



EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

NEWSLETTER 56 (March 2019)

The [groundbreaking judgment in the case of *Bin Ali Jaber v Germany*](#), the [conviction of Spain for illegal push-backs of unaccompanied minors to Morocco](#), the [arrest of Syrian ex-officials Anwar R. and Eyad A. in Germany](#): together with those affected by human rights violations and our partners, we have achieved a lot over the last weeks. What we are working on in other cases and in the Institute for Legal Intervention, you can read about in this newsletter.



Sweden: Survivors file criminal complaint against torture in Syria

The path to justice in Syria (also) leads through Europe. Following criminal complaints in Germany and Austria, nine Syrian torture survivors, supported by ECCHR, filed a criminal complaint in Sweden on 19 February. The complaint is directed against 25 high-ranking officials of the Syrian secret service who are accused of torture.

[More information](#)



Groundbreaking judgment on Germany's role in US drone program

In the case of *Bin Ali Jaber v Germany*, the court found in favor of the claimants from Yemen on key aspects on 19 March. Germany must now take action to ensure that the US respects international law in its use of Ramstein Air Base. ECCHR supported the bin Ali Jaber family in the proceedings against the German government.

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INTERNATIONAL CRIMES AND ACCOUNTABILITY

Groundbreaking judgment on Germany's role in US drone program



US drone program: German government must ensure that US respects international law at Ramstein. © Photo: Google

In the case of *Bin Ali Jaber v Germany*, the Higher Administrative Court in Münster found in favor of the claimants from Yemen on key aspects. Germany must now take action to ensure that the US respects international law in its use of Ramstein Air Base. Ramstein plays a key role in US drone strikes and, thus, in many cases involving the deaths of innocent people. In 2012, the bin Ali Jaber family lost two relatives in a US drone strike in Yemen. The airbase at Ramstein hosts a satellite relay station as well as personnel that are crucial for drone operations in Yemen. This is why, in October 2014, the family brought a legal action against the German government. Together with [Reprive](#), ECCHR supports the plaintiffs and their lawyers.

[More information](#)

Syria I: Ex-officials from Assad government arrested in Germany

Recent developments could lead to the first criminal trial in the world examining the responsibility of senior members of the Syrian intelligence agencies of President Bashar al-Assad for crimes of torture. Two former members of the Syrian General Intelligence Directorate were arrested on 12 February at the behest of Germany's Federal Court of Justice. Anwar R. and Eyad A. are suspected of being responsible for the torture of detainees in the Al-Khatib detention facility run by the General Intelligence Directorate in Damascus. ECCHR is assisting survivors of torture in Syria in these proceedings. Their testimonies and research conducted by ECCHR contributed to the issuance of the arrest warrant.

[More information](#)

Syria II: Torture survivors also file criminal complaint in Sweden against Assad's intelligence officials



Claimants in the Syria case in Sweden. © Photo: Civil Rights Defenders

Following criminal complaints in Germany and Austria, torture survivors submitted a criminal complaint in Stockholm on 19 February against more than 25 senior secret service officials in the Syrian government. ECCHR, whose legal research and analysis form the basis for the criminal complaint, worked closely together with the plaintiffs as well as Syrian lawyers and the organization [Civil Rights Defenders](#) from Sweden.

[More information](#)

[Interview with Andreas Schüller “Why justice on Syria is very dynamic”](#)

MIGRATION

UN Committee condemns Spain: Practice of push-backs violates children's rights



Melilla, December 2014: The Guardia Civil grabbing and handcuffing D.D. on Spanish side of the border. © Photo: ECCHR

In December 2014, D.D. was pushed back as an unaccompanied minor at the Spanish-Moroccan border – and this was no exception, but a common procedure. On 1 February, the UN Committee on the Rights of the Child condemned Spain for its violent push-back practice and ordered the country to pay compensation for the harm suffered by the complainant. The decision furthermore obliges Spain to amend the special legal regime authorizing automatic expulsions in Ceuta and Melilla. The decision followed a complaint submitted by D.D. together with ECCHR and [Fundación Raíces](#) in 2015.

[More information](#)

INSTITUTE FOR LEGAL INTERVENTION

International Summer School: “Human Rights Law in Context”

22-26 July 2019, Nuremberg

ECCHR, together with the Centre for Human Rights Erlangen-Nürnberg ([CHREN](#)), will host a summer school on human rights law in context. The focus area will be business and human rights, including topics such as human rights due diligence, corporate liability and supply chain responsibility. With: **Miriam Saage-Maaß**, **Carolijn Terwindt**, **Linde Bryk** (ECCHR), **Markus Krajewski** (Universität Erlangen-Nürnberg) and **Michael Windfuhr** (Deutsches Institut für Menschenrechte) et al.

Application deadline: 31 March 2019

[More information](#)

ECCHR

Law versus Power: Wolfgang Kaleck presents new book in England



Wolfgang Kaleck’s new book with a foreword by Edward Snowden. © Photo: ECCHR

Law versus Power, the English translation of Wolfgang Kaleck’s *Mit Recht gegen die Macht*, was published in February by OR Books. After a successful book tour through the US and Berlin, Kaleck spoke about his book at Middlesex University on 15 March and will present it at Oxford University on 29 May.

EVENTS

Germany’s involvement in the Anti-IS Coalition: The air strike on Al-Badhiya IDP-Shelter in Syria



Al-Badhiya shelter after the air strike. © Photo: Google

20 March 2019, 6.30pm at ECCHR

The most severe air strike of the Anti-IS Coalition with over 150 civilian casualties took place on 20 March 2017 when it attacked a shelter for internally displaced people in Al Mansura, Syria. Germany, part of the coalition, acknowledged its role in the strike by providing images of the target site to the coalition command as well as battle damage assessment flights after the attack. Commemorating the Al-Badhiya air strike’s second anniversary,

Airwars and ECCHR invite you to a panel discussion with: **James Rodehaver** (UN Commission of Inquiry on Syria), **Maike Awater** (Airwars), **Fadel Abdul Ghany** (Syrian Network for Human Rights), **Nadim Houry** (Human Rights Watch), **Robert Frau** (Universität Potsdam) and **Andreas Schüller** (ECCHR).

Follow the event via livestream on ECCHR's Facebook page

Colonial repercussions: “Namibia: A Week of Justice”



Watch video: German responsibility for (post-)colonial injustice in Namibia: Swakopmund

25 – 30 March in Windhoek and Swakopmund (Namibia)

The present-day repercussions of Europe’s colonial past are finally being discussed more openly: Germany has returned human remains of genocide victims to Namibia, a lawsuit was brought before a US court by Ovaherero and Nama communities, and museums in Berlin, Paris and London face calls for the restitution of artwork taken during colonial times. Together with lawyers, artists and historians from all over the world, ECCHR will address questions on colonial crimes and postcolonial injustice at the conference “Namibia: A Week of Justice.”

More information

PUBLICATIONS

ECCHR / TRIAL / FIGBAR / fidh

Universal Jurisdiction Annual Review #5: Evidentiary Challenges in Universal Jurisdiction Cases, Berlin, March 2019

Wolfgang Kaleck

“*Seizing opportunities and broad strategy both essential in human rights litigation*”, in: *Open Global Rights*, 26 February 2019

Spanish version here

Linde Bryk

“A supply chain of complicity: Labour exploitation in Qatar and migrant workers’ access to justice”, in: *Business and Human Rights Resource Centre*, February 2019

Hanaa Hakiki / Vera Wriedt

“Op-ed: The Rights of Minors – UN Condemns Spain’s Push-Backs and Demands Legal Amendments”, in: European Council on Refugees and Exiles – ECRE (ed.), 1 March 2019

Alexandra Lily Kather / Anne Schroeter

“Co-Opting Universal Jurisdiction? A Gendered Critique of the Prosecutorial Strategy of the German Federal Public Prosecutor in Response to the Return of Female ISIL Members: Part I + II”, in: *OpinioJuris*, 7/8 March 2019

Dr Miriam Saage-Maaß / Claire Tixeire

“Kriegsökonomien und die Verwicklung transnationaler Unternehmen in Völkerstraftaten – Der Fall Lafarge/Syrien”, in: *Kritische Justiz* 1/2019, March 2019

Dr Carolijn Terwindt / Dr Christian Schliemann

“Una situación complicada: el espacio de la sociedad civil en las luchas por los recursos naturales”, in: Heinrich-Böll-Stiftung Ciudad de México (ed.), March 2019

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