ENFORCING HUMAN RIGHTS THROUGH LEGAL MEANS

10 YEARS ECCHR
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In summer 2007, we founded the European Center for Constitutional and Human Rights, a non-profit association in Berlin – and thus ECCHR was born. We started our work in January 2008 in a tiny office on Greifswalder Straße in Berlin-Prenzlauer Berg. There has been much development since then. Our most recent annual report gives a good indication of how we have grown. And so we wanted to take a moment and mark 10 years of ECCHR. We are also using this anniversary to re-launch our website and establish a new department, the Institute for Legal Intervention. Together with our colleagues and all those who have accompanied us on this journey to date, we wish to take a look back and celebrate – but also reflect on – the work of the last 10 years.

Over the course of 2018 we will issue an academic publication to mark this occasion. What you hold in your hands now is a small special publication aimed at showing what it is, beyond the casework, that makes ECCHR unique. In the following pages you will find how our board members, partners, funders, alumni, artists and the colleagues who support, inspire and motivate us, have taken very different approaches to their contributions. Unusually for us, we have several politicians writing here, showing once again how ECCHR’s work is not carried out in a political vacuum and how important it is to have an impact on this level. Many of the contributions were written by people who have been working with us for a decade, or even longer, who serve on our advisory board, or who support us through their networks, through their academic work, or by providing material assistance.

There are also pieces by experts and lawyers we work closely with who have years of experience in the field of international crimes and have dedicated numerous legal efforts to address such crimes. The piece “ECCHR’s inside view” by Wolfgang Kaleck provides an insight into the origins and the development of the organization.

Texts from partners in Europe, in Pakistan and in the Philippines give an indication of how far ECCHR has come since its first ever conference, on Business and Human Rights in 2008, as it set out to hold transnational corporations accountable for the human rights violations they commit.

One of our more recent fields of work focuses on refugees and migrants. The importance of this area is underlined by the observations in that section.

Our work goes beyond taking legal actions, as we also work to train young lawyers and to facilitate more global exchange, and indeed the contributions from our Education Program alumni represent a highlight of this publication.

We have listed our publications and events from the last 10 years to give an insight into the role of the work we do alongside our litigation efforts.

And finally, this publication – and indeed the work of ECCHR itself – would be incomplete without all of the artists we have worked with over the past years who have allowed us to exhibit and reproduce some of their inspiring works.

We wish to thank, once again, all of our contributors and all of our readers for their support. It is this support that made our work possible over the past decade and which will continue to be of utmost importance over the years ahead.

THE ECCHR TEAM
I congratulate both you and all of us, and for a good reason: human rights and other constitutional, democratic and social principles are constantly under threat. This is so everywhere – even if in different ways. The threat would be even greater without ECCHR and the commitment of its activists.

For over a century, we have always tried to hold the worst perpetrators of crimes against humanity personally to account. Progress is occasionally made and that is good. But still, today, people with power and influence can all too often hope that their buddies among the powerful global figures, who are likewise obsessed with power, will protect them out of their own egoistical interests. ECCHR has dedicated itself to fighting impunity with the utmost seriousness. For that reason, it is a vital organization.

We can see this again in the work that ECCHR’s staff members have to do. They have joined forces with the courageous Syrian human rights supporters to ensure that the military and political power holders in Syria do not get away without being punished. I welcome the lawsuits that they have also filed here in Germany. Germany’s international criminal code, and also the principle of universal jurisdiction that applies here in Germany, have made it possible to bring torturers, their commanders and other people guilty of crimes against humanity to justice. If the offenders are living here in Germany, and there are known cases of this, the German Federal Office of Criminal Investigation and the Public Prosecutor General are obliged to follow up the evidence and take the offenders to court. We are all aware of the effort involved. The new government needs to finally act to ensure that there are enough posts for experts at the German Federal Office of Criminal Investigation and with the Public Prosecutor General to cover this area.

It is also important to finally allow cooperation against impunity in EU member states, which began in 2002, to be made more effective. ECCHR has repeatedly called for this.

Thank you for this and, again, all the best for the future.

Prof. Dr. Herta Däubler-Gmelin is the Former Federal Minister of Justice.
Ensuring that human rights remain indivisible

Dr. Dirk Behrendt

Human rights are indivisible and a foundation of any free society. At the same time, however, in many parts of the world they are in acute danger on a daily basis. Even before the most recent exodus of refugees to Europe, it was clear to us that the defense of human rights can no longer be taken for granted in Europe either, to the same degree as just 10 or 20 years ago. When the Iron Curtain came down, we believed that the struggle for human rights had at least been won in Europe. We were wrong, however. Today, we again hear calls for the imposition of limits when it comes to recognizing the human right to asylum of refugees fleeing the threat of torture and persecution. Germany – one of the richest nations on the planet – draws up quota schemes when it comes to whether women and children from Syria are to be allowed to rejoin their husbands and fathers living in Germany. Are human rights becoming divisible again in our so-frequently-invoked Christian culture?

ECCHR was founded here in Berlin 10 years ago. I’ve been closely following its work from the outset. And from the outset, ECCHR drew attention to a factor that is barely covered in the mainstream debate: the human rights of the poor and the poorest, who have to sell their labor capacity at any cost. They work under appalling conditions that serve solely to maximize profit and thus deliver a low-cost solution to the requirements of consumers in the wealthy West. For a short time, we were given a rude awakening from our consumerist dreams, when in November 2012, over 100 individuals were killed in a fire at a textile factory in Dhaka or, just a few months later, when 1,135 people lost their lives near the same city when a building collapsed. “No one should die for fashion” – some things might have improved after Rana Plaza, but we have yet to progress very far. Working conditions are one factor. The violation of children’s rights and the destruction of livelihoods among the local population are merely examples of the everyday disregard for human rights in the interest of gratifying consumerist demands.

I am therefore exceedingly grateful to ECCHR for giving a prominent place in its work to the question of the responsibility of industry for the rights of people in poor countries and crisis regions. ECCHR says rightly that European companies bear a responsibility for injustice in connection with their activities abroad. And ECCHR is indeed right to point out, for example, that the UN Guiding Principles on Business and Human Rights contain clear stipulations on combating the risk of massive human rights violations being committed by subsidiary companies in authoritarian states or conflict regions. While we are neither willing nor able to reverse the advantages of globalization, we do – and I say this as Berlin Senator for Justice, Consumer Protection and Anti-Discrimination – have to ensure that sustainability does not end at Europe’s outer borders, and that sustainable economic activity and human rights are inextricably linked. I would like to encourage ECCHR to maintain its efforts on this front.

What above all makes the history of ECCHR a successful one is how the individuals in its network repeatedly assume a proactive role and bring high-profile cases of human rights abuses to court. This is an illustration of their courage and extreme dedication, but also of the possibility of bringing about change with the far-from-toothless tool of justice. We must pay tribute to how ECCHR encourages young people to get involved in this work, whether in the form of cooperation with universities or through the foundation of law clinics and other opportunities for participation. This work is indispensable for ensuring a good future for the human rights situation in Germany, Europe and the world, and is sure to have a positive impact on the subsequent generations of people who make the struggle for justice their profession.

I wish ECCHR all the best and every success in its future activities.

Dr. Dirk Behrendt (Alliance 90/The Greens) is Senator for Justice, Consumer Protection and Anti-Discrimination in Berlin.
For 10 years, ECCHR has been fighting for the implementation of human rights wherever they have been violated and disregarded. To pursue precedent-setting cases in Europe and the world, and to fight against the impunity of perpetrators – be they state authorities or corporations – is an enormous accomplishment. Anyone who sets out to do this is facing a colossal task. Violations of fundamental rights are so ubiquitous around the world; discrimination, exploitation, persecution, torture and murder are so widespread.

Many years ago, as a young lawyer, I crossed paths socially with Wolfgang Kaleck and saw his exemplary legal work in the cases looking into Mercedes Benz’s complicity in the military dictatorships in Argentina, where human rights defenders and trade unionists were disappeared. This turned out to be one of the roots of the establishment of ECCHR. Today, our paths cross again professionally, in the work of addressing the colonial legacies of European nations. The colonial reigns of European feudal states and nations may have been of various durations, and their territories of theft and plunder may have been on different scales, but their economic, social and ideological effects and consequences persist to this day, and affect the once-dominated societies as well as the former dominators.

Wolfgang Kaleck, now General Secretary of ECCHR, recently stated in an interview at the symposium “(Post)colonial Injustice and Legal Interventions” that, until today, many victims of colonial violence and their descendants have received no compensation. Many perpetrators have never been subject to prosecution and many subtle and not-so-subtle forms of advantages for the former colonial powers – including those bolstered by (international) law – still exist today. A characteristic as well as specific strength of ECCHR’s work is the acknowledgment that colonial power imbalances remain, that colonialism persists in Europe – both colonialism of the mind and of structures – and that these cannot be addressed in a purely legal way.

Law is subject to temporalities. International law is especially entangled in colonialist, imperialist traditions. Nevertheless, law can be used in an emancipatory way to achieve a positive change in societal conditions. In these fights, I see ECCHR as a strong ally, and am thankful for 10 years of work carried out with compassion. Many thanks and I wish you great success in the future!

Klaus Lederer has been the Deputy Mayor of Berlin since 2016 as well as Senator for Culture and Europe in Berlin. From 2007 to 2016, he was the Berlin regional party leader of DIE LINKE.

The year is 2018 and serious violations of international human rights law, refugee law and the laws of war are at risk of becoming the “new normal.”

Brutal rulers and armed groups shamelessly commit war crimes and use illegal weapons as calculated tools in armed conflicts. Killings, torture, rape, enforced disappearances, the use of illegal weapons and targeted bombing of hospitals, schools and markets are the devastating hallmarks of today’s conflicts.

Ruthless corporations continue to sell arms and surveillance equipment to repressive governments, while manufacturers violate workers’ rights and safety to maximize profit.

Cynical politicians in Europe adopt policies to try to avoid their governments’ legal obligations to protect vulnerable asylum seekers and refugees fleeing persecution and war, attempting to transfer those responsibilities to third states.

Why? Because they can. And because they calculate that there will be no consequences for violating international human rights law.

If abusing rights and abandoning international legal obligations will secure power, get politicians elected, or raise profits, and if the abuses come at no price, except for a critical article, a political slap on the wrist or condemnation, why not do it?

It’s easy to feel helpless, as the daily dose of bad news can be overwhelming. The daily footage of atrocities from different corners of the world is horrifying and record numbers of people are displaced or on the run, seeking a future in safety. But victims of abuses are not mere numbers; they have names, families, dreams, hopes, talents and flaws – just like the rest of us. And just like the rest of us, they have rights.

Over the past 10 years, ECCHR has worked with lawyers around the world, deploying strategic litigation and representing victims, survivors and loved ones to challenge calculated, criminal and cynical choices by government representatives and corporations. ECCHR’s efforts help bring a measure of accountability and allow the victims of horrific atrocities and their families to know that justice can be done.
ECCHR is raising the price for abuses and much has been achieved, but many more challenges lie ahead.

With 10 years of experience and a hugely expanded network of litigators, academic experts, human rights investigators, weapons experts and forensic specialists, ECCHR is better equipped than ever to assist victims in their quest for justice, be it before national courts, international legal bodies, the United Nations or other international and regional institutions.

With the addition of an Institute for Legal Intervention in 2018, we will add additional expertise to our own work, reach a huge number of other litigators and facilitate important training, education and public discussions on vital protection questions.

ECCHR will leave no stone unturned and intends to continue testing new ground to hold perpetrators of serious human rights crimes – and those aiding and abetting them – accountable.

As European governments seek to circumvent their human rights obligations to protect asylum seekers and refugees, ECCHR will do its part to scrutinize the legality of agreements and to protect the rights of vulnerable refugees and asylum seekers from illegal push-backs and other violations.

We will continue to challenge ourselves to think outside of the box, advance legal arguments, create new jurisprudence and test new avenues in the pursuit of justice and compensation for victims.

When victims of unspeakable crimes and their loved ones have the dignity, strength and humanity not to demand revenge, not to spread messages of hate and violence, but simply to demand justice, to demand that those responsible answer for their crimes in a court of law, then it is our responsibility to do our utmost to make that happen.

Justice isn’t a moral luxury; it is a right.

Lotte Leicht, EU Director of Human Rights Watch and Chairwoman of ECCHR’s council.

SPARKS OF LIGHT FOR A MORE HOPEFUL WORLD

Rodolfo Yanzón

ECCHR celebrates its 10th anniversary. It was created to push back the smoke screen on US attacks, the inhumane consequences of illegal detention centers in Guantánamo and Abu Ghraib, and the complicity of European countries in CIA flights. I have been to ECCHR’s offices several times and have exchanged visions and opinions on different issues that arise in this unjust, but also beautiful and seductive world.

I have known Wolfgang (who I will not call Kaleck, as I don’t want to annoy him) for about 20 years. We have shared legal work and political activism in relation to cases of the Argentine dictatorship within the context of work with families of German origin and the Coalition against Impunity, made up of different German organizations, of which Wolfgang was one of the lawyers. I feel tied to him by a close friendship and deep respect. Over beers, I listened to Wolfgang develop his ideas on the need to have a European organization that could try to respond to different human rights violations, using legal tools and enriching debate through an exchange of ideas, without leaving to the side political tools and dialogue with social organizations, trade unions and cultural movements. Meanwhile, I shared my hesitations on obtaining funds and the conditioning that funding agreements could generate.

Finally, ECCHR was born. In Argentina, it has had an active and positive impact on the day-to-day work of human rights entities, contributing its point of view, but also supporting concrete actions, such as the acknowledgment of crimes against humanity committed by the dictatorship, and the responsibility of companies like Mercedes Benz, Ford and Ledesma Mills. In addition, it has collaborated to disseminate work in the fight against impunity, participated in meetings on human trafficking, and showed interest in the situation of refugees.

I share in the celebration of these first 10 years and will contribute my own efforts so that ECCHR can continue to seek justice for those who have suffered human rights violations in any part of this unjust world, a world made more hopeful by sparks of light, such as those that radiate from ECCHR.

Rodolfo Yanzón is a criminal lawyer based in Buenos Aires, Argentina, representing victims of the dictatorship. He is a longtime partner lawyer with ECCHR.
## Partner Organizations

### North America
- American Civil Liberties Union (ACLU) Center for Civil and Human Rights
- Center for Constitutional Rights (CCR)
- Center for Justice & Accountability Centro de Derechos Humanos Miguel Agustín Pro Juárez
- CUNY School of Law
- Earth Rights International
- Emory University School of Law, HIL Clinic
- Environmental Defender Law Center Human Rights Program Harvard Law School
- International Senior Lawyers Project (ISLP)
- New Media Advocacy Project (N-Map)
- NYU School Of Law, Center for Human Rights and Global Justice
- Open Society Justice Initiative
- PILNet
- Proyecto de Derechos Economicos, Sociales y Culturales (ProDESC)
- Tlachinollan, Centro de Derechos Humanos de la Montaña

### Central / South America
- ANDHES
- Bureau des Avocats Internationaux (BAI) / Institute for Justice and Democracy
- Central Unitaria de Trabajadores de Colombia (CUT)
- Colectivo de Abogados José Alciver Restrepo (CCAJAR)
- CooperAcción
- Derechos Humanos sin Fronteras
- Fromboliere abogados
- H.I.J.O.S. por la Identidad y la Justicia contra el Olvido y el Silencio
- Instituto de Defensa Legal
- Instituto Políticas Alternativas para o Cone Sul
- Justicia Global Brasil
- Sinaltrainal
- Sisma Mujer
- Tierra Digna

### Europe
- Akademie der Künste
- Amnesty International Germany
- Andaluca Acoge
- Airwars
- Ali Askouri
- ASK – Arbeitsgruppe Schweiz-Kolumbien
- Asociación Prodein
- Avocats Sans Frontieres (ASF)
- Bahrain Center for Human Rights
- Bahrain Institute for Rights and Democracy
- Bar Human Rights Committee
- Behandlungsstammbuch für Folteropfer Berlin
- Berlin Information Center for Transatlantic Security
- Berghof Foundation
- borderline-europe – Menschenrechte ohne Grenzen
- Business and Human Rights Resource Centre
- Brot für die Welt
- Center for International Law Research and Policy (CILRAP)
- Civitas Maxima
- Clifford Chance
- The Corner House
- Corporate Accountability – Netzwerk für Unternehmensverantwortung
- DEKRA Hochschule Berlin
- Demokratische Juristinnen und Juristen der Schweiz (DJS)
- Environmental Justice Foundation
- Essex Business and Human Rights Project (University of Essex)
- European Coalition for Corporate Justice
- European University Institute
- Essex Business and Human Rights Project, University of Essex
- Euromed Feminist Initiative
- Fédération Internationale de Ligues des Droits de l’Homme (FIDH)
- FIAN
- FEMNET
- Forensic Architecture Project
- Forschungs- und Informationszentrum Chile-Lateinamerika (FDCL)
- Forum for International Criminal and Humanitarian Law (FICHL)
- Forum Menschenrechte
- Friedrich-Ebert-Stiftung
- Fundación Raíces
- Gegenströmung
- Germanwatch
- Gesellschaft für bedrohte Völker
- Global Legal Action Network (GLAN)
- Global Witness
- Greenpeace Schweiz
- Gunda-Werner-Institut
- Hafiza Merkezi (Truth Justice Memory Center)
- Hamburger Institut für Sozialforschung
- Heinrich-Böll-Stiftung
- Hertie School of Governance
- Human Rights Watch (HRW)
- Humboldt Universität zu Berlin, Humboldt Law Clinic Grund- und Menschenrechte
- Huridocs
- Informationsstelle Militärisierung (IM)
- Inkota-Netwerk
- International Commission of Jurists
- International Rehabilitation Council for Torture Victims
- Joint Mobile Group
- Kampagne für saubere Kleidung/Clean Clothes Campaign
- Koalition gegen die Straflosigkeit
- Komitee zur Verhinderung von Folter Kolko – Menschenrechte für Kolumbien
- Leiden University, Grotius Centre for International Legal Studies and Kalsbrown-Gieskes Forum on International Humanitarian Law, Law Clinic
- Leigh Day & Co
- Ludwig Boltzmann Institut für Menschenrechte
- Medico mondiale
- medico internacional
- México via Berlin
- Misereor
- Moving Europe
- Multiwatch
- Nürnberger Menschenrechtszentrum
- Nürnbergisches Menschenrechtstreffen
- PAN Deutschland
- Parkafilm
- Privacy International
- PRO ASYL
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- Republikanischer Anwältinnen- und Anwälteverein (RAV)
- Rights International Spain
- Rosa-Luxemburg-Stiftung
- Sherpa
- Sri Lanka Advocacy Group
- Statewatch
- Stiftung xo
- Center for Research on Multinational Corporations (SOMO)
- Tactical Technology Collective
- Transnational Justice Network, University of Essex
- TRIAL International
- Universität Regensburg, Lehrstuhl für Öffentliches Recht und Politik
- Université libre de Bruxelles
- Uzbek-German Forum for Human Rights
- Watch the Med
- Wemos
- Women’s Link Worldwide
- World Organisation against Torture (OMCT)
- Zentrum für Europäische Rechtspolitik
- ZERP

### Africa
- Association Marocaine des Droits de l’Homme (AMDH)
- Association Thadienne pour la Promotion et Défense des Droits de l’Homme (ATPDH)
- Center for Applied Legal Studies (CALS)
- Equal Education Law Centre (EELC)
- Khuilumani Support Group
- Legal Resources Centre
- Natural Justice
- Socio-Economic Rights Institute (SERI)

### Asia
- Activist Anthropologist
- AI-Haq
- Ali Enterprises Factory Fire Affectees Association
- Bangladesh Legal Aid and Service Trust (BLAST)
- Bahrain Watch
- Bangladesh Legal Aid and Service Trust (BLAST)
- Center for International Law (CenterLaw)
- Comrade Rubel Memorial Center (CRSK)
- Foundation for Fundamental Rights
- Garment Workers Unity Forum (GWUF)
- Human Rights Network (HRLN)
- Kheti Virasat Mission
- Malaya Lolas Organization
- National Trade Union Federation of Pakistan (NTUF)
- PAN India
- Pakistan Institute of Labour Education and Research (PILER)
- Palestinian Center for Human Rights (PCHR)
- Pesticide Action Network Asia-Pacific (PAN-AP)
- Swadeshi Andolan
Law is the burning vision of the future egging us on

Peter Weiss

Globalization by multinational corporations is generally not a good thing, as amply demonstrated by ECCHR’s litigation docket. But globalization by human rights organizations can be a very good thing, as shown by the same docket.

Twelve years ago, the Center for Constitutional Rights (CCR) in New York and ECCHR embarked on an ambitious project: to hold some of the highest officials of the American government accountable for torture and other human rights crimes committed or encouraged by them. Chances that American judges would have the courage to convict defendants like Secretary of Defense Rumsfeld or Vice President Cheney seemed slim. So we decided to put the VSGB, the German universal jurisdiction law, to the test: would Germany, which had adopted this path-breaking human rights law in partial atonement for the Holocaust, be prepared to prosecute Rumsfeld, Cheney and others for heinous crimes committed outside of Germany? The answer was a resounding “no.”

But the attempt was a vindication of one of CCR’s mottos: “success without victory.” First, because the mere filing of these cases was treated as major news by the world press. Second, because it brought Michael Ratner and his colleagues, including myself, into the most ideal partnership with Wolfgang Kaleck and his colleagues. And third, because out of that partnership came, in less than a year, the most ideal partnership with Wolfgang Kaleck and his colleagues, including myself, into the hundred young lawyers (and some getting older) had set up a series of workshops on current issues, including migration, human rights defenders, whistleblowing, environmental justice and access to legal support. An important part of ECCHR is the understanding that making change, helping grassroots groups and holding governments and corporations accountable is not achieved by law and litigation alone. It publishes extensively on issues ranging from the responsibility of European corporations for human rights violations in the supply chain, to making sure that European corporate subsidiaries protect human rights, such as the right to unionize. Seminars, talks and events on these and other topics are held not only in Europe, but with partners, particularly in Asia and the Global South. ECCHR has an integrated, global program that is really making a difference.

Finally, ECCHR, led by Wolfgang Kaleck, engaged in a look into the future, also known by many as strategic planning. What should its plan be for the next five years? What are the key issues and what can and should ECCHR address? It was decided that ECCHR should explore issues such as migration in the Mediterranean region — where hundreds of migrants die — as well as the global arms trade and protecting human rights defenders. The strong Education Program should be expanded and communications strengthened. Without going into more detail, I can only say that ECCHR is more than ready and able to take on the challenges that the future holds. I expect our coming years to be as exciting, important and as meaningful as our past six. All of us owe a great deal of respect to those who work at ECCHR and particularly those who trust that we can make this world a better place.

Peter Weiss is a US lawyer and the founder and president of the International Association of Lawyers Against Nuclear Weapons (IALANA). He was a long-standing Vice President of the Center for Constitutional Rights in New York and is a member of ECCHR’s advisory board.

A REMARKABLE HUMAN RIGHTS ORGANIZATION FOR DIFFICULT TIMES

Michael Ratner

ECCHR is an incredibly dynamic, vibrant and cutting-edge human rights organization. Walk into its large, light-filled loft in Berlin and prepare to be immersed in the key human rights struggles of our world today.

The office is a beehive of activity and there are young lawyers and law students from around the world. The Bertha Foundation has been instrumental in ensuring that generations of future lawyers will be trained in the kind of legal advocacy that can make a difference. When I walked in one day, twenty-five or so of these lawyers were engaged in a moot court against a company manufacturing harmful pesticides that injure workers. On another occasion, Alumni Day, perhaps a hundred young lawyers (and some getting older) had set up a series of workshops on current issues, including migration, human rights defenders, whistleblowing, environmental justice and access to legal support.

The impressive litigation docket of ECCHR for the past decade proves that we were both right.

Michael Ratner (1943-2016) was longtime President of the Center for Constitutional Rights (CCR) in New York. He was co-founder of ECCHR and former chairman of its council. An unabridged version of this text was first published in the ECCHR Annual Report 2013.

ECCHR is grateful for the time we had with Michael Ratner and his tireless and fearless dedication to human rights around the world.

Peter Weiss is a US lawyer and the founder and president of the International Association of Lawyers Against Nuclear Weapons (IALANA). He was a long-standing Vice President of the Center for Constitutional Rights in New York and is a member of ECCHR’s advisory board.
There are lawsuits that tell us, beyond the legal issues that they raise, about the maturity of our civilization and the efficiency of our democracies in their efforts to uphold fundamental rights: the lawsuits conducted by ECCHR are such lawsuits. ECCHR conducts as many processes as it can in order to promote effective fundamental rights in the still-too-numerous areas in which they are poorly or hardly implemented. ECCHR is known for its outstanding lawyers, who have a strong sense of logic and political commitment through legal means. Regardless of whether or not all of the lawsuits that they conduct are won, by its actions ECCHR repeatedly challenges our humanity and urges judges to help those who are not heard loud enough in parliaments. At a time when borders are closed and walls are built, but jurisdiction is global, in each of its lawsuits ECCHR confronts us with the question of our responsibility for the humanitarian values that we can bring to bear or not.

In the 10 years of its existence, ECCHR has gained notoriety. It organizes and attends conferences that go far beyond the academic or legal framework. However, in its legal actions, ECCHR remains behind the scenes. Because unlike other actors, ECCHR puts the victims and the people for whom it works at the center of the lawsuits. In its last great success, in the case N.D. and N.T. against Spain before the European Court of Human Rights in Strasbourg on 3 October 2017, the name of ECCHR did not appear, although it was ECCHR that conducted the legal proceedings. It was not ECCHR’s objective that its name would appear. The objective was the incredible progress achieved in this matter for the legal protection of migrants.

ECCHR is also active as a third party in lawsuits, in addition to the actions it takes to defend certain rights that are endangered in our democracies, such as human dignity, the right to life, the integrity of the person, and the absolute prohibition of torture and inhuman or degrading treatment – rights that are especially endangered through the fight against terrorism.

For example, in the case of El Haski against Belgium, ECCHR intervened on the basis of Article 36 (2) of the European Convention on Human Rights in order to achieve a condemnation of Belgium by the Court which, despite an absolute prohibition of such treatment under international law, did not hesitate to send a person to prison on the basis of confessions obtained through torture in Morocco! It would have seemed obvious that the Belgian judge should have checked carefully as to whether the evidence was not collected under circumstances that were contrary to the binding rules of international law. And yet, this was not the case, so ECCHR obtained a conviction against Belgium.

These examples show the complexity of the tasks involved in ECCHR’s struggle. Find out more on their website! For 10 years, I have experienced the tenacity of ECCHR, which never fails to impress me.

Prof. Dr. Annemie Schaus is Professor at the Université libre of Bruxelles (Belgium) and a member of ECCHR’s advisory board.

ECCHR carries forward the vision of one of its founders, my hero and mentor Michael Ratner, who understood that any law, domestic or international, was ultimately of no use if it could not also be used to challenge powerful and entrenched interests.

The heart of ECCHR’s international work is standing up to big governments, powerful multinational corporations and dictators. Whether it is suing the Bush administration for crimes in Guantánamo, secret prisons around the world, rendition cases and torture; leading a strategy for accountability for crimes committed in Syria today under Bashar al-Assad; or seeking redress for the crimes committed by the dictatorships in Latin America’s southern cone – no matter which case, ECCHR is on the front lines, looking to build new legal instruments to hold the powerful to account.

Reed Brody is a counsel for Human Rights Watch and a member of ECCHR’s advisory board. He represented the victims in the case of the exiled former dictator of Chad, Hissène Habré.

Moments that make a difference are rare. It is even rarer that one happens to be part of such a moment. 10 years ago, such a moment occurred. The establishment of ECCHR marked a turning point in human rights work in Germany – and beyond. I have always been thrilled to have the privilege of being part of this exciting endeavor from the very beginning, mostly as an observer, learner, beneficiary and only exceptionally as someone who had really something to contribute.

The idea of using the law as a tool, or rather a “weapon” in the “fight” for a socially and legally just world, may not seem so new to us today. Indeed, strategic or impact litigation has some tradition in other jurisdictions and gained renewed currency worldwide over the last years. The idea was, however, new at that time to the German “market,” particularly with regards to accountability for mass atrocities. Building on the archetypal model represented by the New York-based Center for Constitutional Rights, with its strong record in civil and human rights litigation,
the transfer of strategic litigation to Germany and Europe was a risky endeavor. As every comparative lawyer knows, legal transplants are to be handled with care, since often enough they prove incompatible with the new environment. Luckily, this was not the case with ECCHR.

Quickly, the Center turned into a major player in the human rights movement. Based upon the seminal “Rumsfeld case,” ECCHR pioneered strategic litigation in Germany and Europe. Quickly, the Center’s staff increased in numbers. Quickly, the Center’s ambition and network became global rather than merely European. (Europe, in particular Eastern Europe, was a difficult terrain in those days, with other (rich!) “competitors” around.) The Center became a respected counterpart for prosecutors, courts and government agencies, while never losing sight of its uncompromising cause. Setbacks were numerous. But this was part of the game. “Success without victory,” the legendary phrase by Jules Lobel, was the order of the day.

Key to ECCHR’s success has been its high professional standards, in particular, the quality of the legal texts produced by the Center’s staff, coupled with a courageous creativity which I admire. No less key to its success are the many inspired and inspiring individuals, junior and senior alike, who have shaped ECCHR: first and foremost, Wolfgang Kaleck, but also the late Michael Ratner, Lotte Leicht and Reed Brody, to name just a few, and many determined and excellently qualified young lawyers who made ECCHR the spearhead organization it is today. I look forward to further observing, learning, benefiting and, as far as I can, contributing.

To many more years!

Wolfgang Kaleck deserves special recognition as a visionary. He not only created ECCHR as an organization to help transform humanity in its demands for access to justice for human rights violations and to protect nature; he has also known how to surround himself with a staff that has the indispensable professionalism to fulfill the institution’s objectives.

In Latin America, and specifically Colombia, we are thankful for ECCHR’s long-term and strategic contributions to our work before the Prosecutor of the International Criminal Court. This support has helped the more than eight million victims of the internal armed conflict that lasted more than a half century to advance with a peace agreement and transitional justice framework that knows no precedent internationally. This support means that serious human rights violations caused by European multinationals do not continue to enjoy impunity in the media, or in political and legal arenas.

For all of these reasons, we celebrate ECCHR’s 10th anniversary, knowing that we have benefited from its services, its solidarity and its friendship. So, congratulations and we hope that you continue to grow stronger, celebrating many more decades of contributions to the dignity of all people.

Luis Guillermo Pérez Casas is a Colombian human rights lawyer and General Secretary of the Colectivo de Abogados José Alvaro Restrepo (CCAJAR), ECCHR’s longtime partner organization.

Inspiration for our own uphill battles

ECCHR has made critical contributions to the work of the Bureau des Avocats Internationaux (BAI) and the Institute for Justice & Democracy in Haiti (IJDH) by sharing its knowledge of European law, joining our litigation as amicus curiae and providing an inspiring model of courageous defense of human rights threatened by powerful interests. IJDH and BAI share the ECCHR approach of deploying high-quality, cutting-edge legal analysis in the defense of the poor and marginalized against the powerful, and combining courtroom work with broader public advocacy. ECCHR provides both concrete models for advocacy and inspiration to keep us fighting our own uphill battles.

One such uphill battle has been our struggle to secure accountability and remedies from the United Nations for its peacekeepers’ introduction of cholera to Haiti. Cholera has killed at least 10,000 people since it broke out in 2010, and despite overwhelming evidence establishing that it arrived in Haiti as a result of reckless waste management on a UN base, the UN for years refused to admit responsibility. BAI and IJDH sought to hold the UN to its legal obligations to provide compensation to the victims.

To commemorate the European Center for Constitutional and Human Rights’ 10 years is to celebrate an important contribution to human dignity, which has had an impact in different places and spaces around the world. It is the professionalism and personal warmth of ECCHR staff. It is the impetus of strategic litigation that seeks to be David’s sling of justice that demolishes Goliath and his macro-power and their threats to humanity and nature. It is questioning the status quo through the vindication of human rights, shattering the impunity of those responsible for crimes against humanity and war crimes. It is solidarity with human rights defenders. It is all of this. These are all the daily commitments of ECCHR, which help to nourish our struggles.

Prof. Dr. Florian Jeßberger is a law professor at the University of Hamburg, where he holds the Chair in Criminal Law, Criminal Procedure, International Criminal Law and Contemporary Legal History. He is also a member of ECCHR’s advisory board.

SHAPING A BETTER FUTURE: 10 YEARS OF LIFE, SOCIAL LOVE AND HOPE

Luis Guillermo Pérez Casas

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ANTHONY CRUZ \& CO.

AN ENGINE FOR CHALLENGING IMPUNITY

Petra Isabel Schlagenhauf

If ECCHR didn’t exist, someone would have to invent it! Fortunately, that’s not necessary, thanks to my colleague Wolfgang Kaleck putting that sound idea into practice with enormous personal commitment some 10 years ago. I worked together with Wolfgang and other colleagues in the Coalition against Impunity in Argentina, focusing on the Germans and people of German origin murdered or “disappeared” by the military junta there. My work on Argentina and on a range of similar legal attempts to challenge the lack of prosecution of human rights crimes in other countries (such as Chile, having worked on the arrest of Pinochet in London in 1998 and, more recently, the Colonia Dignidad case) has repeatedly shown me that the efforts of individual lawyers making a concrete commitment to a case are in urgent need of material, specialist and political support.

The Institute for Justice and Democracy in Haiti (IJDH) and Bureau des Avocats Internationaux (BAI) were unwilling to think creatively about asserting the victims’ rights over the claims of the pro-Duvalier Haitian government. ECCHR eventually concluded that we did not have a viable route to recovery, but only after thoroughly researching several options that other lawyers would not even consider. This allowed us to confidently advise our clients and saved us from having to conduct the research ourselves on unfamiliar terrain.

The ECCHR can provide this support and has, accordingly, become an important engine for such proceedings. It conducts political and legal activities that help to trigger and disseminate important discussions, and does invaluable work in coordinating activities.

Building the field of movement lawyering

Tony Tabatznik

When the Bertha Foundation was first shaping our legal program and we were introduced to Wolfgang Kaleck and his ECCHR team, it felt like kismet. Our goal was to build the field of movement lawyering by creating 1000 radical lawyers over 10 years into one vibrant and powerful network. The mission of the network: to bring governments and corporations to account.

When the UN refused, we filed suit in the United States. ECCHR informed our legal strategy and helped us make a more human-rights-based case by educating us on European jurisprudence on immunities of international organizations. ECCHR also formally joined the litigation as amicus curiae, and brought in other European law scholars and practitioners in support of the victims’ case.

Although the court ultimately granted the UN immunity and dismissed the case, the joint efforts resulted in a bigger victory that many other human rights organizations had once deemed impossible. In 2016, the UN issued an unprecedented public apology and launched a $400 million plan to eliminate cholera and provide assistance to its victims. ECCHR’s involvement was key to galvanizing European support for the campaign for justice, was a motivating factor when accountability seemed out of reach, and served as an important pressure point that finally pushed the UN to commit to providing a remedy for cholera victims.

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Support from the very beginning
Ise Bosch

Congratulations on your 10th anniversary, ECCHR!

I am very glad that I am among your first supporters and the one who provided the impulse for the gender focus. It is really inspiring that you have influenced so many early careers. Keep it up!

Ise Bosch is the founder and manager of the Dreilinden GmbH, founder of filia.die frauenstiftung and funder of ECCHR’s work on gender inequality and human rights.

NO REASON FOR RESIGNATION
Rupert von Plottnitz

Human rights should be universal and should apply universally, at least since the creation of the United Nations. However, we still cannot say that they have been globalized. On the contrary, the maxim of “might is right” normally applies, to the detriment of human rights, where their protection is needed most. And even in countries – like Germany – where the rule of law is more than a simple chimera, holding onto alliances with states where human rights are trampled on, like Erdoğan’s Turkey, is considered to be a clever act of realpolitik. Anyone who demands a residency right in Germany for Edward Snowden in light of his services to civil rights will be treated as mad and reminded about being loyal to the alliance with Washington.

But there is still no reason at all for resignation. It is no longer quite so easy for the state criminals of this world to barricade themselves behind their former state power and escape prosecution. This has been shown, above all, by the creation of the International Criminal Court in The Hague, Germany’s universal jurisdiction statute and – namely in Latin America – national judicial bodies that are willing and able to take on former tyrants in the fight for law and justice. People like Rios Montt, Jorge Videla and Charles Taylor are now behind bars thanks to this. However, as long as countries like China, the USA and Russia refuse to subject themselves to its jurisdiction, the International Criminal Court in The Hague will not be able to fend off accusations.
of having to apply and judge by double standards. Despite this, its creation and the statute it is based on are symbols of hope.

ECCHR also belongs to the welcome symbols of hope, as do its activities, which are not limited by national borders. The example of ECCHR clearly shows that the forces which simply refuse to react to notorious human rights violations across the world with indifference and a shrug of the shoulders are growing. I therefore wish continued success and a long life to ECCHR on its 10th birthday.

Rupert von Plottnitz is a German lawyer and politician (Alliance '90/The Greens). He is also a member of the State Constitutional Court of the State of Hesse.

Ally and advocate
Prof. Dr. Andreas Fischer-Lescano

For 10 years, ECCHR has been an ally to those deprived of their rights, to the excluded and the dispossessed in the fight for rights in our global society. To bring human rights from the level of mendacious discourse in turgid speeches to a public discussion about concrete injustice, as well as actual legal procedures, is a Sisyphean task. This task is today more relevant than ever and, in that task, ECCHR is an ally and advocate for those affected by rights violations in the transnational worlds of law.

ECCHR is an ally: Commitment to human rights does not end with advocating for the rights of third parties, but is based on – as Gayatri Spivak repeatedly and rightly pointed out – a dialogue on an equal footing, mutual willingness to learn, a battle fought side by side. ECCHR practices that dialogue, is an ally to those affected, and thereby acts as part of a global network in which it – together with those affected – works on strategies to make visible and to condemn complicity in human rights violations worldwide.

A lack of rights in the global age of rights represents a daily scandal. Not to capitulate or even lean back in the comfortable chair of anti-juridism, but to get involved, to make legal interventions and to work with those affected by injustice to find paths for strategic litigation, is to refuse to leave the law to the powerful and to make use of the power of the law. It is to offer a chance to make visible global atrocities, to set limits on unrestrained power and to hold fast to the potential of realizing the classical emancipatory ideal.

ECCHR is an advocate: In his short story “The Advocates,” Franz Kafka dreams of a place “where all kinds of people met, from various parts of the country, from every class, every profession, of all ages” to have the opportunity “of choosing carefully out of a crowd those who are kind, those who are able, and those who have an eye for me.” Kafka here stresses not only the necessary competences of advocates, but also their kindness and empathy. It is those qualities that are essential in the transnational fight for human rights.

At that time, Wolfgang was a lawyer committed to human rights and had an independent law practice in a private law firm in Berlin. We met because we both attended events related to human rights and the arts in Argentina. Wolfgang addressed the Argentine cases in a special way, always deepening his personal relationships in the country, meeting and connecting with witnesses and survivors of the dictatorial violence.

The Argentina experience marked Wolfgang and opened up a series of paths and experiences to him. These were fundamental when he decided to definitively abandon his private practice to concentrate on human rights. This decision led him to the creation of ECCHR. On its way, I followed and took part in the Center’s arts-related activities.

Many of the ideas that gave rise to ECCHR came from Wolfgang’s practice in Argentina: the need to apply justice while the “Punto Final” (Full Stop) and “Debida Obediencia” (Due Obedience) laws were still in effect, which led him to initiate a case in Germany for human rights violations carried out by Mercedes Benz. The possibility of suing a German company in its country of origin, at its headquarters, originated from this trial. Another characteristic of Wolfgang and ECCHR’s work is to always have local partners, friends and collaborators, and lawyers from the country who coordinate their activities with the organization in Berlin.

My activities as a visual artist, in addition to being a human rights activist, especially interested Wolfgang, who has a “heart” for the visual arts. He learned of my work and our relationship moved towards friendship. We saw each other whenever he came to the country and we saw each other in Berlin when I had an exhibit at the Jewish Museum, or due to my involvement in covering a fascist monument in Hannover, where Wolfgang made a speech to support the action. We saw each other at various artistic projects, such as the
Alfredo Jaar exhibit in Berlin, shows and visits to the Memory Park, talks with the Street Art Group, and at Goldsmiths, College of London with Forensic Architecture. These occasions were an opportunity for dialogue on the realms of art and human rights. Wolfgang and ECCHR have an open mind and they are aware of the positive role that the visual arts can play in legal processes and to communicate human rights violations.

I love to talk with Wolfgang, as we have a different training and culture. Our points of view are complementary, and we both love human rights activism and having a good time. We have shared houses, trips, dinners and discussions. We have shared contacts, friendships and ideas. My children know Wolfgang and he is as at home in my house as he is in his own. We are some kind of siblings in practice and in life.

And our friendship has grown. In 2014, we took on the Visual Action for Ayotzinapa project together, and with the legal trainees at ECCHR’s office, we took photographs in support of the Mexican victims. What we do is to search for justice in multiple languages. With this in mind, I invited him to be on the Board of the NGO Visual Action.

Our collective history is written in ECCHR’s DNA. I feel that I am privileged to be a witness to the incubation of the ideas that led to its birth.

Wolfgang Kaleck is one of the only institutions in Europe reshaping what we think of law and accountability. One of the things that Wolfgang Kaleck introduced to me, one of the things that frustrated me in my personal struggle, is that the people with the least power in society are those who have the highest standard of accountability. If they break the law, they go to jail. But what happens to those really powerful people in society, the ones on the top of the political totem pole, when they engage in acts of torture and rendition and aggressive war?

The thing I love about Wolfgang is that, of all the lawyers that I’ve worked with, nobody comes more prepared. He does not show up in a meeting without a thick dossier, a folder full of subfolders. And he always has something to share. One of the first things he shared with me was actually ECCHR’s Annual Report and, on the front page, it had a phrase that I love: enforcing human rights through legal means. I actually stole this phrase, without any remorse. I use it whenever I talk to the public about legal dynamics and the contest between what the law says and what the law means in practice.

I thought about this motto a lot because lawyers look at this through one lens: using the law as a kind of lever to achieve the ends of accountability. But for me, as an engineer, as a technologist, this is a really powerful phrase. It picks up the idea that we need law, the law is a necessary thing and the foundation of the guarantees that we have, of what our rights are. What are our rights without means of enforcing, of asserting, without a way of applying them to the world? But when we talk about things like mass surveillance and all the enormous state agencies, whether it is Russia’s FSB, China’s MSS, America’s NSA or Germany’s BND, these people there break the rules every day. How do you restrain them, when you cannot even bring them to court?

I hope that this will not be the only 10 years of ECCHR, that it will be the first and it will not be the best. Best of luck to all of you, it is a pleasure to be a part of it.

Edward Snowden is an NSA whistleblower. Wolfgang Kaleck is his lawyer in Europe.
3. Völkerstraftaten und rechtliche Verantwortung

Nghia Nuyen
I first learned about ECCHR in 2008, when I met Wolfgang at a seminar on universal jurisdiction in Spain, organized by Baltasar Garzón. At the time, I was doing my doctoral research on transitional justice in Latin America. I not only studied the Pinochet case, but also the cases concerning Argentina in Germany that had been brought by the Coalition against Impunity in Nuremberg with Wolfgang as one of their lawyers. Wolfgang gave me one of the first flyers of ECCHR and I have followed its work ever since.

In 2011, I started working for ECCHR – first as a Legal Trainee and then, in 2012, as a Legal Advisor. At that time, the Bertha Foundation began building up its Bertha Justice Program and I was lucky to become one of the very first Bertha Justice Fellows globally. As already beforehand, through ECCHR’s many wonderful partners around the world, being part of the growing Bertha Network has been incredibly enriching. The same is true for the very special experiences I had by travelling to Colombia and Argentina several times, but also to the Philippines and South Africa for seminars, meetings and research. Most impactful were the meetings and interviews with victims of grave human rights violations and their relatives. A remarkable experience was meeting a cheerful and strong young Colombian human rights defender, only to learn afterwards that she was one of the anonymous women whose terrifying cases of horrendous incidents of sexual violence we had been studying. This was the best lesson to be had for engaging with “victims.” Another insightful moment was when, in the Philippines, we came across an almost identical case to “our” ECCHR Nestlé case of Luciano Romero – both were murders of Nestlé trade unionists that occurred within weeks of each other. Comparing how similar human rights situations can be in several countries and learning from each strategic approach was certainly eye-opening. Being with ECCHR for several years allowed to me to closely follow various cases, to see them progressing or stalling, and to experience difficulties and successes. One unexpected and immediate impact of a submission to the Austrian Foreign Office was that the Colombian Ambassador to Austria, General Freddy Padilla, hastily returned to Colombia within days of our making a dossier on his responsibility for international crimes public.

In 2015, they even convinced me to come and work with them in Colombia for two extremely interesting and rewarding years, in part also collaborating with ECCHR from the other side of the globe. Since October 2017, I am the Head of Programmes of the Bonavero Institute of Human Rights at the University of Oxford. One of the main goals of this newly created institute is to encourage exchange among human rights practitioners and academics worldwide. Having spent several years working with strategic litigation NGOs like ECCHR and CCAJAR, I feel that this is a great way to pursue my research interests as well as support human rights litigation from within academia and provide students with insights into the practical human rights world, educating the next generation of human rights lawyers.

Being at ECCHR from 2011 to 2015, which were still its early years, was a fabulous experience: to be part of a small, but growing organization, trying to find new avenues for strategic litigation. Looking back, I most enjoyed working in such a fantastic team, and I am very grateful and proud to have been a part of it. Whether working with Miriam and Claudia on Business and Human Rights, Anna on Gender and Sexual Violence, or Wolfgang with his wealth of experience and rigorous standards, I always learned a lot and found that we had a mutually enriching, reliable and committed team. The same goes for the wonderful array of legal trainees that made for an always changing and interesting international atmosphere at the office.

My four years at ECCHR certainly shaped and determined my professional career and had an enormous formative influence on me as a human rights lawyer. The support and trust the ECCHR team put into me and my work from the very beginning was amazing and very encouraging. For my subsequent jobs, I have certainly been drawing upon many of my experiences at ECCHR and I look forward to remaining in close contact with ECCHR – also in my new capacity!

I wish ECCHR the very best for its certainly exciting and inspiring next 10 years!

Dr. Annelen Micus is the Head of Programmes of the Bonavero Institute of Human Rights at the University of Oxford. She worked for ECCHR from 2011 to 2015, first as a Legal Trainee and then as a Legal Advisor. From 2012 to 2014, she was a Bertha Justice Fellow.
NGHIA NUYEN
“SECRET OF RETURN”

Nghia Nuyen was just 14 years old when he fled Saigon with his family in 1975. He settled in Germany in 1981, where he has lived ever since. His oil paintings, shown on pages 20 to 37, portray Vietnamese victims of the chemical defoliant Agent Orange that the US Army used during its aerial bombardment in the Vietnam War. Neither this crime, nor the hail of bombs that many civilians fell victim to, were ever penalized. Nuyen’s paintings and illustrations were exhibited in fall and winter 2014/15 at ECCHR.
SELECTIVITY AND INTERNATIONAL CRIMINAL LAW

Prof. Dr. Gerhard Werle

The one major weakness in international criminal law is its selectivity. Until now, the powerful have largely managed to escape effective prosecution under international criminal law – apart from a few, albeit significant, exceptions.

The establishment of the International Criminal Court in The Hague has only had a limited impact on this situation, not least because the US, Russia and China are, to date, not signatories of the Rome Statute. The absence of three of the five permanent members of the UN Security Council from proceedings at the International Criminal Court is hardly beneficial to the aim of a balanced spectrum of prosecutions.

Selective criminal prosecution does not result, however, in the delegitimization of individual criminal proceedings that have actually been conducted. This is a case of the German principle “keine Gleichheit im Unrecht,” i.e., the invalidity of claims that seek to be treated equally to those benefiting from an injustice. From a long-term perspective, however, selectivity poses a threat to the legitimacy of the institutions that are supposed to enforce international criminal law, and even a threat to international criminal law in itself. A look at the criticism voiced by the African Union, with various states on the continent threatening and planning to withdraw from the court, provides sufficient illustration of this.

In this context, the work of the European Center for Constitutional and Human Rights assumes special significance. Since the foundation of the center, its staff have been unrelenting in their efforts and pressure, continuing to focus attention on the actions of those who, in the past, were often able to expect impunity. The work of ECCHR means that the Rumsfelds, the Assads and the Kadyrov of this world can no longer rely on their deeds having no consequences for them. ECCHR does not shy away from investigating suspected crimes against international law by NATO troops, US or British forces, and also German soldiers. In doing so, ECCHR makes an essential contribution to the legitimization of international criminal law. Its activities will continue to be indispensable in the future too – because sadly, an end to grievous human rights crimes is not in sight.

I wish to see ECCHR continue its work unhindered in the coming decade as well.

Prof. Dr. Gerhard Werle is Professor of German and International Criminal Law, Criminal Procedure and Contemporary Legal History at Humboldt University in Berlin, Germany.

Together from the beginning

Baher Azmy

The story of the Center for Constitutional Rights (CCR) and ECCHR goes back longer than 10 years – and goes back before my time at CCR. In 2004, the Bush administration’s torture program was fully operational and its survivors were beginning to make their way out of Guantánamo, Abu Ghrabi and CIA “extraordinary rendition” facilities to torture programs in places like Syria, Morocco and Egypt. Their stories slowly seeped through the cracks of government secrecy, censorship and damnable lies to reveal a startling pattern of systematic abuse by Americans and, in many cases, their foreign-government aids and abettors.

CCR has a long history of trying to bring US actors to justice in US courts for torture and extrajudicial killing, in particular in its fight against US imperialist violence and wreckage in Central America during the Reagan Administration. The visionaries bringing those cases, Michael Ratner and Peter Weiss, learned an enduring lesson: US courts, laboring as they almost universally do under the façade of American exceptionalism, would never hold US military officials accountable for war crimes – especially in cases brought by the given “other” presented at that times as the other side of American bombs. But Peter and Michael were also steeped in principles of transnational justice, having unearthed the long-dormant Alien Tort Statute to successfully bring suit in a US court against a Paraguayan police chief for the torture of a Paraguayan citizen on Paraguayan soil – the historic Filartiga v. Pena-Irala case. Later, Michael and Peter looked to a newly-minted German analog to the ATS – a domestic universal jurisdiction law – and theorized a transnational accountability suit against US torture architects in German courts. Their target: US Secretary of Defense Donald Rumsfeld.

What they needed was a local lawyer with the qualities CCR aspires to itself. The ideal profile: a self-described radical, unafraid to challenge the most powerful on behalf of the most vulnerable, with an understanding that, despite the traditions of conservative legal practice, the law could be used as a tool to tell stories, demand answers and raise political awareness. Someone who saw that law could challenge power but also build power – in this case, of the Muslim men the US government dehumanized.

They found it in Wolfgang Kaleck – who would become the fearless, visionary, brilliant lawyer so many now recognize. Out of that partnership on the Rumsfeld torture case, the European Center for Constitutional and Human Rights was born.

10 years later, CCR could not be more proud of its sister organization and the remarkable role it has played in the global human rights struggle. From “the ground” in Colombia, Pakistan and India, to courts in Berlin, Basel and Buenos Aires, and from litigation strategy sessions featuring cutting edge work to supporting and nurturing human rights colleagues all over the globe, ECCHR is synonymous with creative, bold and tenacious legal advocacy.

Having quickly emerged as an equal partner, ECCHR has worked with CCR over the last decade on numerous projects. We have jointly submitted amicus briefs to the US Supreme Court arguing that corporations must be held liable for their role in serious human rights abuses. We have demanded that a senior
NATO official be investigated and prosecuted for war crimes. We have exchanged legal interns and staff. And with ECCHR’s leadership in 2017, we co-hosted a conference in Paris, where, for the first time, former Guantánamo detainees met face-to-face with former US officials from the Bush years, who powerfully joined their calls for accountability and redress.

Both CCR and ECCHR persist in pursuing our original task: holding Bush administration officials accountable for torture. This work has taken on renewed urgency in the age of Trump when the risk of repetition is increasingly real. We have provided prosecutors and judges in Spain, France and Germany (again) with information to bolster cases against Bush administration officials. While we haven’t had a trial yet, we stopped George W. Bush from traveling to Switzerland for fear of prosecution, and are currently awaiting word from the most powerful court in the world – the International Criminal Court – on whether it will open a full-fledged investigation into US torture.

CCR and ECCHR – or more specifically, Vince and Wolfgang – have also been critical, early partners in developing the strategy to advance the Bertha Justice Network’s vision of training the next generation of radical lawyers. Their leadership role in recruiting, teaching and mentoring junior lawyers – in Europe and the Global South – has been inspiring to watch and their programming has inspired to watch and their programming has inspired to watch and their programming has inspired to watch and their programming has inspired to watch and their programming has inspired to watch and their programming has inspired to watch and their programming has inspired.

Almost exactly two years ago, CCR and ECCHR lost our beloved and beneficent hero, Michael Ratner. Many days, I find myself asking, “what would Michael do?” I suspect our brothers and sisters at ECCHR regularly do the same thing. We cannot ask him anymore, but we each know his values are baked into the very DNA of both CCR and ECCHR. He modeled for us unbridled principle, unyielding solidarity with marginalized communities and a radicalism that demands the powerful be held accountable to the people. It is because of that shared vision of using the law for transformative social change that I am confident that CCR will be back here in 10 years, standing shoulder to shoulder with ECCHR, counting off the many campaigns and triumphs we have undertaken together.

Baber Azmy is Legal Director of the Center for Constitutional Rights (CCR) in New York (USA), ECCHR’s sister organization.

Torture is one of the worst human rights violations. The torturer exercises absolute power over the victim and deliberately inflicts severe physical or mental pain for the purpose of extracting information or a confession. Often, the victim is naked or in a painful, suspended position in order to demonstrate this specific power relation, to humiliate and degrade the victim, and to deprive him or her of dignity and humanity. Torture, therefore, represents the utmost form of violence and constitutes a direct attack on the core of human dignity and personal integrity.

For these reasons, the prohibition of torture is one of the few absolute human rights, which may not be restricted even in times of war, terrorism and emergency. States have an obligation to make torture a crime under their domestic criminal code with appropriate sanctions comparable to other violent crimes, such as long-term prison sentences. The principle of universal jurisdiction requires that every state party to the UN Convention against Torture (CAT) has an obligation to arrest any suspected torturer present on its territory, irrespective of his or her nationality and the place where the act of torture was committed. Widespread or systematic torture constitutes a crime against humanity, is subject to the jurisdiction of the International Criminal Court and other international tribunals.

In order to overcome this almost total impunity for the crime of torture, strategic litigation is essential. ECCHR is at the forefront of investigating cases of torture, above all in the US-led “war on terror,” and bringing such cases to the attention of domestic police and judicial authorities. Such cases are usually not “successful” in the sense that the suspected torturers finally end up in prison, but they raise awareness among those who authorized, ordered or practiced torture, that they finally may be brought to justice if European and other states would take their respective obligations under international human rights and criminal law seriously.

Wolfgang Kaleck, first as a lawyer and later as General Secretary of ECCHR, has brought well-known criminal complaints, legal dossiers and expert opinions against leading figures of the Bush
A window of hope
Anwar al-Bunni

I arrived in Berlin towards the end of 2014 to escape from certain death in Syria, which was following me through two arrest warrants issued against me from the military security service and state security service. I spent five years in the Assad regime’s dictatorship prisons, and throughout my professional life as a lawyer, I witnessed and defended thousands of detainees. I knew with certainty that the absence of any news about my friend and colleague Khalil Matouq, who was arrested by the military security service in Damascus in 2012, meant that his arrest will lead to his elimination and death in the prisons of the dark dictatorship.

I arrived in Berlin hoping and seeking the opportunity to achieve justice, which is completely absent in Syria, where there is no way to hold those responsible for crimes against humanity and war crimes accountable.

My first contact with the European Center for Constitutional and Human Rights was with Andreas Schüller in mid-2015, when he welcomed me to the Center. During the first meeting I had with Andreas and the rest of the employees, I felt welcome, engaged, and excited about my ambition to achieve justice.

My meeting with them opened a great window of hope, not only on the personal level, but also for the question of justice and accountability of perpetrators, especially with my knowledge of the Center’s past work on justice and accountability in more than one region of the world, including Latin America, Africa and Asia.

Afterwards, we started a fruitful cooperation on many levels. Perhaps the most important was to start preparing judicial files on the crimes of torture, death under torture, and enforced disappearance. In doing this, we took advantage of ECCHR’s enormous experience in going after perpetrators of war crimes and crimes against humanity, and of the German law, which allows for the possibility to use universal jurisdiction in order to open an investigation against these crimes regardless of where they are committed.

What I want to say here with all honesty is that, as a Syrian human rights lawyer and

Bibliography

ECCHR, what a pity you came into being only in 2008. It would have been great to have you earlier, like in 2002 when Rabiyé Kurnaz and I, more or less alone against the rest of the world, tried to free her son Murat from the tropical Bastille of Guantánamo. Support and help came then from British and US civil rights organizations. Notable among them is the highly professional, courageous and effective work of the Center for Constitutional Rights (CCR) in New York, led then by Michael Ratner. Through several court proceedings initiated by CCR from the District Court to the Supreme Court, we managed, bit by bit, to erode the unlawful fortress of Guantanamo and to trigger a change in public opinion.

What a good idea to create a European counterpart to CCR. ECCHR is a gift for the persecuted and the tortured, and at the same time, a warning sign for torturers, dictators and human rights violators of all kinds. The writing on the wall says: We are here for the long haul, we do not forget and, sooner or later, you will be called to account. Future historians will look back and say that a new era started in 2008: Human rights got a strong

Bernhard Docke is a German lawyer and criminal defense lawyer. In 2006, he was awarded the Carl von Ossietzky Medal for freeing former Guantánamo detainee Murat Kurnaz.

District Court to the Supreme Court, we

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Rights (CCR

Belgian lawyers – have

French, Spanish, German and

ECCHR

Bernhard Docke

a warning sign for torturers

A gift for the persecuted and tortured,

Editor's note: Prof. Dr. Manfred Nowak is Professor of International Law at the University of Vienna (Austria) where he co-founded the Ludwig Boltzmann Institute for Human Rights, and Secretary-General of the European Inter-University Center for Human Rights and Democratisation (EIUC) in Venice (Italy). He served as UN Special Rapporteur on Torture from 2004-2010, and is a member of ECCHR’s advisory board.

A window of hope

Anwar al-Bunni

I arrived in Berlin towards the end of 2014 to escape from certain death in Syria, which was following me through two arrest warrants issued against me from the military security service and state security service. I spent five years in the Assad regime’s dictatorship prisons, and throughout my professional life as a lawyer, I witnessed and defended thousands of detainees. I knew with certainty that the absence of any news about my friend and colleague Khalil Matouq, who was arrested by the military security service in Damascus in 2012, meant that his arrest will lead to his elimination and death in the prisons of the dark dictatorship.

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What I want to say here with all honesty is that, as a Syrian human rights lawyer and
activist coming from a country that suffers primarily from the most egregious violations of human rights and is governed by a merciless dictatorship, the issue of defending human rights becomes a personal matter that concerns all my life, not just a job or an occupation.

I felt the same feeling with all of the ECCHR activists. Even though they have not suffered from the same experience, they have engaged with us with all their energy. I feel that they have the same enthusiasm to achieve justice and the same interaction with the stories of former detainees and their suffering.

I have never felt for a moment that this is just a job for them. I believe that this is the secret of the strength and success of their work. I have never felt like a client or an advocate asking them for help in order to solve my case. I have always had the feeling that we are real partners, who share the same concerns and seek to achieve one goal that all of us believe in.

Perhaps I did not say this directly to them earlier, so I take the 10th anniversary of the founding of ECCHR as an opportunity to say to you:

Thanks Wolfgang, thanks Andreas, thanks Patrick. Thanks Anabel, Lily, Yaro, Judith, Anna, Marie, Albert and Simon. Thanks to all the activists and trainees I did not mention. Thank you from the bottom of the heart, from me, from the Syrians, and from all the oppressed who are blocked from the traditional pathways to justice.

Thank you because you opened a window of hope and fired a ray of light into the middle of darkness and the absence of justice, in a time of despair and frustration.

Thank you for giving us an invaluable opportunity. You were the front-runners in opening an exceptional path to justice that can no longer be closed, not only for Syria, but also for those who are robbed of justice all over the world.

I wish you, on ECCHR’s 10th anniversary, to continue to give and to progress. I believe that history will remember your work with respect.

Anwar al-Bunni, Director of the Syrian Center for Legal Research & Studies (SCLRS), is a cooperating partner as well as claimant in the Syria cases filed by ECCHR together with Syrian torture survivors and activists.
I remember reading in 2004 that Donald Rumsfeld had been sued in Germany for his role in the US torture conspiracy. And I remember thinking: Wow, who did that? I was not surprised that Michael Ratner was involved in this case because you often find Michael’s name associated with this kind of innovative and challenging use of the law. But then there was this name of Wolfgang Kaleck; that was the first time that I read it. Over the next few years, we got to know each other and worked together, trying to shrink the world for torturers.

I learned a lot from that work: That to be a human rights defender in an era of impunity, you have to have a combination of patience and persistence. You can be sure that Augusto Pinochet did not expect to spend the last few years of his life being chased around the world by a prosecutor. And even if Donald Rumsfeld is not behind bars today, Wolfgang and the others at ECCHR have shrunk his world – you do not see him taking many trips to Europe nowadays. Who knows what might happen in another 10 or 15 or 20 years to change the legal landscape for the better.

A lot of lawyers say we cannot bring those kinds of challenges before courts because we will make bad law. One of the things that Wolfgang and ECCHR understand is that rights do not exist to be preserved, they exist to be exercised, and they exist to be enforced. We do not need to keep law polished and looking pretty in a closet; we need it to have meaning in the real world. We should not be afraid of the poor decisions of others. We need to light that candle.

I would say about ECCHR that it has become one of the most effective legal NGOs in the entire world. And that is really a credit to Wolfgang and to the incredible staff, the current staff and to all the people who have worked there for the last 10 years. So congratulations everybody, I look forward to celebrating with you in person.

Ben Wizner, Director of the Speech, Privacy and Technology Project at the American Civil Liberties Union, works primarily on cases at the intersection of civil liberties and national security. He has litigated numerous cases involving government watch lists, surveillance practices, targeted killings and torture.

Lasting influence on my career and thinking

Susann Aboueldahab

Cairo, 17 June 2016. Imagine a small room. Warm summer air is entering through the window slots and the nearby mosque’s muezzin has just started calling the faithful to evening prayers. My mobile phone begins to ring. It is Andreas, calling me from Berlin to interview me for a traineeship at ECCHR. That day, I did not expect at all to be selected as one of the first five Kreuzberger Kinderstiftung Fellows, nor did I see myself involved whatsoever in ECCHR’s first complaint on torture in Syrian detention facilities. In hindsight, I am very grateful, not only for being given the possibility to spend six months at ECCHR, but also – and probably even more – to have started working there just at the time when the Syria project started evolving rapidly.

When I started in October of that same year, I was the only trainee working exclusively on Syria in the International Crimes and Accountability program. Patrick and Andreas were great supervisors and I enjoyed the work a lot. Still, it seemed far away to me that the complaint would be finalized and translated into action. Fortunately, it did not take long until the Syria-team started growing steadily. By the end of the year, Yaro and Lily became the most wonderful colleagues one can imagine, proving that teamwork can truly be characterized by mutual benefit and trust. Time passed quickly and, by the beginning of 2017, we were working till late at night on the last details of the complaint (animated by pizzas handed over by a surprised delivery boy, as he saw the otherwise abandoned office). The next morning, ECCHR submitted the case to the Office of the German Federal Prosecutor. The following days were packed with a number of events and meetings, and were probably the most intense (net)-working experience I have had so far. A strategic meeting with those involved in the elaboration of the complaint and Stephen Rapp, the former US Ambassador-at-Large for War Crimes Issues, was only one of many situations in which I had to pinch myself to make sure this was real.

Göttingen, 15 February 2018. My farewell party at ECCHR was almost a year ago and the decisive phone call with Andreas lies even further in the past. Nevertheless, I am still in close contact with some of my former colleagues and I repeatedly become aware of the influence that the working experience at ECCHR has had on my later career and thinking. It not only shaped my awareness of the possibilities offered by strategic litigation and the idea of radical lawyering, but the traineeship also sensitized my attitude to relevant aspects of project work and cross-cultural communication. When I look back
now, I am astounded by the far-reaching consequences that the interview in June 2016 and my later traineeship have had on my life.

Currently, I am working on my PhD in International Criminal Law. My topic is inspired by the subject matter I was working on at ECCHR: sexualized violence and the pertinent problems in establishing linkage evidence in these cases. Even though my focus has shifted from Syria to Colombia, I still follow the situation in Syria and ECCHR’s work closely.

Thank you for these thrilling and wonderful six months and for the package of new ideas and perspectives that continue to enrich my thinking and that turned out to be crucial for the direction of my professional life!

Susann Aboueldahab was a Legal Trainee in ECCHR’s International Crimes and Accountability Program in 2016/2017. She mainly worked on crimes against humanity and war crimes committed in Syria. For her traineeship she was awarded a scholarship from the Kreuzberger Kinderstiftung.
Wolfgang Kaleck

On the occasion of the 10th anniversary of one’s own organization, is it really interesting or necessary to write about its brief history and somewhat limited impact, to applaud ourselves and have others applaud us?

Haven’t we also felt mildly ashamed for other human rights activists – particularly those from the Global North – when they take themselves and their organizations so seriously that they lose sight of their actual work?

Granted, if we took such thoughts really seriously, we would have to write a disclaimer above every single publication: “This product is for self-promotion and fundraising – but we assure you that we will use the gained reputation and resources for noble purposes.” On the other hand, should it not be of the utmost importance – especially in the present day of Trump, Duterte, Modi, Erdogan and the emergence of populist parties and discourses across Europe – to work tirelessly on all the grievances that affect us, that present us year after year with authoritarian regimes and intolerable economic structures?

Well, the one should not exclude the other. In light of a balance of power that is clearly not skewed in our favor, we must create workable structures, for which we need both financial and non-material means. In addition, it is becoming increasingly clear that neither the dramatic description of misery experienced elsewhere nor journalistic or academic analyses are a driving force for real change. Thanks to the numerous human rights organizations that exist in many locations and global communication channels, we know so much more than in the previous decades – we know everything that is going wrong, where and why. There really is no lack of information and analysis.

However, often, this does not encourage us to resist, but rather triggers boredom, over-saturation and apathy. As Susan Sontag rightly feared, the more drastically we deal with these events – and the people who actually experience them – the more we attach importance to them; it is as if our significance grows with the extent of the horror. We also run the risk that we take away the “stories” from those who actually experience them in order to drive our own agenda – regardless of which noble motivation causes us to do so.

If we from ECCHR generally – and specifically in the context of this small, certainly non-academic and most definitely incomplete publication – somewhat try to portray our own story, then this is for the purpose of trying to make our work more well-known and, along with it, our concept of legal intervention against human rights abuses. It is also about raising support for both. Writing about our work should be, as is the basis of our entire organization, an intelligent and reality-based rejection of cynicism and powerlessness.

In light of the sometimes gloomy reality, it is important to show ourselves and others that, in spite of everything, change is possible. That there is such a thing as hope and that this hope lies within collective structures. Ernst Bloch states:

“To have hope means to be disappointed, but it also means to be corrected, otherwise we would end up in a fool’s paradise. It is a part of an abstract utopia that is only imagined in the mind or discovered by chance, but not when the conditions are not so and cannot be so. That is why research is needed to know the direction. Only from the core of fundamental hope – not that of the fool’s paradise, where it is steered by trends – can hope be corrected. It doesn’t allow itself to be criticized from the outside, that is only a grievance that one already knew from the outset.”

In theory, this all sounds very plausible. But how in today’s world can such idealist utopias be turned into reality? Which actors can contribute towards transforming isolated individuals into collective, transnational networks that include the Global North and South?

This brings us to the core idea and aim of ECCHR. The starting point for legal human rights work was favorable from the mid-1990s onward: in order to enforce the more or less human-rights-friendly standards system of the Universal Declaration of Human Rights, the Genocide Convention, the United Nations Convention against Torture and the two major human rights Covenants, legal channels were at least partly established. The North Atlantic states, supported by large parts of Africa and Latin America, established special UN tribunals (at least for Rwanda and the former Yugoslavia) and the International Criminal Court in The Hague. But the dark side of this development was that this judiciary was not applied to all comparable situations that required a legal review. When, for example, it came to the Central and South American military dictatorships, the crimes of Turkey in Kurdistan, Indonesia or the Philippines, for some time, everything stayed the same. Following this, transnational networks and human rights organizations empowered themselves and authorized the arrest of the former Chilean dictator Augusto Pinochet in October 1998 in London.

Although the arrest was executed by state actors, such as the investigating magistrate in Madrid and the courts in London, survivors and dependants of survivors of the crimes, along with their allies in Latin America and Europe, had paved the way.

The first lawsuits and, in their wake, international judicial prosecutions, were directed against the fallen dictators of the Third World. At the end of the 1990s, many lawyers and human rights organizations were concerned with the universal application of legal principles: for international crime to be subject to investigation and sanctions. Therefore, in the 2000s, human rights abuses in China, Russia, the US and Spain (during the Franco dictatorship), were charged and prosecuted.

After September 2001, the Center for Constitutional Rights (CCR) in New York, with its protagonists Peter Weiss, a long-time anti-Pinochet activist, and Michael Ratner, known for his tireless efforts against torture and US military intervention in Central America, commissioned a lawyer in Berlin to file a lawsuit against US state torturers. That lawyer was me, as I already had experience with procedures against the Argentine military dictatorship; with others, I was attempting to bring the “culprits” to justice through universal jurisdiction in Europe. Since our first prosecution against US torturers in November 2004 in Germany, “From Pinochet and Videla to Rumsfeld” has been our motto. Our stops along this route have included Germany again in 2006, France in 2007, Spain in 2008, Switzerland in 2011 and back to Germany again in 2014 and 2017.

During the course of these extensive investigations and prosecutions, one thing became clear: the existing structures in Western Europe – a dazzling mosaic of progressive law firms and small, but effective progressive attorney organizations – would be able to tackle a few such cases, but for sustainable work, different organizational structures would be needed. This is how ECCHR emerged as a synthesis of different approaches: the optimistic “Let’s see what can be done” and “Let us enter into the fray” attitude of the Latin American human rights movements, combined with the pragmatic work of US organizations and their professional marketing, such as the Center for Constitutional Rights and the American Civil Liberties Union, as well as German skepticism and a fundamental critique of law, especially criminal law, stemming primarily from neo-Marxist, feminist and post-colonial sources.

But even this still sounds abstract. It is the individual people who fill the short history of ECCHR with life: Berlin sociologist Erwin Single was the decisive partner during the initial phase of the organization, as he helped found the association and created the first plans and communication concepts. We had asked the “big organizations” – Amnesty International and Human Rights Watch – whether, with their power, they would consider litigating at a transnational level. Both organizations declined, although they supported our concept from the beginning. Since ECCHR’s founding year, the general secretaries of Amnesty International Germany have always been on our advisory board and there is productive cooperation at other levels of the organization. Human Rights Watch sent two of its most experienced defenders, Lotte Leicht and Reed Brody. And it was Lotte Leicht who, with much verve, insisted that the Berlin center position itself as European. Peter Weiss and Michael Ratner from CCR, who sadly left us far too soon in 2016, were friends, advisors and supporters from day one. They all stood firmly behind our no-name organization, as did Florian Jeßberger from Berlin and Annemie Schauss from Brussels, as well as former UN Special Rapporteurs on torture, Theo van Boven and Manfred Nowak.

The beginning really was hard, although we quickly found our first topics: following the line from “Pinochet and Videla to Rumsfeld,” we took on the human rights abuses of the Western world in the so-called “war against terror.” We also already organized one of our first larger conferences in the autumn of 2007 and, in Warsaw, Berlin and Copenhagen, were dealing with the CIA’s rendition flights, as well as their secret prison in Poland and accompanying judicial resistance.

In contrast to the Western human rights mainstream, we also committed ourselves not only to the necessary defense of political and civil human rights, but also to enforcing economic and social human rights. Within our Business and Human Rights program, in addition to states, we wanted to target and hold transnational corporations accountable. It was not, however, who we expected – the networks of universal jurisdiction lawyers – that wanted to work with us on this. Rather, it was development aid organizations like Brot für die Welt, Misereor and medico international in Germany. Together with them and their partner organizations from the Global South, ECCHR set other new priorities.

Our new partners were less interested in the courtroom successes of individual judicial steps, but rather much more in the possible impact of the judicial processes for the organizations from the Global South. Therefore, our focus shifted and we further developed our methods – from so-called strategic litigation to judicial intervention.

We then applied this method to additional fields: we first examined the context, politically as well as legally, tried to contact local actors to cooperate with them as far as possible, and then jointly defined a mandate for ECCHR.
For Business and Human Rights, we first conducted studies for the Heinrich Heinrich-Böll-Stiftung and, in autumn 2008, arranged a large conference that was not just attended by the “usual suspects” from Berlin, London, Paris, Madrid and New York, but also organizations from the Global South.

It was here that Colin Gonsalves from the Human Rights Law Network (HRLN) in India, as well as colleagues from Colombia, Argentina, Mexico, the Philippines and the Democratic Republic of Congo, formulated a demand that went way beyond what we had previously planned. Colin called on us to travel to the Global South and there, together with activists and lawyers, develop joint strategies against unjust structures and transnational corporations. In other words, we should familiarize ourselves with their perspectives and working conditions. So, we went on a journey: to Colombia in 2010, to Cameroon in 2011, and to India and the Philippines in 2013.

The problems we encountered went way beyond the excesses of individual companies.

Injustice has a system – we saw that we would not be able to change much with individual interventions; an impact would only be felt if larger movements would align themselves and create a new dynamic.

The efforts and aspirations were huge and we started out decidedly small. As allies from the first hour, such as Andrew Feinstein from London or Morton Bergsmo from Oslo, still remember today, the House of Democracy and Human Rights on Greifswalder Strasse in Berlin lacked literally everything. But what we did not lack were young, motivated attorneys. Even before we had installed a telephone in our first office in 2008, the first trainees from Mexico, Uzbekistan and Germany were already at work.

Bit by bit, many of today’s protagonists joined: Miriam Saage-Maaß, Andreas Schüller, Albert Koncsek and Claudia Müller-Hoff. Together, and in our own way, we made something possible that the usual, skeptical Germans, sometimes old colleagues, as well as consultants we had contacted at foundations in London and New York, didn’t think was achievable.

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In addition to the development aid organizations already mentioned, we were supported right from the beginning in Germany by Ise Bosch and her Dreilinden Foundation. Abroad, Garth Meintjes and the JEHT Foundation, as well as the small Samuel Rubin Foundation from New York, also supported us. Added to this were the large international philanthropic foundations, Sigrid Rausing Trust and the Oak Foundation.

From summer 2009, thanks to the support of these foundations, we were actually able to build workable structures in our current office in Zossener Strasse, Berlin-Kreuzberg – we will never forget the moment when we had reservations while moving into the first of our three current office units about whether we could actually fill the space with people and life. As the published list of events, but much more the memories of everyone involved, shows, we were able to fill the room with something unique. We succeeded in bringing together actors from different backgrounds and cultivating fruitful exchange while maintaining successful working relationships. It was (and today still is) a mixture of a previously developed idea, initial practical experiences and individuals who then make the vision possible.

An example of this is our Education Program. Since the initial month in our first office, almost 400 young lawyers from more than 40 countries have participated in our training and development program. The first trainees worked under less luxurious conditions, guided by ECCHR lawyers, who already knew the complex cases and underlying structural problems well. Then came along Tony Tabatnik and the Bertha Foundation – their long-term commitment enabled the expansion and professionalization of the Education Program.

Other topics and work areas followed. In 2009, we established the Gender and Human Rights work area and then, finally, in 2014 the issue of Migration, where together with Carsten Gericke, lawyer from Hamburg, we made the human rights violations at the external borders of the European Union a priority of our legal intervention.

To summarize the core of our work in a few words, it involves: the development of emblematic cases, the most strategic process management possible, academic and non-academic communication, and discussions around the possibilities for combating injustice with the law. This booklet can only document a selection of the fields of work and individual cases that ECCHR and our partners have undertaken over the last years; our annual reports and the ECCHR website offer a more comprehensive overview. We have however – from page 122 – listed the publications and events that we have worked on and organized over the last 10 years, together with colleagues from partner organizations, universities and law clinics, pro-bono litigators, exchange fellows, trainees and volunteers.

But not everything always went well, nor will it always go according to plan in the future. It will be up to others and, in particular, of course, those whose interests we claim to represent, to judge whether our hypothesis of enforcing human rights through legal means is effective.

Without doubt, after 10 years, certain trends are emerging: international criminal law is now sturdier and there are judicial forums on a number of levels – locally, regionally as well as internationally. Nowadays, our network is able to file and advance litigation proceedings almost all over the world. We have also been able to bring many forgotten conflicts back into present consciousness. We have been successful in denouncing the crimes of the powerful, such as the USA and its allies after 11 September 2001. Even if political double standards continue to exist, our criminal charges on the principle of universal jurisdiction have had immediate consequences.

When we heard about George W. Bush’s trip to Switzerland at the beginning of 2011, several years after he left office, we filed a criminal complaint with the Geneva prosecutor, after which the former president distanced himself from the visit. Admittedly, for the torturers of this world, this patchwork of international criminal justice does not, yet, seem to be a deterrent. To say this, though, does not discredit the risky work of our own or other human rights defenders. At the same time, we must openly state that even the defense of the universal ban on torture is difficult and that the political and economic interests of authoritarian and, unfortunately, also democratic states, often outweigh international law.

Together with others, however, we still try; since 2012, ECCHR has been in the midst of a complex investigation into torture in Syria. Like most of our criminal charges, we are not targeting lower and mid-level perpetrators, but rather their powerful employers and decision-makers. We believe that it is only possible to tackle the systematic and structural elements of the human rights violations occurring in Syria by taking action against those responsible at the top, if one wants to make use of the insufficient means of criminal law at all.

Overall, it has become more common to use international criminal law in order to combat such violations. But apart from in a few individual cases, it is difficult to foresee the outcome of our efforts. Whether the application of international criminal law has a preventative effect and to what extent the legal approach leads to a societal discussion in the affected states, can only be evaluated by interdisciplinary research and discourse. However, the first steps have been taken and not only a few at that.
The findings related to accountability for sexualized violence in armed conflict and authoritarian regimes, however, are much more dramatic and negative. Although it is legally possible to prosecute perpetrators and also to apply the principle of superior responsibility, both those affected and their organizations often do not prosecute, for fear of persecution and repression. On the other hand, many prosecutors and courts don’t accept cases of sexual violence – not least of all due to the fact that gender inequality still reaches far into most justice systems, even today.

In the area of Business and Human Rights, the desperate working conditions in the global supply chain, the persecution of trade unionists and devastating environmental damage exist structurally, all over the world. Here, our activities are still far too limited and have been subject to many setbacks. Some courts in the US have applied the Alien Tort Claims Act against oil companies like Shell in Nigeria, only to withdraw their jurisdiction claims a few years later. English attorneys have successfully fought for positive precedents against transnational corporations, only to have the British government try to turn back the clock. Meanwhile, German and Swiss public prosecutors usually don’t even dare to touch such complicated litigation structures. And us – we are in the midst of this contradiction between global injustice and legal intervention in individual cases. In 2011, our case against Nestlé for its role, together with paramilitaries, in the murder of Colombian trade unionist Luciano Romero was suspended due to the lapse of the alleged crime’s statute of limitations, without the Swiss prosecutor having taken even one single step towards an investigation.

Our interventions against the inhumane working conditions in the Asian textile industry particularly highlight the ambivalence of our work. In the wake of the increased globalization of the textile industry, organized irresponsibility is resulting in the systematic outsourcing of jobs from the Global North to the Global South and, with this, a deterioration of working conditions – often below the level of human dignity. Nevertheless, many of these structures cannot be challenged legally; rather, they are protected by property, trade and commercial law. It is only when man-made catastrophes, such as the collapse of the Rana Plaza factory complex in Bangladesh and the factory fire at Ali Enterprises in Pakistan occur, that legal possibilities open up so that those affected can act transnationally – as seen in our high-profile lawsuit at the District Court in Dortmund, Germany against the textile company KiK. However, only if civil society mobilization and fundamental legal and political reforms emerge alongside this type of precedent, can our work be sustainable in the medium term.

This, of course, also applies to our attempts to defend the rights of refugees and migrants in Europe, and particularly along Europe’s outer borders. It is without a doubt that they need all types of solidarity possible. Accordingly, we were delighted about our interim success at the European Court of Human Rights – the court decision from 3 October 2017 in the case N.D. and N.T. against Spain for the inhumane border regime along Spain’s border with Morocco. But given the huge political headwinds, we do not know whether the success will survive the authorities, whether Spain will submit to Strasbourg and reform its border laws, or if the legal principles developed in the judgment will apply to other border constellations, such as those along the Balkan states.

Over the years we’ve obviously learned to find the positives in defeats, such as the successful scandalization of injustice, the instigation of judicial discussions about the responsibilities of transnationally operating companies, counter-hegemonic judicial practices and the establishment of transnational connections. In the long-term, our legal proceedings against politicians, civil servants, secret-service personnel and members of the military, as well as global textile companies, producers of pesticides, and exporters of weapons and surveillance technology, can only be successful if: firstly, human rights-based protections against the dominant political and economic interests are based in the justice systems of the Global North as well as the Global South; secondly, those whose rights are violated have risk-free access to litigation; and thirdly, lawyers and courts around the world are less corruptible than they have been until now.

A long road lies before us, but we have to and want to start somewhere, so that we don’t despair at our ongoing failures, but rather learn from them in order to be able to fail better next time. Or as the German lawyer and author Bernhard Schlink recently put it: “In an evil world, doing something that is yours and good and having a bad conscience about it because it is only small and patchy, which is bad.”

José Giribás was born in Santiago de Chile in 1948. In 1973, he was forced to leave his home country and some months later arrived in Berlin, where he has since lived and worked. The portraits on pages 46 to 65 show survivors of the more than 1,200 secret detention and torture centers of the military dictatorship in Chile. The survivors and surviving dependants are striving for preservation of these centers as memorials. This is the first publication to show these works, which will be released in an illustrated book by Giribás in fall 2018.
The right partner to bring change for a just world

Dr. Julia Duchrow

10 years of ECCHR – What great news!

Looking back, I remember the first thoughts about creating such an organization: Wolfgang Kaleck wondering about leaving the secure base of a law firm, leaving the individualistic profile of a human rights lawyer and entering into an adventure as a non-governmental organization.

What decisions had to be made! An office had to be found, without too much financial risk, the right staff had to be looked for, who couldn’t expect a fixed salary, and the right projects had to be found, which should be prioritized. Combining the personal and political preferences and finding the right tone to build public awareness for the new organization was a challenge. It really was starting from scratch! And not easy at all. In those first days, nothing seemed stable. It was unclear whether the prospects would be half a year or a year. Screenings of the human rights networks, political actors, donors, and much more had to be done with almost no staff.

As one of the first projects, the idea arose to enter into strategic litigation on business and human rights. As the right partners for this endeavor, the development organizations Brot für die Welt and Misereor were found. These organizations, with the vast network of NGOs that they support worldwide with a rights-based approach to development, were the right ones to cooperate with. Through the work of their partners, the organizations had challenged the role of businesses in human rights violations, like in the textile industry in India and in many other countries and examples since the 1980s. They were the right ones to start this work with.

As a staff member of Brot für die Welt, I am now part of this inspiring endeavor. Since the foundation of ECCHR, workshops in Latin America, Asia and Africa have taken place with the non-governmental organizations partnering with Brot für die Welt and Misereor to see where there are transnational anchor points for transnational litigation. These joint activities with ECCHR have been inspiring for Brot für die Welt staff and many of the partner organizations involved in activities to bring businesses to account for human rights violations like land grabbing, violations of workers’ rights and others.

The uniqueness of ECCHR in this regard is a deep understanding of the legal paths that can be used, an openness to getting a deep understanding of the political context, interconnecting with young lawyers, and being a wonderful partner in raising public awareness through good public events that we organized quickly with interesting focuses, inspiring speakers and great colleagues. That’s what we all hoped for 10 years ago, but it is even better than what we imagined and should go on forever to bring change for a just world.

MORE THAN JUST A GOOD IDEA

Dr. Thomas Seibert

What convinced me to work with ECCHR are two things: that ECCHR, on the one hand, has a good idea, and on the other hand, the right people to implement this idea.

As a human rights organization, only having a good idea is often not enough. You also need to have the right people to work for this idea and to fight and struggle for this idea, as is the case with ECCHR. This is something I experienced in our everyday work together. In ECCHR, you meet people who you can rely on and trust. They will listen to you and give you creative advice.

You can even call them in the middle of the night to discuss a question, even if it is not an important one.

In 2016, the UN started a process for adopting a UN treaty to enforce human rights in production and delivery supply chains. We should be grateful for this process, as it is one of the first serious ones to implement human rights in corporate activities. But even now, we can see that the process of implementation will be a bad compromise. Most NGOs will comply in this bad compromise.

Transnational collaboration for empowering people

CenterLaw

CenterLaw has worked and collaborated with a few organizations in its network of human rights and international law groups and practitioners, but its close cooperation with ECCHR in cases where international law complements domestic laws has been the strongest and most rewarding.

CenterLaw and ECCHR first worked jointly on the Malaya Lolas case. Malaya Lolas (“malaya” meaning free and “lola” meaning grandmother) is a support group in the Philippines for survivors of sexualized violence that occurred during World War II. In 2013, CenterLaw requested that the Philippine
Supreme Court allow ECCHR to intervene in the case. This continued until the case was later brought before the United Nations Special Rapporteurs. Another cooperation followed in 2016, when both organizations, among others, actively participated in efforts for ECCHR’s business and human rights project on pesticides, which entailed active case build-up, fact-finding missions and intensive case analyses for CenterLaw’s young lawyers.

This cooperation began when CenterLaw’s Ethel Avisado joined a workshop in India organized by ECCHR. It was strengthened with the Global Exchange Fellowship of CenterLaw’s Zharmai Garcia in 2015 and by the fact-finding missions conducted in 2016 in the southern Philippines together with ECCHR’s Carolijn Terwindt and Christian Schleumann. Continuing for more than four years now, the latter cooperation welcomed CenterLaw’s Cris Jandusay, who now helps with analyses of legal strategies on how to move forward with the pesticides project.

In the case of the pesticides project, the concept of transnational collaboration was demonstrated as an important strategy in order to address and seek relief from human rights violations that have elements that are not limited to the Philippine setting. These elements are scattered all over the world and corporations often involved in these instances cross different countries and operate in different jurisdictions. For these cases, an approach that considers the broad and global scope of the human rights violations became more sensible than localizing human rights violations within just one country.

Although CenterLaw and ECCHR’s cooperation is not without the challenges of transnational collaboration, it has, however, become a potent instructional tool and learning avenue for young human rights law practitioners. Apart from more patent setbacks, such as adverse results of instituted legal actions, the difference or limitations of certain legal frameworks and social constructs between the Philippines and European contexts pushes the lawyers to be creative in their approach towards cases they pursue. There are likewise instances of increased security risks experienced by CenterLaw’s lawyers to which ECCHR’s lawyers are not directly exposed.

More importantly, it has been beneficial to the survivors of human rights violations whose cases are taken up. The Malaya Lolas have expressed their gratitude that, where their own Supreme Court has seemed to deny their cause, they are able to perpetuate their narratives outside the country in a way that inspires and empowers more survivors of modern-day abuses from different backgrounds. Persons affected by the use of pesticides manufactured abroad and sold globally are impassioned that the plight of agricultural workers in the poorest corners of the southern Philippines are heard and that their causes are shared, not only by their countrymen, but also by lawyers from the world over – by our partners at ECCHR.

On 11 September 2005, trade unionist Luciano Enrique Romero Molina was abducted, interrogated, tortured and stabbed 50 times until he died at the outskirts of the Colombian town of Valledupar. Luciano Romero was an employee of the Nestlé subsidiary Cicolac, working on the production of powdered milk. In addition, he was a member of the trade union Sinaltrainal, which supported workers’ rights. Cicolac’s management described Romero and other members of the trade union as guerrillas, which, in the context, was tantamount to a call for assassination by the Colombian paramilitary forces.

ECCHR was mandated by Romero’s widow to bring those involved in the crime to court. Through extensive and tenacious work, the people from ECCHR put together an extraordinary complaint against Nestlé in Switzerland, citing negligent homicide by omission. The complaint was directed against the former Chairman of Nestlé’s Board of Directors, Peter Brabeck, and the President of the Administrative Council Rainer E. Gut, among others. However, during the lengthy work on the factual basis and the legal assessment, one thing was forgotten – the statutory period of limitation for acts of negligence in Switzerland ends after seven years.

Swiss prosecution authorities showed no willingness to get involved in this politically charged affair. The complaint was submitted in Zug, where Nestlé has one of its two Swiss headquarters, along with the one in Vevey. This is, in fact, itself a clear breach of law, but quod licet Iovi, non licet bovi (Gods may do what cattle may not). Officials in Zug did nothing at all, and then had the idea that the canton of Waadt, where Vevey is located, should have jurisdiction in the case. Much time passed until, in a mediatore judgment, the Swiss Federal Criminal Court found that Waadt had jurisdiction. Waadt did nothing either; not a single summons was issued. Instead, they waited for the statutory period of limitation to lapse. And so we see that

in Switzerland, too. Lady Justice is not without bias. Still, the complaint was successful in the sense that it broke new ground. It was unclear whether a company could be held to account for human rights and environmental rights violations abroad. Soon, there could be a legislative basis for this in Switzerland. The Nestlé case, and then the Paradise Papers, gave considerable momentum to the current corporate accountability initiative in Switzerland. The initiative aims to bring an end to the shameful game played in Switzerland, whereby Swiss companies globalize their profits by passing them on to their dubious shareholders, but try to keep their legal liabilities (or lack thereof) limited to the local. According to a survey in November 2017, 77% of Swiss voters are in favor of changing this system.

Florian Wick and Marcel Bossonnet are lawyers based in Zurich, Switzerland, who work on international criminal law and fundamental rights. As ECCHR partner lawyers, they supported the criminal complaint against Nestlé in the case of Luciano Romero.

This text was co-written by a group of CenterLaw lawyers who experienced and benefited from the collaboration with ECCHR on the issues and cases discussed.
Exactly what this world needs

William Bourdon

I am sincerely happy to collaborate with ECCHR. I think that our work on the Lafarge case is exactly what this world needs: international cooperation and an active civil society that holds those who refuse to respect human rights accountable. I congratulate the whole ECCHR team for its work accomplished during these 10 years and wish them a successful future. I am looking forward to continuing our collaboration and hope that we will cope with the challenges of the toxic effects of globalization.

William Bourdon is a French lawyer and a member of the Paris Bar Association. He is a long time partner lawyer of ECCHR on US Accountability cases and on the Lafarge/Syria case.

Abolishing power imbalances

Nasir Mansoor

From a legal perspective, ECCHR did unique work in filing a case against the German company KiK. As a Pakistani trade unionist, I am getting a lot of information from this case on how we can get back at big brands that are violating human rights standards in our country. The KiK case made a huge impression in Pakistan, especially for the workers. It gave them the feeling that they are not alone. What is important to them is that, despite the fact that it is a German company that is responsible for the death of their relatives, there are other Germans that are supporting them and feel their pain.

Nevertheless, there is so much more work to do because the transnational brands here continue to work in the same dirty way. People keep dying day by day, not only in the textile industry, but also in other economic sectors. I hope that the KiK case will set a precedent and serve as a negative example for other companies. However, one single case can never be enough, because these abuses are not only happening in Pakistan. What is going wrong right now is that we only start to act whenever there is blood, disaster and tragedy. We finally need to start acting before disasters happen.
How time flies! Can it really be 10 years since Wolfgang Kaleck told us about his idea to set up a legal human rights NGO and sought our help, not just for abstract support of the idea, but for real lawyerly assistance? Before then, our office had taken on some pro bono human rights mandates, but only sporadically, when we were approached by various groups, not in a structural way like the way we were able to work with ECCHR – with an agenda that looked at the individual case at hand, but always with a view to the broader legal picture.

The cases I have worked on with ECCHR since then have had a significant influence on my work as a lawyer. Whether it was interviews conducted over several days in Buenos Aires with victims and survivors of the almost-complete obliteration of Mercedes Benz’s trade union under the Argentine Junta, or the fate of cotton-picking children in Uzbekistan. Whether it was the Sudanese who were washed away by Lahmeyer International’s dam construction, or the Rana Plaza factory complex certified by the Indian subsidiary of the oh-so-solid TÜV Rheinland shortly before the building collapsed. And of course, there was the Affeckees Association in Karachi and their right to compensation after the factory fire at Ali Enterprises, where the German company KiK was not just a client; it was the boss.

All of those cases were marked by certain characteristics – great significance for those affected, but also for their broader legal and political implications – which make ECCHR’s cases so special, as tough as the struggles might be in the individual cases. Looking back over the past 10 years, at the time, one could hardly have imagined that ECCHR would become part of a global human rights discourse that not only understands human rights in the classic sense – as rights that protect against state excesses or inaction – but also as rights that can be enforced against private corporate entities. This development has only just begun. I am convinced that this will open up a whole new academic field that future generations will see as an essential part of their legal education. ECCHR is one of the most significant actors in this discourse and I am happy to be able to contribute to that. So happy, that it even makes up for all of the many wallets I’ve lost on our trips.

We have to actually realize what Western politics are doing to the Global South. We here are the victims of those politics. I deeply believe that all of the exploitation of workers here, all of these conflicts, are caused by the US and European governments. The root of all of these problems does not come from the Global South itself. The root causes are lying in the West and in the next 10 years, we should look even closer into how to abolish this power imbalance.

Nasir Mansoor is Deputy Secretary General of the National Trade Union Federation (NTUF), Pakistan. NTUF works closely together with the Ali Enterprises Affeckees Association, and both are partners of ECCHR in the KIK case.
Strategic litigation, strategic story-telling
Christopher Patz

“It’s been five years since the Ali Enterprises factory burnt down; do you miss your son?” This was an actual question from a journalist at the Karachi Press Club before last year’s anniversary of the fire, prompting the following response from one mother: “What the hell kind of a question is that?” Indeed. Yet, during the course of making a documentary on the aftermath of the Baldia factory fire, our own camera has unwittingly provoked overwhelming expressions of loss, grief, trauma and despair. Showing such footage to an editor in Europe often elicits the sly question, “So, what is it exactly you are trying to say with this material?”

These routine depictions tend to be despairing, not defiant; tragic, not inspiring. Yet, these are the sounds and images expected by media and “victims” alike, and they can be the source of some disharmony within an overall united community.

For nobody more than the families have the cases been painfully slow, whilst nonetheless, providing some sense of movement to a stagnant situation that keeps questioning, at worst, whether mothers still miss their sons and, at best, where consumers should be doing their shopping. The cases insist on the actual questions being asked and answered in a court and thereby in public and parliaments as well. Why does this keep happening? Who holds responsibility, power and influence? How can they be made to change; in what specific ways?

Answering these questions in legalese is something that provokes another worried gaze from a documentary editor. It’s an uneasy task relating the legal to the political, the political to the personal. Somewhere between tears and testimonies, we hope to find a film that educates and incites by showing what was actually tried and what was (un)succesful, to inform the movement going forward.

By now, it may sound trite, but collectively, all the textile case attempts offer a chance for change, even if that is change of the “success without victory” kind. The KiK case, in particular, has highlighted the real need for work in other areas, like procedural law reform for class actions across the EU. Whilst tensions are not dire, the fact that the vast majority of those affected have been unable to bring claims is inherently unjust, and has been the source of some disharmony within an overall united community.

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Christopher Patz works in the Secretariat of the European Coalition for Corporate Justice in Brussels. He is directing a documentary about the KiK claimants, whom he met as a result of his ECCHR traineeship in 2014.

THE RIVER, THE LAND AND THE PEHUENCHE
Azul Blaseotto

Memory. The River.
The flow that guides a path of surprises and secrets with an enormous value in our lives. Often, the movement and force of water leads us towards unknown borders. Memory work, like a river, is constantly renewed. The fight to clarify the injustices of the recent past is never the same anywhere in the world. For those of us that submerge ourselves in this work, the spirit and commitment to not abandon ship until we reach our objectives unites us. To find companions on the same path during our navigation is joy without end.

We met Wolfgang Kaleck in 2003-2004, due to a mutual interest in blurring the lines between art and politics. Since then, Wolfgang’s untiring legal and cultural fight gave shape to ECCHR. Solidifying different interactions and common experiences, both in Argentina and Germany, has deepened and strengthened our collaboration. It also Takes shape through art exhibitions, bilingual publications and the production of critical thought.

Truth. The Land.
In a planet where more and more, and with ever greater intensity, wars are due to disputes about the control of territories and, subsequently, appropriation of natural resources, joint and transdisciplinary action is imperative, not only to denounce these horrendous crimes, but also and fundamentally, to create a different awareness. One that demonstrates and seduces with its inherent beauty and multiplicity of a life rooted in the land. Planet earth is not only made up of human beings. The continuity of genocidal thought is expressed as an ecocidal will.

Justice. The Pehuenche.
For the Mapuche people, the pehuence tree is sacred, both the plant and its fruits. Its semantics give form to its content: in the mapudungun tounge, “mapu” means “earth” and “Che” means “people” – all people. The Pehuén is everyone’s tree, because this ancestral culture cannot conceive of a community member going hungry. Hence, the tree (and thus the natural world) is respected, and its fruits are collected in a collective ritual to obtain food, health and a future. Currently, this ritual is stalked, cornered and displaced by private property and an accumulation of land into the hands of a few. To collect fruits on their ancestral land, the native communities are forced “to request permission” from those that are called the “owners” of that land (Luciano Benetton, Joe Lewis, Ted Turner, Marcelo Tinelli, Paolo Rocca, the Braun family and many more).

We affirm that without land and environmental justice, there is no social justice. We celebrate ECCHR’s anniversary, send a strong fraternal hug to the entire group and raise a toast to many more years! Cheers!
Enforcing the rules
Christopher Schuller

It was 2012 and I was a freshly qualified New York lawyer working in this sort of commercial academic setting at the university. I wanted to take that commercial law and the business there and do something explicitly political with it. And I was looking for a human rights organization in Berlin that could have some use for a New York lawyer. So, I approached ECCHR and it just so happened that that was right at the beginning of the Pakistan/KiK case that had all sorts of common law elements to it.

The KiK case has turned out to be as complicated and as important as we thought it was going to be at the very beginning, both in terms of the legal position and in terms of the actual factual situation of conducting the litigation. It was never going to be easy because of the legal complications in Pakistan and the difficulty of organizing a broad community of victims especially as those kinds of lawyers parachuting in from somewhere else. But the case really has potential because of its very specific fact pattern to change the way business and human rights is thought about in Germany.

The thing I really appreciate about ECCHR is this willingness to engage with concrete cases and to try to enforce those rules and the provisions for accountability that already exist. It is one thing as an NGO or as a political organization to campaign for changes to the rules. But once those rules are in place, they have to be enforced. The enforcement of those rules and turning reality into a place where those rules are actually enacted is something that can have a massive difference beyond just the cases that ECCHR does. They are probably one of the only organizations out there, certainly in the German legal space, that are actually trying to make this reality come about.

I appreciate that everyone who works at ECCHR is the kind of lawyer that I always imagined that I wanted to be, not quite the kind of lawyer that I’ve turned out to be myself. They are people who look at a case and look at a problem and look at an obvious wrong going on and the thought never crosses their mind that there is nothing they can do about it. Instead, when ECCHR sees a human rights issue that is within its reach somehow, this kind of wild search begins for any legal tactic that can be used to do something about this.

ECCHR is a tool that bores very narrow and very deep holes in the board that is human rights problems. And one thing ECCHR is good at doing is addressing cases that have concretely arisen. Its limitation is always going to be that it only has systematic impact as far as these cases create some kind of precedent. There is this tension as activist lawyers between “We from the legal perspective want to get a good precedent and so we have the case go a certain way because of that” and the case resulting in effective remedy the way that the actual victims are interested in getting it. And that does not mean those interests are diametrically opposed. But it does mean that the work is always going to be characterized by this tension between the interests of the concrete victims that are the catalyst for ECCHR’s work and an objective that is related more to systems of abuse of power and impunity in the wider world.

My message for the upcoming 10 years is: Keep doing what you’re doing; keep the approach of looking at these human rights problems and saying: “I know we have some way to solve or fix or push back against this.” Because the wider space, the political discussion around human rights, the situation of human rights defenders in other countries and even in Germany is not getting any easier or stable or better. ECCHR has a voice that is holding governments and corporations to the standards they set for themselves and reminding them over and over again: You’ve enshrined these things in law and you have to live up to them.

Christopher Schuller was a pro bono lawyer at ECCHR from 2012 to 2013 and worked on cases like the Ali Enterprises factory fire in Pakistan (KiK case). He is now employed at Deutsches Institut für Menschenrechte, Germany’s national human rights institution, monitoring and advising the German government on business and human rights.
Mohamed Badarne is a Palestinian photographer and activist. He was born in a village in the Galilee and has been involved in social activism from an early age and started to work together with refugees and young people. On pages 73 to 85 are photographs that he shot of Palestinian construction workers who work under terrible conditions in Israel. This series of photographs is dedicated to those workers who never returned home, and to those who, in spite of the risk, still set out daily to build a life of dignity. ECCHR exhibited Badarne's photo series in spring 2016.
Should we engage with the law?

Prof. Dr. Sonja Buckel

Should political activists with a critical perspective engage with the law at all? As a core element of capitalist societies, doesn’t law play a key role in upholding this system? What about Audre Lorde’s observation that “the master’s tools will never dismantle the master’s house?” Every lawyer with a critical bent has probably asked themselves this question more than once.

Marx shows us that the law, along with commodities and the state, are reified social praxes through which capitalist society – despite and because of its contradictions – can reproduce itself. They convey the societal context that is constantly undermined by modes of socialization based on private production, exploitation and hegemony. Anyone who engages with the law is engaging with a contradictory praxis: one that, on the one hand, offers an (albeit limited) emancipatory potential – for example by placing limits on state and economic power – while, at the same time, upholding the societal status quo, such as approaches to property and gender.

But what good would come from leaving this contested terrain to the big multinational corporations, to the Interior ministry or the public prosecutors? Contradictions can’t be conclusively resolved in one way or another; at most, they can be aufgehoben in the Hegelian sense. And so it’s all the more important to grapple with these contradictions, knowing that there is no “beyond” or “outside” to which one can flee. Instead, we could be the Center’s motto: with the elegance of a jurisprudential judo fighter, a transnational perspective, broad political, legal and societal networks, extensive public outreach work and an instinct for important societal fights that could be bolstered, supported or, indeed, triggered by legal battles.

In the border struggles along the European border regime, a topic recently taken on by ECCHR, refugees and migrants are generally denied any possibility to bring legal challenges. And so, the initial legal wins in the fight against externalization practices should be celebrated loudly. This is true even in spite of the knowledge that these courtroom wins will not any time soon change the imperial mores which are shored up by national borders. And once again, we’ve arrived at the contradictory nature of the law. But this also means that it is of crucial importance whether these mores are challenged and opposed by way of legal strategies, whether, if you like, holes are bored through its foundations, or whether, instead, injustice is allowed to continue unassailed.

These kinds of practical and theoretical considerations led 10 years ago to the establishment of ECCHR. In the intervening years, ECCHR has become an essential, hard-hitting apparatus of juridical counter-hegemony; indeed, it’s now hard to think why it didn’t already exist 10, 20 or 50 years ago. “If you are going to step into the contested terrain of the law, then you’d better do it right” – this could be the Center’s motto: with the elegance of a jurisprudential judo fighter, a transnational perspective, broad political, legal and societal networks, extensive public outreach work and an instinct for important societal fights that could be bolstered, supported or, indeed, triggered by legal battles.

Every process has a beginning and an end, but often, between these two points, things develop in a certain way that ends up being hard to explain. This is what happened with the Ceuta and Melilla cases that we are working on from Madrid and Berlin with Wolfgang Kaleck, Carsten Gericke, Hanan Hakiki, Isabel Elbal, Rocío Moreno, Stéphane Grueso and so many others.

I will stick to two of these moments: our first trip to Ceuta with Wolfgang and the small celebration that we shared with Carsten in Madrid after learning of the European Court of Human Rights’ ruling on the push-backs.

The journey was not simple and even less so given the time constraints. We had woken up early and, as soon as we got to Ceuta, we found a local taxi driver, Ahmed, who kindly offered to take us to the different sites that we had planned to visit. At the same time, he provided us with important explanations about the specifics of the city and the incident that we were most interested in: the deaths on 6 February 2014 in El Tarajal, which was our first stop.

The visit was quick, but effective. It included meetings with volunteers who work locally to support and attend to migrants and, since law isn’t everything, after those meetings, we went to have breakfast together. Afterwards, we left for the port and got on the ferry to return to Algeciras, from where we would go to Seville.

In Algeciras, we collected the car and left for Seville via Jerez de la Frontera, where we had another stop. And, since law isn’t everything, we went to a local restaurant, where we ate, surely in excess. Full, stuffed really, we continued on to Seville to catch the last train to Madrid, knowing that we had a case and that we must see it to a positive conclusion.

The second moment, to truly show that law isn’t everything, was the small celebration in Madrid after learning of the ruling in the case of N.D. and N.T. v. Spain. Carsten, Regina, Isabel, Rocío, Elena, Eneko and I went to a new, excellent Madrid restaurant, where we had dinner. There we toasted, this time without excess, to a great triumph.

When the European Court of Human Rights’ decision was announced, Carsten was on vacation and I was in Palestine, but we were able to coordinate everything, thanks to Anabel and her team, so that night, despite some flight delays on my side, we met for dinner.

When I entered the restaurant, Carsten and I gave each other a huge hug which expressed the joy we felt and marked the culmination of several years of work, years which weren’t free of tension, but, more than anything, were marked by a great responsibility. We had done what nobody expected and what many at the time criticized as a technical error: going directly to the Strasbourg court without exhausting domestic remedies.

From the beginning, we were conscious of the risk, but also saw that, technically, a domestic remedy did not exist when dealing with push-backs. Indeed, we wanted to show the intensity of the infringement, that migrants were even deprived of the right to any remedy.

I do not know what everyone had for dinner, but I know what I ate … at the time, I wouldn’t have wanted to eat anything else.

—

Gonzalo Boye

Law isn’t Everything

Migration

Prof. Dr. Sonja Buckel studied Law and Political Science and is Professor of Political Theory at the University of Kassel, Germany. Her research areas include legal and political theory, Europe and migration as well as social theories.
was in the hardest stage of my “gastronomical conversion” process, which is merely a euphemism to avoid the term diet. It was a change in my nutritional habits that allows me now to lead a healthier life without depriving myself of most of the foods I enjoy. I ate a large mixed salad, which was fantastic because I was really hungry, or because I was very happy, or both. And we toasted with some good wines from the Rivera del Duero.

Both cases continue: In the case of the Playa El Tarajal, we are still fighting for the judge to finally hear witness testimony via video conference from two of the victims who are in Germany. And the push-backs case still has to go before the Grand Chamber of the European Court of Human Rights because Spain has requested the case’s referral to the highest instance. We do not know how these stories will end, but something is clear: we have changed the course of some events and established important precedents with significant impact on the reality faced by migrants. And that, precisely, is what strategic litigation seeks to do.

The coordination and work carried out with and through ECCHR is one of the best opportunities I ever had to defend human rights. The role that ECCHR plays, after 10 years, is essential as a rallying point, a central point to catalyze initiatives and, more than anything, an essential motor for a range of perspectives that are setting the agenda in the fight for human rights.

Gonzalo Boye is a lawyer based in Madrid, Spain. He is a longstanding partner lawyer of ECCHR, particularly with regard to US torture, universal jurisdiction and migration cases in Spain.

Passionate about a cause

Dr. Susanne Schüssler

“The center is independent and makes use of this; it represents its convictions at its own expense. It is not big, but it is noticeable.”

This sentence can be applied to ECCHR, which has only existed for 10 years. It is taken from the preamble of the Klaus Wagenbach publishing house’s self-definition – “publisher” is written there instead of “center.” Like-minded people come together easily. When ECCHR first approached Wagenbach, which at the time already had 45 years of experience with the joys and sorrows of strong-willed independence, we were impressed by the courageous, tenacious and self-confident desire to achieve the seemingly impossible. We wanted to help to make this plan known.

In 2010, Wolfgang Kaleck’s book Kampf gegen die Straflosigkeit. Argentiniens Militärs vor Gericht (Fighting against Impunity: Argentina’s Military on Trial) was published in time for the Frankfurt Book Fair, where the theme was Argentina. His second book, Mit zweierlei Maß. Der Westen und das Volkerstrafrecht (Double Standards: International Criminal Law and the West), followed in 2012 to mark the first 10 years of the International Criminal Court in The Hague. And finally, in 2016, there was Unternehmen vor Gericht. Globale Kämpfe für Menschenrechte (Taking Corporations to Court: Global Struggles for Human Rights), a book written in collaboration with Miriam Saage-Maaß – teamwork being at the heart of ECCHR, which as an old (if now somewhat tempered) collective, warms our hearts.

The remarkable thing about the Center’s work (and about the books) is their critical way of dealing with their own activities: they do not exist in a historical vacuum. Instead, they consciously situate themselves within traditions or they oppose them. Clearly aware of our politically privileged position, they give a voice to people who are not usually heard. Ideas are debated and doggedly contested; this is about reaching a goal, not about being right. Furthermore, it is about large, international contexts and interconnectedness, not about our own minor concerns on our doorstep. We can always learn something new here. It is not surprising, then, that ECCHR attracts many politically interested and committed young people as fellow campaigners and to events. Everybody can tell: they are passionate about their cause.

Dr. Susanne Schüssler is the managing director and head of the Berlin-based publishing house Klaus Wagenbach.
Many ways, one goal: The right to have rights for refugees
Darius Reinhardt

I met Aram (whose name has been changed for security reasons) at the end of May 2017 on the Greek island of Chios. The 21-year-old told me with bright eyes how he dreams of becoming a journalist one day. His wish is to report on the situation of refugees in Europe. It is a situation that Aram has experienced day after day because Chios is a prison for Aram, for an unforeseeable period of time.

Aram had been stuck on Chios for over five months – along with his brother, who is four years older. They set off from Syria together for Europe. They had to leave their sick father, their mother and another brother behind. Aram told me how images of bombs, violence and terror haunt his dreams. However, the worst thing is uncertainty and waiting every day. After arriving, Aram started working with a project that involved the inhabitants of the camp cooking together with their neighbors on a regular basis. He also went to English lessons provided by a Greek NGO and gathered the camp inhabitants to discuss strategies for how, together, they could somehow change their situation. But by and by, he hardly left the camp. His brother hardly even left the tent: “Waiting, waiting, waiting. Every day, we wait for an answer from the government.” Aram faced possible deportation to Turkey because his asylum application was rejected for being impermissible – the decision by the second level of officials still had to be made. Aram’s situation was and is not an isolated case. On Chios alone, thousands of refugees are waiting for their asylum applications to be processed so that they can finally get away from the inhumane conditions in the camp.

Against this background, a group of budding lawyers – including some ECCHR alumni – launched a pilot project called “refugee law clinics abroad” (rlc abroad) on Chios in June 2016. Firstly, their aim was to understand the legal situation and form a network with the local authorities, NGOs and activists. It soon became clear that the refugees were looking, above all, for information on the asylum process, the aims of the different interviews and the possibilities for bringing families together. Since May 2017, the rlc abroad team has been informing refugees about the asylum process and their procedural rights in personal interviews and in workshops held in Farsi and Arabic.

Ambivalence remains. The information that the asylum seekers receive from rlc abroad allows them to act with slightly more self-determination. However, this does not change anything in a system that mainly aims to deport new arrivals to Turkey and that places countless obstacles in the way of attaining the right to have rights. The fact that this system crosses the boundaries of the law is also shown in ECCHR’s research into the role of the European Asylum Support Office (EASO) in the reception camps on the Greek islands. Since spring 2016, EASO conducts most of the admissibility interviews that form the basis of the decision about whether Turkey can be a “safe non-member country” for individual persons. While the Greek authorities are responsible for this decision, EASO does at least have a significant influence on the decision-making and, thus, exceeds its competences de facto. On site and from analyses of interview minutes, it repeatedly became obvious that, on a regular basis, EASO officials disregarded basic interview standards in terms of providing a fair hearing. ECCHR submitted a complaint against EASO regarding this matter to the EU ombudsperson in April 2017.

This shows the different ways through which the fight for a right to have rights can and has to be conducted. While rlc abroad provides information to the people directly affected by the EU migration regime, helps bring families together and passes on individual cases to Greek lawyers, the complaint made by ECCHR to the EU ombudsperson deals with the role of EU agencies in the implementation of the EU-Turkey agreement. Therefore, it is not surprising that many ECCHR alumni are meeting again on the rlc abroad team, because the legal dimensions are not separate. Instead, they are seamlessly intertwined. The common thread is the legal battle against an inhumane European refugee and migration policy, and an awareness of the ambivalent character of law.

Darius Reinhardt was first a legal trainee (2016) and later assistant to Wolfgang Kaleck at ECCHR (2017). He also supported the Migration Program. In spring 2017 he worked for the refugee law clinic abroad on the Greek island of Chios.
Nihad Nino Pušija was born in Sarajevo (Bosnia Herzegovina) where he studied political science and journalism. Since 1992 Pušija has lived in Berlin, where he works as a photographer. His work aims to show ethnical and cultural influences on society and takes the viewer behind the facades of cities to illustrate the fragility and transience of life. His pictures on pages 90 to 99 are a selection from his project “Tolerance Deluxe” a long term study on Roma children and young adults from Bosnia Herzegovina, Kosovo and Serbia, that are threatened with deportation from Germany, or who have been already deported.
**ALUMNI EDUCATION PROGRAM**

**2007**
- Lisa Buzziechen, Jorgos Soliniadis

**2008**

**2009**

**2010**

**2011**

**2012**
- Julia Yaar Alfandari, Sarah Babalana, Hanna Baranovskaya, Anne Bardelle, Rauna Bindewald, Paola Carolan, Clara P. Cross, Daniela Fietze, Judit Hackmack, Helene Josephides, Kerstin Köhn, Iris Kwasaka, Malte Marwedel, Fiona Joy Mathieson, Annalena Micus, Malika Meyer-Schickcrath, Diliyan Mohan, Brynn Kathryn O'Brien, Renate Ott, Cara Röhner, Samantha Salensch I Linare, Julia Uznanski, Frank Wiebe, Franziska Wohltmann, Linda Aguilar, Joseph Bardwell, Fanny Declercq, Sadeh Dehghan, Kathleen Feurig, Bibiana Garcia Franco, Vivian Kube, Marie Lüders, Hava Ockay, Maximilian Pichl, Alexandra Rose, Carolin Terwindt, Alliston West, Rebecca van Es, Julia von Norman, Moritz von Norman

**2013**
- Francesca Berth, Nicolas Bueno, Paula Caamano Sambade, David Diehl, Morenike Fajana, Kathleen Feurig, Bibiana Garcia Franco, Karen Hoffmann, Johanna Hortolani, Elizabeth Jimenez, Nina Kromm, Vivian Kube, Stefanie Lemke, Marie Lüders, Inga Matthes, Audrey Mocie, Priya Morley, Moritz Neugebauer, Isidore Ngueuleu, Jan-Christian Niebank, Ailis O'Neill, Christian Schleissmann, Radbruch, Christoph Tometten, Philipp Weische, Alliston West

**2014**
- Laura Bausch, Leander Beinlich, Amandi Braunsdorf, Clara Bünger, Eric Eingold, Lóráta Facchini, Amy Feltner, Peter Gaihoffer, Clara Gonzales, Milena Hildebrand, Ole Koften, Anne Kling, Gea Koska, Matthias Lehnert, Maya Markwald, Laura Melara, Yildiz Miller, Alejandra Muñoz Valdez, Christopher Patz, Simon Rau, Marta Sánchez Dionis, Yaroslavna Sychenkova, Andre von Horro, Delphine Weil- Accordano

**2015**

**2016**
- Bertha Justice Fellows
  - Nicolas Bueno, Christian Schleissmann
  - Carolin Terwindt

**2017**

**Education Program participants 2007 to 2017 came from:**
- Argentina, Armenia, Australia, Austria, Belarus, Bolivia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Egypt, France, Germany, Greece, Guatemala, India, Ireland, Italy, Kenya, Mali, Mexico, Moldavia, New Zealand, Netherlands, Pakistan, Palestine, Poland, Romania, Russia, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syria, Tajikistan, UK, USA, Uzbekistan, Venezuela

Please note: For reasons of personal safety, not all participants are listed.
Nurturing and sustaining the next generation of human rights lawyers

Jan Robinson

As a lawyer who takes on controversial cases and causes, my first visit to ECCHR felt like coming home: it is an institutional home for human rights lawyers who understand that the law is inherently political and who understand that the law is a tool that we must use creatively to achieve justice in an inherently unjust system that is often used by the social and economic elite to maintain their own power.

Over the past seven years since, I have had the pleasure of engaging with ECCHR as a lawyer and colleague, as a funder, and now as a board member – and always as a friend.

Bound up in this special place are my memories of our dear friend and mentor Michael Ratner, who encouraged Wolfgang Kaleck to create and develop ECCHR into what it is today. And in turn, it was Michael and Wolfgang who played that same role for me in helping to develop the Bertha Justice Initiative, which provided for the creation of the Education Program at ECCHR and has since provided opportunities for hundreds of young human rights lawyers around the world.

Creating a global fellowship program to support emerging human rights lawyers to be trained with the most exciting, radical human rights lawyers around the world was a bold and ambitious idea. At first, many of the groups I approached around the world were hesitant. But ECCHR, under Wolfgang’s leadership, was flexible and creative, and willing to test out ideas and programs. We started with two fellows – Annelen Micus and Carolijn Terwindt – both of whom have gone on to do amazing work at ECCHR and abroad. Through existing partner organizations of ECCHR and beyond, we slowly built a global network of organizations to host fellows, using ECCHR as an example of how it could work.

ECCHR played an integral role in building and developing the global network that is the Bertha Justice Initiative today, ECCHR cultivated those relationships and developed cross-jurisdictional partnerships to further shared litigation strategies: with HRLN in India, with ProDESC in Mexico, with CCAJAR in Colombia, with FFR in Pakistan, with PCHR in Gaza and more. We started the global exchange fellowship to provide the opportunity to lawyers from the Bertha Justice Initiative network to come to Berlin to develop international litigation strategies to further their domestic work. ECCHR’s own work, and the work that the exchange fellowship helped to cultivate, demonstrated again and again the potential value in the Bertha Justice Initiative’s network and the opportunity for comparative exchange between lawyers from around the world.

A highlight of my time as Director of Legal Advocacy for the Bertha Foundation, and in the five years I spent building the Bertha Justice Initiative, was the creation of the Women’s Working Group (WWG) in partnership with ECCHR. As I looked at our program, more than half of the fellows from around the world were women, but less than a third of our partner organizations were led by women. Women remained a minority in the profession in all of the countries in which we operated and faced, to different degrees, discrimination and harassment in their work. Conducting human rights litigation is a challenge in itself – taking on state and corporate power and challenging structures of patriarchy and capitalism – but women lawyers face additional challenges by virtue of their gender. I wanted to ensure that the Bertha Justice program provided sufficient support to women lawyers to help to overcome these challenges and to sustain them in this work.

ECCHR took on the task of hosting our first Women’s Working Group event in 2014, where we brought together women from Colombia, Germany, India, Mexico, Peru, the Philippines and South Africa to brainstorm and develop strategies to more effectively tackle discrimination and think about how the Bertha Justice Initiative could support and empower its women fellows and advance gender diversity and sensitivity through the network.

Despite the diversity of our Bertha fellows’ and partner lawyers’ backgrounds and nationalities, we discovered we had shared many common experiences and had faced common obstacles. ECCHR, under the leadership of Claire Tixeire and Carolijn Terwindt, created a safe space for the group to address the challenges they face and to offer each other support and solidarity through Bertha’s global network. Such open discussions and sharing of personal stories helped us all to become much more mindful of the gender-based discrimination around us, which we often tend to ignore. The joint publication that followed, Unhewed – Erguida, was a bilingual English and Spanish collection of poems and letters providing authentic testimony about what it means to be a radical female lawyer in patriarchal societies and male-dominated legal environments. The Women’s Working Group continues to be a source of support for women in the Bertha Justice network today.

The success of this and many other Bertha Justice Initiative programs was guaranteed by the openness, creativity, enthusiasm and generosity of ECCHR lawyers. As I watch the Bertha Justice Initiative program grow from strength to strength under new leadership – having now supported more than 200 two-year fellowships in 17 different countries around the world – I thank ECCHR and Wolfgang, in particular, for his support, advice and guidance during my time with the Bertha Foundation building the program.

Wolfgang, along with Michael, has also been a key source of encouragement in supporting my own work as a lawyer. From my work representing WikiLeaks and Julian Assange, to my work representing the West Papuan liberation movement, Michael and Wolfgang have been constant sources of support, advice and guidance. As lawyers who had themselves challenged the status quo and taken on powerful interests, their experience, knowledge and political support makes the work easier for us who come after them. Through my conversations with them – often at or around ECCHR events – I developed a better political understanding of my work as a lawyer dedicated to addressing injustice and building power in social movements – and why I do what I do.

Having had the privilege of working with them both, and knowing the difference it has made to my own professional career, I can speak with great confidence to the value and impact of ECCHR’s Education Program. The principles and ethos being taught at ECCHR will nurture and sustain the next generation of lawyers in Europe. Over the years engaging with ECCHR, I have met so many exciting young lawyers who have come through the program and leave inspired and motivated to tackle injustice in their own chosen way.

Beyond the remarkable human rights work being done by ECCHR every day, is the broader impact being made by the lawyers who have come through their Education Program.
For all of these reasons, I was honored to join the ECCHR advisory board after Michael passed away. As a member of the board, I continue to be impressed by the breadth and depth of ECCHR’s work – from accountability for war crimes, to accountability for multinational corporations – and feel a deep commitment to supporting and giving back to the organization which has given me, and so many other young lawyers, so much.

Looking back on ECCHR’s first 10 years and all that has been achieved, I am excited for what the next 10 years will bring.

Jen Robinson was Director of Legal Advocacy for the Bertha Foundation and is now a barrister at Doughty Street Chambers in London. She is also a member of ECCHR’s advisory board.

Hardly anybody thought that ECCHR would become such a success story. Not when Wolfgang Kaleck talked about and discussed his ideas for this kind of center at a pub table in the 2000s. And not even when ECCHR was launched 10 years ago. Since then, the team based around Wolfgang, Miriam, Andreas, Albert and many others has gone further than just establishing a new form of legal practice in Germany. They have built up the Center to be a key player that is an essential part of human rights legal work. They have set up numerous international collaborations and formed an extensive network in society, science and politics. All along the way, they have accompanied this great and very rapid success with a prudent development of the organization. They have also intensively discussed the contradictions and problems that arise in the field between political aims and practical constraints.

Regardless of all this, I find one aspect of ECCHR’s work to be particularly noteworthy: the systematic and multifaceted training of young lawyers from Germany and numerous other countries. Over the past 10 years, countless students, trainees, interns and junior lawyers have been able to gain practical experience in human rights legal work at ECCHR.

The Center has offered young lawyers a new perspective for combining emancipatory political interests and lawyerly work. In Germany, this connection has long been shaped, above all, on the one hand, by the commitment to fundamental rights and the rule of law, as well as, on the other, by lawyerly work, especially in criminal defense, residency rights, labor law, tenancy law and social law. The Center, which has a multifaceted practice of employing law as a resource in numerous different legal areas to help assert human rights with an international perspective, has added a further field and, to a certain extent, also a different understanding of law to this. This benefits not only human rights and the young lawyers who have been and are able to experience this form of legal work, and who will hopefully carry it forward, it also benefits the law itself.

Prof. Dr. Tobias Singelnstein is Professor of Criminology at the Law Faculty of the Ruhr University Bochum in Germany. He is also Vice Chairman of ECCHR’s council.

COMBINING EMANCIPATORY POLITICAL INTERESTS AND LAWYERLY WORK

Prof. Dr. Tobias Singelnstein
WORKING IN TWO DIFFERENT WORLDS, BUT WORKING WITH EACH OTHER

Kranti L.C.

Between 2008 and 2010, the senior leadership at the Human Rights Law Network (HRLN) in India took three decisions. First, we decided to start regular work in smaller cities, as we were largely based in the cities where the Constitutional Courts were. Second, we wanted to halve the leadership age of the organization. Third, we wanted to take up new areas of work, like transnational litigation outside the area of work, like transnational organizations and friends who we could work with and learn from as we explored these new areas of work.

In Europe, ECCHR was a natural fit in terms of their vision about how transnational function and their assessment of geopolitical realities. They saw history and events in a particular manner, and how we could do our bit by using the law. Their vision was something we identified with closely, and that’s how we started off.

We are definitively working in two different worlds. There is no doubt about it. Nevertheless, we have people working for our organizations that have the ability to work with each other and to transfer between these worlds. There is so much about our partnerships that doesn’t get captured on paper or in our reports.

ECCHR is a very warm place and really responsive. They don’t see work and partnerships as a project, with some timetable that has to be reported to a funder. It’s about people and their potential. It’s a place where I have seen a lot of young and older minds being nurtured. It’s also been a refuge many a time, from chaos back home, to reflect, watch, learn and contribute in your own manner. For young lawyers looking to contribute to the big global fight, this is a place to be.

On a personal level, I have been inspired by how effortlessly Wolfgang and the others at ECCHR blend art, law and politics. It is something we work at replicating at HRLN.

Having had the opportunity to watch ECCHR and the young people here, there are two things that I think ECCHR should explore for the future.

Free from alarmism and moralism

Milo Rau

I got to know Wolfgang Kaleck and ECCHR during the preparations for “The Congo Tribunal.” What surprised me when we founded our tribunal was how unregulated the global economy is. Internationally operating companies are bound almost exclusively by nationally institutionalized laws. If a Congolese miner is forced to relocate by a Canadian gold company, there is simply no authority that he can call on – the Congolese justice system (which, like the government, has been bought off by foreign companies) is not interested in him, and the Canadian system does not see itself as having jurisdiction.

“Even though everyone we ask agrees that this has to change, nobody does anything,” as I was told by Belgian Congo expert and documentary filmmaker Thierry Michel. As part of a campaign, he is demanding the publication of the report from the 2010 UN Mapping Exercise of those who were established as guilty of the massacres between March 1993 and June 2003 in the Democratic Republic of Congo.

ECCHR stepped into this vacant space several years ago. We worked together with Wolfgang Kaleck and ECCHR on the “Congo Tribunal” and then also on the “General Assembly.” What I was most pleased about was the pragmatism with which this institution thinks and works – free from alarmism and moralism.

Two days after the “General Assembly” – our symbolic attempt at a world parliament – we read in the newspaper that one of the cases that we had negotiated, namely that of Lucio Bellentani, a trade unionist and Volkswagen employee in Brazil who was tortured during the dictatorship, would now be “represented by a German lawyer.” One week later, we met Wolfgang Kaleck at the premiere of the film “The Congo Tribunal!” By chance, we started to talk about the case and discovered that he was the lawyer in question! What we had symbolically set rolling was being continued and made real. As Erich Kästner once said: “There is nothing good: unless one does it.”

Milo Rau is a Swiss director, playwright and essayist. He is famous for his documentary and activist productions like “The Congo Tribunal.”
As a human rights lawyer or defender, one comes across numerous organizations working to secure implementation of human rights by relying on advocacy tools, among other things, to achieve their defined goals. It is in this huge spectrum that ECCHR holds a place of its own – employing innovative litigation techniques to enforce human rights law in all corners of the world through collaborative lawyering. ECCHR has carved a niche of its own by using strategic litigation to fight against double standards of the international community.

During my time at ECCHR, I particularly appreciated two things: firstly, how every decision of the ECCHR team concerning the selection of cases or legal avenues is driven substantially by their ideology. Their work of the past 10 years is reflective of the unconventional choices ECCHR has made as a team with the underlying premise of putting up a fight against the most powerful corporations and states. Secondly, on a very personal note, I found ECCHR to be an exceptionally warm and welcoming workplace. The office serves as a space for continuous learning, not just through the casework one may be involved in, but also through many stimulating debates and discussions, which form an integral part of ECCHR’s work culture.

For its 10th anniversary, I can only wish more success and victories for ECCHR in the future. ECCHR has been setting standards not just for the people they are fighting against, but also for the organizations and people they are fighting with. That’s how you go! I hope it continues to fight the fight, and exceptionally well, like ECCHR has been doing so far.

Kalika Mehta was a Legal Trainee in ECCHR’s International Crimes and Accountability program in 2017. She worked on cases of war crimes and systematic enforced disappearances. She is a member of ECCHR’s alumni network.

In late spring 2008, I was dressed in a full suit and tie at the Hummel-Kaleck law firm in Prenzlauer Berg, waiting with my CV in hand to meet some criminal lawyer who was trying to put Donald Rumsfeld in jail. Alex Graser, a dear professor of mine from the Hertie School of Governance, had arranged an interview for me, hoping that this time I would not let my own sense of entitlement sabotage me. Having worked for a few years at a courthouse in my homeland of Mexico, the prospect of a compulsory internship for completing my master’s degree sounded awful already. The fact that most of these positions were unpaid had made it impossible for me to find one. Graser thought, however, that a Praktikum with a well-known German lawyer might do the trick with me. Then, Wolfgang Kaleck came out of a meeting room wearing jeans and a black t-shirt and looked at me as if I was dressed for carnival. He promptly asked “¿cómo estás?” in a Mexican accent and offered me to take a seat. Although I quickly realized that I was overdressed and that he was a cool dude, I had no idea how much my world changed that day.

What I had done before professionally didn’t really matter. They could not afford to pay me anything, Wolfgang said bluntly, and the internship would not even be at the law firm. He had just founded a new center for human rights and wanted to commit full time to it. They had rented two small rooms at the Haus der Demokratie und Menschenrechte on Greifswalder Straße and were looking for engaged young people to collaborate in any way they could. He said my legal background was an asset, of course, but I could tell they would take anyone. Even though ECCHR’s projects themselves sounded very interesting to me, I thought “engaged young people” was a code name for “overtime,” if not plain “exploitation.” So I did something very Mexican and for which I now take no pride at all: I told Wolfgang I would let him know per email when I would start, but I didn’t have the slightest intention of joining. As I was walking out of the law firm and already thinking of other options, however, he said there would be a workshop at the new center in a few days and that I should drop by to meet the team and check out the building. So I did.

I don’t always understand how my mind works. I could tell you that it was because Miriam (Saage-Maaß), Denise (Bentele) and Kamil (Majchrzak) were really nice to me. They were. But the fact of the matter is that during the workshop, I didn’t catch a single word of what the Leipzig professor explaining war crimes was saying. This annoyed me in such a way that it made me go and tell Wolfgang that I wanted...
to start my internship at ECCHR right away. I also said I could stay at the center until late fall. So, he sent me the very next morning to pick up some huge file at the house of John Götz – a journalist from Der Spiegel – in Kreuzberg and asked me to start taking a look at it. That was the first time I read the phrase “extraordinary rendition.” It was also my first contact with the concept of “universal jurisdiction.” During that summer, I slowly started to get acquainted with a whole new field, a new language and a very different approach to the law. Most importantly, though, I began to realize how little I knew of anything and, thus, what a pretentious idiot I had been.

And then it all suddenly got really interesting for me. A few weeks later, Wolfgang asked me if I wanted to join him as his personal assistant in a seminar in Madrid with Judge Baltasar Garzón, the same guy who had issued an arrest warrant against Augusto Pinochet under the principle of universal jurisdiction. Since I had heard a lot about him before, I immediately booked a low-cost flight and made my way to the Spanish capital. The highlight of that seminar for me, however, turned out not to be Judge Garzón. He was an interesting and brave guy, for sure. But I listened to and actually met several others – mostly from Latin America – who were truly risking their lives on a daily basis to pursue the cause of human rights. Whether relatives of those disappeared in Peru seeking justice in the Inter-American System of Human Rights, targets of the Colombian paramilitary rooting for investigations abroad, or victims of Argentina’s military junta advocating for domestic trials, they all made me and my “achievements” look like a joke. No scholarship. No elite graduate studies abroad. No fluency in a foreign language. It is frequently said that the human rights field keeps you away from reality. Well, for me, it kind of brought reality back.

While we were still in Madrid, Wolfgang asked me to go to Manuel Ollé’s office – a Spanish lawyer dealing with the extraordinary rendition case in the Audiencia Nacional – to get copies of his files. I asked myself why on earth he would share that information with us. Only then did it become clear to me that the keyword for this field in general, and for the center specifically, was cooperation. It was a growing network, Wolfgang explained, with which we multiplied the possibilities of bringing perpetrators to justice. We exchanged factual and legal knowledge, we diversified jurisdiction, and we even distributed each other’s inevitable frustration. The formula was quite simple: the more we expanded, the smaller the world would become for human rights violators.

That summer went by in a heartbeat, but it was a very good sign of what I would always get from ECCHR and the reason why I always keep coming back – be it for a lunch talk, for an expert panel, to have lunch with Wolfgang, to meet the Ko-Kreis or for the annual alumni meeting. The visits to the center make me look back in time and realize how much I have learned ever since. It was as motivating an experience as it was humbling. On the other hand, apart from saying hi to and catching up with old friends and colleagues, which is always nice, coming back to the center has meant constantly meeting new interesting people from all over the world, whose passion and talent makes you want to be better. “Engaged” has for sure a very different meaning for me now than it had a decade ago when I met Wolfgang. More than a hub for human rights, I have found here a hub for inspiration. Of course, every time I heard the late Michael Ratner or Peter Weiss speak about Filártiga v. Peña-Irala, or when I listened to the experiences of Reed Brody, Alejandra Ancheita, Colin Gonsalves, Jacqueline Moudeina or Vince Warren, I inevitably reflected on my own path. What have I ever done that somehow resembles this? Nothing. This feeling has not changed at all. But along with those big names and epic stories, many others have joined. From the young intelligent woman fighting in court to keep her NGO in Tajikistan, to the tireless Palestinian lawyer monitoring the conditions of Israeli prisons, the sources of inspiration have just multiplied. Those stories are now at the heart of our center and the main incentive for me to stay in touch.

ECCHR is now 10 years old. The permanent staff is four times larger. Scholarships come more often, Bertha Fellows have multiplied and I know that applications for the Education Program are at their peak. The topics are much more diverse and new events take place at a much more frequent pace than they used to. In sum, it is not a startup anymore. I fear, however, that there is a big challenge ahead for the center precisely because of this. After such exponential growth, I’m not sure how many of us alumni are really taking this beyond our time in Berlin and making these experiences shape our so-called “real” lives. Commitment and responsibility tend to dilute when there are many of a kind, and more so when they are far away. Ironically, since it all started for me as a summer internship from which I didn’t know what to expect, I feel that one of the worst things that could happen to the center is that an increasing number of alumni start giving the impression that human rights were only a vacation. Taking this seriously means taking it home. The big task for us is to keep it throughout our whole professional lives. Only then will we be able to pay back what ECCHR has given to all of us: the opportunity to become better. We should not become too big as an institution that it leads us to forget this debt.

Alfredo Narváez works as a law clerk at the Mexican Supreme Court. In 2008, he was a Legal Trainee at ECCHR.
AZUL BLASEOTTO AND EDUARDO MOLINARI “EL HOTEL”

The artists Azul Blaseotto and Eduardo Molinari live and work in Buenos Aires, Argentina. In 2010, they initiated the “La Dársena,” a platform for group experiments and research projects. Photographs from their art feature “El Hotel,” shown on pages 106 to 119 were exhibited at ECCHR in 2012. The installation illustrates the so called “Operation Condor”, a campaign of political repression and state terror involving the intelligence services in Argentina, Chile, Paraguay, Uruguay, Bolivia and Brazil, a campaign which was supported and encouraged by the US.
PUBLICATIONS: INTERNATIONAL CRIMES AND ACCOUNTABILITY

2008

Wolfgang Kaleck

ECCHR
Blacklisted: Targeted Sanctions, Preemptive Security and Fundamental Rights, with a foreword by Martin Scheinin, UN Special Rapporteur on the Protection of Human Rights while Countering Terrorism, December 2010

BOOKS
Wolfgang Kaleck
Kampf gegen die Straflosigkeit. Argentiniens Militärs vor Gericht, Berlin 2010

ACADEMIC ARTICLES
Wolfgang Kaleck

Wolfgang Kaleck / Dr. Miriam Saage-Maaß

Wolfgang Kaleck / Andreas Schüller / Dominik Steiger

Andreas Schüller

2009

ECCHR
CIA-“Extraordinary Rendition” Flights, Torture and Accountability – A European Approach, with a foreword by former UN Special Rapporteur for Torture, Prof. Manfred Nowak, May 2011

Wolfgang Kaleck
Terrorismuslisten: Definitionsmacht und politische Gewalt der Exekutive, in: Kritische Justiz, 1/2011, pp. 63-70

Wolfgang Kaleck

Wolfgang Kaleck / Andreas Schüller / Prof. Dr. Florian Jeliberger

Wolfgang Kaleck
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19 April 2011, Berlin

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25 November 2009, Berlin

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Discussion with: Prof. William Schabas (Middlesex University), Phil Shiner (Public Interest Lawyers) and Wolfgang Kaleck (ECCHR)
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From Berlin to Buenos Aires
Discussion with: Jeannette Erazo Heufelder (author) and Wolfgang Kaleck (ECCR)
28 April 2014, Berlin

Das Recht der Schwächeren: Argentina, Guatemala, Sri Lanka and Iraq – Strategies in the Fight against Impunity
Seminar with: Anna Britt Arps (Bítter für deutsche und internationale Politik), Dr. Julia Genuss (Universität Hamburg), Monika Hufnagel (medico internationali), Michael Möhr (Büfete Jurídico de Derechos Humanos en Guatemala), Juana Remus (Humboldt Law Clinic Grund- und Menschenrechte), Dr. Thomas Stelbert (medico internationali), Dr. Annelen Micus and Wolfgang Kaleck (both ECCR) in cooperation with: medico internationali, Humboldt Law Clinic Grund- und Menschenrechte
3 September 2014, Berlin

Radical Female Lawyers: Challenges and Vision
Discussion with: Alejandra Anduchela (ProDESC), Lisa Chamberlain (CALS), Dr. Julia Duchrow (Brot für die Welt), Isha Khandelwal (Jugdalspur Legal Aid Group) and Nomzamo Zondo (SERI) in cooperation with: Bertha Foundation
13 October 2014, Berlin

Deutschlands Verantwortung für den US-Drohnenkrieg im Jemen
Discussion with: Faisal bin Ali Jaber (survivor of a drone attack in Yemen, activist and complainant), Kat Craig (Reprieve) and Andreas Schüller (ECCR) in cooperation with: Reprieve
15 October 2014, Berlin

Legacy of the Vietnam War: Crimes, Fleeing, Confronting the Past
Exhibition and discussion with: Prof. Dr. Bernd Greiner (Hamburger Institut für Sozialforschung) and Ng right Nuyen (artist)
27 November 2014, Berlin

Menschenrechte und Geschlecht
Book presentation and discussion with: Minou Banafsa, Lucy Chebout, Sarah Elsuni, Matthias Lehnert, Ulrike Lamhke (editor), Katja Rodl, Dr. Tillmann Lörhr and Prof. Dr. Beate Rudolf (both Deutsches Institut für Menschenrechte), Friederike Wagner and Horst vonGal (ECCR) in cooperation with: Deutsches Institut für Menschenrechte, Law & Society Institute Berlin, Zentrum für transdisziplinäre Geschichtsforschung
11 December 2014, Berlin

2015

Women in Armed Conflicts – Prosecuting sexual and Gender-Based crimes in Colombia and Beyond
Expert talk with: Claudia Maria Mejía Duque and Viviana Rodríguez (both Sisma Mujer), Andreas Forer (GEZ), Gigi Henschel (Gunda-Werner-Institut) and Anna von Gall (ECCR) in cooperation with: Heinrich-Böll-Stiftung, UN Women Nationals Komitee Germany
11/13 March 2015, New York

Women Targeted by the Colombian Military – A Case for the International Criminal Court
Presentation with: Claudia Mejía Duque (Sisma Mujer), Prof. Dr. Beate Rudolf (Deutsches Institut für Menschenrechte), Wolfgang Kaleck and Anna von Gall (both ECCR)
27 April 2015, Berlin

The Struggle for Human Rights and against Impunity in Argentina
Discussion with: Guido Crosatto (lawyer), Prof. Dr. Zaffaroni (Inter-American Court of Human Rights) and Wolfgang Kaleck (ECCR)
21 July 2015, Berlin

TerrorZones. Gewalt und Gegenwehr in Lateinamerika
Book presentation and talk with: Anna Hußschmid, Christian Mihr (Reporter ohne Grenzen), Wolf-Dieter Vogel and Wolfgang Kaleck (ECCR)
24 September 2015, Berlin

„Mit Recht gegen die Macht“
Book presentation and discussion with: Hannes Honеккер (lawyer), Albrecht von Lucke (Bítter für deutsche und internationale Politik), Dr. Miriam Saage-Maaß and Wolfgang Kaleck (both ECCR) in cooperation with: Bítter für deutsche und internationale Politik
12 October 2015, Berlin

Völkerstrafrech vor deutschen Gerichten aus unzähliger Perspektive
Discussion with: Andrea Groß-Bötting (lawyer), Dieter Magsam (lawyer), Natalie von Wistinghausen (lawyer) and Dr. Patrick Kroek (ECCR) in cooperation with: Amnesty International Germany
25 November 2015, Berlin

Los Juicios por sus Protagonistas. Doce Historias Sobre los Juicios por Delitos de Lesa Humanidad en Argentina
Book presentation and talk with: Rosario Figari Layús (editor), Gabriel Pereira (ANDHES) and Wolfgang Kaleck (ECCR)
30 November 2015, Berlin

United by the Basics of International Criminal Law: Exploring its Historical Origins
Presentation of “Historical Origins of Criminal Law” and expert talk with: Prof. Morton Bergamo (Beijing University, CILRAP), Prof. Dr. Florian Jaßberger (Universität Hamburg), Prof. Dr. Claus Kroek (Universität Köln), Choah Wu Ling (National University of Singapore), Dr. Chantal Meloni and Wolfgang Kaleck (both ECCR)
15 December 2015, Berlin

2016

Menschenrechtsbewegung in Deutschland – Wie weit reicht der politische Einfluss?
Presentation of the publication with: Ansgar Klein (editor „Forschungsjournal Soziale Bewegungen”), Wolfgang Kaleck and Dr. Carolijn Terwindt (both ECCR)
2 February 2016, Berlin

Colonia Dignidad: Is Germany Falling behind Chile in Efforts to Address Wrongs?
Discussion with: Magdalena Garcés (lawyer), Winfried Hempel (former inhabitant of the Colonia Dignidad) and Dr. Andreas Schüller (ECCR)
22 February 2016, Berlin

The Political and Legal Struggle against Impunity in Argentina
Conference with: Marianela Galli (sociologist and daughter of „disappeared“ person), Jeanine Meerapfel (Akademie der Künste), Gabriel Pereira (ANDHES), Daniel Rafecas (federal judge Buenos Aires), Mariestella Swamp (National University of La Plata), Danuta Sachar (Brot für die Welt), Horacio Verbitsky (Centro de Estudios Legales y Sociales), Rodolfo Yanzón (lawyer) and Wolfgang Kaleck (ECCR) in cooperation with: Brot für die Welt
21 April 2016, Berlin

Negative Publicity: Artefacts of Extraordinary Rendition
Book presentation with: Crofton Black (Bureau of Investigative Journalism, CIA expert) and Andreas Schüller (ECCR)
3 May 2016, Berlin

Universal Jurisdiction in Germany? The Congo War Crimes Trial: First Case under the Code of Crimes against International Law
ECCR report presentation and discussion with: Dr. Julia Duchrow (Brot für die Welt), Géraldine Mattioli-Zeltner (Human Rights Watch), Christian Ritscher (Federal Prosecutor at the Federal Court of Justice), Silke Studzinsky (Council of Women’s Rights in International Criminal Law), Wolfgang Kaleck and Dr. Patrick Kroek (both ECCR) in cooperation with: Brot für die Welt
6 June 2016, Berlin

Memory and Justice
Symposium with: Anwar Al-Bunni (lawyer), Reed Brody (lawyer), Estela de Carlotto (guantánamo survivors from France), Mark Sealy (photographer and curator) and Wolfgang Kaleck (ECCR) in cooperation with: Akademie der Künste
29 September-1 October 2016, Berlin

From Washington to Sanaa via Ramstein: The Impact of Drone Wars on Law, Warfare and Society
Conference and panel discussion with: Shahzad Akbar (Foundation for Fundamental Rights), Faisal bin Ali Jaber (survivor of a drone attack in Yemen, activist and complainant), Oliver Fixson (International Law Department, German Foreign Office), Jennifer Gibson (Reprieve), Jeremy Scähl (The Intercept), Chris Woods (Airwars), Andreas Zimmermann (Universität Potsdam) and Wolfgang Kaleck (ECCR)
18 October 2016, Berlin

2017

The US Experience: Exceeding Legal Boundaries in Countering Terrorism
Discussion with: Mourad Benchallal and Nizar Sassi (Guantánamo survivors from France), Clémence Bectarte and Karine Boneau (FITh), Apolline Cagnat (lawyer), Mark Fallon (former staff of NCIS), Katherine Gallagher and Aliya Hussain (Center for Constitutional Rights), Janis Karpiński (former US commissioner in Iraq), Alberto Mora (former head of legal department US Navy), Yves Prigent (Amnesty International France), Lawrence Wilkerson (office manager of former US Foreign Minister Colin Powell) and Andreas Schüller (ECCR)
26 January 2017, Paris
Human Rights and the “War on Terror”: Holding the United States Accountable in Foreign Jurisdictions
Conference with: Shahzad Akbar (Foundation for Fundamental Rights) and Andreas Schüller (ECCHR)
in cooperation with: Center for Human Rights and Global Justice
24 February 2017, New York

Menschenrechtsverbrechen in Syrien: Wie kann Gerechtigkeit geschaffen werden?
Discussion with: Anwar al-Bunni (Syrian Center for Legal Research and Studies), Mazen Darwish (Syrian Center for Media and Freedom of Expression), Andreas Krüger (German Foreign Office), Lotte Leicht (Human Rights Watch), Cem Özdemir (BÜNDNIS 90/DIE GRÜNEN), James Rodenbaver (UN Commission for Syria), Bante Scheller (Heinrich-Böll-Stiftung), Chris Woods (Airwars) and Wolfgang Kaleck (ECCHR)
in cooperation with: Heinrich-Böll-Stiftung 2 March 2017, Berlin

Lehren aus dem Verfahren gegen Hissène Habré
Discussion with: Clément Abalfouta (Association des Victimes du Régime de Hissène Habré), Shahzad Akbar (Foundation for Fundamental Rights), Reed Brody (Lawyer and ECCHR council), Souleymane Guengou (Association des Victimes du Régime de Hissène Habré), Mario Joseph (Bureau des Avocats Internationaux), Jacqueline Moudeina (Association Tchadienne pour la Promotion et Défense des Droits de l’Homme) and Wolfgang Kaleck (ECCHR)
13 March 2017, Berlin

Whistleblowers, Journalists and Lawyers:
How to Unmask the Global Network of Remote Killing
Presentation and discussion with: Pratap Chatterjee (CorrWatch), Srdjan Cvijic (Open Society European Policy Institute), John Kirliakou (University of Kent), Lisa Ling (drone whistleblower), Kathleen McClellan (Expose Facts) and Andreas Schüller (ECCHR)
11 May 2017, Berlin

Für ein Ende der Straflosigkeit: Syrische Kriegsverbrechen vor deutschen Gerichten?
Discussion with: Anwar al-Bunni (Syrian Center for Legal Research and Studies), Mouaffaq Nyarbia (Syrian opposition), Ariela Groß and Friederike Stolliets (both Friederic-Ebert-Stiftung) and Dr. Patrick Kroker (ECCHR)
16 May 2017, Berlin

Towards Accountability for International Crimes in Syria: Concerted Efforts by Civil Society, National Prosecutors and International Investigators
Presentation and discussion with: Anwar al-Bunni (Syrian Center for Legal Research and Studies), Markus Beeko (Amnesty International Germany), Mazen Darwish (Syrian Center for Media and Freedom of Expression), Chris Engels (Commission for International Justice and Accountability), Marie Forestier (Journalist), Tarek Hakan (Syrian Center for Media and Freedom of Expression), Matsv2 Pedziric (EU Genocide Network), Donatella Rovera (Amnesty International), Barbara Unmüßig (Heinrich-Böll-Stiftung), Wolfgang Kaleck and Dr. Patrick Kroker (both ECCHR)
in cooperation with: Heinrich-Böll-Stiftung 8 November 2017, Berlin

Events:
Business and Human Rights

2008
Transnationale Unternehmen und Menschenrechte
Conference in cooperation with: Brot für die Welt, Misereor 9/10 October 2008, Berlin

2009
Economy and Human Rights in Times of Globalization
Discussion with: Prof. Dr. Peter Darleder and Olaf Dilling (both Universität Bremen), Dr. Franziska Humbert (Oxfam), Dr. Eva Kocher (Universität Frankfurt), Dr. Kartharia Spieß (Amnesty International) and Dr. Miriam Saage-Maß (ECCHR)
in cooperation with: Amnesty International Germany, Oxfam 2 March 2009, Berlin

Multi-Stakeholder-Consultation on the Right to Food
International hearing in cooperation with: Olivier de Schutter (UN Special Rapporteur on the Right to Food), Hertie School of Governance 19/20 June 2009, Berlin

2010
Business as usual? Über die Entschädigungsklagen der Opfer des südafrikanischen Apartheidregimes
Expert discussion in cooperation with: Kirchliche Arbeitsstelle Südliches Afrika, Koordination Südliches Afrika, medico international, Deutscher Bundestag 29 January 2010, Berlin

2011
Arbeit an der Grenze – Feminizide und Maquilas an der Nordgrenze Mexikos
International workshop in cooperation with: Heinrich-Böll-Stiftung 7 March 2011, Berlin

Strategic Litigation against Transnational Firms
Wirtschaftsunternehmen und die argentinische Militärdiktatur
Discussion with: Rosa Roinibit (Abuelas de Plaza de Mayo), Estela Schindel (Universität Heidelberg) and Wolfgang Kaleck (ECCHR)
4 July 2011, Berlin

Corporate Responsibility in International Production Chains, with Special Consideration of Gender-Specific Labor and Human Rights Violations
International workshop in cooperation with: Friedrich-Ebert-Stiftung
11 August 2011, Berlin

Rights and Responsibility: The Way ahead for Business and Human Rights
International conference in cooperation with: Friedrich-Ebert-Stiftung, Misereor, Forum Menschenrechte, CoRA – Network for Corporate Accountability, Germanwatch
21/22 November 2011, Berlin

2012

From the Uzbek Cotton Fields to the Termez Military Base
1 March 2012, Berlin

The Case of Luciano Romero. Murder of Trade Unionists in Colombia – Is Nestlé Legally Responsible?
Panel discussion in cooperation with: Sinaltrainal, Multiwatch, Juristes Democrats de Suisse, UNIA, Juridikum, Forschungs- und Dokumentationszentrum Lateinamerika
6-9 March 2012, Zurich, Bern, Vienna and Berlin

How Can Corporations Be Held Accountable for Grave Human Rights Violations? The Case of Kioel v. Shell before the Supreme Court
Expert panel in cooperation with: Amnesty International Germany, Germanwatch
15 May 2012, Berlin

2013

Responsible Sourcing – Cotton without Forced/Child Labor
Discussion in cooperation with: Inkota Network, Uzbek-German Forum for Human Rights
16 January 2013, Berlin

Liability for Human Rights Violations? German Companies and their Foreign Activities: The Danzer Group in the Democratic Republic of Congo
Discussion in cooperation with: Informationstelle Militarisierung, Global Witness, Greenpeace Switzerland
25 April 2013, Tübingen

“Fight Nestlé to the Death”
Film screening and discussion with: Alirio Uribe (CCA-JAR)
27 September 2013, Berlin

Human Rights Claims against Corporations: Possibilities and Limits
Discussion in cooperation with: Brot für die Welt, Deutsches Institut für Menschenrechte, medico international, Südwind Institut für Ökonomie und Ökumene
28 November 2013, Berlin

Holding Corporations to Account for their Failure to Exercise Human Rights Due Diligence: Experiences in Transnational Litigation
Discussion in cooperation with: Brot für die Welt, Misereor, Business & Human Rights Resource Centre
3 December 2013, Geneva

The Nestlé Court Case
Discussion in cooperation with: MultiWatch
3 December 2013, Bern

Human Rights Violations Abroad by Swiss Companies: Gaps in the Law and Obstacles for Legal Proceedings in Switzerland
Discussion in cooperation with: Corporate Justice, Swiss Section of the International Commission of Jurists, Demokratische Juristinnen Schweiz, foraus – Forum Arbeitspolitik
5 December 2013, Zurich

2014

Peace without Justice and Democracy?
Colombia Trade Union Sinaltrainal on the Colombian Peace Process
Discussion with: Edgar Paez (Sinaltrainal) in cooperation with: Arbeitskreis Internationalismus, Kolumbiengruppe, Forschungs- und Dokumentationszentrum Latamamérica
13 March 2014, Berlin

The Danzer Case: Current Developments in Jurisprudence on Liability of Senior Managers for Human Rights Violations
Expert discussions with: Prof. Dr. Jörg Eisele (Universität Tübingen), Dr. Dieter Magsam (lawyer) and Dr. Miriam Saage-Maaß (ECCHR)
24 June 2014, Tübingen

Unternehmen zur Verantwortung ziehen: Erfahrungen aus transnationalen Menschenrechtsklagen
Discussion in cooperation with: Brot für die Welt, Misereor
3 July 2014, Berlin

Many Hurdles, Little Liability. How Can Victims of Human Rights Violations Enforce their Rights against Corporations in Germany?
Expert conference with: Dr. Bachmann (Freie Universität Berlin), Dr. Julia Duchrow (Brot für die Welt), Robert Grabosch (lawyer), Lucy Graham (Amnesty International), Dr. Remo Klinger (lawyer), Prof. Dr. Eva Kocher (Europa-Universität Viadrina), Niema Movassat (Die Linke), Prof. Dr. Olivier de Schutter (UN Special Rapporteur for the Right to Food), Michael Windfuhr (Deutsches Institut für Menschenrechte) and Dr. Miriam Saage-Maaß (ECCHR)
In cooperation with: ECC, CoRA – Network for Corporate Accountability, EU Civil Justice Program, Brot für die Welt, Misereor, Amnesty International, Oxfam Deutschland, Germanwatch
4 November 2014, Berlin

2015

Strategies for the Improvement of Working Conditions within Global Supply Chains
Expert conference with: Stefano Bertone (lawyer), Frederike Boll, Henk Maiback and Jochen Steinshilber (all three Friedrich-Ebert-Stiftung), Oliver Emons (Hinrich-Böll-Stiftung), André Gunia (10 Matai), Ali Karamat (Pakistan Institute for Labour Education and Research), Dr. Remo Klinger (lawyer), Jasmina Szmaljolcic (H&M trade union), Cornelia Staritz (Österreichische Forschungsstiftung für Internationale Entwicklung), Mahmudul Hasan Suman (Activist Anthropologist), Barbara Susec and Frank Zach (both Deutscher Gewerkschaftsbund), Ben Vanpeperstraete (UN Global Union), Ineke Zedeken and Tandiwe Gross (both Clean Clothes Campaign), Reinard Zimmer (Berlin School of Economics and Law), Wolfgang Kaleck, Dr. Miriam Saage-Maaß and Dr. Carolijn Terwindt (all three ECCHR)
In cooperation with: Friedrich-Ebert-Stiftung, Deutscher Gewerkschaftsbund
3/4 September 2015, Berlin

2016

Unternehmen vor Gericht. Globale Kämpfe für Menschenrechte
Book presentation with: Michael Windfuhr (Deutsches Institut für Menschenrechte), Wolfgang Kaleck and Dr. Miriam Saage-Maaß (both ECCHR)
6 March 2016, Berlin

Time for Justice!
Reading of Unternehmen vor Gericht. Globale Kämpfe für Menschenrechte and discussion with: Frederike Boll (Friedrich-Ebert-Stiftung), Bärbel Kofler (German Commissioner for Human Rights), Wolfgang Kaleck and Dr. Miriam Saage-Maaß (both ECCHR)
In cooperation with: Friedrich-Ebert-Stiftung
28 April 2016, Berlin

Factory Fire in Pakistan: KiK Must Accept its Responsibility. Survivors Describe their Fight for Justice
Speakers tour of claimants in the KiK case: Abdul Aziz Khan Yousuf Zai and Saeeda Khatoon (relatives of victims of the factory fire at Ali Enterprise in Karachi, Pakistan), Thomas Selbert (medico international), Dr. Miriam Saage-Maaß and Dr. Carolijn Terwindt (both ECCHR)
20 June 2016, Düsseldorf; 21 June 2016, Lippstadt; 22 June 2016, Lünen; 22 June 2016, Bönen; 23 June 2016, Frankfurt/Main
Unternehmen vor Gericht.
Globale Kämpfe für die Menschenrechte
Discussion with: Dr. Caroline Hornstein-Tomic
(Bundeszentrale für politische Bildung), Prof. Dr.
Birgit Mahnkopf (Berlin School for Economics and
Law), Anke Müller-Jacobsen (lawyer), Christina
Vario (Forensic Architecture), Wolfgang Kaleck
and Dr. Miriam Saage-Maalli (both ECCHR)
in cooperation with: Bundeszentrale
für politische Bildung
10 October 2017, Berlin

Lawyering for the People, Pioneering the Use of Law: A Conversation with Right Livelihood Award Laureate Colin Gonsalves
Panel discussion with: Colin Gonsalves (Human Rights Law Network), Dr. Julia Duchrow (Brot für die Welt) and Wolfgang Kaleck (ECCHR)
5 December 2017, Berlin

2010

Current Challenges in Refugee Protection
Presentation with: Dr. Tillmann Lübhr (SPD)
21 January 2010, Berlin

2015

Europe’s Treacherous Borders: Justice for the Ceuta Victims!
Discussion with: Gonzalo Boye (lawyer), Nathan
(survivor and witness), Tresor (Voix des Migrants),
Sophia Wirsching (Brot für die Welt) and Carsten
Gericke (ECCHR partner lawyer)
in cooperation with: Brot für die Welt
4 February 2015, Berlin

At the Gates of Europe: Morocco’s Repressive Handling of Refugees and Migrants
Discussion with: Adil Akiid (Association Marocaine des Droits Humains), Juliana Nagy (GADEM) and
Hanaa Hakiki (ECCHR)
18 August 2015, Berlin

2016

Tear Gas, Rubber Bullets and Fences: Did Europe Learn Anything from the Deaths in Ceuta?
Discussion with: Abou Bakar Sidibé (activist),
Liliane Zebaza (activist and survivor of a push-back near Ceuta), Hanaa Hakiki and Vera
Wriedt (both ECCHR)
15 February 2016, Berlin

2017

“Les Sauteurs – Those Who Jump”
Film screening and discussion with:
Abou Bakar Sidibé (activist and filmmaker),
Moritz Siebert (filmmaker) and
Carsten Gericke (ECCHR partner lawyer)
in cooperation with: Stiftung :do
22 November 2016, Berlin; 29 November 2016, Hamburg

Vom Sommer der Migration zur Gegenwart der Balkanroute: Serbien, Mazedonien und das europäische Grenzregime
Discussion with: Katina Schubert (Die Linke), Marc
Speer (bordermonitoring.eu) and Carsten Gericke
(ECCHR partner lawyer)
20 April 2017, Berlin

Mauern. Positionen gegen die europäische Abschottung
discussion with: Jana Ciernioch (SOS MEDITERRANEE), Axel Grafmanns (Sea-Watch),
Alexander Hof (Jugend Rettet), Ramona Lenz
(medico international) and Carsten Gericke (ECCHR
partner lawyer)
11 May 2017, Berlin

Das EU-Türkei-Abkommen und die Folgen für Schutzsuchende in Griechenland, der Türkei und Deutschland
Discussion with: Dr. Jill Alpas (Universiteit Utrecht),
Berenice Böhlo (lawyer), Robert Nestler (Max
Planck Institute for Evolutionary Anthropology),
Orçun Ulusoy (Vrije Universiteit Amsterdam) and
Carsten Gericke (ECCHR partner lawyer)
20 November 2017, Berlin

Appendix
BOOK PRESENTATIONS, EXHIBITION OPENINGS AND FILM SCREENINGS

2010

Gericht und Gedächtnis: Der deutschsprachige Holocaust-Diskurs der 60er Jahre
Discussion with: Dr. Miriam Wenzel (literary scholar)
11 June 2010, Berlin

Blacklisted: Targeted Sanctions, Preemptive Security and Fundamental Rights
Book presentation with: Prof. Amir Attaran (University of Ottawa), Ben Hayes, Gavin Sullivan and Wolfgang Kaleck (ECCHR)
10 December 2010, Berlin

Esquinas de Memoria – Orte der Erinnerung
Film screening with: Estela Schindel (Universität Konstanz) and Sebastián Schindel (magoyafilms)
28 August 2012, Berlin

The Kissinger Project
Public intervention and discussion by and with: Alfredo Jaar
14 September 2012, Berlin

“El Hotel”
Exhibition opening with: Azúl Blaschetti and Eduardo Molinari
10 November 2012, Berlin

2011

Afrika vor dem großen Sprung
Book presentation with: Dominic Johnson (taz)
19 April 2011, Berlin

“Even Trees can Fly”
Exhibition opening:
Silvina Der-Meguerditchian (artist)
12 November 2011, Berlin

2012

An Unpunished Crime – Seven Years after the Andijan Massacre
Film screening and discussion with: Galima Bukharbaeva (uznewinfo), Lumi Niyaz (Reporters Without Borders) and Wolfgang Kaleck (ECCHR)
9 May 2012, Berlin

Eine Frage des Überlebens. Ein Abend über Stanislaw Markelov und Russland
Book presentation: Alexandr Bibikow (sociologist), Ute Weiman (editor) and Andreas Schüller (ECCHR)
18 June 2012, Berlin

2013

Resistance in Chile / Impressions of a Dictatorship
Book launch and exhibition opening with: Karl-Heinz Dellwo, photos by José Gibrás
11 September 2013, Berlin

“Fight Nestlé to the Death”
Film screening and discussion with: Allirio Uribe (CCAJAR)
27 September 2013, Berlin

“Dirty Wars”
Book launch and discussion with: Jeremy Scahi in cooperation with: Antje Kunstmann Verlag
19 October 2013, Berlin

“Chile Yesterday Today”
Exhibition opening with: Federico Zukoferd and Loreto Garin Guzmán
16 November 2013, Berlin

“El Juicio” (The Trial)
Film screening and discussion with: Patricia Issasa in cooperation with: Embassy of the Republic of Argentina
27 November 2013, Berlin

2014

“Forensis” Event Series: Forensics and Human Rights Violations
Expert talk with: Anselm Franke (Haus der Kulturen der Welt), Wolfgang Kaleck (ECCHR)
16 March 2014, Berlin

Expert talk with: Shahzad Akbar (Foundation for Fundamental Rights), Andreas Schüller (ECCHR)
30 March 2014, Berlin

Expert talk with: Markus A. Rothchid (Institute for Forensic Medicine, University of Cologne), Wolfgang Kaleck (ECCHR)
6 April 2014, Berlin

Impressions of a Dictatorship & Chile Ayer-Hoy
Exhibition opening with: José Gibrás (photographer), Federico Zukoferd and Loreto Garin Guzmán (artists)
10 April 2014, Berlin

From Berlin to Buenos Aires
Discussion with: Jeanette Erazo Heufelder (documentary maker and author) and Wolfgang Kaleck (ECCHR)
28 April 2014, Berlin

“The Secret of Return”
Exhibition opening with: Nghia Nuyen (artist)
30 April 2014, Berlin

Legacy of the Vietnam War: Crimes, Fleeting, Confronting the Past
Exhibition and discussion with: Prof. Dr. Bernd Greiner (Hamburger Institut für Sozialforschung) and Nghia Nuyen (artist)
27 November 2014, Berlin

Menschenrechte und Geschlecht
Book presentation and discussion with: Minou Banafsche, Lucy Chebout, Sarah Elsuni, Matthias Lahert, Ulrike Lembke (editor), Katja Rodt, Dr. Tillmann Lohr and Prof. Dr. Beate Rudolf (both Deutsches Institut für Menschenrechte), Friederike Wapler and Anna von Gall (ECCHR) in cooperation with: Deutsches Institut für Menschenrechte, Law & Society Institute Berlin, Zentrum für transdisziplinäre Geschlechterstudien
11 December 2014, Berlin

2015

Presentation of the ECCHR Annual Report and Exhibition Opening of “Picture of the Month” by Frank Rothe
Talk with: Lotte Leicht (Human Rights Watch), Prof. Manfred Nowak (Universität Wien), Michael Ratner (Center for Constitutional Rights) and Wolfgang Kaleck (ECCHR)
7 May 2015, Berlin

Terror Zones. Gewalt und Gegenwehr in Lateinamerika
Book presentation and talk with: Anne Hufschmid and (editors), Christian Mehe (Reporter ohne Grenzen) and Wolfgang Kaleck (ECCHR)
24 September 2015, Berlin

„Mit Recht gegen die Macht“
Book presentation and discussion with: Hannes Honecker (lawyer), Albrecht von Lucka (Blätter für deutsche und internationale Politik), Dr. Miriam Saage-Maaß and Wolfgang Kaleck (both ECCHR) in cooperation with: Blätter für deutsche und internationale Politik 12 October 2015, Berlin

“Taxi to the Dark Side”
Film screening and panel discussions with: Bahar Azmy (Center for Constitutional Rights), Mourad Bouchellali and Murat Kurnaz (former Guantanamo detainees), Gonzalo Boye (lawyer), Apolline Cagnat (lawyer), Julia Hall (Amnesty International), Géraldine Mattioli-Zeltner (Human Rights Watch) and Wolfgang Kaleck (ECCHR) in cooperation with: Center for Constitutional Rights, Amnesty International 10 October 2015, Berlin

“Definition for an Island”
Exhibition opening with: Víctor Jaramillo (artist)
7 November 2015, Berlin

Los Juicios por sus Protagonistas. Doce Historias Sobre los Juicios por Delitos de Lesa Humanidad en Argentina
Book presentation and talk with: Rosario Figari Layús (editor), Gabriel Pereira (ANDHES) and Wolfgang Kaleck (ECCHR)
30 November 2015, Berlin

United by the Basics of International Criminal Law: Exploring its Historical Origins
Presentation of “Historical Origins of Criminal Law” and expert talk with: Prof. Morten Bergsmo (Beijing University, CIIRAP), Prof. Dr. Florian Jéßberger (Universität Hamburg), Prof. Dr. Claus Kreft (Universität Köln), Cheah Wui Ling (National University of Singapore), Dr. Chantal Meloni and Wolfgang Kaleck (both ECCHR)
15 December 2015, Berlin
2016

Menschenrechtsbewegung in Deutschland – Wie weit reicht der politische Einfluss?
Presentation of the publication with:
Ansgar Klein (editor „Forschungsjournal Soziale Bewegungen“), Wolfgang Kaleck and Dr. Carolin Terwindt (both ECCHR)
2 February 2016, Berlin

Who Steals their Stories? – Race, Rights and Representation
Presentation and discussion with: Imran Ayata (Kanak Attack), Dr. Julia Duchrow (Brot für die Welt), Mark Sealy (Autograph Association of Black Photographers) and Wolfgang Kaleck (ECCHR)
8 February 2016, Berlin

Unternehmen vor Gericht. Globale Kämpfe für Menschenrechte
Book presentation with: Michael Windfuhr (Deutsches Institut für Menschenrechte), Wolfgang Kaleck and Dr. Miriam Saage-Maaß (both ECCHR)
6 March 2016, Berlin

Time for Justice!
Reading of Unternehmen vor Gericht. Globale Kämpfe für Menschenrechte and discussion with: Frederike Boll (Friedrich-Ebert-Stiftung), Bärbel Kofler (German Commissioner for Human Rights), Wolfgang Kaleck and Dr. Miriam Saage-Maaß (both ECCHR)
in cooperation with: Friedrich-Ebert-Stiftung
28 April 2016, Berlin

“Come back Safely”
Exhibition opening: Photography by Mohamed Badarne
19 May 2016, Berlin

Anarchist Cookie Shop: “Tempest of Vanity”
Exhibition opening with: Marek Schovánek (artist)
7 November 2016, Berlin

“Les Sauteurs – Those Who Jump”
Film screening and discussion with: Abou Bakar Sidibé (activist and filmmaker), Moritz Sielbert (filmmaker) and Carsten Gercke (ECCHR partner lawyer)
in cooperation with: Stiftung :do
22 November 2016, Berlin; 29 November 2016, Hamburg

“Shadow World”
Film preview and discussion with: Andrew Feinstein (author) and Dr. Christian Schillemann (ECCHR)
in cooperation with: Bertha Foundation
28 November 2016, Berlin

2017

“82”
Exhibition opening: Pictures and drawings by Hamid Sulaiman
2 November 2017, Berlin

Syria’s Disappeared
Film screening in cooperation with: Heinrich-Böll-Stiftung
12 July 2017, Berlin

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