



# EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

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## NEWSLETTER 57 (May 2019)

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We fight for justice – worldwide and together with people whose rights are violated. That our work is effective was demonstrated recently in relation to the [case of a deadly push-back at the Spanish-Moroccan border](#): in March, a survivor was able to testify for the first time. However, political and economic power relations complicate our work. This is the case when the European Ombudsman won't take action against the [misconduct of the EU asylum agency EASO](#) or when the [German judiciary refuses to prosecute the crimes of Colonia Dignidad](#).



### [ECCHR Annual Report 2018](#)

It is not easy to be confronted on a daily basis with the problems and violence in our world. But there were also some rays of hope in 2018. This is documented in ECCHR's new Annual Report.



### [Blatant failures in Greek Hotspots](#)

The European Asylum Support Office disregards core standards of fairness in its asylum interviews on the Greek Islands. But it will not be held accountable for these blatant failures.

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## DONATE

Support us to help defend human rights around the world.



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## INTERNATIONAL CRIMES AND ACCOUNTABILITY

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## Colonia Dignidad: Investigations against sect doctor Hartmut Hopp closed



Demonstration for addressing the crimes committed in Colonia Dignidad © Foto: AFDD Talca

The crimes committed during the Chilean Pinochet dictatorship in the German sect Colonia Dignidad remain a dark chapter in Germany's legal history. On 6 May 2019, a prosecutor in Germany closed the investigations against the former doctor of the sect, Hartmut Hopp. Hopp was complicit in the sexual abuse of minors in the sect. However, he will not be held accountable in Germany after the prosecutor's decision, even though witnesses – supported by ECCHR – were willing to give evidence against him.

[More information](#)

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## US drone strikes: Italian government could be complicit



US drone program: Naval Air Station Sigonella in Sicily  
© Picture: ECCHR

In March 2019, a court in Germany found in favor of three Yemeni claimants: it declared that the German government must ensure that the US respects international law in its use of Ramstein Air Base. The US Naval Air Station in Sigonella (Sicily) is also used for drone strikes, especially strikes in North Africa. Together with its partners [Relieve](#) and [Rete Disarmo](#), ECCHR addressed the Italian government and issued a warning: if Italy does not properly regulate US drone strikes from Sigonella, it becomes complicit in the US's violations of international law.

[More information](#)

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## Investigations into US torture in Afghanistan rejected: International Criminal Court refuses to act

During the war in Afghanistan, US soldiers and CIA agents systematically abused and degraded detainees. Despite clear evidence of torture in more than 100 cases, the Pre-Trial Chamber of the International Criminal Court (ICC) decided at the end of April 2019 not to admit investigations. This decision can also be traced back to political pressure from the US. ECCHR criticizes the double standards of international criminal justice, which repeatedly shies away from prosecuting powerful Western actors. ECCHR continues to insist that the ICC investigate the [torture of detainees in Iraq by British soldiers](#).

[More information](#)

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## BUSINESS AND HUMAN RIGHTS

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### European exploitation of occupied Western Sahara

Since the 1970s, Morocco has been militarily occupying the territory of Western Sahara. Thereby, it violates the right to self-determination of the Sahrawi people. European companies profit from the situation that is in breach of international law and exploit the region's natural resources like phosphate, wind power and fish stocks. Since 2018, ECCHR has been investigating whether Germany complies with its international obligations concerning the Sahrawi people's right to self-determination and to what extent European corporations can be held accountable for their unlawful exploitation of Western Sahara.

[More information](#)

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## MIGRATION

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### EU Ombudsperson refuses to hold EASO to account



Hotspot in Moria, Greece © Photo: ECCHR

The European Asylum Support Office (EASO) disregards core standards of fairness in its asylum interviews in the Greek Hotspots. But it will not be held accountable for these blatant failures. This was the final response of the European Ombudsperson in April 2019 to a complaint against EASO filed by ECCHR in 2017. In her response, the Ombudsperson confirmed her previous decision, in which she acknowledged serious concerns but nevertheless decided to close the inquiry into EASO.

[More information](#)

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## Witness of deadly push-back finally gives evidence



Spanish-Moroccan border at El Tarajal/Ceuta © Photo: Metromuster/Observatori DESC

More than 15 people died on the beach of the Spanish enclave Ceuta in February 2014 because the Guardia Civil used batons, rubber bullets and tear gas against people trying to swim across the Spanish-Moroccan border. Legal proceedings against the Guardia Civil officials have been closed twice – but in August 2018, a Spanish court ordered the investigations to be re-opened and witnesses heard. In March 2019, one of the survivors was able to testify for the first time via video conference from Berlin. ECCHR supports her and other witnesses in the proceedings.

[More information](#)

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## SUPPORT US

With your [donation](#) you can support those affected by human rights violations in their fight for justice.



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## INSTITUTE FOR LEGAL INTERVENTION

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### Kreuzberger Kinderstiftung: Fourth year of scholarships at ECCHR



ECCHR Alumn\* © Photo: ECCHR

For the fourth consecutive year, the Kreuzberger Kinderstiftung awarded scholarships for ECCHR's Critical Legal Training. The scholarships for 2019 went to five upcoming human rights lawyers from Armenia, Canada, Colombia and Germany. Together with ECCHR's team, they will work e.g. on cases of push-backs at the European external borders and command responsibility for crimes against humanity.

[More information](#)

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## ECCHR Annual Report 2018: Enforcing human rights through legal means



Annual Report 2018 © Photo: ECCHR

“This is the ethos of practice: in a world that is bad, doing something that is yours and good and having a bad conscience about it because it is only small and piecemeal, and the world stays bad.” When Bernhard Schlink uttered these words at ECCHR’s 10-year anniversary in 2018, he said what many of us were thinking. It is not easy to be confronted on a daily basis with the problems and violence in our world. But we do not despair, we fight for more justice together with those affected by human rights violations. This is documented in ECCHR’s new Annual Report.

[PDF download](#)

## EVENTS

### Exhibition opening and office party: “MANIPULAÇÕES” by Rafael Pagatini



Manipulações © Picture: Rafael Pagatini

18 May 2019, 7pm  
ECCHR – Zossener Str. 55-58 (Staircase A, front house, 4th floor), 10961 Berlin

7 PM TALK: Rafael Pagatini in conversation with Renata Campos Motta (Freie Universität Berlin) and Wolfgang Kaleck (ECCHR)

8 PM OPENING: Rafael Pagatini goes through the archives, investigates and raises questions about Brazil’s violent political history. He shows the manipulations and power strategies of the Brazilian military dictatorship (1964–85) and reveals the continuities of the old structures. Like ECCHR in its legal work, Pagatini highlights the problematic role of corporate actors, an issue of enduring relevance today in the times of Jair Bolsonaro.

After the exhibition opening, ECCHR will host an office party in its new event space.

*[More information and registration](#)*

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## PUBLICATIONS

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### **Wolfgang Kaleck**

Preface: “Mit Recht gegen die Macht”, in: Alexander Graser / Christian Helmrich (eds.), *Strategic Litigation: Begriff und Praxis*, pp. 21-25, March 2019

### **Wolfgang Kaleck**

“Der juristische Kampf für die Durchsetzung des absoluten Folterverbotes. Universelle Jurisdiktion als wirkungsvolle Alternative”, in: *Menschenrechten Gestalt und Wirksamkeit verleihen. Making Human Rights Work. Festschrift für Manfred Nowak und Hannes Treter*, Vienna/Graz 2019, pp. 387-396

### **Lisa Kadel / Dr Christian Schliemann**

“*Gabriel Resources v. Romania: Local Residents as Third Parties in Investor-State Dispute Settlement?*”, in: Oxford Human Rights Hub, 19 April 2019

### **Mirka Fries / Andreas Schüller**

“Sozialadäquates Verhalten. Die juristische Aufarbeitung der Colonia Dignidad ist ein besonders unrühmliches Kapitel der deutschen Justizgeschichte”, in: *Freispruch, Mitgliederzeitung der Strafverteidigervereinigungen*, 14 March 2019, Berlin

### **Arite Keller / Karina Theurer**

“Menschenrechte mit juristischen Mitteln durchsetzen: Die Arbeit des ECCHR”, in: Alexander Graser / Christian Helmrich (eds.), *Strategic Litigation: Begriff und Praxis*, pp. 53-63, March 2019

### **Kalika Mehta / Raquel Saavedra / Andreas Schüller**

“*Extraterritorial Prosecutions and Transitional Justice: Seeking Criminal Justice in and outside Sri Lanka*”, in: Isabelle Lassée (ed.), *Sri Lanka's Time to Try: Prosecuting Conflict-Related Abuses*, pp. 106-117, March 2019

### **Carolijn Terwindt / Tara van Ho**

“*Assessing the Duty of Care for Social Auditors*”, in: *European Review of Private Law* 27/2, pp. 379-401

### **Vera Wriedt**

“*Push-backs Rejected: D.D. v. Spain and the rights of minors at EU borders*”, in: *EU Immigration and Asylum Law and Policy*, 29 April 2019

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## PUBLICATIONS ECCHR ALUMN\*

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**Leander Beinlich**

“Germany and its Involvement in the US Drone Programme before German Administrative Courts”, in: *EJIL: Talk!*, 8 April 2019

**Jürgen Bering**

“Legal Explainer: German Court Reins in Support for U.S. Drone Strikes”, in: *Just Security*, 22 March 2019

**Annelen Micus**

“Hay que esclarecer la responsabilidad de los empresarios en el conflicto”, in: *El Espectador*, 27 March 2019

**Benjamin-Immanuel Hoff / Heike Kleffner / Maximilian Pichl / Martina Renner (eds.)**

*Rückhaltlose Aufklärung? NSU, NSA, BND – Geheimdienste und Untersuchungsausschüsse zwischen Staatsversagen und Staatswohl*

with: Wolfgang Kaleck in conversation with Heike Kleffner: “Am Ende steht die Legalisierung von Geheimdienstpraktiken – statt mehr Grundrechtsschutz”

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If you are based in the US you can support ECCHR through a tax-deductible gift via the A.J. Muste Memorial Institute (a U.S. 501(c)(3) nonprofit) [here](#).

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