparents. Her work uses art to examine the memory of the forcible displacement of Armenian people. Her exhibition “Little gestures of cooperation”, a part of which has been displayed in ECCHR’s office since November 2011, moves beyond memorialization and mourning in its quest to find new avenues of reconciliation.

The work is motivated by moments or encounters that the artist has experienced and collected over the last twenty years. “Of course I knew some Armenians from Istanbul, but their very existence seemed to throw up: how can Armenians live alongside Turkish people after everything that has happened?” asks Der-Merguerditchian. For years she has carefully documented every moment of contact that she had with people of Turkish heritage, whether positive or negative, and reflected upon them in her art. The process has allowed her to overcome anxiety and prejudice, and has set something interesting in motion: she has started to scrutinise images of “turkish” and her own relationship to them. Her experience of this internal process has given rise to work that tries to find a visual expression for the unexpressed, for those thoughts and feelings which exist subconsciously.

This is not all that has changed. In recent years, the Turkish public has altered its relationship to the absence of the Armenians and the reasons for their disappearance. This development has also left its mark on Der-Meguerditchian’s personal and artistic biography.

The images selected from the report are taken from the larger work FLUCHT TEPPICH, or escape carpet. The works are passport photos of Armenian refugees from residency and work permits showing stamps and signatures from the countries to which they were able to flee. The artist has invested a piece of her own private family history in the work: her grandparents had to flee as a result of the genocide enacted by the Turkish on the Armenian minority in 1915. They first fled to Paris, before finding their way to Argentina.

Der-Meguerditchian is the founder of the artists’ platform www.underconstructionhome.net, the curator of the first presentation of the Armenian diaspora at the 52. Venice Biennale, the curator of an exhibition in the official program of the 53. Venice Biennale and the artistic director of the Houshamadyan Project, an internet site that seeks to reconstruct the lives of Ottoman Armenians.

More information can be found at: www.silvina-der-meguerditchian.de, www.underconstructionhome.net, and www.houshamadyan.org.



Imprint

Published by:

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Artwork: Silvina Der-Meguerditchian, Der Flucht Teppich, 2002,
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Art Direction: Mario Lombardo

Design: Daniel Burchard & Javier Triviño, BUREAU Mario Lombardo

www.mariolombardo.com

Printing and Bookbinding: Druck + Verlag Ernst Vögel GmbH



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