



# EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

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## Newsletter No. 51 (June 2018)

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### ANNIVERSARY 10 YEARS ECCHR



On 14 April 2018 we gathered with friends and colleagues to celebrate our 10 year anniversary. We reflected on the work of ECCHR since its establishment in summer 2007 and also looked ahead to discuss the issues and challenges we may face in the coming years. We were joined by many of our partners from around the world as well as Jeanine Meerapfel (President, Akademie der Künste Berlin), Eyal Weizmann (Forensic Architecture), Priya Basil (author and political activist), whistleblower Edward Snowden and many more.

[Video: 10 Years ECCHR evening event](#)

[Video: Partners, supporters and friends speak about ECCHR](#)

[Download special publication on ECCHR's first decade](#)

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# LAUNCH INSTITUTE FOR LEGAL INTERVENTION



Lotte Leicht (Human Rights Watch & ECCHR Council Chairwoman), Wolfgang Kaleck (ECCHR General Secretary) and Karina Theurer (head of Institute for Legal Intervention, ECCHR)

Photo: ECCHR/Mohamed Badame

As part of our 10 year anniversary we presented a new ECCHR department: the Institute for Legal Intervention. The Institute will complement ECCHR's litigation and will encompass the Education Program, professional exchanges in transnational networks, cooperation with universities and dialogue with artists as well as cultural and social movements. The aim of the Institute is to initiate important legal debates, to foster young human rights lawyers and to deepen collaboration between disciplines.

[Video: Introducing the Institute for Legal Intervention](#)

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## PUBLICATION ANNUAL REPORT 2017



The new ECCHR annual report looks back on our work in 2017 and documents progress and setbacks in our cases. Major milestones in 2017 included the criminal complaints in Germany against high-level officials in Assad government concerning torture in Syria, the judgment of the European Court of Human Rights against Spain's push-back practice at the EU's external borders and the indictments in France of former directors at cement company Lafarge concerning business activities in Syria. The annual report is illustrated with works by Syrian artist Hamid Sulaiman.

[Download annual report 2017](#)

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## INTERNATIONAL CRIMES & ACCOUNTABILITY

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### **TORTURE UNDER ASSAD I ARREST WARRANT FOR JAMIL HASSAN IS A MILESTONE FOR SURVIVORS OF SYRIAN TORTURE SYSTEM**



Yazan Awad (Syrian torture survivor and complainant in legal proceedings), Lily Kather (ECCHR) and Anwar al-Bunni (lawyer from Syria) speaking to media at ECCHR on 6 December 2017  
Photo: ECCHR

The international arrest warrant issued by German authorities for Jamil Hassan, head of the Syrian Air Force Intelligence, represents a milestone in the fight against impunity. This is the view of activists and torture survivors from Syria whose testimonies played a key role in bringing about the arrest warrant. In 2017 a total of 24 Syrians, supported by lawyers Anwar al-Bunni and Mazen Darwish as well as ECCHR, filed [four criminal complaints](#) against high-level officials in the Syrian intelligence services and military. One of the criminal complaints was filed by ECCHR together with the [Caesar Files Group](#), providing German prosecutors additional “Caesar photos” and the associated metadata – important evidence for Hassan’s arrest warrant.

[Press release including reactions of the complainants](#)

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### **TORTURE UNDER ASSAD II THE PATH TO JUSTICE ALSO LEADS THROUGH AUSTRIA**

Following similar moves by Germany, Sweden and France, the time has come for Austria to take up investigations into torture in Syria. With this aim in mind, on 28 May 2018 Syrian torture survivors, together with ECCHR and its partner organizations from Syria and Austria, filed a criminal complaint in Vienna. The focus: torture as a crime against humanity and war crime as committed by the Military Intelligence, Air Force Intelligence and the General Intelligence. This is the first complaint of its kind in Austria and follows on from complaints previously filed in Germany.

[More on the criminal complaint filed by 16 Syrians in Austria \(profiles, legal background\)](#)  
[Our legal interventions on torture in Syria](#)

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## **US TORTURE PROGRAM CIA DIRECTOR GINA HASPEL SHOULD BE PROSECUTED**

Gina Haspel was confirmed as CIA director on 17 May 2018. Haspel was involved in the torture of detainees in a secret CIA prison in Thailand. For this she should face the legal consequences. German authorities have the power to act. ECCHR filed a dossier on Haspel with the German federal prosecutor in June 2017. This information supplements our December 2014 criminal complaint against the “architects” of the US torture program. ECCHR calls for Haspel’s arrest should she travel to Germany and for criminal investigations in her case.

[More on Gina Haspel and the criminal complaint in Germany](#)

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## **GENDER-BASED VIOLENCE ECCHR TO SUPPORT ROHINGYA CASE AT ICC**

The International Criminal Court (ICC) has granted ECCHR leave to submit amicus curiae observations together with the Women’s Initiatives for Gender Justice, Bangladeshi women’s activist organization Naripokkho and Bangladeshi lawyer (and ECCHR partner lawyer) Sara Hossain. ECCHR will contribute expertise on the ICC and sexual and gender-based crimes to the group in order to support access to justice and accountability for Rohingya survivors, especially survivors of rape and sexual violence.

[Link to decision on amicus](#)

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## **BUSINESS &** **HUMAN RIGHTS**

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### **WEAPONS EXPORTS**

### **THE ROLE OF ITALIAN RHEINMETALL**

### **SUBSIDIARY IN WAR CRIMES IN YEMEN**



Suspension lug believed to be from RWM Italia found at the site of the air strike in October 2016 in Al Hudaydah (Yemen).  
Photo: Mwatana Organization for Human Rights

In October 2016, six members of a family were killed in Yemen in an airstrike believed to have been carried out by Saudi Arabia. Weapons remnants from the site indicated that components made by RWM Italia S.p.A. – a subsidiary of German company Rheinmetall AG – were used in the strike. Together with partners from Yemen and Italy, ECCHR filed a criminal complaint in Rome on 17 April 2018 against RWM and Italian export authorities. We also raised the issue of Rheinmetall's responsibility for airstrikes in Yemen at the company's shareholders meeting on 8 May in Berlin.

[\*More on this case \(photos, video and legal background\)\*](#)

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### **TEXTILE INDUSTRY**

### **DORTMUND COURT MUST NOT ALLOW CASE**

### **AGAINST KIK TO FAIL ON STATUTE OF**

### **LIMITATIONS ISSUE**

German textile company KiK is now resorting to arguments around the statute of limitations to avoid questions on its due diligence obligations and shared responsibility for 260 deaths in a fire at its supplier factory on 11 September 2012 in Karachi, Pakistan. The Regional Court of Dortmund must now decide on whether the claims brought by four people affected by the fire can proceed. A legal opinion written for the court says that under Pakistani law, the claims could be statute-barred. This is disputed by ECCHR and its partner lawyer who is representing the Pakistani claimants.

[\*More on the case against KiK\*](#)

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## **ENVIRONMENTAL STANDARDS INTER-AMERICAN COURT OPINION REFLECTS ECCHR ARGUMENTS**

The Inter-American Court of Human Rights, in a groundbreaking opinion on the relationship between environmental protection and human rights, embraced positions put forward in a submission by ECCHR to the Court. In a ruling published earlier this year, the Court confirmed that from a human rights perspective certain environmental standards could be seen as state obligations. The opinion came in response to a question from the Colombian government on whether environmental obligations could be derived from human rights standards in the context of large infrastructure projects in the Caribbean. ECCHR had filed an opinion with the Court on the basis of its expertise in the case of the [Tintaya Antapaccay copper mine](#) in Peru.

[\*More on the opinion by the Inter-American Court of Human Rights\*](#)

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## **INSTITUTE FOR LEGAL INTERVENTION**

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### **VIDEO ALUMNI NETWORK**

Since ECCHR was founded, almost 400 emergent human rights lawyers from more than 40 countries have taken part in our Education Program. Former participants are part of an increasingly active alumni network. Since 2012 we have organized an annual conference for and with Education Program alumni. On the occasion of ECCHR's 10 year anniversary, several alumni spoke in a video about their work and experience at ECCHR.

[\*Video\*](#)

[\*More on our legal training program and the alumni network\*](#)

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## ALUMNI REUNION



Photo: Mohamed Badame

More than 130 ECCHR Education Program alumni took part in ECCHR's 10 year celebrations. The 7th annual alumni conference on 13 and 14 April 2018, which formed part of the event series, was the biggest alumni conference since it began in 2012. Participants addressed current political developments including the rise in nationalist rhetoric and repression around the world.

We thank all participants and the [Bertha Foundation](#) for the support.

[More on our alumni network](#)

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## [ECCHR](#)

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### NEW STAFF SUPPORT FOR EVENTS, CASEWORK AND COMMUNICATION

We are happy to welcome new colleagues to the ECCHR team. [Rieke Ernst](#) has been working since March 2018 in administration and event management. [Judith Hackmack](#), ECCHR Education Program alumna, has been assisting ECCHR's Syria work with a focus on the role of companies in human rights violations. Another ECCHR alumna, [Arite Keller](#), has been working in the communications department since November 2017.

[ECCHR staff](#)

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### NETWORK WOLFGANG KALECK JOINS FIAN ADVISORY BOARD

As of 15 May 2018 ECCHR General Secretary Wolfgang Kaleck is now a member of the academic advisory board of the human rights organization [FIAN Deutschland](#). Kaleck joins twelve other experts from the fields of law, political science, agricultural science, sociology, theology and ecology as advisors for FIAN. Since 1986 the organization has worked globally to enforce the right to food.

## EVENTS

### **TORTURE IN SYRIA: HOW CAN AUSTRIA HELP TO PROSECUTE CRIMES BY SYRIAN INTELLIGENCE SERVICES?**



Anwar al-Bunni (Syrian lawyer), Hunada al-Fefai (Syrian torture survivor and complainant in legal proceedings), Karoline Krause (journalist, Kurier), Wolfgang Kaleck (ECCHR) and Tatiana Urdaneta (CEHRI) at a panel discussion at the Institute for Human Sciences on 29 April 2018.  
Photo ECCHR

International criminal justice mechanisms currently offer no chance of investigations into systematic torture by Syria's government under Bashar al-Assad. It thus falls to European prosecutors to act on the basis of universal jurisdiction. A new criminal complaint against members of Assad's inner circle was filed and presented in Vienna by ECCHR along with Hunada al-Refai, a torture survivor and activist, as well as ECCHR partner organizations the Syrian Center for Legal Studies and Research ([SCLSR](#)), the Syrian Center for Media and Freedom of Speech ([SCM](#)) and the Center for the Enforcement of Human Rights International ([CEHRI](#)).

[Video of the podium discussion \(Arabic\)](#)

## PUBLICATIONS

**Dr. Miriam Saage-Maaß / Prof. Dr. Markus Krajewski (eds.):** [Die Durchsetzung menschenrechtlicher Sorgfaltspflichten von Unternehmen](#), Nomos, Baden-Baden 2018

Miriam Saage-Maaß, ECCHR Vice Legal Director, has published the volume *Die Durchsetzung Menschenrechtlicher Sorgfaltspflichten von Unternehmen* in the series „Studien zum Internationalen Wirtschaftsrecht“ (“Studies on International Business Law”). The publication is based on a workshop at Humboldt University Berlin, which provided a forum for young academics in particular. The contributions to this anthology highlight several questions about the two basic models of corporate governance – the liability model and the transparency model.

**Wolfgang Kaleck / Patrick Kroker:** “[Syrian Torture Investigations in Germany and Beyond: Breathing New Life into Universal Jurisdiction in Europe?](#)”, in: *Journal of International Criminal Justice* 16/1, March 2018, pp. 165-191

The article discusses current developments in domestic prosecutions of international crimes committed in Syria and their potential to challenge international and national law for prosecuting these crimes. While most national authorities engaging in investigations and prosecutions of international crimes have so far employed a ‘no-safe-haven approach’, investigating and indicting suspects present on their territory, civil society organizations

favor investigations against high-level perpetrators still in Syria, demanding state authorities follow a ‘global-enforcer approach’.

**ECCHR / [TRIAL](#), [FIBGAR](#), [REDRESS](#) and [FIDH](#)** (eds.): *Make Way for Justice #4*  
Universal jurisdiction is here to stay. In their annual review *Make Way for Justice #4*, ECCHR and its partners [TRIAL](#), [FIBGAR](#), [REDRESS](#) and [FIDH](#) illustrate the international momentum towards accountability through 58 cases involving 126 suspects.

## **ADDITIONAL PUBLICATIONS**

**Wolfgang Kaleck:** “[Kaum Hilfe für die Snowdens von morgen](#)”, blog post on EU Directive on whistleblower protection, in: Legal Tribune Online, 11 June 2018

**Wolfgang Kaleck:** “Kämpfe um das Recht: Menschenrechte zwischen Nihilismus und Utopie”, in: Zukunft der Demokratie, *Forschungsjournal Soziale Bewegungen* 1-2/2018, June 2018

**Wolfgang Kaleck:** Preface to [Alternativer Menschenrechtsbericht 2017](#), Bündnis Aktiv für Menschenrechte Nürnberg (eds.), Nuremberg 2018

**Wolfgang Kaleck:** Preface to [Kein Schlusswort](#), Antonia von der Behrens (eds.), VSA Verlag, Hamburg 2018

**Wolfgang Kaleck / Dr. Miriam Saage-Maaß:** “[Die Ressource Recht](#)”, in: *Jubiläumssrundschriften*, medico international (eds.), May 2018, pp. 60-63

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

**Claudia Müller-Hoff / Dr. Carolijn Terwindt:** “[Anyone can make claims – Is the KiK case proof of access to remedy against corporate human rights violations?](#)”, blog post in: Oxford Human Rights Hub, 26 February 2018

**Dr. Christian Schliemann / Dr. Carolijn Terwindt:** “[Speaking up against the license to kill: The role of business when human rights leverage on governments is limited](#)”, blog post in: Business and Human Rights Resource Centre, 2018

**Dr. Christian Schliemann / Dr. Carolijn Terwindt:** “[Why a binding treaty is necessary: the UN complaint mechanism’s lack of teeth on pesticides management](#)”, blog post in: Business and Human Rights Resource Centre, 2018

**Dr. Carolijn Terwindt:** “[Certified safety or reckless reports?](#)”, in: New Age, 24 April 2018

**Dr. Carolijn Terwindt:** “[Eher Teil des Problems als der Lösung: Zu den Funktionen und Wirkungsweisen von Sozial-Audits](#)”, in: *Zum Beispiel BASF: Konzernmacht und Menschenrechte*, Britta Becker, Maren Grimm, Jakob Krameritsch (eds.), Mandelbaum, Berlin/Vienna 2018

**Dr. Carolijn Terwindt / Amy Armstrong:** “[Oversight and accountability in the social auditing industry – the role of social compliance initiatives](#)”, in: *International Labour Review*, 8 March 2018

**Andreas Schüller:** “[Die heimlichen Komplizen.](#)” On the ECtHR ruling on secret CIA secret detention sites in Lithuania and Romania, blog post in: Legal Tribune Online, 31 May 2018

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## **PRESS**

### **Torture in Syria: International Arrest Warrant against Jamil Hassan**

#### **Der Spiegel (Germany)**

[“Germany Takes Aim at Assad's Torture Boss”](#), 8 June 2018

#### **Washington Post (USA)**

[“Germany seeks arrest of leading Syrian general on war crimes charges”](#), 8 June 2018

#### **Middle East Eye (UK)**

[“Germany issues arrest warrant for top Syrian government official”](#), 8 June 2018

#### **Süddeutsche Zeitung (Germany)**

[“Fahndung nach dem Folterknecht”](#), 10 June 2018

#### **El País (Spain)**

[“Así se construye el caso contra el régimen de El Asad”](#), 10 June 2018

#### **Das Erste, ARD (Germany)**

[Video: “Die Story im Ersten: Zeugen gegen Assad”](#), 9 March 2018

### **Torture in Syria: Criminal Complaint Filed in Austria**

#### **Der Standard (Austria)**

[“Folterwürfe: Assad-Opfer erstatten in Österreich Strafanzeige”](#), 29 May 2018

#### **Die Presse (Austria)**

[“16 Folteropfer zeigen in Österreich ihre syrischen Peiniger an”](#), 29 May 2018

#### **ORF (Austria)**

[“Syrische Folteropfer stellen Anzeige in Österreich”](#), 30 May 2018

### **Europe’s Role in the War in Yemen**

#### **The Guardian (UK)**

[“Italian officials and German firm face legal action over Saudi arms sales”](#), 18 April 2018

#### **Tagesschau, ARD (Germany)**

[Video: “Waffenexporte nach Saudi-Arabien Vorwürfe gegen Rheinmetall in Italien”](#), 18 April 2018

**La Repubblica (Italy)**

[“Bombe fabbricate in Italia sullo Yemen: la denuncia penale delle associazioni”](#), 18 April 2018

**Colombia: Violence against Human Rights Defenders**

**The Guardian (UK)**

[“2017 was deadliest year on record for Colombian human rights defenders”](#), 1 May 2018

**US Torture Program / Gina Haspel**

**Daily Mail (UK)**

[“Who is Gina Haspel? Trump’s CIA Director nominee revealed”](#), 10 May 2018

**Deutsche Welle (Germany)**

[“CIA: The Gina Haspel controversy runs deeper than her appointment”](#), 8 May 2018

**Zeit Online (Germany)**

[“Sie scheut die Drecksarbeit nicht”](#), 15 March 2018

**The Lafarge Case**

**Libération (France)**

[“Lafarge en Syrie: le cimentier convoqué en vue d'une mise en examen”](#), 31 May 2018

**Le Figaro (France)**

[“Lafarge en Syrie: deux ONG accusent l'entreprise de complicité de crimes contre l'humanité”](#), 15 May 2018

**Lawsuit against KiK**

**taz. die tageszeitung (Germany)**

[“Brand in pakistanischer Textilfabrik: KiK könnte fein raus sein”](#), 6 June 2018

**Handelsblatt (Germany)**

[“Brand in Pakistan: Fabrikbrand-Prozess gegen Textildiscounter Kik droht zu platzen”](#), 6 June 2018

**Frankfurter Rundschau (Germany)**

[“KIK-Opfern droht Niederlage”](#), 6 June 2018

**(Post-)Colonial Injustice**

**SpiegelOnline (Germany)**

[“Völkermord an Herero: Delegation aus Namibia macht Druck auf Bundesregierung”](#), 5 April 2018

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