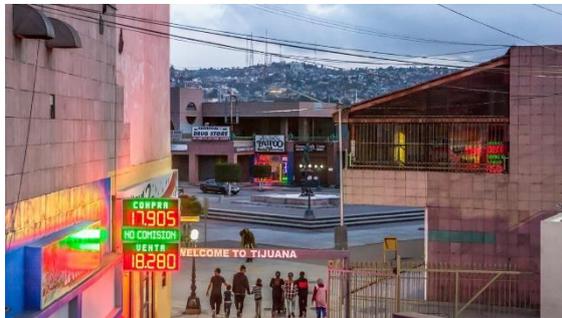




EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

NEWSLETTER 53 (November 2018)

What's been happening at ECCHR over the past two months? A Guantánamo detainee joined ECCHR's criminal complaint against [CIA Director Gina Haspel](#). The Grand Chamber of the European Court of Human Rights heard our arguments in the groundbreaking migration case of [N.D. and N.T. vs. Spain](#). Survivors of [crimes committed at Colonia Dignidad](#) encountered a grave setback.



Exhibition opening: “La Border Curios” by Laura Fiorio

8 November 2018, 6pm
at ECCHR

The photographs from the series “La Border Curios” by Laura Fiorio show aspects of the US-Mexican border. Fiorio sees photography as a means for social change; her approach questions the borders that we have built in spaces and in our own heads. Opening talk with [Vincent Warren](#).

More information and further events [here](#).



Hearing in KiK case – One Week of Justice

26 November – 3 December 2018
Geneva, Bochum, Dortmund and Rome

On 29 November, a court in Germany will for the first time hear the case on the responsibility of German retailer KiK for a factory fire in Pakistan. On her journey through Europe, one of the claimants will speak about the case and transnational strategies in the fight for justice in global supply chains.

Details on the events [here](#).

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INTERNATIONAL CRIMES AND ACCOUNTABILITY

Colonia Dignidad: Sect leaders should face prison in Germany

A slap in the face for the victims of the Colonia Dignidad: on 25 September 2018, the Higher Regional Court in Düsseldorf decided that the prison sentence imposed against Hartmut Hopp in Chile would not be enforced in Germany. In 2011, former sect doctor Hopp was sentenced in Chile to five years' imprisonment for aiding the sexual abuse of minors, but escaped punishment by fleeing to Germany.

ECCHR was not involved in the proceedings in Düsseldorf, but continues to work in other cases to hold Hopp and others responsible for the crimes they committed at the sect. In April 2018, ECCHR submitted a criminal complaint to the Regional Court in Münster against Reinhard Döring, another leading figure of the Colonia. He had been in direct contact with DINA, the Chilean secret police. Between 1973 and 1977, DINA was the Pinochet dictatorship's key intelligence service.

[More information on the cases](#)

CIA torture: Torture survivor joins criminal complaint against Gina Haspel



Video: Interview with Nancy Hollander, lawyer for al-Nashiri

On 10 September 2018, ECCHR submitted further information to the German Federal Public Prosecutor in the case of Gina Haspel. The submission is a follow-up to an earlier complaint on the US torture program filed in Germany by ECCHR in December 2014. Haspel played a key role in overseeing the torture of detainees while she was stationed at a CIA secret prison in Thailand. The criminal complaint is joined by Guantánamo detainee Abd al-Rahim al-Nashiri, who was tortured at the CIA “black site” while Haspel served as Chief of Base there.

[More information on Gina Haspel](#)

Sexualized violence in Myanmar: ICC can address crimes against Rohingya

In June 2018, ECCHR together with Dutch and Bangladeshi partners submitted a report on sexualized violence against Rohingya women to the International Criminal Court (ICC). The submission was aimed at opening up legal possibilities for Rohingya in order to bring those responsible for these crimes before the court. On 6 September 2018, the ICC confirmed its jurisdiction to address crimes against the Rohingya in Myanmar.

[ECCHR's work on sexualized violence](#)

Video: European responsibility for US drone strikes



Video: ECCHR's work on drone strikes

Again and again, innocent people are killed in US drone strikes around the world. The US military bases at Ramstein (Germany) and Sigonella (Italy) play a crucial role in drone strikes in Yemen, Somalia or Afghanistan. Together with those affected by drone strikes and with its international partners, ECCHR uses legal means to seek an end to unlawful killings by armed drones.

BUSINESS AND HUMAN RIGHTS

KiK I: First hearing in front of German Court



Survivors and relatives of those who died in the factory fire on 11 September 2012 in Karachi remember the victims. © ECCHR

On 29 November 2018, the court will for the first time hear arguments in the KiK case. 258 killed, dozens injured: this is the terrible human toll of the factory fire at Ali Enterprises in September 2012 in Karachi (Pakistan). German clothing retailer KiK was the factory's main customer. Four of those affected by the factory fire brought their case to the Regional Court in Dortmund (Germany), on ECCHR's initiative and with support from medico international. The proceedings are aimed at showing that transnational corporations from the Global North bear responsibility for the working conditions of their subsidiaries and suppliers in the Global South.

[More on the KiK case](#)

KiK II: OECD complaint against Italian certification company

Marking the six year anniversary of the factory fire at Ali Enterprises in Karachi, ECCHR together with an international coalition filed an OECD complaint in Rome against Italian auditor RINA. Only three weeks before the fire, RINA certified the factory as abiding by international labor and safety standards.

[More on the complaint against RINA](#)

German arms in Mexico: Heckler & Koch and the Ayotzinapa case



Affected persons and activists from Mexico speak about the Ayotzinapa case in Stuttgart. © ECCHR

Since May 2016, employees of the arms manufacturer Heckler & Koch have had to testify at the regional court in Stuttgart in legal proceedings concerning the shipment of Type G36 rifles to Mexico. The case is especially notable because of a police operation on the night of 27 September 2014 during which security forces attacked college students at Ayotzinapa. Marking the fourth anniversary of the attack, ECCHR invited affected persons, lawyers and partners from Mexico and Germany to discuss the case in Germany.

[More on ECCHR's work concerning Heckler & Koch](#)

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MIGRATION

Push-backs at the EU's external borders: Grand Chamber of ECtHR hears the case of N.D. & N.T. v. Spain



Grand Chamber hearing in the case of N.D. & N.T. vs. Spain at the European Court of Human Rights in Strasbourg. © ECCHR

A groundbreaking case for the “right to have rights” of refugees and migrants: on 26 September 2018, the Grand Chamber of the European Court of Human Rights (ECtHR) heard this key case on the push-backs at the Spanish-Moroccan border. This came in response to the complaints of N.D. and N.T., who were directly pushed back from Melilla to Morocco – without access to any legal procedures or protection. The Court must make clear that the European Convention on Human Rights applies at the border structures at the EU's external borders and that refugees and migrants must have access to the law.

More information on the Melilla case and interview with Wolfgang Kaleck (Video)

Video of the Grand Chamber hearing

Hotspots in Greece: European Ombudsperson must examine EU asylum agency

The European Asylum Support Office (EASO) must be held accountable for blatant failures in its work at the Greek Hotspots. In September 2018, ECCHR called on the European Ombudsperson not to close the proceedings against EASO. In its initial complaint to the Ombudsperson in April 2017, ECCHR documented EASO's admissibility decisions and criticized grave deficiencies in the asylum processes.

More information on the EASO case

Video: Enforcing the Right to have Rights



Video: "Enforcing the Right to have Rights"

War and persecution, exploitation and severe hardship force people to leave their homes and make the life-threatening journey to Europe. But violence and unlawfulness do not end at the borders of Europe. Together with refugees and migrants, ECCHR makes legal interventions against push-backs and fights to enforce human rights. In a new video, we show why everyone has the fundamental right to have rights.

ECCHR

Honor for ECCHR General Secretary: Wolfgang Kaleck receives Max Friedlaender Prize

The Bavarian Lawyer's Association (*Bayerischer Anwaltverband*) awards the annual Max Friedlaender Prize to recognize "outstanding contributions to the law, the legal profession or society." This year the prize, named after a Jewish lawyer and founder of the association, goes to Wolfgang Kaleck, founder and General Secretary of ECCHR. The prize-giving ceremony will take place in Munich at the end of November 2018.

More about the Max Friedlaender Prize

"Wir zielen immer auf die Spitze": Wolfgang Kaleck in an interview with WOZ about his work as a lawyer and ECCHR, in: WOZ, 11 October 2018, p. 15

Bertha Justice Fellowships: Mirka Fries and Cannelle Lavite join the team

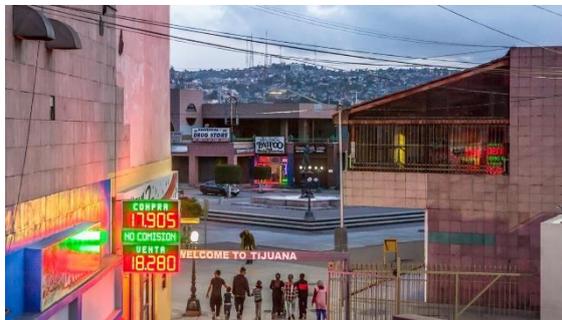
[Mirka Fries](#) studied German and International Law in Münster and Potsdam, as well as international criminal law and human rights law in Amsterdam and New York. In autumn 2018, she joined ECCHR's International Crimes and Accountability Program. [Cannelle Lavite](#) studied law at the Université de Toulouse. She was awarded an LL.M. with a specialization in corporate governance and criminal law from the Universities of Montréal and Lyon. She is now a member of ECCHR's Business and Human Rights Program.

Media & Communication: Michelle Trimborn joins department

[Michelle Trimborn](#) studied Northern European Studies and Media, Communication and Culture. She worked in the press office of Amnesty International and for several media outlets. Later, she supported the European Centre for Press and Media Freedom (ECPMF) as press and communications officer and was a trainee at Bundeszentrale für politische Bildung. In October 2018, Trimborn joined ECCHR's media and communication department.

EVENTS

Exhibition and talk: “La Border Curios” by Laura Fiorio



Tijuana © Laura Fiorio

8 November 2018, 6pm, ECCHR office

The photographs from the series “La Border Curios” by Italian artist Laura Fiorio show multi-faceted aspects of the US-Mexican border regime and its exclusionary logic. How can artistic and legal interventions be used as intertwined means to oppose the violence at the external borders of the US and Europe? Before opening the exhibition, **Laura Fiorio** and **Vincent Warren** (Executive Director, Center for Constitutional Rights) will talk with **Vera Wriedt** (ECCHR) about art and law at the border.

[*More information on the exhibition*](#)

One Week of Justice – Pakistani plaintiffs speak in Geneva, Dortmund and Rome

26 November: Geneva (Switzerland), 28-29 November: Dortmund/Bochum (Germany), 3 December: Rome (Italy)

From Pakistan to Germany and Italy: The journey of the survivors and affectees of the Ali Enterprises factory fire in Karachi is long in every respect. On 11 September 2012, more than 250 workers died in the flames because of the lack of rudimentary fire protection equipment in the factory. They are now seeking justice in Europe as Ali Enterprises produced for German retailer KiK and was certified by Italian social auditor RINA. The Pakistani plaintiffs' upcoming trip through Europe will be an opportunity to reflect in a series of events on strategies for their fight for justice.

[More information and program](#)

PUBLICATIONS

Wolfgang Kaleck / Andreas Schüller

[“Colonia Dignidad, ein deutscher Justizskandal”](#), in: *Legal Tribune Online*, 17 October 2018

Claudia Müller-Hoff

[“The OECD complaint mechanism: remedy or complicity?”](#), in: *Business and Human Rights Resource Centre*, September 2018

Dr. Miriam Saage-Maaß

[“The Merowe Dam Project – When does the coin flip from legal business activity to criminal behavior? Reflections on the concept of guarantor’s liability in the context of transnational business activities”](#), in: *Criminal Law Forum*, 22 October 2018

Andreas Schüller / Prof. Dr. Florian Jeßberger

Workshop report: [“Universal jurisdiction and international crimes: Constraints and best practices”](#), in: European Parliament’s Subcommittee on Human Rights (ed.), 17 September 2018

Karina Theurer

[“Literatura y Derecho en Adiós, Ayacucho”](#), in: Julio Ortega (ed.): *Adiós Ayacucho*, Lima 2018

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