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NORMA HERRERA
VITA AYLLON, CHAVELA LINDON, AND MARCELA FERREYRA, ARE MOTHERS WHO BECAME ENVIRONMENTAL ACTIVISTS AFTER EXPERIENCING THE EFFECTS PESTICIDES CAN HAVE ON HUMAN HEARTS.

MADRES DE ITUZAINGÓ, FROM CORDOBA, ARGENTINA, ARE PIONEERS IN THE STRUGGLE AGAINST THE ENVIRONMENTAL AND HEALTH CONSEQUENCES OF TRANSGENIC AGRICULTURE.

JULIA MENSC
“CARTOGRAFÍA DE UN EXPERIMENTO A CIELO ABIERTO”
2017–2022

COVER IMAGE

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Not without optimism

WOLFGANG KALECK

The oft-cited maxim from Italian theorist Antonio Gramsci is still as relevant as ever: “What we need is sobriety: a pessimism of the intellect, an optimism of the will.”

The world is in a troubled state, as evidenced by countless wars and armed conflicts across the globe. In Europe, the Russian war against Ukraine and the war in the Gaza Strip are capturing most of the attention. While the suffering of people in both conflicts is widely reported on, many other human rights violations remain scarcely visible to the Western public. These include growing global inequality, poverty and a lack of access to healthcare, adequate housing, and education. The economic, social and cultural human rights of millions of people, particularly in the Global South, are constantly being undermined.

These unsustainable conditions stem above all from a global economic order whose foundations are structurally unjust. Just as in colonial times, the countries in the South serve as suppliers of raw materials and as a reservoir of easily exploitable labor. Just as in colonial times, transnational corporations profit from this exploitation, as well as from the destruction of local livelihoods. And sometimes, they are even directly or indirectly involved in human rights violations.

The German Supply Chain Act, which came into force in 2023, now makes it possible for the first time in Germany to hold companies accountable—albeit only to a limited extent—for human rights violations. A similar regulation at the EU level was adopted by a hair’s breadth despite the narrow-mindedness of business associations and the German liberal political party FDP. At the time of writing, it is still unclear whether their continued resistance has been overcome, which at the moment remains doubtful. Altogether, these circumstances give reason enough to take stock of the situation in our annual report with our many years of experience in the field of corporate responsibility.

So far, multinational companies and large industrialized states have only sporadically been held legally accountable for climate change, even though both actors, historically and currently, stand out as the main culprits. Their willingness to take responsibility, however, can be described as very reluctant, to say the least. The compensation fund established at the most recent global climate summit is neither fairly nor sustainably organized, nor is it even remotely adequate to the task of compensating the destruction that is dramatically increasing year after year. The time has come to talk about reparations: reparations for unjust enrichment on an enormous scale and for damage caused in the past that is still wreaking havoc today.
It is urgently necessary for all of us who inhabit this planet to confront these questions and take action. There is simply no alternative. If we do not act, more and more places in this world will become uninhabitable as a result of war and climate change. Even the comparatively peaceful, Western regions of Europe must acknowledge that events in other parts of the world have an impact on their own societies and individual lives. The right-wing extremist and populist parties now on the rise everywhere also gather their strength from this: they comport themselves as if blind to the problems of the world, while promising their voters that they will remain unaffected by these problems.

“\textit{We need to address people at both the rational and emotional level}”

In light of this pressure to act, the question arises as to what we as human rights organizations can do to contribute to the changes that are required—which brings us back to the quote from Antonio Gramsci. A sober rationality is indispensable for our work: we need an accurate, fact-based, legal and political analysis of the situations where human rights are violated, along with a clear identification of their causes and perpetrators. But this is where it gets difficult. The classic mantra, namely that factual reporting and the sheer disclosure of information should alone be enough to rile people into action, has only partially proven to be true.

So, we have to try a more mixed approach. Pessimism of the mind means taking note of the problems of the world and approaching them analytically. But the basis and impetus of our work must be the optimism mentioned here at the outset. Within old and new forums, and using means both traditional and new, we need to inform and address people at both the rational and emotional level, preferably in tandem with artists, cultural institutions and other disciplines. In spite of the challenges this presents, we must also shape, and hold firmly within our grasp, a vision that goes beyond the hardships of everyday life—a vision that things can be transformed for the better. The human rights framework of the Universal Declaration of Human Rights offers enormous potential for this.

It is a given that not all of our legal actions will reach an immediately successful outcome. But nonetheless, changes can always be wrought in one place or another, and in the meantime, we aim to contribute to ensuring that the human rights situation does not deteriorate any further.

We can only achieve all this in cooperation with a multitude of people and organizations across diverse networks—and thanks to so many who support our organization and our work. We are grateful for this, and we hope that this annual report reflects how we can build something meaningful on the foundations of this support.
Letter from a friend

Placing human rights at the center of economic well-being

RADHIKA BALAKRISHNAN

Global inequality has reached a scale in recent decades which exceeds the boundaries of the imagination. Nevertheless, the basic tenets of economic thought remain the unchallenged metrics used to assess economic health and success. It is thus long overdue that we develop new ways of evaluating economic well-being that are based on human well-being—in other words, human rights principles.

“Placing human rights at the center of economic well-being”

The year 2023, the year of ECCHR’s 15th anniversary, also marked the 30th anniversary of the Vienna Declaration and Program of Action, an important call to action emerging from the Vienna Conference on Human Rights. The Vienna Declaration yielded three significant conceptual innovations that deserve attention: the treatment of women’s rights as human rights for the first time; the positing of extreme poverty and social exclusion and their causes as violations of human dignity; and the linking of democracy, development, the respect for human rights and fundamental freedoms as interdependent and mutually reinforcing objectives.

For 30 years, these principles have stood as crucial benchmarks to assess just how much human rights and democratic values actually influence the nature and structure of the global economy. And one thing is clear in 2023: something is seriously wrong with the world economy, especially with regard to fulfilling the above aspirations. “The world’s five richest men have more than doubled their fortunes since 2020—at a rate of $14 million per hour—while five billion people have become poorer.” There has been a concentration of global corporate and monopoly power while workers’ wages are squeezed, taxes are dodged, and state functions are increasingly privatized, leading to intensified levels of inequality worldwide. Most remarkably, this increase in inequality happened simultaneously while the entire world economy was shut down during the pandemic, on the demand side and the supply side. Somehow, the richest 1% grabbed nearly two thirds of all the new wealth generated since 2020.
The levels of inequality we see today have not always been like this. In the United States, for example, from the late 1940s until 1979, there was a bit more shared prosperity: the bottom 20% increased their real income by over 100%, the share taken by the middle class grew by a little more than that, while that of the top 5% grew by 86%. Then, the Reagan-Thatcher era began, which gave rise to many of the anti-state and re-regulatory efforts that have led to levels of inequality not seen since the Gilded Age.¹

After decades of such policies and especially since the crisis of 2008, we have witnessed the rise of democratically elected authoritarian governments around the world coming into power on a wave of economic discontentment experienced by the working classes.

The dominant economic paradigm is not working for most people or the planet, which means: there needs to be a normative shift in how we evaluate the economy. There is a very simple yet radical question that needs to be addressed: What is the economy for? How do we evaluate the success of an economy other than by looking at GDP? What if the purpose of the economy was to fulfill human rights, such as the right to health, education, food and an adequate standard of living, and real substantive equality, especially when it comes to gender inequality? Instead of GDP, what if economic well-being in terms of human rights standards were held as the normative and ethical framework to assess economic policy?

While such a proposal appears far away from our current situation, there have been steps taken in recent years to address economic practices through a human rights lens. At the European level, negotiations on binding legislation have been watered-down, but in Germany and France, laws are already in place that oblige companies to protect human rights throughout the full extent of their value chain. While this legislation forces companies to directly address the human toll of their operations, it does not, however, go far enough. The role of financialization and the dominance of the financial sector has thus far been missing in such efforts to curb corporate abuse. Banks, rating agencies and other economic enablers, including auditors and certification schemes, still manage to avoid scrutiny and penalties for underwriting a vast global system of exploitation.

Placing human rights at the center of economic well-being is a global issue that cannot just be done by holding individual states accountable. We need to fight for binding global legal frameworks—something that ECCHR is profoundly good at.

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ANDRÉS CARRASCO
A WELL-KNOWN MOLECULAR BIOLOGIST, HAS RESEARCHED THE EFFECTS OF GLYPHOSATE ON HEALTH, WITH HIS FINDINGS SCIENTIFICALLY SUPPORTING WHAT FUMIGATED VILLAGES HAVE CLAIMED FOR YEARS.

HIS WORK HAS QUESTIONED THE SUPPOSED NEUTRALITY OF SCIENCE AND BECOME A MODEL FOR SCIENCE THAT PRIORITIZES SERVING COMMUNITIES RATHER THAN CORPORATIONS.

JULIA MENSCH
“CARTOGRAFÍA DE UN EXPERIMENTO A CIELO ABIERTO”
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Corporate Accountability

MAIN TOPIC
Tackling systemic injustice with a systematic approach

MIKIAM SAAGE-MAASS

Who bears responsibility when human rights are violated? In keeping with a classic European tradition, the answer is usually “state actors”—regardless of whether this concerns civil and political human rights or economic, social and cultural rights. However, even a brief appraisal of current global challenges reveals that economic interests in general, and corporate entities and financial actors in particular, are key contributors to such violations. Precarious working conditions are rampant in the textile industry in South Asia, while the displacement of local indigenous populations through rainforest deforestation campaigns in the Amazon or in Indonesia pave the way for livestock farming or mining projects. The aggressive marketing of pesticides, herbicides and genetically modified seeds worldwide endangers the health of workers and ecosystems throughout the agricultural sector. These are but a few examples of the direct and indirect responsibility of economic actors for the multiple crises of the current moment.

A look back into global economic history only confirms this analysis. Colonial expansion cannot be understood in isolation from a systematic greed for raw materials. The outline of globalization and its operative mechanisms is already visible in the history of the cotton trade. In the 1960s and 1970s, political initiatives were still on the table to restructure the world economic order toward a fairer distribution of wealth for countries in the so-called Global South. Yet, the subsequent implementation of neoliberal policies in the 1980s and 1990s, which aimed to extinguish such ambitions, would have been unthinkable without the law. Since then, free trade and bilateral investment protection agreements, in conjunction with institutions such as the International Monetary Fund and the World Bank, have enabled Western corporations in particular to gain access to resources and extract profits internationally. Corporate and capital market law, along with international private law, then secure and even generate these profits through supplying the respective transaction frameworks. Responsibility for the social and ecological costs of business activities, on the other hand, is systematically marginalized by the law, even when such costs can be described as human rights violations.

It is precisely this outsourcing or externalization of responsibility that movements critical of globalization have been rightly questioning since the 1990s. At that time, lawyers in the USA, the UK, as well as in South Africa and Argentina, began to seek legal remedies to hold companies accountable for their involvement in apartheid and dictatorship crimes, in massive environmental destruction and in the exploitation of miners.
Over the past three decades, some successes can be claimed. In a legal settlement concerning the execution of the Nigerian activist Ken Saro Wiwa and his comrades, the multinational oil giant Shell had to agree to pay monetary compensation to their surviving relatives. In two rulings, the English Supreme Court confirmed that parent companies bear legal responsibility for environmental and human rights violations caused by subsidiaries abroad. Also in the UK, the first precedents were set in which companies could be held liable for abuses within operations along their supply chain. After years of deliberation, the Supreme Court in Paris ruled that the company Lafarge and its top managers can face charges of complicity in crimes against humanity in Syria. In the Netherlands, individual businessmen have been convicted of aiding and abetting crimes against humanity. Germany and France now have their own specific laws stipulating the responsibility of companies for their global business activities and providing affected people with legal recourse in civil courts or administrative proceedings. And at the EU level, a Europe-wide legal regulation on the responsibility of companies for human rights in global production networks was recently adopted.

“We cannot leave the responsibility to the state”

However, these individual successes are neither satisfactory nor particularly reassuring—especially in light of the increasing power of a few corporations and their exploitation of new opportunities to evade responsibility. One example of this is the financial actors who, by means of capital control, transaction processing and profit maximization, enable human rights violations throughout the real economy. So far, they have for the most part escaped the clutches of regulation and, thus, cannot be held accountable for specific violations of the rights of those affected.

Those who work to defend affected people now face the challenges of having to take action with an enhanced toolkit requiring the necessary legal and (financial) economic expertise. Rather than just railing against outrageous individual violations and select corporations, we need to work on acting and thinking in a more networked manner, in order to systematically tackle systemic problems. History has proven often enough that we cannot leave this responsibility to the state.

Miriam Saage-Maass is the Legal Director of the European Center for Constitutional and Human Rights (ECCHR).
Anyone following national and international regulatory efforts directed at the identification, disclosure or eradication of modern slavery, forced and child labor, had to hold their breath in the early months of 2024. After years of careful work and negotiation, the draft for the European Union’s Corporate Sustainability Due Diligence Directive (CSDDD) threatened to be watered down dramatically. After a key agreement was reached between Council and Parliament in December 2023, the German Free Democratic Party (FDP) led the charge, eventually followed by several EU member states such as France and Italy, of withdrawing their support for the Directive. As a result, the Directive was eventually passed by the EU Parliament’s JURI committee in a significantly restricted version on 19 March 2024. This was largely owed to tireless diplomatic stick handling by Belgium’s Council presidency and different business representatives. This compromise version now awaits final—expected—adoption through the European Parliament at the end of April 2024.

The accepted version of the Directive now only applies to a fraction of the companies originally targeted. While the original version would have applied to companies in the EU with more than 500 employees and an annual turnover of more than EUR 150M, the compromise version of March 2024 limits its application to companies with more than 1,000 employees and a turnover of EUR 450M. Meanwhile the CSDDD follows through on its proponents’ promise to design a law that addresses human rights, labour and environmental violations in a company’s upstream and downstream activities. In that respect, the Directive requires companies to report on their due diligence efforts with regard to identifying unsustainable practices on the levels of sourcing and production as well as with regard to transport, holding and waste removal. Furthermore, the CSDDD’s original proposal to require large companies to adopt and put into effect a transition plan for climate change mitigation is still included, but now limited to about a third of the originally envisioned companies.

Immediate predecessor to the EU Directive was Germany’s Supply Chain Act of 2021 (Lieferkettensorgfaltspflichtengesetz (LkSG), in force since 2023). One of its guiding motivations was the realization that only about 13–17 of German companies overall were undertaking any efforts to scrutinize their supply chains for human and labour rights violations and for environmentally unsustainable practices. About a year after coming into force, its efficacy will need to be assessed in relation to its enforcement and the outcome of judicial disputes.

Eventually succeeding in lobbying for the LkSG’s limitation for companies to develop due diligence practices with regard only to their direct suppliers, business lobby groups had repeatedly invoked ‘bureaucratic monstrosities’, burgeoning financial burdens for SMEs and other purportedly competition-harming effects of the advertised law. Similar
business push-back certainly also accompanied the creation of comparable modern slavery and supply chain laws, including the, ultimately quite ineffective, 2010 California Transparency in Global Supply Chains Act, the English Modern Slavery Act (MSA) of 2015, the French loi de vigilance (2017), the Dutch law against child labour (2019), Norway’s anti-slavery law (2021) and, most recently the much-anticipated and arguably underwhelming Modern Slavery Law (Bill S-211) in Canada, 2023.

These norms regarding labour and human rights as well as environmental protection predominantly focus on disclosure and information duties for companies, but fall short on installing concrete liability rules—with the arguable exception of the French loi de vigilance and the EU’s CSDDD. With view to the wider context, in which laws on modern slavery, global value chains and sustainability are emerging, it is important to acknowledge the steady densifying and sedimentation of a body of norms, which mostly took shape in the form of “soft law”, as with the so-called “Ruggie Principles” and the Global Compact of the UN or the OECD’s Guidelines for Multinational Corporations. What emerges today is a both fragmented and, yet, sharper accentuated transnational regulatory landscape, constituted through the interplay of guidelines, principles and recommendations on the national, international as well as private organizational plane. And while these norms mainly still require greater degrees (only) of transparency and reporting, they contribute to creating a more critical public awareness and have been informing organizational change in financial and non-financial companies, law firms and other organizations. Add to that the information campaigns and transnational litigation cases initiated and led by non-governmental organizations such as Berlin’s ECCHR or the Global Legal Action Network in Ireland: their activities have long begun to reach an increasingly attentive global audience. In other words, issues of global value chain sustainability and environmental justice are no longer the preoccupations of specialists but influence a much broader political debate worldwide.

The EU’s CSDDD is likely to have an important legal harmonization and ‘ratcheting up’ effect across the EU and arguably beyond. Like previous and contemporary national laws on modern slavery, the EU’s Directive is a milestone and reference for our children’s assessment of how hard we tried. In a context of a globally growing discontent with a capitalist system oriented around growth and greed, the Directive is of historical significance. It represents an important step in scandalizing and addressing the resurgence of nationalism, xenophobia, self-centredness and planetary destruction—even if backroom deals and their success in limiting the ambitious and inspiring initiative cast a certain shadow on the event.
Dismantling Green Colonialism

HAMZA HAMOUCHENE

Addressing the global climate crisis requires a rapid and drastic reduction of greenhouse gas emissions, but if a transition towards renewable energies has become inevitable, justice has not. Such transitions can serve to maintain practices of dispossession and exploitation, reproducing injustices and deepening socioeconomic exclusion.

North Africa provides multiple examples of such injustice. The Sahara is usually described as a vast empty land, sparsely populated and representing an El Dorado of renewable energy. It thus constitutes a golden opportunity to provide Europe with the energy needed to continue its extravagant consumerist lifestyle and excessive energy consumption. However, this deceptive narrative overlooks questions of ownership and sovereignty and masks ongoing global relations of hegemony and domination that facilitate the plunder of resources, the privatization of commons, and the dispossession of communities. In the North African region, energy colonialism is reproduced even in transitions to renewable energy in the form of green colonialism or green grabbing. These terms describe the process of land grabbing that takes place as part of and justified by a supposedly green agenda. In other words: the appropriation of land and resources for supposedly ecological purposes without the consent of local communities.

In Morocco, for example, an inequitable energy transition is currently underway, where people have no say in what is being done. The Ouarzazate Solar Plant, launched in 2016, has failed to bring any semblance of justice to the Amazigh agro-pastoralist communities whose lands were used without their proper consent to install the 3,000-hectare facility. The project also uses concentrated solar thermal power (CSP) that necessitates extensive use of water in order to cool down the system and clean the panels. In a semi-arid region like Ouarzazate, diverting water use from drinking and agriculture is just outrageous.

"Addressing the global climate crisis can serve to maintain practices dispossession and exploitation"

The “Noor Midelt” project constitutes Phase II of Morocco’s solar power plan and aims to provide more energy capacity than the Ouarzazate plant. However, the facility will be built on thousands of hectares of communal land that have been confiscated from its owners. The pastoralist tribe of Sidi Ayad, who has been using that land to graze its animals for centuries, has been protesting against this project, which they call an occupation.
Both examples show how colonialism—even if it has formally ended—still continues in other forms in the economic sphere, and even as that sphere becomes greener. Most of the economies of the peripheries/the Global South, are inserted in a subordinate position within a profoundly unjust global division of labor: as providers of cheap natural resources and a reservoir of cheap labor, on one hand, and as a market for industrialized economies, on the other.

We know that the current economic system is undermining the life support systems of the planet and will eventually collapse. Thus, a transition has become inevitable. But it must also put justice at the forefront. In this context, the framework of just transition can provide some elements for reflection. Just transition means nothing less than a fair shift to an economy that is ecologically sustainable, equitable and just for all its members. A just transition means a transition from an economic system that is built around the extraction of resources and the exploitation of people, to one that is structured instead around the restoration and regeneration of territories and people’s rights and dignity. A robust and radical vision of a just transition sees environmental destruction, capitalist extraction, imperialist violence, inequality and exploitation, as well as marginalization along the axes of race, class and gender, as simultaneous effects of one global system which must be transformed.

“The climate crisis offers us a chance to reshape politics”

The climate crisis offers us a chance to reshape politics. We need huge public investments in renewable energy, public transport and diversification of economies away from fossil fuels. Yet, this also calls for the cancellation of debts, tax justice and the halt of capital flight from peripheral countries—along with payment of ecological debts and climate reparations by the Global North to countries in the Global South. For this to happen, the green transition must be under the democratic control of workers and communities. It cannot be left to the companies and the private sector.

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Dictatorship and corporate collusion

Hopes for a trial in Argentina after 20 years

TOMÁS GRIFFA

During the last dictatorship in Argentina (1976–1983), a widespread campaign of repression was implemented, involving systematic human rights violations. Thousands of people were kidnapped, tortured, disappeared or murdered.\(^1\) Overall, an estimated 30,000 people were disappeared during this period.

The repression relied on the cooperation of civilian actors, among them some of the most important companies in the country. Business actors collaborated and even actively participated in crimes perpetrated by the military. In the case of the German automotive company Mercedes Benz Argentina (MBA), at least 20 workers were victims of crimes against humanity during the dictatorship. Fifteen of them are still missing.\(^2\) In the years prior to the coup d’état, MBA workers had been the protagonists in a process of union organization that advocated various changes in labor conditions. Improvements in wages, production conditions and work rhythms were demanded, and several successes were achieved.

“Repression relied on the cooperation of companies in the country”

The onset of the civil-military dictatorship, however, cut this process short, and the ensuing repression targeted unionists in particular—all the victims in the Mercedes Benz case were specifically linked to labor claims. The company also took advantage of the circumstances generated by the crimes to put pressure on the workers. Working hours were increased, while other workers associated with union demands were dismissed. At the same time, MBA executives publicly supported the dictatorship, and the company benefited from the process of nationalization of private debt that took place at the time, transferring obligations for USD 92 million.\(^3\)

In the wake of a complaint filed by the victims’ relatives, a judicial case was initiated on 28 October 2002, prompting investigations into these events. The Federal Court of San Martín is currently hearing the case, which addresses the circumstances surrounding the kidnapping of seven workers in August 1977, six of whom remain disappeared. CELS is involved as a civil party in the case.
The case file contains ample evidence that MBA managers provided government security forces with lists and addresses of the workers most closely linked to union activity, so that they could be kidnapped. Among the most relevant evidence is the testimony of Héctor Ratto, the only survivor in the case, who witnessed the moment in which the company’s production manager at the time, Juan Tasselkraut, gave the home address of his colleague Diego Núñez to the security forces. Núñez was kidnapped there a few hours later and is still missing today.

The testimony of several workers referred to the labor conflicts at MBA and also confirmed that its management had supplied lists of union delegates to security forces. Documentation of the security forces also shows that the MBA considered unionists “activists,” and evidence of meetings between MBA executives and members of the security forces suggests collusion around the time of the kidnappings.

Despite all this evidence, almost 20 years went by before any progress was made in determining the responsibility of MBA’s executives. On 1 April 2022, Tasselkraut was summoned for questioning, and then, shortly thereafter, the case was dismissed. The investigation of another company manager also failed because he died before it was completed. Such delay is a sign of reluctance within some sectors of the judiciary to investigate the role of business actors in dictatorship crimes.

Both the plaintiffs and the prosecutor appealed the dismissal, and finally, in October 2022, the Federal Court of Appeals of San Martín upheld the appeal and ordered the prosecution of Tasselkraut as a necessary participant in the kidnappings of Hector Ratto and Diego Núñez. This decision was confirmed by the Federal Criminal Cassation Chamber in April 2023. The chamber, however, also confirmed the dismissal of a case involving five other victims: Fernando Omar del Contte, Alberto Gigena, Jorge Alberto Leichner Quilodrán, Juan José Mosquera and Alfredo Francisco Arenas. The plaintiffs filed an appeal against this dismissal, which is currently pending before the Supreme Court.

Despite these obstacles and delays, the hope for justice remains alive. The case is ready to start trial and will hopefully soon determine Tasselkraut’s responsibility.

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1 NUNCA MÁS. INFORME DE LA COMISIÓN NACIONAL SOBRE LA DESAPARICIÓN DE PERSONAS, BS. AS., EUDEBA, 2016.
Targeting the weapons that make war

Against the accountability vacuum in Yemen

KHAWLA ALROWAISHAN

As the armed conflict in Yemen enters its 10th year, a prevailing policy of impunity and double standards has become further entrenched. International political interests and alliances have obstructed paths toward accountability, justice and restitution for crimes committed in the conflict. In addition, a range of weapons manufacturers both fuel and profit from the conflict through arms exports, which makes them complicit in potential war crimes committed by the Saudi/United Arab Emirates (UAE)-led military coalition. Despite the fact that legal avenues do exist to hold these business entities to account, along with the officials who authorize the arms shipments, several cases filed by Mwatana in collaboration with ECCHR and other partner organizations have thus far been obstructed or dismissed. Altogether, the failure to hold those who commit international crimes to account—along with the companies that profit from them—not only prevents victims in Yemen from achieving justice and redress, but also serves to perpetuate the cycle of conflict and its toll on civilians.

“Weapons manufacturers both fuel and profit from the conflict”

One explanation for this accountability vacuum is the lack of jurisdiction of international institutions. The non-ratification of the Rome Statute by Yemen, as well as by prominent countries involved in the Yemeni conflict, such as Saudi Arabia, the United Arab Emirates and Iran, precludes the direct jurisdiction of the International Criminal Court (ICC) over international crimes committed in Yemen. On top of this, insufficient political will, coupled with international double standards in addressing the Yemeni situation, has further undermined opportunities for accountability. This includes the failure to refer the Yemeni file to the ICC through the UN Security Council or to establish a special criminal court. Moreover, selective mechanisms, such as the sanctions system under the Security Council, were only employed in a biased manner, targeting one party to the conflict, even though all parties were equally implicated in various violations and crimes. These circumstances therefore called for other approaches to put a stop to war crimes and civilian loss of life.
Several arms manufacturers responsible for supplying weapons used by the coalition attacks on Yemeni civilians are based in Italy, France, Germany and the UK—which means that they are subject to the jurisdiction of the ICC, as well as the laws of these countries. National export agency officials are also liable if their arms export authorizations are in breach of the law.

In 2019, Mwatana, ECCHR and other human rights organizations thus filed a complaint with the ICC, urging the ICC Prosecutor to investigate the individual criminal responsibility of arms exporters and government officials from multiple European countries that were implicated in ongoing arms exports to Saudi/UAE-led coalition forces.

The ICC’s investigations, however, are still ongoing. That is why Mwatana, with the support of ECCHR and other partner organizations, has turned to local courts in third countries, filing several cases under the principle of universal jurisdiction and other judicial bases, such as the nationality of the perpetrators or victims. In collaboration with the Italian Network for Peace and Disarmament, they submitted a complaint to the Public Prosecutor’s Office in Italy in April 2018 against the directors of RWM Italia S.P.A and officials from the Italian National Authority for the Export of Armaments (UAMA). This came in the wake of the discovery of remnants of weapons that confirmed the use of the company’s exports in attacks on civilians, including one in Deir Al-Hajari, that resulted in the death of an entire family. Despite this evidence, the Public Prosecutor declined to initiate an investigation on three consecutive occasions, prompting the organizations to submit the case file to the European Court of Human Rights in July 2023.

“The international community is failing to fulfill its responsibilities towards Yemeni civilians”

Together with partners, Mwatana also filed two additional complaints: one in France against the arms manufacturing companies Dassault Aviation, Thales, and MBDA France, and the other, in the UK against the Secretary of State for International Trade for issuing permits to companies to export weapons to the Saudi/UAE-led coalition forces. The UK lawsuit, along with a request for appeal, was dismissed in summer 2023.

These court decisions underscore how the international community is failing to fulfill its responsibilities towards Yemeni civilians, and add to the resentment that plagues Yemeni society each time perpetrators are granted amnesty or immunity at the expense of their rights. This only serves to stoke underlying tensions that undermine peace-building efforts. While Yemenis aspire to peace, it is paramount to ensure that human rights, accountability, victim compensation, and justice take precedence in any forthcoming peace initiatives.
"AMARANTHUS MANTEGAZZIANUS"
TILCARA, JUJUY PROVINCE
ARGENTINA
2023
Plant diversity vs. neoliberal forms of exploitation

WOLFGANG KALECK

The artwork for this annual report was produced by Julia Mensch, a young Argentine artist, who has lived in Berlin for some time. She explores her core themes from multiple angles, through travel, observation, speaking, writing, drawing, photography, as well as emotionally, politically, philosophically and biographically. In *Notes from Amaranth Land*, she outlines her approach as chronicles, in the form of recorded impressions and contemplative reflections, her way of processing what she has learned and observed. She traces the lineage of her family back to Salashi in Galicia in the Ukraine, one of the regions in Europe where languages and cultures have commingled for centuries—a diversity eventually destroyed by murderous National Socialism. Julia Mensch’s grandparents emigrated to Argentina, one of the most important Latin American exile destinations for many persecuted communities—which itself later became the epicenter of one of the worst crimes against humanity during the military dictatorship of 1976–1983.

The consequences of industrialized, capitalist agriculture remain a recurring theme in ECCHR’s work: global corporations use pesticides to maximize profits, while colonizing the intellectual property of local communities. In the end, both people and nature suffer. In the work presented here, Julia contrasts this with amaranth, an ancient grain that has been cultivated for centuries in the Andes region and by the Aztecs. For Julia—and for many social movements—amaranth is a plant that, above all, symbolizes resistance. Known as “yuyo colorado,” Amaranth is considered a weed by the agricultural sector and is surprisingly resistant to the cultivation of soybean monocultures widespread throughout Argentina. Even the use of agro toxins cannot control the amaranth plant.

Julia Mensch depicts amaranth as a political agent in the nucleus of transgenic agriculture within a neocolonial and ecocidal framework. She juxtaposes this against images and stories of the beauty of the amaranth plant, highlighting its diversity as a form of resistance waged by nature against the model just described. She thus proposes collaborating and conspiring politically with the plants.

Julia Mensch also relays these circumstances through her portraits: in Argentina, many people from various fields are committed to fighting destructive agribusiness, including scientists, lawyers, healthcare workers, as well as artists—among them Eduardo Molinari, who has collaborated with ECCHR for years and presented his impressive work “The Children of Soy” in Berlin. But first and foremost, it is local activists who, with support from the big cities, are intervening politically and legally in order to stop such destructive projects. They are all paying a high price, as shown in the latest global assessment of violence and repression in the “Atlas of Civil Society.” They will need our support and solidarity in an increasingly violent Argentina under the new President Milleti. Only together can we find the *Buen Vivir*, the “good living,” a life in which we put an end to the exploitation of nature and people.

WOLFGANG KALECK, IN HIS CONVERSATION “BEYOND LIMITATIONS” WITH ARTIST TOMÁS SARACENO IN THE FIRST VOLUME OF THE ECCHR BOOK SERIES IN NOVEMBER 2023, ALSO ADDRESSES THE CONTINUITIES OF EXPLOITATION AND VIOLENCE, EXTRACTIVISM, AND THE RESISTANCE OF INDIGENOUS COMMUNITIES, NAMELY THE CONFLICTS SURROUNDING LITHIUM MINING IN NORTHERN ARGENTINA.
ELI LEIRÍA

JULIA MENSCH
“CARTOGRAFÍA DE UN EXPERIMENTO A CIELO ABIERTO”
2017—2022

Business and Human Rights I.
Erasing the distance between corporate harm and responsibility

The extensive web of supply chains that sustains the global economy is prone to a lack of transparency. Labels, seals and marketing teasers stamped on a range of products often tell a story that obscures the true details of their origins—which can include land grabs, labor exploitation and ecological devastation. Parent companies will often find innovative ways to distance and insulate themselves from routine abuses and risks within their subsidiary operations. In certain contexts, such business practices may actually fuel conflict, contributing to war crimes and even torture.

To force companies to counteract and remediate human rights violations and environmental harm in their value chains, our Business and Human Rights team intervenes on multiple fronts: the arms trade, toxic pesticide exports, exploitation in textile manufacture, and harmful practices that accelerate climate change and damage vulnerable communities. Our BHR team pressures businesses to adopt due diligence efforts that respect people and ecosystems.
A few clicks away from authoritarianism

DAVE YOUSSEF

The health of democracies has become increasingly vulnerable to the surveillance capacities of states and the proliferation of digital tracking software. The surveillance malware program made by German company FinFisher only requires a few clicks before it infiltrates a device, and subsequently assumes complete control over it. Those individuals whose cell phones are monitored through the FinSpy software can be located at any instant, while their conversations and chats can be recorded, and their data harvested.

The sale or use of this tracking software is not only illicit within Germany and the EU. Since 2015, it is also a crime to export it without a license granted by the respective export agency. Nonetheless, FinSpy appeared in Turkey in 2017 on a fake version of a campaign website for the Turkish opposition. The software was disguised as a downloadable app recommended to participants in anti-government demonstrations. This likely led to the surveillance of a large number of political activists and journalists.

“Digital tracking is often followed by physical tracking”

One tendency is clear: digital tracking is often followed by physical tracking, which can ultimately lead to persecution, intimidation, imprisonment, torture and even murder. A similar software, Pegasus, peddled by the Israeli firm NSO Group, made headlines in recent years, after it was sold to various authoritarian states and used to root out journalists, members of the opposition, and other voices critical of dictatorial regimes.

With FinFisher, however, the German judiciary has demonstrated its refusal to look the other way when it comes to the illegal export of such technology. After a criminal complaint was filed in 2019 by Gesellschaft für Freiheitsrechte, Reporters Without Borders, the blog netzpolitik.org and ECCHR, the Munich Public Prosecutor’s Office announced the seizure of company accounts of the FinFisher Group. FinFisher subsequently had to cease its business activities and filed for insolvency in March 2022. Then, in May 2023, four managers of the corporate group were indicted.

“Legal success in the case of FinFisher”

Despite this legal success in the case of FinFisher, most surveillance technology companies are still able to operate globally without interference. Thus, to ensure the safety of democratic institutions, it is paramount that a legally binding global framework against such technology is put in place.

DAVE YOUSSEF WORKS AS A TRANSLATOR AND ENGLISH EDITOR IN ECCHR’S MEDIA AND COMMUNICATIONS DEPARTMENT.
ECCHR’s Senior Legal Advisor Ben Vanpeperstraete looks back on the negotiations on the European Corporate Sustainability Due Diligence Directive (CSDDD).

**SM**
As ECCHR’s “man in Brussels”, what has it been like in these recent months, trying to negotiate an EU-CSDDD agreement?

**BV**
There are many words, like disappointing, tiresome and anxious, that come to mind—because a lot of organizations, including ECCHR, have worked for years on making this regulation happen, and this should have been the moment to land. What we’re seeing now is also quite extraordinary in terms of how politicized this has become. Normally, this is the kind of file that diplomats need to deal with, and politicians just sign off. And then, all of a sudden, it goes to such a high level, where Lindner and Scholz, Lemaire and Macron, and Meloni are all involved. Maybe this also shows that this is so important that it goes way beyond the normal mode of decision-making.

**SM**
We blame the German FDP party, but who else had an interest in politicizing and hindering the process?

**BV**
The FDP really started this circus, but they found logical allies in national business associations like the German BDI, the Mouvement des Entreprises de France (Medef), and the General Confederation of Italian Industry (Confindustria). Also, Germany’s abstention really put Italy and, even more so, France in a position of so much power and leverage.

**SM**
There also seems to be some disagreement among these actors. Can you explain this?

**BV**
It’s partially a competence issue—how much needs to be dealt with at the national level and how much at the European level—that is contested. And there are also many businesses who became very outspoken in favor of CSDDD because it’s easier to just deal with one set of rules, instead of every member state trying to organize their own. The really surprising actors were Olaf Scholz and Robert Habeck, who could have said to Christian Lindner: “Stop, get back in your corner. You’re a 4 % party.” The Chancellor has “Richtlinienkompetenz,” but he didn’t pull that out.

**SM**
What else can be done to reach an EU agreement in 2024, with elections coming up in June?

**BV**
As of today, the Belgian EU presidency has succeeded in a compromise between the the member states, which led to the political approval of the CSDDD. However, this was done with massive cuts. The adopted text still has to be approved by Parliament. If this does not happen, it’s going to be a lot messier. The commissioners sent to the new Commission by national governments will be different, as now you have Meloni in Italy, Wilders in the Netherlands, etc. And there will also be a different EU Council and Parliament. So, this CSDDD file might very well not survive that political change. If we don’t make it this time, however, there will be a second try. It’s inevitable, because businesses will say: Listen, I’m fed up with having different rules in every EU country.
Supply chain law in action
A mixed review

CHLOÉ BAILEY AND ANNABELL BRÜGGEMANN

Recurring reports of human rights violations and environmental destruction in the value chains of European companies, alongside years of civil society activism, advocacy and litigation efforts, has prompted the introduction of legislation imposing binding corporate due diligence obligations. The adoption of these laws—the French Loi de Vigilance (2017) and, more recently, the German Supply Chain Act (LkSG, 2023)—signals a paradigm shift towards corporate accountability for rights violations in global supply chains.

ECCHR is helping to shape the implementation of this supply chain legislation by supporting workers and communities negatively affected by harmful corporate activities in claiming their rights.

“Gaps regarding access to effective legal protection and remedy”

Since 1 January 2023, the LkSG requires all companies with a registered office or branch office in Germany and over 3,000 employees in Germany (or 1,000 employees from 2024 onward) to carry out human rights due diligence—to adopt measures to identify, prevent and remediate human rights-related risks within their supply chains.

Leveraging this new accountability mechanism, in the past 12 months we have submitted and supported a series of complaints, both directly via companies’ grievance mechanisms, as well as to the administrative authority responsible for enforcement of the LkSG (Federal Office for Economic Affairs and Export Control—BAFA). These complaints encompass a cross-section of emblematic human rights violations in various high-risk sectors:

- Violations of trade union rights and inadequate occupational health and safety in textile factories in Bangladesh, filed against Amazon and Ikea by FEMNET and ECCHR on behalf of the Bangladeshi textile union NGWF
- The failure of VW, BMW and Mercedes-Benz to adopt appropriate due diligence measures in relation to risks of Uyghur forced labor in their supply chains
- Violations of freedom of association and exploitative working conditions on banana plantations filed by Oxfam on behalf of Ecuadorian trade union ASTAC against supermarkets Edeka and Rewe
Our initial reflections on the first year of engagement with the LkSG suggest a mixed picture. On one hand, filing complaints via company grievance mechanisms, which are required to be established under the law, has resulted in tangible progress: in some cases, individual companies are sitting down for the first time with representatives of local trade unions to negotiate specific preventive and remedial measures. In this way, the law is already demonstrating its value as a tool to be mobilized by workers in supply chains to push for concrete improvements in working conditions.

On the other hand, emerging practice from the BAFA on the investigation of complaints indicates a concerning trend of excluding affected parties from the proceedings. This approach undermines the role of the administrative complaint procedure as a central redress instrument for affected rights-holders, especially in the absence of a civil liability provision. In addition, the BAFA has so far shown little willingness to take a position on the question of what constitutes effective and appropriate preventive and remedial measures under the law. In our view, it is crucial that the BAFA develops and enforces standards for effective due diligence that can support the improvement of human rights standards in supply chains—not a tick-the-box approach that prioritizes reducing the operational burden for businesses over the needs of workers and communities.

These persistent gaps regarding access to effective legal protection and remedy for those affected by human rights violations in transnational value chains are also reflected in our experience with using the French Loi de Vigilance law. Here, ECCHR has been involved in a case brought by members of the Union Hidalgo community against EDF. Alongside our NGO partner ProDESC, we are supporting community members in their claim against EDF for failure to adequately identify and prevent the human rights violations resulting from the development of a wind farm on indigenous land in Mexico. The claimants have faced numerous legal and practical barriers to justice since they filed the case in 2020 in order to prevent further violations of their rights caused by the project. Emerging jurisprudence from the French civil court declaring a number of cases inadmissible on procedural grounds means that after five years of implementation, there has yet to be a substantive ruling on the violation of the vigilance obligation in relation to human rights abuses overseas.

An overly narrow interpretation of both the French and German laws that fails to grasp the reality and needs of rights-holders affected by failures in human rights due diligence will undermine future accountability efforts. Future implementation efforts must center on the interests and voices of those affected.
A label cannot make a product sustainable

CHRISTIAN SCHLIEEMANN-RADBRUCH

Is there such a thing as palm oil that is produced without harming people or the environment? The question is justified, considering the criticism the industry has received for so many years.

Palm trees are grown in large-scale monocultures, and oil harvesting is often associated with land-grabbing, deforestation, the use of pesticides, and poor working conditions. Nevertheless, the Roundtable on Sustainable Palm Oil (RSPO), an association of multiple companies and a few NGOs, aims to ensure sustainability with a series of principles and criteria. Companies which produce, process and sell palm oil can make a commitment to comply with these principles and thereby, become certified by the RSPO. Products containing palm oil, such as those sold by German supermarket chains, then receive the corresponding logo with the additional statement “contains certified sustainable palm oil.”

For years, civil society organizations have documented how RSPO cannot guarantee that companies actually comply with its standards and criteria. Despite audits, production sites are plagued by repeated human rights violations and environmental harm, particularly in Indonesia and Malaysia, two of the primary countries where palm oil is produced. In Latin America, where palm oil is also harvested, Guatemala is the second largest producing country. In eastern Guatemala, near Lago Izabal in the district of El Estor, numerous indigenous communities have protested for years against the production of palm oil.

They claim that the plantations of the Naturaceites company are located on their traditional lands and are also polluting the rivers that local people depend on for water. These circumstances are compounded by poor working conditions and below-subsistence wages.

“Land-grabbing and environmental pollution”

It is also highly likely that the Naturaceites palm oil produced on these plantations is to be found in products sold in Germany by the food retailer Edeka. Together with affected communities and the organization foodwatch, ECCHR thus filed a complaint against Edeka under the German Supply Chain Due Diligence Act (LkSG). Edeka must monitor its supply chain and do everything in its power to ensure that the palm oil in its products is not associated with land-grabbing and environmental pollution. In addition, by means of a complaint under the Unfair Competition Act (UWG) supported by ECCHR, foodwatch is demanding the removal of the RSPO logo from certain Edeka store-brand products—as sustainably produced palm oil is not something this label can guarantee.

CHRISTIAN SCHLIEEMANN-RADBRUCH
IS CO-DIRECTOR OF ECCHR’S BUSINESS AND HUMAN RIGHTS PROGRAM.
Climate justice in Indonesia—Challenges and opportunities

LAURA DUARTE REYES
IN CONVERSATION WITH PARID RIDWANUDDIN

LDR
In January 2023, four residents of the island of Pari submitted a lawsuit against the Swiss company Holcim, supported by ECCHR, HEKS and WAHLI. How will the complaint improve the situation of the plaintiffs?

PR
By supporting the lawsuit, WALHI aims to share the message that it is possible for affected people in the Global South to sue big polluters and big carbon emitters in the Global North. The Parties to the United Nations Convention on Climate Change have to keep their promise and limit global temperature rise to below 1.5°C above pre-industrial levels.

LDR
In October 2023, the Regional Court in Zug in Switzerland approved the request for legal aid from Asmania, Arif, Edi and Bobby, thereby affirming the human right of access to independent courts in Switzerland for people from the Global South. Since the plaintiffs are particularly affected by the consequences of climate change, this lawsuit is crucial, as it recognizes the damages the plaintiffs have suffered and could lead to long-term solutions for each of them.

PR
How has the lawsuit been perceived in Indonesia?

LDR
After the court’s decision to provide legal aid for the plaintiffs, the wider public in Indonesia understood that Swiss courts have taken a first step towards upholding the right to access to justice of those most affected by the climate crisis.

LDR
How do you plan to continue your struggle for climate justice in Indonesia?

PR
WALHI is currently pushing for the Climate Justice Bill, as an important part of the long struggle to realize climate justice in Indonesia. This bill will mainstream mitigation and adaptation measures, as well as state and corporate accountability efforts, to pay for climate-related loss and damages.

LDR
How can allies in the Global North support you and the plaintiffs?

PR
Allies in the Global North can lobby their governments to a) urge the Indonesian government to ensure the protection of Pari Island and thousands of other islands at risk of being submerged; b) push the Indonesian government on the Climate Justice Bill; and c) do everything in their power to prevent a global temperature increase.

PARID RIDWANUDDIN IS A CLIMATE ACTIVIST AND THE COASTAL AND MARINE CAMPAIGN MANAGER AT WALHI (FRIENDS OF THE EARTH INDONESIA). LAURA DUARTE REYES IS A LEGAL ADVISOR IN ECCHR’S BUSINESS AND HUMAN RIGHTS PROGRAM.
MAURICIO BLEYNAT

AND A SMALL GROUP OF FARMERS
FROM GUAMÍN, WITH THE SUPPORT OF
THE AGROECOLOGIST EDUARDO
CERDÁ AND THE LOCAL SECRETARY
OF ENVIRONMENT MARCELO SCHWERDT,
STARTED TO WORK WITH EXTENSIVE
AGROECOLOGY IN 2014.

THIS LED TO THE FORMATION OF
RENAMA (NATIONAL NETWORK
OF MUNICIPALITIES AND COMMUNITIES
PROMOTING AGROECOLOGY), A
NETWORK OF 29 GROUPS AND 40
MUNICIPALITIES TODAY.

JULIA MENSCH
"CARTOGRAFÍA DE UN
EXPERIMENTO A CIELO ABIERTO"
2017—2022
Countering impunity at the structural level

International law derives its credibility from the principle that it should be applied equally and universally across the globe. Nonetheless, double standards continue to persist in its application. Whether dictatorships or democracies, powerful countries and their leaders often succeed in shielding themselves from prosecution for international crimes, such as torture, conflicted-related sexual violence and other crimes against humanity.

ECCHR’s International Crimes and Accountability team works to counter impunity and such double standards in various legal forums, including international and national courts, as well as under the principle of universal jurisdiction. To fight against injustice at the structural level, we work closely with affected people to focus our efforts on widespread and systematic crimes in conflict regions, as well as perpetrators higher up the command chain.

Beyond our casework, we collaborate with investigative groups to develop and strengthen new methods of gathering and securing evidence of human rights violations. We have also pushed for legislative changes and improvements in Germany’s UJ laws.
Until 40 years ago, Argentina was ruled by one of the most brutal military dictatorships in South America. Thousands of people fell victim to it. Since the early 2000s, Argentina has taken major steps in bringing these crimes to trial. However, that struggle for truth, memory and justice is now in peril. With the election of Javier Milei’s extreme-right government, the country is now facing multiple threats of an authoritarian backlash. Such difficult moments remind us, once again, that transnational human rights work must ally itself with activists, survivors and partners in Argentina. Since its creation, ECCHR has been committed to the pursuit of justice in Argentina, in particular for crimes committed during the dictatorship involving German individuals or companies.

“Truth, memory and justice will always be possible”

Since 2018, ECCHR has supported Anahí Marocchi’s criminal complaint in Berlin against Luis Kyburg for the murder of Marocchi’s brother and at least 18 others. Kyburg was a former German-Argentine naval officer living in Berlin, who was involved in crimes committed in 1976–77 while he was second-in-command of a naval unit in Mar del Plata. His German citizenship precluded his extradition to Argentina, but German authorities did open a criminal investigation against him. Finally, in November 2023, the Berlin Prosecutor General’s Office indicted Kyburg on 23 counts of murder, only to discover that he had already died in October at the age of 75.

In this surprising and unfortunate outcome, Kyburg benefited from what is referred to in Argentina as “biological impunity”—his acquittal was awarded not by a court of law but, rather, by the relentless passing of time, combined with the slow pace of justice. While Argentina has made outstanding progress in prosecuting dictatorship crimes, many suspects have yet to be charged, and even more survivors and families still await justice.

“Kyburg benefited from biological impunity”

Such is also the case with a former executive of Mercedes-Benz Argentina, Juan Ronaldo Tasselkraut, who is accused of involvement in the kidnapping of Mercedes-Benz trade unionists in 1977 (see the contribution by CELS p. 23). If biological impunity does not spare him, Tasselkraut will finally face trial in 2024 in Argentina—24 years after lawyer Wolfgang Kaleck filed a separate case against him in Germany.

Without the tireless work of survivors, activists, human rights and civil society groups, independent prosecutors, and judges, these cases would not have been possible. Through their enduring collaborations, hope still remains that, even in dark times, truth, memory and justice will always be possible.

SILVIA ROJAS-CASTRO IS A LEGAL ADVISOR IN ECCHR’S INTERNATIONAL CRIMES AND ACCOUNTABILITY AND BUSINESS AND HUMAN RIGHTS PROGRAMS.
The Islamic Republic will fall—eventually!

**SUSANN HENTSCHEL IN CONVERSATION WITH GILDA SAHEBI**

Jamshid Sharmahd is a German citizen who has been sentenced to death in Iran. ECCHR is supporting his daughter Gazelle Sharmahd in her efforts to obtain justice for her father by filing a criminal complaint with the German Federal Public Prosecutor.

**SH**

What kinds of repressive measures did the regime use in response to the Jin Jiyan Azadî protests that followed the state murder of Jina Mahsa Amini?

**GB**

The Iranian regime crushed the protests using violence, fear and intimidation. People, including many children and young people, were murdered on the street and hanged in prisons. Relatives of protesters were imprisoned, murdered and harassed. Political prisoners in detention centers are subjected to all kinds of violence. There is no crime that the regime would shy away from in order to stay in power.

**SH**

What can criminal complaints against high-ranking members of the Iranian judiciary and intelligence service, such as in the Sharmahd case, achieve?

**GB**

A state of absolute impunity prevails in Iran. Human rights are systematically violated; the regime does not even spare children from its violence. This system is only possible because the people who order or commit these crimes do not have to fear any consequences. The assurance of impunity is a crucial factor in maintaining the entire system. If only one person were to be held accountable for their actions, this would be an irritation to the stability of the brutal system of the Islamic Republic.

**SH**

What does the Iranian opposition expect from the German judiciary and the German government?

**GB**

People who oppose the dictatorship feel completely abandoned by Western governments such as the German government. The multiple window-dressing speeches given by German politicians have thus far not been followed by any policy changes regarding Iran, which is what many people in Iran had hoped for.

“A state of absolute impunity prevails in Iran”

**SH**

The Jin Jiyan Azadî protests have changed Iranian society and shaken the regime, but it is still firmly holding onto the reins of power. What will happen next? What gives you hope?

**GB**

The resistance of the people in Iran will lead to the collapse of the regime—eventually. It is impossible for a state to remain in power in opposition to its own people in the long term. At the moment, the dictatorship rules by force alone. The people of Iran are waiting. They will take every opportunity to rise up and liberate the country. They are not willing to see generation after generation grow up in bondage and agony. The will of the people remains unbroken. The Islamic Republic will one day fall because of this will.

**GILDA SAHEBI IS A JOURNALIST, AUTHOR AND DOCTOR AND WRITES REGULARLY ON IRAN. SUSANNE HENTSCHEL IS PART OF ECCHR’S MEDIA AND COMMUNICATION TEAM.**
Russia’s full-scale invasion of Ukraine has provoked an unprecedented reaction from the Western international community and its allies in the realm of international criminal law. In record time, the International Criminal Court opened an investigation, and third countries, such as Germany, Poland and France, followed suit, flanking investigations already underway in Ukraine. The aim is to secure evidence in real-time and lay the foundations for future prosecution. While this enormous activation of resources by the West has rightly been criticized as selective justice against the backdrop of ongoing impunity for its own violations of the law in Afghanistan and Iraq, the scale and seriousness of the crimes committed in Ukraine leave no room for doubt that they must be investigated and punished. Instead of lapsing into relativism, attention must be given to all situations where crimes under international law have occurred—a position that is also widely promulgated by many Ukrainian NGOs. They themselves are all too familiar with the lack of interest shown by the international public, as the conflict in eastern Ukraine, which has been smoldering since 2014, only received marginal attention for years.

But what have the efforts against impunity achieved so far? It is clear that simply paying attention to the events in Ukraine has in itself already made a difference. Although the investigations underway do not seem to be deterring the Russian armed forces from committing war crimes—as the ongoing attacks on the civilian population make painfully clear—every investigative step increases the likelihood of future trials and is also a statement against indifference. Instead of looking away, the injustices remain in view. Concrete results are also already evident, even when ongoing investigations are mostly carried out in secret. Several third countries have announced that they are investigating crimes against their own nationals, and Ukraine is also conducting a series of trials against Russian soldiers—although the speed of convictions in some cases has raised concerns about the rule of law. The International Criminal Court sent a strong signal against impunity by issuing an arrest warrant against Putin and his Children’s Rights Commissioner Lvova-Belova for the deportation of Ukrainian children as an alleged war crime, bringing crucial attention to a vulnerable group. Children suffer the brunt of conflicts all over the world, but their fate is too rarely the focus of criminal prosecution.

What may be impressive on a structural level often only has an abstract significance for the individual case. When we advise those affected by war crimes on legal action, we often are left with no other option than pointing toward the vague possibility of future prosecution. Even in the most well-documented war in the world, it cannot be taken for granted that suspects will be identified, and even if they can be named, this is no guarantee that investigating authorities will take action.
INTERNATIONAL CRIMES AND ACCOUNTABILITY

The criminal complaint we filed with the Ukrainian Legal Advisory Group in Germany on conflict-related sexual violence led to sobering results. The Federal Public Prosecutor’s Office saw no reason to investigate, even though the reported crime can only be prosecuted in Ukraine in an incomplete fashion. And even if an investigation leads to an arrest warrant despite these difficulties, then the question still arises if it will be carried out, which itself presents new obstacles. Prospects for swift results are only realistic if such decisions are supported by a majority of countries worldwide. The case of Putin is emblematic: the South African government initially announced that it would not arrest the Russian president if he were to travel to the country for the BRICS summit. Only by virtue of Putin’s decision to attend the summit via video conference, was South Africa able to avoid a conflict with its legal obligation as an ICC member state to execute the arrest warrant against him.

“The hypocrisy of the west in the application of the law must end”

The conflict clearly shows that it is not enough for the West to unilaterally mobilize resources, as long as it fails to make a credible commitment to impartial prosecution and, thus, increase the legitimacy of its decisions. States such as China and Russia are now using the concept of double standards to accuse the West of hypocrisy in the application of the law and, on this basis, to claim impunity for their own breaches of it. The brutal attack by Hamas and Israel’s subsequent military response, which has brought unimaginable suffering to the Palestinian civilian population, has once again put the system to the test. One-sided reactions again only serve to conjure the impression of bias, for example, when the German Federal Public Prosecutor’s Office conducts investigations against Hamas on its own authority, but leaves it in the hands of a subordinate authority to investigate the death of a German-Palestinian family during the course of Israeli attacks. One thing is certain: such inconsistencies jeopardize the legitimacy of international criminal justice, and this is something which must be prevented. Not only for the benefit of the people in the Middle East or Ukraine, but also for all those affected by international crimes worldwide.

ARNE BARDELLE IS A LEGAL ADVISOR IN ECCHR’S INTERNATIONAL CRIMES AND ACCOUNTABILITY PROGRAM.
ECCHR’s role in international legal reform in Germany

JOUMANA SEIF

This March marks the 13th anniversary of the Syrian people’s revolution against the dictatorial Assad regime. These were and continue to be long years of pain and suffering due to the slow response of criminal justice and the international community’s failure to end crimes against humanity in Syria.

Despite the tragic situation, it is essential to acknowledge the positive developments in accountability efforts in Germany over the past years, as well as the significant role of civil society in general and ECCHR in particular, with their dedicated efforts to fight for justice.

Before the Koblenz trial on state torture in Syria began, witness testimony supported by ECCHR contributed to the issuance of arrest warrants for the accused, Anwar R. and Eyad A. ECCHR also supported and ensured the participation of numerous survivors as co-plaintiffs, witnesses and experts during the trial, as well as worked to bridge the gap between Syrian civil society and German court procedures that limited accessibility to the proceedings for the both the Syrian and international communities.

ECCHR’s efforts, however, did not stop there. They continued to identify issues and gaps in German law that became apparent during the trial.

In March 2022, on the 20th anniversary of the entry into force of the German Code of Crimes against International Law (CCAIL), ECCHR published its analysis of the implementation of the CCAIL, based on experience from Koblenz and other trials, calling for legal reform. ECCHR stressed the importance of closing significant gaps in the law, concerning, among other things, forms of sexual and gender-based violence and the requirements for establishing the crime of enforced disappearance, which hindered charges against the accused in the Koblenz trial.

The analysis also called for reforming the German Code of Criminal Procedure with respect to civil party representation, which would enhance the role of survivors, as well as access to and documentation of trials, court review of prosecutorial discretion, and the issue of functional immunity.

“Civil society must play a pivotal role in future cases”

After the analysis was published, the German Ministry of Justice responded by drafting a document containing several of ECCHR’s proposals, while announcing the launch of a legislative reform process in February 2023. This reaffirms the pivotal role of civil society not only in ongoing trials but also in future cases.

JOUMANA SEIF IS A LEGAL ADVISOR IN ECCHR’S INTERNATIONAL CRIMES AND ACCOUNTABILITY PROGRAM.
The neglected atrocities of Afrin, Syria

HELENA KRÜGER

In January 2018, the Turkish army and allied armed militias invaded the northern Syrian region of Afrin. Following intensive aerial bombardment, which struck residential areas and other civilian infrastructure in particular, a ground invasion ensued. Since then, within the context of the military operation “Olive Branch,” the militias have persecuted and forcibly displaced the region’s predominantly Kurdish population. More than 300,000 residents have been driven from their homes and robbed of their livelihoods.

Although Afrin is now officially administered by Syrian local councils, Turkey has de facto been in control of the region since March 2018. The armed Islamist militias, which previously committed crimes in many places under the umbrella of the Syrian National Army, have established arbitrary rule. With Turkey’s knowledge, they have committed systematic atrocities ever since: driving Kurds from their homes, looting their property and deliberately settling internally displaced persons, along with their own families, in Afrin. Arbitrary arrests, torture, sexual violence and killings have become routine in everyday life.

“The involvement of NATO member states in international crimes must be investigated”

Their suffering has thus far remained a blind spot in the investigation of international crimes committed by all parties since the beginning of the armed conflict in Syria.

Exactly six years after the crimes began, ECCHR and partner organization Syrians for Truth and Justice (STJ) filed a criminal complaint together with six survivors of these crimes. The complaint addresses human rights violations committed by the armed militias in Afrin, arguing that they legally qualify as war crimes and crimes against humanity.

HELENA KRÜGER IS A LEGAL ADVISOR IN ECCHR’S INTERNATIONAL CRIMES AND ACCOUNTABILITY PROGRAM.
Jury indictment

Luis Esteban K y b u r g
born on [Redacted] in Catamarca/Argentina,
residing at [Redacted],
citizenship: Argentine and German,
marrried,
no criminal record,
[Federal Central Criminal Register extract attached]
is c h a r g e d ,
in Mar del Plata/Argentina
during the time period from 26 August until 12 January 1977
on 23 counts of
acting in concert
in a treacherous manner, to conceal another criminal
offense and, with otherwise base motives, to have killed
a person.

The accused is charged
with the following

As an officer of the Argentine Navy and second-in-command
of the tactical diver unit at the military base in Mar
del Plata/Argentina, between 26 August 1976 and 12 Janu-
ary 1977, the accused, acting in concert with other
members of the unit, other high-ranking military per-
sonnel, along with members of state security servi-
ces, with the aim of combating “so-called subversion,”
was responsible for the killing of 23 alleged or actual
left-wing opposition members within the context of
secret joint military operations.

THE 23 VICTIMS WERE:
OMAR ALEJANDRO MAROCCHI
FERNANDO HALLGARTEN
LAURA SUSANA MARTINELLI
CARLOS OLIVA
NORA INÉS VACCA
LIDIA ELENA RENZI
ALBERTO VICTORIANO D’UVA
SUSANA HAYDEE VALOR
OMAR TRISTÁN ROLDAN
DELLA ELENA GARAGUSO
LILIANA BEATRIZ RAMONA RETEGUI
PATRICIA EMILIA LAZZERI
MÁRÍA LILIANA IORIO
JORGE AUDELINO ORDOÑEZ
NORMA SUSANA HUDER OLIVERI DE PRADO
PATRICIA MABEL GAITAN
GUSTAVO EDUARDO STATI
ELENA ALICIA FERREIRO
ALBERTO JOSÉ MARTINEZ
DAVID MANUEL OSTROWIECKI
MARIO D’FABIO FERNANDEZ COLMAN
ADRIÁN SERGIO LÓPEZ
ROBERTO JOSÉ FRIGERIO
MECHI MÉNDEZ
A NURSE AT GARRAHAN CHILDREN’S HOSPITAL, WITNESSED THE HARMFUL EFFECTS OF AGROTOXINS ON CHILDREN’S HEALTH IN MONOCULTURE AREAS. SHE ORGANIZED TALKS, INVITED EXPERTS, AND CREATED A YOUTUBE CHANNEL TO SPREAD AWARENESS ABOUT THE CONSEQUENCES OF THIS ECOCIDAL MODEL.

JULIA MENSCH
“CARTOGRAFÍA DE UN EXPERIMENTO A CIelo ABIERTO”
2017—2022 →

Border Justice

III.
Resisting pushbacks and the entrenchment of the border

EU external borders increasingly function as zones of rightlessness. They serve as sites for off-the-books human-processing, where people on the move are detained, forcibly disappeared and then pushed back across the border. At the same time, border policing continues to extend its reach: outwardly, into the southern Mediterranean Sea, and internally, into Europe’s urban centers.

The recent sweeping EU migration and asylum reforms will only serve to further dismantle human rights and refugee protections, systematizing detention-like conditions for all asylum-seekers. The bulk of screening and processing centers will soon be relocated to the border, spaces starkly criticized for their disregard of oversight mechanisms. The aim is for people to be more swiftly and efficiently processed out of the EU—what is likely to amount to a machinery for large-scale “paper pushbacks.” Inside the EU, those suspected of lacking a valid visa may be detained, a practice certain to encourage rampant racial profiling.

ECCHR’s Border Justice team targets its efforts at combatting illegal border practices. We fight to protect the rights of people on the move and support pushback survivors in national and international legal proceedings, as well as in speaking publicly about their experiences.
In 2018, 152 states agreed on the Global Compact on Safe, Orderly and Regular Migration, “urging cooperation in protecting migrants.” Only Hungary, Poland, the Czech Republic, Israel and the US voted against it, and the EU Commission expressed its “strong support” for “a humane, dignified and secure mechanism for governing human mobility.”

Yet, nothing changed. In June 2022, more than a hundred black men died or disappeared in a Spanish-Moroccan joint border operation during the “Melilla Massacre,” but two weeks later the EU renewed its partnership with Morocco. In June 2023, over 600 people died in the Pylos shipwreck in Greece—because of European coast guards’ actions, according to a Forensic Architecture investigation.

In December 2023, EU member states agreed on the New Pact on Migration and Asylum, reforming the EU migration and asylum laws (CEAS), officially to “reduce pressure on the EU and prevent loss of life” in a “fair and pragmatic way.” The agreement was described as “historical,” “a proud testament to the fact that Europe can deliver solutions on the issues that matter most to citizens.”

In fact, the Pact will make borders more lethal, reduce access to rights, and systematize detention: the exact opposite of the UN Global Compact’s pledges. It systematizes structures already in place in the Greek hotspots, Spanish Canary Islands or Lithuanian borders, from which we know those systems are neither quick nor fair. They will not stop movement, but only generate more suffering and rightlessness.

“The EU Pact entrenched a policy akin to transatlantic slavery”

At the 10th commemoration of the deadly 6 February 2014 pushbacks in Ceuta, security expert Viviane Ogou underlined: migration is a social issue and the EU responds militarily, making migrants vulnerable and exploitable on labor markets such as strawberry-picking in Southern Spain. Lawyer Patricia Fernández said the Pact entrenched a policy akin to transatlantic slavery: only the strongest will survive the trip to work the hardest jobs without any rights or protection.

In a postcolonial world, the Pact may serve to reassure EU citizens that they are better and rightly have more, and that those challenging the unfairness of our global system through their movement deserve to be locked away and punished, or left to die.

We disagree. And we will keep fighting, even with laws that continue to become less and less fair.
The voices of refugees and migrants are not being heard

ABBY D’ARCY

After a panel discussion last month on border violence, a survivor we work with, Parvin A., addressed a Member of the European Parliament asking whether refugees and migrants had been consulted in the migration and asylum reforms recently negotiated by the staggeringly majority-white European Parliament. “Were we at the table?” she asked. “These laws directly affect people like me. We should have a say.” The answer was unsatisfactory: The MEP handed us a business card and quickly left.

Holding onto the card, we were unsure: Was this an opportunity won or lost? The MEP had clearly felt uncomfortable in response to the anger expressed. But this is not the time for mildness. When people are denied rights and justice, we cannot expect kindness in return. The voices of refugees and migrants are not being heard. More than that: They are treated as though they have no voice at all.

Migration stories are top of the agenda, but both in political circles and in the media, the voices of refugees and migrants are routinely side-lined where instead they should be consulted as experts and recognized as political actors in their own right. Narratives exploring their extraordinary stories of power and resilience would offer more valuable insight than their common depiction as victims or criminals, which dangerously condones a disregard for migrants’ rights and is easily weaponized into policy treating migrants as disposable.

That’s why my work intends to support migrants to be heard in more meaningful ways, not only in legal fora, but also before the public. For now, these are small steps, working with applicants whose cases we support to help them gain narrative power, and to find their space to speak—be it when talking on panels, to journalists, or on social media.

“To gain narrative power and to find their space to speak”

This means recognizing and trying to renegotiate the traditional power imbalance perpetuated by the media or in events discussing migration, establishing new parameters for interviews and discussions which take full consideration of the priorities and concerns of the applicants. It means agreeing on boundaries and finding strategies for questions that do not re-traumatize applicants—and keeping those boundaries intact. And it means exploring alternative storytelling formats where applicants can more fully determine the published content and can take back the narrative power over their own story.

ABBY D’ARCY WORKS IN ECCHR’S BORDER JUSTICE TEAM AND IN THE MEDIA AND COMMUNICATIONS DEPARTMENT.
“I believe we should defend these rights with everything we have”

SMH was one of the first asylum-seekers who entered Lithuania from Belarus after fleeing Iraq in 2021, when thousands attempted to access protection in Europe via this route. Supported by European leaders who referred to their entry as a “hybrid threat,” Lithuania denied them entry and effective access to asylum by authorizing pushbacks and immediate detention of all who arrived. SMH faced nearly a year of detention in degrading conditions, unable to challenge his treatment or effectively access legal aid, including for the asylum procedure. While detained, he applied on his own to the European Court of Human Rights (ECtHR) about his detention and related violence in Lithuania. Since arriving in Germany, he has continued to pursue this case with the support of Equal Rights Beyond Borders, the Lithuanian Red Cross, and ECCHR.

BJ

Why and how did you bring your case to the ECtHR?

SMH

Lithuania is like a part of my body now, because I was harmed: I cannot delete or erase it.

During my detention I saw how everyone received the same [asylum] rejection decisions, just with different names. It led me to distrust all parts of the government. I understood they were not interested in bringing justice to the people. Even the courts, which should be independent, were part of the process: They enforced what the government and the immigration authorities wanted. I tried to launch a complaint against my treatment to the Ombudsman’s office, and I got no response. Instead, I was threatened by prison staff who learned about my complaint. One day, I met people working with the Ombudsman’s office who visited [the prison]. I asked how I could change my situation, and they said the only way was the ECtHR.

For two months, I read and prepared my case just on my phone. I had zero idea about the [Convention], but I started reading all the articles. Since they were available in Arabic, I could read them in my mother language. I read how to apply, and it was just a coincidence that a friend who trusted me came into the section where I was detained and managed to bring a laptop inside. We were not allowed to have laptops. So, I used a sheet to isolate my bunkbed and hide the laptop whenever anyone came inside. Then with the help of others I could print the application, sign it, and have it sent outside—all in secret.

After I got my freedom and arrived in Germany, I received a letter that the case had been sent to the government. I couldn’t do it alone because it was getting bigger. That’s why I reached out to ECCHR.
Why is this case important from your perspective?

First of all, this case is about my rights, and Lithuania violated my rights. But this case also represents more than 4,000 people who were detained with me in Lithuania. I am still in touch with many friends, and they want to know about the process and what is happening with the case. They think I am defending them. I believe we should defend these rights with everything we have.

Reforms of Europe’s asylum system will entrench the systematic detention of asylum-seekers at Europe’s borders. We foresee that many might face situations similar to what you faced in Lithuania: long-term detention without effective access to legal support or review. What do you want policymakers and the public to know about a proposal like this?

It’s the wrong decision. Putting people directly into detention before hearing them will make the possibilities for people to express themselves and their stories more difficult. In detention, asylum-seekers are outside the reach of courts and lawyers.

When I was in Lithuania, I saw how this made it even harder to get our rights. I was detained in a prison. Guards told us, “You will never get your freedom.” They used physical and mental pressure to put people under even greater stress than when they had arrived. When I left danger and lost everything in Iraq, I came to something even worse. I was threatened and put in cells with locked doors, just because they didn’t want me to stay in their country. Instead of safety, I received the opposite.

In principle, this is a human rights issue. States say they will give people their rights because they didn’t get them where they were persecuted, but then they take away those rights. It’s like saying, “You can have your rights here, but at the same time we will take them from you.” Why have laws that say they protect the right to apply for asylum, but at the same time take away the rights of people who do?

Under the table, governments and politicians don’t want to accept anyone. They described Ukrainians as refugees, as good, but they describe us as migrants, as different. But we are all under the same laws. That’s racist. The system should be changed, but they are not fixing the problems we already have, and they cannot find a new solution without solving those problems first.

*TO PROTECT THE IDENTITY OF SMH, ONLY THEIR INITIALS ARE PROVIDED.*
Das Living Open Archive bietet Einblicke in das umfassende Fachwissen des ECCHR auf dem Gebiet der juristischen Menschenrechtsarbeit. Es verknpft unterschiedliche Stimmen und Geschichten miteinander, die eines eint: Sie alle bekämpfen strukturalen Unrecht und setzen sich dafür ein, dass Menschenrechtsverletzungen nicht ungeahndet bleiben - egal, wer sie begeht. Es zeigt Berührungspunkte und Parallelen zwischen den juristischen Fällen sowie die größeren sozialen, politischen und historischen Zusammenhänge auf.

Gerechtigkeit für Afrin

Ancestral remains: Why restitution matters

15 Jahre Kampf für die Menschenrechte

Locked In and Out: Decolonizing knowledge

Pathways to Justice for Ukraine
“Even if I can’t move, they can’t keep me silent”

PARVIN A.

This year—yet again—I was prevented from speaking at events because I still don’t enjoy freedom of movement as a basic right. It is super painful. It has been six years now since I left my home country: six long years waiting, or begging, to receive protection at different borders.

Now, I am recognized as a refugee in Germany. Yet the months pass as I continue to wait for my new residence permit to be issued, and still, I cannot travel. But even if I can’t move, they can’t keep me silent.

I’m an Iranian feminist, activist and child psychologist. I’m a survivor of femicide. I lived under the fascist Islamic regime for 25 years and was forced to flee in 2017, arriving in Germany in 2020 after a long and difficult journey.

At the border, my rights have always been worthless. I was violently pushed back six times from Europe, which manages its borders simply through pushbacks based on racial profiling.

“At the border, my rights have always been worthless”

Racial profiling is the method officers use to determine who can move and who cannot. They round up groups of non-white people, hold us secretly in detention centers, and push us back over the border at night in remote locations. They barely look at us, barely talk to us, and never register that we were in Europe.

During my first pushback, I shouted at the Greek officer for hours, asking, “Where are my human rights?” I told him that he must call UNHCR and that I want to apply for asylum. He did nothing.

Another officer asked me: “Do you think our government doesn’t know about this? You do not have any human rights. We do not want you here.” He said, “It’s like you are coming into our home through the window, you should come through the door.” Well, which door exactly? I tried them all.

“When they talk about strong borders, they mean pushbacks”

The President of the EU Commission even congratulated Greece for being Europe’s shield. But a shield is a very blunt instrument. It doesn’t matter what terms people are using: when they talk about strong borders, they mean pushbacks. When they set targets to reduce the numbers of people arriving, they mean more pushbacks. The word “pushback” may sound harmless, but pushbacks bring serious physical and mental harm. And that harm lasts.

PARVIN A. IS A CHILD PSYCHOLOGIST IN GERMANY. SHE FILED A COMPLAINT TO THE UN HUMAN RIGHTS COMMITTEE AGAINST GREECE WITH THE SUPPORT OF ECCHR REGARDING THE SIX VIOLENT PUSHBACKS SHE WAS SUBJECTED TO AT THE GREEK-TURKISH BORDER.
II.

The phenomenon of short-term disappearances during pushbacks

To better analyze how short-term disappearances are central to states’ pushback modus operandi, this section sketches well-established pushback patterns addressed by ECCHR casework. [...]

1 Short-term but secret and incommunicado deprivation of liberty

To effect the expulsions of apprehended PoM before they can access the asylum procedure, states necessarily deprive them of their liberty during pushbacks. In Greece, this manifests in their temporary detention in police or border guard stations—sometimes in adjacent disused vehicles or containers, rather than equipped holding spaces inside. In countries such as Bulgaria or Hungary, temporary detention also takes place in so-called “black sites” where the detention of PoM is altogether denied [...]. And in Croatia, the temporary holding and transport of PoM in windowless police vans is implemented to gather numbers deemed large enough to collectively expel at once. In all contexts, such detention is kept secret and incommunicado, not only to conceal inhumane and degrading conditions, but also to prevent PoM from accessing any person or procedure that could assist them to challenge their impending expulsion. [...]. Such practices obliterate the legal safeguards preventing secret detention laid out in the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) article 17(2).

2 Lack of registration and record-keeping

Because pushbacks are executed outside regular operations for which clear protocols—and therefore associated documentation—exist, they are also marked by a lack of accurate recording of PoM’s treatment. Investigative journalism from Croatia reveals that border officers have been instructed not to record pushback operations, instead communicating with each other and high-ranking officials over channels such as WhatsApp to avoid leaving formal records, and the European Committee for the Prevention of Torture has criticized a lack of full and accessible record-keeping related to pushed back PoM. Similarly, the CPT has for years flagged the lack of recording of PoM detained prior to expulsions from Greece—such that in some cases responsible officers “were not even aware of how many persons were in their care”—as well as tactics of verbal communication between police and relevant ministries carrying out “informal” expulsions. Such strategies intentionally avoid the critical importance of record-keeping as articulated in ICPPED article 17(3). [...]

SUBMISSION TO: THE COMMITTEE ON ENFORCED DISAPPEARANCES AND: THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

ON THE NOTION OF SHORT-TERM ENFORCED DISAPPEARANCE
Institute for Legal Intervention IV.

REMO VÉNICA AND IRMINA KLEINER WERE MEMBERS OF THE AGRARIAN LEAGUES. DURING THE DICTATORSHIP, THEY HAD TO HIDE IN THE CHACO FOREST UNTIL THEY MANAGED TO GO INTO EXILE FOUR YEARS LATER. IN 1984, THEY RETURNED TO ARGENTINA AND CREATED NATURALEZA VIVA, A BIODYNAMIC FARM THAT SHOWS THAT FAMILY AGRICULTURE COULD FEED THE ENTIRE ARGENTINIAN POPULATION WITHOUT AGROCHEMICALS.

JULIA MENSCHE
"CARTOGRAFÍA DE UN EXPERIMENTO A CIELO ABIERTO" 2017–2022
Carving out new legal terrain in the struggle for human rights

ECCHR’s legal casework constitutes a key element in our larger political struggle for human rights. Yet, beyond the courtroom, our legal interventions also work in connection with political movements and campaigns to affect decision-making at the policy level and shape public debates.

Part of the mission of ECCHR’s Institute for Legal Intervention is to hone and assess our interventions from the standpoint of both theory and practice. To this end, we engage in interdisciplinary exchange and collaboration with academics and artists in diverse formats, such as through our Living Open Archive project and the Investigative Commons network. We also host interdisciplinary conferences and exhibitions. These joint efforts aim to carve out new legal terrain in the fight for human rights in the 21st century.

Another core dimension of our institute’s mandate is to develop critical approaches toward structures of power within the law that reinforce conditions of injustice. These approaches are then implemented within our Critical Legal Training (CLT) to train the next generation of human rights defenders. In tandem with ECCHR’s 15-year anniversary symposium on legal interventions last November, over 100 CLT alumn* from all over the world—some of whom are now judges or head their own legal organizations—joined us in Berlin for our alumn* reunion.
The highlight of ECCHR’s 15th anniversary events was an international symposium on 9 November 2023, which brought together over 40 speakers from academia and legal practice, as well as roughly 200 other ECCHR companions, colleagues and alumni from across the world in Berlin. From a variety of perspectives, we sought to shed light on the potentials and limits of the law, critically reflect on our practice and develop further strategies to combat systemic injustice.

The symposium began with remarks from ECCHR General Secretary Wolfgang Kaleck, in which he reviewed developments in transnational legal interventions and described their connection to larger societal debates. Feminist economist Radhika Balakrishnan then discussed the transformative potential of human rights in shaping a just economic policy. Moderator Joshua Castellino (Minority Rights International) emphasized the importance of a concrete utopia of human rights as a guiding principle in the fight for social justice. The panel discussion that followed was dedicated to methodological questions of strategic litigation. It delved into the impacts of legal proceedings, cooperation with affected communities, and critical legal theories. In the afternoon, these considerations were explored in greater depth in six parallel discussion rounds on topics such as climate justice and selectivity in international criminal law. The concluding panel discussion provided an outlook on current challenges in transnational human rights work.

The panelists encouraged the forging of new alliances, exchanging ideas across disciplines, as well as analyzing power structures and their influence on larger social movements. The day ended with short reflections from three of our alumni, along with our long-time partner Eyal Weizman (Forensic Architecture) and ECCHR’s Council Chairwoman Lotte Leicht.

“We sought to shed light on the potentials and limits of the law”

The symposium provided us with a special opportunity to reflect together on what we can achieve using legal means and what other instruments are needed in the fight against structural injustice. The task now is to process and follow up on what we have learned, in order to move closer toward realizing the concrete utopia of human rights.
ECCHR Summer School
How to practice business and human rights?

CLAIRE TIXEIRE

Practicing human rights law cannot be learned in a textbook—especially when it comes to business and human rights. As practitioners navigate the unique challenges on legal, factual, scientific or evidentiary fronts, this is also a field in which new legislation is currently being brought forward at the national and regional level in Europe. Many of the lawyers engaged in business and human rights litigation are pioneers of some sort. Therefore, the value of learning firsthand from one another’s work and strategies is significant.

The intention behind our “International Summer School on Business and Human Rights Practice,” in cooperation with the Centre for Human Rights Erlangen-Nürnberg (CHREN) of the University of Erlangen-Nürnberg (FAU) and the Tilburg Law School, was to create a space to introduce and explore innovative litigation strategies.

“The value of learning firsthand from one another’s work and strategies”

Approximately 30 people attended the summer school, hosted in July at the Erlangen-Nürnberg University, under the leadership of FAU Prof. Markus Krajewski. In addition to featuring external guests and speakers in the field, including ECCHR staff, the week-long program provided over 28 hours of interactive sessions and presentations on strategies, new legislation and pending litigation.

ECCHR was also able to award eight scholarships to practitioners directly recommended by partner organizations. For these eight individuals, we added a Berlin component to the summer school, prior to their participation in the sessions in Nuremberg. The idea was for them to learn about ECCHR’s work and to discuss and critically reflect together on our various experiences as human rights advocates. This was also an opportunity for us to pass on key insights on human rights lawyering that we have developed within our Critical Legal Training and alumni network during the last decade.

“Eight scholarships to human rights practitioners”

The eight scholarship-holders from Rwanda, the Philippines, Italy, Egypt, Costa Rica, Argentina, Syria and Argentina, came to ECCHR to attend a four-day program with the participation of all of our program teams. To our great regret, and despite our best efforts, the visa procedure failed in the case of one of the attendees from Syria.

CLAIRE TIXEIRE DIRECTS ECCHR’S CRITICAL LEGAL TRAINING AND WORKS IN THE BUSINESS AND HUMAN RIGHTS PROGRAM.
Beyond solidarity

Shifting the center of gravity in Global North/South collaborations

KRANTI LC

The digital revolution has had a powerful effect in recent years on cooperative efforts to fight injustice at the transnational level. Yet, while digital tools have democratized access in multiple ways, it was the pandemic that forever altered the notion of what working together could mean.

The coronavirus pandemic achieved something radically different, something that often doesn’t register. It put the North and South, the East and the West, the first and the third world—all of us—on the same clock. Across the world, folks realized in real-time that they were all simultaneously on the receiving end of the “Capital Agenda”—whether in terms of access to medicine, obstructions to building mass movements, or for that matter, freedom of expression.

It was the scale of the pandemic coupled with access to technology that allowed friends, comrades and collaborators across continents and oceans to come to the realization that acting in concert had become an altogether different thing. Engagement had taken on a new form: it had shifted from solidarity to active collaboration.

“The climate crisis calls for swift responses within the law and legal systems”

Until that point in time, the center of gravity of existing collaborations was situated predominantly in the Global North, as both resources and the access they provided were concentrated there. Now, the combination of new technologies with a global public health emergency enabled a political articulation to consolidate overnight in the Global South: the demand to put an end to “vaccine apartheid” crystalized in multiple forums, along with the call for comrades and partners in the North to act together to make this happen. This prompted Global North lawyers to advocate for these time-sensitive expectations from the South against the traditionally slow pace of Northern legal systems. Soon enough, however, activist lawyers in the Global South would have to resign themselves to the fact that their partners in the North were being stymied in their efforts by these systems—and that “vaccine apartheid” was here to stay. In spite of a clear moral imperative, sound epidemiological reasoning, and intensive cooperation in both hemispheres, there was not enough to break the corporate hold on vaccines and, hence, on global public health.
The last quarter of 2023 has only reinforced the helplessness felt during the pandemic. A lot of outrage has merely culminated in slow and inadequate action. At no other point in time in recent history have we felt more compelled to reexamine core struggles—to reassess who is with you and to what extent, and who you want to have around you in the days to come. If anything, these experiences only underscore the need to revisit the anchoring points of Global North/South alliances.

These structures will no doubt be tested even more so by the actions and engagements necessary to respond to the climate crisis, as it shapeshifts at a dizzying speed from a prophecy that would only harm some folks on a distant island, to an everyday reality for the urban poor and large swathes of communities, particularly in the Global South, whose lives are directly bound to their immediate environments.

Like “vaccine apartheid,” the climate crisis must also be understood as the product of the Global North. Conscientious Global North lawyers are thus now litigating against their governments to do more, while confronting Carbon Majors in the language of reparations on behalf of communities in the Global South. It is doubtful, however, whether these actions will be enough. Will new measures be nimble-footed and adequately fast-paced, let alone even portend to alter the course of history and make a realistic bid at saving the futures of generations to come?

The climate crisis calls for swift responses on multiple fronts and, most of all, within the law and legal systems. However, it is unclear whether our legal systems are equipped to respond to the crisis. Many courtrooms in the Global South have robustly responded to peoples’ demands by reinventing the law itself, much to the chagrin of the legal purists of the North. In this regard, a calibrated coming-together of South and North in jurisprudential exercises may prove crucial in figuring out how to import such legal innovations into the jurisprudence of the North—along with how to finally bid adieu to certain Global North jurisprudential fictions. Perhaps the climate crisis will be the death-knell of the numerous legal fictions that sustained and undergirded multiple forms of colonization, allowing it to manifest into the polycrisis of today? The key question, however, that must be addressed is whether we in the Global North can keep moving from a place of solidarity to one of meaningful and accountable collaboration.

KRANTI LC is an ECCHR partner lawyer and was the Executive Director of the Human Rights Law Network from 2014 until 2018. He largely litigates public interest cases focusing on socio-economic rights as well as civil and political rights. He is currently putting together a Global Consortium on Climate Justice Litigation.
Too small a room—Our November Alumn* Reunion

CLAIRE TIXEIRE

On that one day in the year when the office feels too small because it is packed with 100 former ECCHR trainees and fellows, the atmosphere is not just vibrant and fun, but truly meaningful. There is a richness in the room: multiple career paths, fields of work, identities and generations. Everyone shares the experience of having once spent a few months in our office, whether recently or 15 years ago.

“Solidarity across geographical, cultural and social borders”

This is what human rights work should look like: a room filled with diverse, committed individuals ready to horizontally engage on current issues and critically reflect on how to advance the struggle for human rights—and how not to. The reunion is an extension and a highlight of the Critical Legal Training (CLT), which devotes significant resources to hosting, training, supporting and networking with young lawyers and trainees.

As always, while our CLT team shapes the overall direction of the program, we leave the organization of the day’s event to the alumn* themselves. This year’s panel addressed climate litigation at the intersection of movement lawyering and racial justice, where Palesa Madi of the South African Center for Environmental Rights incisively laid out why “the goal of our work is to expand the agency of marginalized communities.” The day included sessions on authoritarianism and democratic backsliding, as well as interactive hands-on sessions on strategic communication.

But the 2023 reunion was profoundly overshadowed by the absence of our four alumn* from Gaza, two of whom were to be featured in our program. To address this absence and its terrifying context, the reunion included a much-needed two-hour conversation on restrictions on freedom of expression and our responsibilities as human rights lawyers when dealing with very divisive narratives and societies. In the words of alumn* Abhinav Chauhan:

“I was particularly grateful for the session on human rights lawyering concerning Palestine following Hamas’ October 7th attacks and Israel’s brutal response. In the context of an increasingly fractured human rights environment in Berlin at the end of 2023, this session provided a valuable space in which to consider the importance of advocating for all marginalized groups in times of oppressive state actions. After weeks of curtailed rights and freedoms—in Gaza as well as in diaspora communities in Germany—it was so warming to hear that many of those affiliated with ECCHR reject the idea that its work should be guided by political convenience and that they uphold ECCHR’s promise to show solidarity across geographical, cultural and social borders.”

CLAIRE TIXEIRE DIRECTS ECCHR’S CRITICAL LEGAL TRAINING AND WORKS IN THE BUSINESS AND HUMAN RIGHTS PROGRAM.
Mariupol, Ukraine
Reconstructing war crimes at a distance

MAKSYM ROKMANIKO

On 16 March 2022, the Russian Air Force conducted an airstrike on the Mariupol Drama Theater. In the lead-up to the attack, the building served as a shelter for thousands of civilians. Hundreds are estimated to have been killed in the blast.

After Russian forces took control of Mariupol, they actively sought to erase evidence related to the strike on the theater and, later, surrounded it with scaffolding and bulldozed the bombed section of the building to the ground. Currently under “reconstruction,” the lack of access to the site, along with the deliberate destruction of evidence, have kept this incident in a gray area for investigative and memory-making practices.

In response, we at the Center for Spatial Technologies (CST) collected and analyzed thousands of photos, videos, and social media posts, and recorded more than 100 hours of interviews with witnesses. In the absence of physical evidence, and with much digital evidence also destroyed, the recollections of the 27 witnesses who sheltered in the theater during the siege of Mariupol became essential primary sources for our research and, potentially, the historical record.

“高 probability of war crimes”

Based on the available information concerning the attack, it can be claimed with a high degree of probability that the attack on the theater was a war crime committed by Russian forces. In all likelihood, the occupiers deliberately targeted civilians who sought refuge in the theater shelter. In this chilling example of the systematic use of urban terror, the killing of civilians appears as a strategic component of Russian imperialist warfare.

We also invited 10 witnesses to participate in further interview sessions conducted using the technique of “situated testimony” developed by our partner organization, Forensic Architecture. The collaborative reconstruction process allowed survivors to walk through a virtual model to facilitate the recollection of memories and fill in missing details.

“高 organized commune forged in an act of resistance”

The model became a living archive and assemblage of collective memory, as well as a commemoration of what was destroyed — an entire city within a single building and a self-organized commune forged in an act of resistance.

During the project, CST approached ECCHR to request a legal analysis of the attack. ECCHR’s report analyzes the legal dimensions of the incident, specifically addressing the question of the potential criminal status of the assault and the individual criminal responsibility of those involved in it under the provisions of the Rome Statute of the International Criminal Court.

MAKSYM ROKMANIKO IS DIRECTOR AT AT THE CENTER FOR SPATIAL TECHNOLOGIES, WHICH IS PART OF THE INVESTIGATIVE COMMONS NETWORK.
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SCHOLARSHIPS HELP US TO MAKE THE CLT POSSIBLE, ESPECIALLY FOR APPLICANTS WITH FINANCIAL AND RESIDENCE BARRIERS. SINGLE TRAINEESHIPS ARE FUNDED BY LAW FIRMS, WE WANT THERE TO BE MORE.
RODOLFO PÁRAMO
WAS ONE OF THE FIRST PHYSICIANS IN ARGENTINA TO RAISE CONCERNS ABOUT THE HEALTH IMPACTS OF AGROCHEMICALS. HE NOTICED ALLERGIC REACTIONS IN PATIENTS EXPOSED TO GM CROPS AND A HIGH INCIDENCE OF CONGENITAL MALFORMATIONS IN BABIES DURING THE SPRAYING SEASON.
DESPITE HIS EFFORTS, GLYPHOSATE HAS YET TO BE BANNED ENTIRELY IN ARGENTINA.

JULIA MENSCH
“CARTOGRAFÍA DE UN EXPERIMENTO A CIELO ABIERTO”
2017—2022 ➔

Appendix V.
Germany

- Criminal complaint against judicial authorities in Iran
  Criminal complaint filed with the Federal Public Prosecutor against eight high-ranking members of the Iranian judiciary and secret service in support of Jamshid Sharmahd, a German citizen sentenced to death in Iran.
  **SUBMITTED: 21 JUNE 2023**
  **FEDERAL PUBLIC PROSECUTOR, GERMANY**

- Sexual violence by members of the Russian armed forces
  Criminal complaint, submitted jointly with the Ukrainian Legal Advisory Group (ULAG), in support of a survivor of sexual violence against two Russian soldiers and two of their superiors concerning war crimes and crimes against humanity.
  **SUBMITTED: 22 JUNE 2023**
  **FEDERAL PUBLIC PROSECUTOR, GERMANY**

Israel/Palestine

- War crimes in Gaza 2009/2018
  Amicus curiae brief submission on the absence of any other prosecution of alleged Israeli international crimes committed in Gaza in 2009 and 2018.
  **SUBMITTED: DECEMBER 18, 2023**
  **INVESTIGATING JUDGE AT THE FEDERAL COURT OF JUSTICE IN BUENOS AIRES, ARGENTINA**

Switzerland

- Rising sea levels:
  An island fights against its demise
  Four residents of Pari island, filed a civil lawsuit against the cement giant Holcim at a Swiss Court. They are demanding that Holcim significantly reduce its CO2 emissions, pay compensation for loss and damages already incurred, as well as finance urgently needed flood protection measures on the island.
  **SUBMITTED: 31 JANUARY 2023**
  **CANTONAL COURT OF ZUG, SWITZERLAND**

- Submission by the four plaintiffs in response to Holcim’s arguments against their request for legal aid.
  On 16 October 2023, the Cantonal Court of Zug sided with the plaintiffs and granted them free legal aid.
  **SUBMITTED: 16 JUNE 2023**
  **CANTONAL COURT OF ZUG, SWITZERLAND**

France

- Indigenous and land rights under the French Loi de vigilance Law
  Submission of a legal brief before the Paris Court of Appeals in response to French energy company Electricité de France’s legal arguments in the civil lawsuit brought against the company by members of the Mexican indigenous community Unión Hidalgo.
  **SUBMITTED: 2 OCTOBER 2023**
  **PARIS COURT OF APPEALS**

Germany

- Risks to health and safety in factories in Bangladesh
  Complaint, supported jointly with Femnet, by the Bangladeshi trade union NGWF against Amazon and Ikea for possible violations of due diligence obligations under the German Supply Chain Act.
  **FILED: 24 APRIL 2023**
  **FEDERAL OFFICE FOR ECONOMIC AFFAIRS AND EXPORT CONTROL (BAFA), GERMANY**

Switzerland

- Corporate responsibility for pesticide poisoning
  Comprehensive counterplea to the statement of defense and further correspondence regarding the ongoing claim for damages against the Swiss pesticide manufacturer Syngenta submitted on behalf of the three plaintiffs from Maharashtra, India.
  **SUBMITTED: 27 APRIL 2023 AND 28 NOVEMBER 2023**
  **CIVIL COURT OF BASEL-CITY, SWITZERLAND**

France/Syria

- Corporate complicity in crimes against humanity and endangering of employees’ lives
  Submission of legal observations before the French Supreme Court in the Lafarge/Syria criminal complaint. The plaintiffs argue that French labor law is applicable to the employees of Lafarge’s fully controlled subsidiary in Syria, and therefore, the indictment against Lafarge and its corporate executives for endangering its employees lives should be upheld.
  **SUBMITTED: 9 MAY 2023, 12 SEPTEMBER 2023 AND 6 NOVEMBER 2023**
  **FRENCH SUPREME COURT**
**Germany**

- Forced labor in German auto industry: Complaint filed against VW, BMW and Mercedes-Benz
  
  Complaint filed under the German Supply Chain Act against Volkswagen, BMW and Mercedes-Benz for failure to carry out appropriate human rights due diligence in relation to risks of Uyghur forced labor.
  
  **SUBMITTED: 19 JUNE 2023**
  
  **FEDERAL OFFICE FOR ECONOMIC AFFAIRS AND EXPORT CONTROL (BAFA), GERMANY**

**Italy**

- Italy’s responsibility for war crimes in Yemen
  
  With ECCHR’s support, survivors of an aerial attack in Yemen involving Italian arms filed a complaint against Italy with the European Court of Human Rights. They argue that Italy violated their rights under the European Convention on Human Rights by failing to conduct an effective criminal investigation on the responsibility of the arms company RWM and Italian public officials involved in the authorization of arms exports used in the war in Yemen.
  
  **SUBMITTED: 3 JULY 2023**
  
  **EUROPEAN COURT OF HUMAN RIGHTS**

**BORDER JUSTICE**

**Croatia/Slovenia**

- Violent pushbacks of unaccompanied minor
  
  Following statements from both Croatia and Slovenia, further submissions were made on behalf of the Rohingya applicant, an unaccompanied minor who was subject to multiple violent pushbacks from Croatia and a so-called chain pushback from Slovenia.
  
  **SUBMITTED: 6 MARCH AND 26 OCTOBER 2023**
  
  **UN COMMITTEE ON THE RIGHTS OF THE CHILD, SWITZERLAND**

**Spain**

- Ineffective investigations into the deadly 2014 Tarajal pushback
  
  Joint submission to the UN Committee against Torture for its examination of Spain’s 7th periodic report with NGOs Andalucía Acoge and Asociación Elín.
  
  **SUBMITTED: 12 JUNE 2023**
  
  **UN COMMITTEE AGAINST TORTURE, SWITZERLAND**

**Switzerland**

- Enforced disappearances in the context of migration
  
  Submission to the UN Committee on Enforced Disappearances, contributing to its first General Comment on enforced disappearances in the context of migration.
  
  **SUBMITTED: 15 JUNE 2023**
  
  **UN COMMITTEE ON ENFORCED DISAPPEARANCES**

**Germany/Switzerland**

- German colonial theft: Restitution of human remains and cultural belongings
  
  Joint submission, with Decolonize Berlin e.V., Berlin Postkolonial e.V., Flinn Works, and Initiative Schwarze Menschen in Deutschland Bund e.V. (ISD), to the UN committee on the Elimination of Racial Discrimination for its examination of Germany’s 23rd to 26th State Reports.
  
  **SUBMITTED: 27 OCTOBER 2023**
  
  **UN COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD), SWITZERLAND**

**INSTITUTE FOR LEGAL INTERVENTION**

**Switzerland**

- Lack of gender perspective in proceedings addressing German colonialism
  
  Submission to the OHCHR Independent Expert on sexual orientation and gender identity in response to a Call for Input regarding colonialism, sexual orientation and gender identity.
  
  **SUBMITTED: 26 MAY 2023**
  
  **INDEPENDENT EXPERT ON SEXUAL ORIENTATION AND GENDER IDENTITY, OHCHR, SWITZERLAND**
Ongoing cases and projects

INTERNATIONAL CRIMES AND ACCOUNTABILITY

Austria
- Assad security intelligence chiefs are the focus of judicial investigation
  Austrian authorities are investigating systematic torture in Syria and a former intelligence general. Together with Syrian and Austrian partners, ECCHR supports 16 Syrian survivors, including a potential plaintiff. In 2018, they had submitted a criminal complaint against 36 high-ranking Assad government officials.

Belarus
- Anti-government protests in Belarus
  Since the disputed presidential election in Belarus in August 2020, thousands of citizens have demonstrated across the country. The government responded with substantial violence to quell the protests. Yet, Germany is in a position to take action on the basis of the principle of universal jurisdiction, which is why ECCHR and its partners submitted a criminal complaint with the German Federal Public Prosecutor’s Office in November 2021.

Germany
- The brutal persecution of LGBTQ in Chechnya
  From 2017 to 2020, Chechen security forces arrested, imprisoned, and tortured more than 150 people. Most were gay or bisexual men. Because these crimes committed by the Chechen government have not been addressed at the national level, ECCHR and its partner Sphere Foundation/ Russian LGBT Network filed a lawsuit in Germany in February 2021.

Belarus
- ECHR complaint on airstrike in Kunduz, Afghanistan
  In September 2009, a German army colonel ordered US fighter jets to bomb two tanker trucks and a large group of people in Kunduz. ECCHR supported the case of Abdul Hanan, whose two sons (ages 8 and 12) died in the strike. In February 2020, the Grand Chamber of the European Court of Human Rights heard the case. In February 2021, the court ruled: Germany made mistakes, but ultimately did enough to investigate the case.

Germany
- The brutal persecution of LGBTQ in Chechnya
- First trial worldwide on state torture under President Baschar al-Assad
  The world’s first trial worldwide on state torture in Syria began in Germany. ECCHR supported Syrian torture survivors, who were witnesses and joint plaintiffs in the proceedings. In February 2021, Eyad A. was sentenced to four years and six months in prison for complicity in at least 30 cases of torture. In January 2022, the verdict in the case against ex-colonel Anwar R. was reached: life in prison for crimes against humanity, including the torture of at least 4,000 people and the deaths of 30 people.

Germany
- The brutal persecution of LGBTQ in Chechnya
- ECHR complaint on airstrike in Kunduz, Afghanistan
- First trial worldwide on state torture under President Baschar al-Assad
- The role of Ramstein Air Base in US drone strikes
  In summer 2012, a US drone strike in Yemen killed two members of the bin Ali Jaber family. Because it allowed the US to use Ramstein Air Base for drone strikes, three Yemenis sued the German government with ECCHR’s support. In March 2019, the Higher Administrative Court in Münster ruled in favor of the Yemeni claimants on key points. But in November 2020, the Federal Administrative Court overturned the ruling. In March 2021, those affected submitted a constitutional complaint.

Germany
- The brutal persecution of LGBTQ in Chechnya
- First trial worldwide on state torture under President Baschar al-Assad
- The role of Ramstein Air Base in US drone strikes
  In early November 2023, the Berlin Prosecutor General’s Office (GStA) filed an indictment for 23 counts of murder against former Argentine naval officer Luis Kyburg. The German-Argentine was wanted in Argentina, with a warrant of arrest issued against him, for his involvement in crimes against humanity during the military dictatorship (1976–1983). There will no longer be a trial, as on 16 November 2023 the GStA confirmed Luis Kyburg’s death in October 2023.

Germany
- The brutal persecution of LGBTQ in Chechnya
- First trial worldwide on state torture under President Baschar al-Assad
- The role of Ramstein Air Base in US drone strikes
  In June 2018, the German Federal Court of Justice issued an arrest warrant for the former head of the Syrian Air Force Intelligence Service Jamil Hassan. The warrant, which can be enforced worldwide, is in part the result of four criminal complaints that ECCHR submitted with 24 torture survivors against senior Assad government officials.
Germany
- Sexual violence committed by the Syrian intelligence services is a crime against humanity
  The German justice system should prosecute sexual and gender-based violence in Syrian detention centers for what it is: a crime against humanity. That is the goal of a criminal complaint, supported by ECCHR and partners, which seven Syrian survivors of Assad’s torture system filed with the German Federal Public Prosecutor in Karlsruhe in June 2020.

Italy
- Italy’s responsibility in deadly US drone strike
  In November 2018 eleven members of a Tuareg community in Ubari, Libya, were killed in an US drone strike. Together with relatives of the victims, ECCHR filed a criminal complaint with the Office of the Prosecutor at the Tribunal of Stracca against the commander of Naval Air Station Sigonella. According to a Technical Agreement between the US and Italy drone operations starting from the facility have to be approved by the commanding officer in compliance with international law.

Libya
- Violence against refugees and migrants
  Thousands of refugees and migrants who travel through Libya to seek refuge in Europe are subject to systematic abuse and extensive violence. To end impunity for these crimes, ECCHR and its partners submitted a criminal complaint with 14 survivors to the International Criminal Court in November 2021.

Libya
- Europe’s involvement in crimes against humanity in the Mediterranean Sea
  To stop migrants and refugees from fleeing Libya European Member States and Agencies are closely cooperating with Libyan actors like the so-called Libyan Coast Guard. Interceptions at sea can not be seen as rescue operations. Interceptions of migrants and refugees, their systematic returns to and detention in Libya constitute severe deprivation of liberty as a crime against humanity. In November 2022, ECCHR and partners filed a communication to the International Criminal Court.

Lithuania
- Killing of Lithuanian filmmaker in Mariupol, Ukraine
  To document the reality of Russia’s war in Ukraine, Mantas Kvedaravičius and his partner traveled to Mariupol in the spring of 2022. There he was arrested and killed while trying to evacuate civilians from the besieged city—presumably by Russian-backed forces. Lithuanian authorities are investigating the case. ECCHR is supporting the deceased’s partner in her efforts to bring the case to justice.

Norway
- Syrian torture survivors demand justice
  With the support of ECCHR and its partners, five Syrian torture survivors from Syria submitted a criminal complaint in Norway. It focuses on 17 high-ranking intelligence and military officers who were directly involved in or ordered torture, rape and murder.

Philippines
- Sexual violence in World War II
  During World War II, women in the Philippines were sexually enslaved on the orders of the Japanese military. ECCHR and Filipino partners submitted a complaint to the UN in 2019 demanding that the Philippines finally support members of the Malaya Lolas survivors’ organization in their fight for compensation from Japan.

Sweden
- Europe’s role in fighting impunity for torture in Syria
  Following criminal complaints in Germany and Austria, nine witnesses, together with ECCHR and Syrian and Swedish partners, filed a similar complaint against senior Syrian government officials in Sweden in February 2019. They are accused of committing and ordering torture, war crimes and crimes against humanity. The investigation is ongoing.
BUSINESS AND HUMAN RIGHTS

China
- Uyghur minority subjected to alleged forced labor
  Tens of thousands of Uyghurs in Xinjiang (China) are allegedly forced to work in the textile industry, cotton harvesting, or garment manufacture. European fashion brands and supermarkets also have or had sourced products from the region, according to their supplier lists. Therefore, in 2021, ECCHR submitted criminal complaints in Germany and the Netherlands, supported a complaint in France, and requested that the authorities investigate the companies’ alleged complicity.

Europe
- ICC communication concerning corporate complicity in the Yemen war
  ECCHR and international partner organizations submitted a communication to the International Criminal Court in December 2019 to determine corporate and state actors’ responsibility in alleged war crimes in Yemen. It focused on weapons manufacturers from France, Germany, Italy, Spain and the UK, including Airbus, Leonardo and Rheinmetall.

France
- Lafarge charged for doing business with armed groups in Syria
  The French cement conglomerate Lafarge (now Holcim) is said to have financed the Islamic State to maintain its production facilities in Syria, thereby contributing to crimes against humanity. Since 2016, the French courts have been investigating the company and its executives for financing terrorism and endangering the lives of its workers. Former Syrian employees filed a criminal complaint with ECCHR’s support in 2016. In September 2021, the French Supreme Court ruled that Lafarge can be charged with complicity in crimes against humanity. In May 2022 the responsible court in Paris upheld the Supreme Court’s ruling and a trial could be opened in the near future.

France
- French arms sales to Saudi Arabia and the United Arab Emirates
  In September 2021, ECCHR, French organizations and investigative journalists called on the Paris Administrative Court to require French customs authorities to disclose information regarding the export of military equipment, training, and maintenance services to Saudi Arabia and the United Arab Emirates that could be used to commit war crimes in Yemen.

France
- Complicity in war crimes in Yemen by French arms manufacturers
  In June 2022, ECCHR and partners filed a criminal complaint with the Judiciary Tribunal in Paris. The French arms manufacturers Dassault Aviation, Thales and MBDA France are accused of aiding and abetting possible war crimes in Yemen through their continued arms exports to Saudi Arabia and the United Arab Emirates.

Germany/Europe
- Effective application of the German Supply Chain Act
  At the beginning of January 2023, the German Supply Chain Act (LkSG), which was passed by the Bundestag in the summer of 2021, finally came into force. For the first time, this provides an instrument to hold companies accountable for human rights violations and environmental destruction along their supply chains. ECCHR had lobbied for such a law together with the Initiative Lieferkettengesetz, which was founded in 2019. However, the law that has now come into force does not go far enough. For example, it only applies to very large companies and does not provide for civil liability. ECCHR is committed to implementing and reforming the new law in the interest of rights holders in the Global South and supports the civil society campaign for a strong European directive on corporate responsibility.

Germany
- TÜV SÜD’s role in the Brumadinho dam failure
  The January 2019 dam breach near Brumadinho, Brazil, killed 272 people. Only four months earlier, the Brazilian subsidiary of German certifier TÜV SÜD declared the dam to be stable. In order to determine TÜV SÜD’s shared responsibility, five Brazilians and ECCHR filed a complaint against TÜV SÜD and one employee with the Munich Public Prosecutor’s Office in October 2019. The Public Prosecutor’s Office initiated investigations. ECCHR partner lawyers are representing family members in criminal proceedings.
Italy

- The role of European arms manufacturers in war crimes in Yemen

In August 2016, a pregnant woman and her four children were killed in Yemen in an airstrike by the military coalition led by Saudi Arabia and the United Arab Emirates. ECCHR and partners from Yemen and Italy filed a criminal complaint in Rome in 2018 to establish the shared liability of RWM Italia, a subsidiary of German arms manufacturer Rheinmetall, and Italian arms export authorities for the incident. In October 2019, the Public Prosecutor’s Office requested that the case be dismissed. But the court granted ECCHR’s appeal, despite clear evidence the preliminary investigation was closed in March 2023, due to the inability to prove the intent of the accused.

Turkey

- Surveillance software “made in Germany” for Turkish authorities?

Turkish police can surveil cell phones with a few clicks, thanks to FinSpy software “made in Germany.” In March 2022, FinFisher, the manufacturer of the spyware, had to file for bankruptcy following a criminal complaint by the Gesellschaft für Freiheitsrechte, Reporters Without Borders, the blog netzpolitik.org and ECCHR. In May 2023, the Munich Public Prosecutor’s Office brought charges against four managers of the corporate group.

Netherlands

- RWE sues Netherlands over coal phase-out

In December 2019, the Dutch parliament voted to phase out coal. The country thus intends to ban the burning of coal for power generation beginning in 2030, also in order to comply with the Paris Climate Agreement. This decision also obligates energy company RWE to stop burning coal at its Eemshaven power plant. As a result, RWE sued the Netherlands for damages. ECCHR submitted a brief in the proceedings in July 2021.

Paraguay

- KfW disregards human rights in Paraguay

Germany’s largest development bank, Kreditanstalt für Wiederaufbau (KfW), spends billions on “aid projects” abroad. The KfW subsidiary DEG invests especially in countries operating in countries in the Global South. However, human rights and environmental protection are often neglected in the projects. After both KfW and DEG refused to release the human rights and environmental impact assessments, ECCHR supported two freedom of information suits of our partner FIAN in 2021. On 23 November 2022 the administrative court in Frankfurt ruled that the KfW must provide the documents in question from their subsidiary and disclose them.

Portugal/Switzerland

- Climate change before the European Court of Human Rights

The European Court of Human Rights is tasked with holding European states accountable when they do too little to combat climate change. More and more people – especially the most vulnerable, including the young and elderly – are utilizing this legal avenue. In May and September 2021, ECCHR and several partners filed two joint amicus curiae interventions with the court in cases on Portugal and Switzerland.
Switzerland
• Indian farmers take action against chemical company Syngenta
The intensive use of pesticides contributes significantly to biodiversity loss, the degradation of ecosystems, as well as climate change. In Yavatmal, India, hundreds of farmworkers were poisoned in 2017, in some cases severely. Government documents show that the Swiss chemical company Syngenta’s pesticide Polo played an important role in this. As a result, three families filed a civil lawsuit with the support of ECCHR and its partners against Syngenta for damages in September 2020. An additional 51 families filed an OECD complaint against Syngenta in Switzerland.

Switzerland
• Swiss cement producer responsible for rising sea levels
The cement industry is one of the biggest CO₂ emitters in human history. Leading the cement industry, Holcim is a “Carbon Major” with more output in CO₂ emissions than Switzerland itself. Four Indonesian islanders demanded compensation for more frequent floodings, the financing of adjustment measurements and a reduction in future emissions. After conciliation procedures failed in 2022 the affected, with the support of ECCHR and partners, filed a civil lawsuit in January 2023 in Switzerland.

BORDER JUSTICE

Bulgaria
• Monitoring Bulgaria’s implementation of ECHR decision
The systematic pushbacks of refugees and migrants to Turkey by Bulgarian border police—and the lack of any risk assessment regarding potential human rights abuse faced by those forced to return—violate the European Convention on Human Rights. The European Court of Human Rights came to this decision in July 2021 in the case of a Turkish journalist who was supported by ECCHR. In 2022 ECCHR submitted a rule 9 report encouraging Bulgaria’s implementation of the European Court of Human Rights’ judgment and continues to monitor the State’s response.

Croatia
• ECHR to rule on Croatia’s pushback practice
For the first time, Croatia must answer for its pushback practices at its border with Bosnia and Herzegovina in a court of law. In May 2020, the European Court of Human Rights issued a list of questions to the Croatian government following individual complaints from three Syrian refugees whom ECCHR supports. In April 2021, the plaintiffs filed another submission including detailed evidence of the systematic pushbacks at Croatia’s borders. The Court’s decision is now pending.

Croatia
• Pushbacks before the UN Human Rights Committee
A Syrian refugee was repeatedly and violently pushed back at the Croatian border with Bosnia and Herzegovina. With ECCHR and PRO ASYL’s support, he filed an individual complaint with the UN Human Rights Committee, which was conveyed to Croatia in December 2020. In March 2022, the plaintiff filed a further submission including detailed evidence and witness statements.

Croatia/Slovenia
• Multiple violent pushbacks of an unaccompanied minor
Between 2020 and 2021 the unaccompanied Rohingya minor U.F. was subjected to violent pushbacks from Croatia, including a chain pushback from Slovenia. Despite state’s special obligations towards children they failed to identify him and denied him access to asylum. With the support of ECCHR he filed complaints to the UN Committee on the Rights of the Child against both countries. In 2023, further observations were submitted to both Croatia and Slovenia.

Croatia
• Pushbacks with extreme violence and sexual assault
Together with the Croatian NGO, CMS (Centre for Peace Studies), four refugees filed a criminal complaint regarding their violent pushback to Bosnia. PRO ASYL and ECCHR are supporting the ongoing investigation.

Italien
• Criminalizing sea rescue
The Iuventa search and rescue ship has helped many refugees and migrants in distress in the Mediterranean Sea. In August 2017, Italian authorities seized it, marking the beginning of a targeted campaign to criminalize civilian sea rescue. Since May 2022, ECCHR and partners have conducted independent observation of the preliminary criminal proceedings opened against four Iuventa crew members, 17 other individuals and three organizations in Trapani, Sicily. Charged with “facilitating irregular entry” of migrants to Italy, they face 20 years in prison. In May 2023, three UN Special Rapporteurs called for the case’s dismissal.
Lithuania
• Challenging Lithuania’s border detention regime
After fleeing Iraq, via Belarus, to Lithuania, an asylum-seeker was mistreated and detained for nearly one year in degrading conditions, including in a former prison, from where he submitted his own complaint to the European Court of Human Rights in 2022. He is now further supported in his case by Equal Rights Beyond Borders, the Lithuanian Red Cross, and ECCHR.

Greece
• Brutal pushbacks at the Greek-Turkish border
The detailed accounts and diverse forms of evidentiary material from an Iranian refugee expose Greece’s covert and systematic pushback practice. Parvin A was pushed back six times at the Greek-Turkish border and subsequently submitted a complaint against Greece with the UN Human Rights Committee in February 2022 with the support of ECCHR and its partners.

Greece
• Systematic human rights violations at borders
In December 2021, the European Court of Human Rights communicated eight cases from a total of 47 applicants, filed against Greece between January and December 2021. With PRO ASYL and Refugee Support Aegean, ECCHR submitted a third party intervention to the European Court of Human Rights in July 2022 in all eight cases regarding Greece’s systematic human rights violations at its borders.

Spain
• Fatal pushbacks at the Moroccan border (Ceuta)
At least 15 people died in a Guardia Civil pushback at the Spanish exclave’s Moroccan border in February 2014. ECCHR is supporting two survivors of the deadly police action in criminal proceedings against the Guardia Civil officers. The investigation has been closed three times, most recently in October 2019. Spain’s Supreme Court dismissed the appeals and archived the case in June 2022 whereupon NGOs and relatives of the deceased filed complaints in front of Spain’s Constitutional Court.

INSTITUTE FOR LEGAL INTERVENTION

Belgium
• The Lumumba case: Crimes during the wars of independence
Patrice Lumumba, former prime minister of the Democratic Republic of the Congo, had only been in office for a few months before he was assassinated in 1961. The former colonial power Belgium was one of the parties involved. Fifty years after Lumumba’s assassination, his son filed a criminal complaint; the case is currently pending. ECCHR has supported his case with several amicus curiae briefs, most recently in July 2020.

Germany
• (Post)colonial injustice in Namibia
Germany has yet to accept real responsibility for colonial injustice. To this day, Germany has refused to legally acknowledge its guilt for the genocide of the Ovaherero and Nama people in Namibia (1904–08). ECCHR supports Ovaherero and Nama descendants in raising awareness about this injustice in Germany, and in asserting their demands.

Germany
• Restitution of human remains/Ancestors from Tanzania
During the colonial period, the Germans robbed the people in the colonies not only of their land, their cultural goods, their lives, but also of their relatives—in the form of remains—and brought them to Europe for racist research purposes. Tens of thousands of so-called Human Remains/Ancestors lie in the archives of German museums, in universities and private collections—thus denying them their right to human dignity and making it impossible for their descendants to truly mourn. ECCHR supports descendants in drawing attention to these injustices and in presenting their concerns before UN committees and enforcing them in Germany.

Germany
• Restitution of looted art, artifacts and spiritual objects
German colonizers brought countless statues, masks, and ornaments from the colonies to their homeland for exhibition and research purposes. Beyond their artistic value, these objects have great spiritual significance for the communities concerned. At stake is their cultural identity and the cultural heritage of the affected communities. The return of the objects therefore has a fundamental and human rights dimension that goes far beyond the simple clarification of property rights. ECCHR accompanies descendants in ongoing restitution processes and supports them in drawing attention to these injustices and asserting their concerns in Germany.
• Matthieu Bagard  
  Criminal law and human rights law  
  PARIS, FRANCE

• René Bahns  
  Criminal, administrative and constitutional law, Herzog & Kollegen  
  FRANKFURT AM MAIN, GERMANY

• Ernesto Belisario  
  Administrative law, Studio ELex Belisario Scorza Riccio & Partners  
  ROME, ITALY

• Marcel Bosonnet  
  Kanzlei Bosonnet und Wick  
  ZURICH, SWITZERLAND

• William Bourdon  
  Cabinet Bourdon & Associés  
  PARIS, FRANCE

• Gonzalo Boye, Isabel Elbal  
  Criminal and human rights law, BoyeElbal & Asociados  
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• Berenice Böhlo  
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• Florian Curral-Stephen  
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• Björn Elberling, Alexander Hoffmann  
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• Maik Elster  
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  Criminal and human rights law  
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• Jenny Fleischer  
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- Center for Human Rights and Global Justice/New York University
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### Publications

#### ECCHR PUBLICATIONS

- **ECCHR**
  - Torture in Syria on trial in Koblenz: A documentation of the Al-Khatib proceedings
  - 2ND EDITION, 2023

- **ECCHR/PAX**
  - Funding conflict. Heightened human rights due diligence in conflict-affected areas, with a case study on Lafarge and its investors
  - 2023

- **ECCHR**
  - Holcim’s Climate Strategy: Too little—too late
  - 2023

- **ECCHR/TRIAL International/CIVITAS Maxima/CJA/FIDH/REDRESS**
  - Universal Jurisdiction
  - Annual Review
  - 2023

- **ECCHR/CFFD-Terre Solidaire/PRODESC**
  - From rights to reality: Ensuring a rights-holder-centred application of the French Duty of Vigilance law
  - 2023

- **ECCHR/Elín/Andalucía Acoge**
  - Joint submission to UN CAT.
  - Analysis of Spain’s ineffective investigation into 2014 deadly Tarajal events
  - JULY 2023

- **ECCHR**
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- **ECCHR/Berlin PostKolonial/Decolonize/Flinnworks/Initiative Schwarze Menschen in Deutschland**
  - Alternative Report to the German State Report on the Elimination of Racial Discrimination (CERD)
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  - No Contracts, no Rights: How the Fashion Industry Avoids Paying Minimum Wages in Pakistan
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  - Why climate justice is not just about reducing greenhouse gas emissions. An integrative human rights approach to climate justice
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  - Stellungnahme zum Referentenentwurf eines Gesetzes zur Fortentwicklung des Völkerstrafrechts
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  - Für eine nachhaltige Reform des deutschen Völkerstrafrechts. Stellungnahme zum Eckpunktepapier des Bundesministerium der Justiz zur Fortentwicklung des Völkerstrafrechts
  - 2023

- **ECCHR/Germanwatch/INKOTA/Weed**
  - Effektive Beschwerde-mechanismen im europäischen Lieferkettengesetz—Empfehlungen zur Ausgestaltung der Corporate Sustainability Due Diligence Directive (CSDDD)
  - 2023

#### BOOKS

- **Markus Kaltenborn (Hrsg.), Markus Krajewski (Hrsg.), Prof. Dr. Giesela Rühl (Hrsg.) Dr. Miriam Saage-Maaß (Hrsg.)**
  - Lieferkettensorgfaltpflichtenrecht. LkSG, GwB, EU-HolzhandelsVO, EU-KonfliktmineralienVO, BtrVG, WRegG, CSR-RL-UmsG
  - C.H. BECK
  - 2023

- **Wolfgang Kaleck, Patrick Kroker**
  - Syrische Staatsfolter vor Gericht. Syrian State Torture On Trial
  - BPB
  - 2023

- **Wolfgang Kaleck, Tomás Saraceno**
  - ECCHR Book Series #1: Beyond: Beyond Limitations
  - 2023

- **Gearóid Ó Cuinn, Miriam Saage-Maaß**
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  - 2023

- **Wolfgang Kaleck**
  - Concrete Utopia. Looking Backward Into the Future of Human Rights
  - OR BOOKS
  - 2023
• Wolfgang Kaleck
  “Zwischen kolonialer Amnesie und Aufarbeitung deutscher und
europäischer Kolonialverbrechen: Der Völkermord an Herero, Nama
und anderen Namibier*innen in Deutsch-Südwestafrika 1904 bis
1908”, in Valentin Aichele (Hrsg.), Das Recht auf Wiedergutmachung.
Vom Umgang Deutschlands mit el-
ementaren Unrechtserfahrungen
in der deutschen Geschichte
NOMOS VERLAG, 2023

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  “Völkerstrafgesetzbuch 2002–
2022. Eine kritische Zwischenbi-
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Aziz Epik (Hrsg.), Schriften zum Interna-
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  “Erinnerung als Akt des Wider-
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Stiftung (Hrsg.), Verschwunden
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des geheimen Haft- und Folter-
lagers El Vesubio in Argentinien
BUXUS EDITION, 2023

• Judith Hackmack,
Wolfgang Kaleck
  “Why Restitutions Matter. A Legal
Reasoning”, in Thomas Sandküh-
ler, Angelika Epple, Jürgen Zimmer-
er (Hrsg.), Historical Culture
by Restitution? A Debate on Art,
Museums, and Justice
BÖHLAU VERLAG, 2023

• Wolfgang Kaleck
  “Ixmucané Aguilar in Namib-
ia: Colonial Crimes and Photog-
rathy”, in Ixmucané Aguilar,
Fraitaxtê sores tšin ge ra#gà—
Ondjembo yo Null Vier
ARCHIVE BOOKS

• Andreas Schüller
  “Ruthlessly exposed: how the
law protects the war efforts
of powerful states instead of
vulnerable individuals”,
2023
DIGITAL WAR

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  “Accessing borders, accessing
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Human Rights’ jurisprudence on
pushbacks at land borders”
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Code of Crimes Against Interna-
tional Law in Germany from an
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2023, JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE

• Patrick Kroker
  “Ecchr’s legal battles against the
crimes of the Syrian regime”
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  “Es geht darum, Sand im Getriebe
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• Patrick Kroker
  “Ahndung von Kriegsverbrechen:
Zum Schweigen verdammt”
2023, SÜDDEUTSCHE ZEITUNG
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BLOG POSTS

• Andreas Schüller
  “What can(’t) international criminal justice deliver for Ukraine?”
  VERFASSUNGSBLOG

• Miriam Saage-Maaß/
  Karin Zennig
  “Im Namen des Klimas: Die Klimakrise ist eine Frage des Menschenrechts. Das wird auch vor Gericht verhandelt”
  MEDICO INTERNATIONAL

• Wolfgang Kaleck
  “Haftbefehl gegen Putin: Es trifft nicht den Falschen”
  MEDICO INTERNATIONAL

• Patrick Kroker/
  Felix Lüth
  “One Year On—Remembering the Al-Khatib Syrian Torture Case and Reflecting on the Documentation of International Crimes Cases in German Courts”
  EJIL:TALK!

PODCASTS

• Framing Human Rights #11:
  Archival Interventions—The untold Stories of (colonial) Wars
  Maaza Mengiste, Laura Fiori, Wolfgang Kaleck

• Just Access #16:
  How can NGOs help protect constitutional and human rights?
  Andreas Schüller

• “Hätte, hätte Lieferkette: Kann das neue Gesetz erfolgreich sein?”
  Christian Schliemann-Radbruch
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• Four Years of Impunity After Dam Collapse in Brumadinho—Everyday Life in Brumadinho and Justice Proceedings in Brazil and Germany
  Danilo Chammas (Human Rights Lawyer/RENSER), Bishop Vicente Ferreira (Auxiliary Bishop of the Archdiocese of Belo Horizonte/CNBB), Madalena Ramos Gönne (MISEREOR), Marek Misak (COMECE), Andresa Rodrigues (AVA BRU M), Antonia Klein, Ben Vanpeperstraete (ECCHR)
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• Investigating Russia’s war of aggression against Ukraine
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  9 FEBRUARY 2023

• The Time for Denial is Over: »Who is the Thief, Who is the Owner?«
  Mwazulu Diyabanza (Multicultural Front Against Looting), Eva-Maria Bertschy (Curator und Author), Sarah Imani (ECCHR)
  1 FEBRUARY 2023

• Human rights and the arms industry: towards a corporate mandatory human rights due diligence
  Angelica Bonfanti (Università degli Studi di Milano), Francesca Cancellaro (Studio Legale Gamberini), Marco Fasciglione (National Research Council of Italy), Jotam Lerer (Scientist, European Commission), Marco Pertile (Università degli Studi di Trento), Beatrice Pesce (HRIC), Anita Ramasastry (University of Washington School of Law), Chantal Meloni (ECCHR/Università degli Studi di Milano), Laura Duarte Reyes (ECCHR)
  9 FEBRUARY 2023

• The Utopian Space—The Utopia of Human Rights
  Heike Kleffner (VBRG), Wolfgang Kaleck (ECCHR)
  LECTURE AND TALK 23 MARCH 2023

• Syrian State Torture on Trial
  Rosa Yassin (Syrian Author), Khaled Barakeh (Conceptual Artist und Cultural Activist), Ruham Hawash (Join Plaintiff, IMPACT Civil Society Research & Development), Kristin Helberg (Journalist), Mariana Karkoutly (Humanity in Action/Huquqyat), Hannah El-Hitami (Journalist), Florian Jewßer (Humboldt University Berlin), Patrick Kroker (ECCHR), Joumana Seif (ECCHR)
  BOOK LAUNCH, PANEL AND PERFORMANCE 15 MAY 2023

• Between double standards and dictatorship
  Eva Pils (Lawyer, Legal Philosopher), Natallia Vasilevich (Universität Bonn), Courage Bakasa (Political Scientist), Wolfgang Kaleck (ECCHR)
  PROTESTANT CHURCH CONVENTION IN NÜRNBERG 8 JUNE 2023
• Imagining Just Climate Futures
   Edi Mulyono (Call for Climate Justice–Plaintiff), Parid Ridwanuddin (WALHI), Adrián Martínez (La Ruta del Clima), Oliver Herrera and Olga Alcaraz (Universitat Politècnica de Catalunya), Isatis Cintron (Latin America Regional Coordinator for Citizens Climate International), Laura Duarte Reyes (ECCHR)
   OFFICIAL SIDE EVENT UNFCCC SESSIONAL IN BONN
   14 JUNE 2023

• My Freedom—Your Freedom
   Solidarity-based legal battles yesterday and today
   Berenice Böhlo (LL.M.), Maximilian Pichl (Universität Kassel), Philipp Schulte (LL.M.), Wolfgang Kaleck (ECCHR)
   RAV CONFERENCE
   16 JUNE 2023

• The Evolution of Reparations into Contemporary Remedies
   The Future of Human Rights?
   Patrick Kauta (Lawyer), Charles A. Taku (Lead Defense Counsel at ICC), Karina Theurer (Criminal law expert), Gretchen Rohr (Open Society Justice Initiative), Sarah Imani (ECCHR), Wolfgang Kaleck (ECCHR)
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   Benjamin Dobó (Filmmaker), Anafee Fränznick (ECCHR Alumn*)
   12/13 SEPTEMBER 2023

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   EVENT OF THE EUROPEAN ALLIANCE OF ACADEMIES
   22 SEPTEMBER 2023

• Book Launch: Commentary on the Supply Chain Due Diligence Act
   Giesela Rühl (Berkeley), Elisabeth Becker (C.H. Beck), Bärbel Kofler (MdB), Markus Krajewski (Friedrich-Alexander-Universität Erlangen-Nürnberg), Markus Lönning (Lönning—Responsible Business & Human Rights), Markus Kaltenborn (Ruhr-Universität Bochum), Miriam Saage-Maaß (ECCHR)
   11 OCTOBER 2023

• Reparations and Access to Justice
   Critical Voices: From Local to Global
   Vepuka Kauari (Association of the Ovaherero Genocide), Marbré Stahly-Butts (CUNY Law), Wolfgang Kaleck (ECCHR)
   19 OCTOBER 2023

• Concrete Utopia
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   20 OCTOBER 2023

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   Human Rights and Asylum
   Clara Bünger (MdB), Boris Kanzleiter (Rosa-Luxemburg-Stiftung), Wolfgang Kaleck (ECCHR)
   8 NOVEMBER 2023

• Allianz Foundation Summit: Justice in Times of War?
   Advocating for Human Rights
   Susanne Baer (Lawyer Federal Constitutional Court), Oleksandra Matwijtschuk (Center for Civil Liberties), Eyal Weizman (Forensic Architecture), Wolfgang Kaleck (ECCHR)
   9 NOVEMBER 2023

• “Marejesho”-Exhibition and Symposium “We Want Them Back”
   20 NOVEMBER 2023

• Civil Third Parties and their participation in International Crimes
   Sabine Michalowski (University of Essex), Alice Zago (Trial Lawyer ICC), Stefan Peters (JLU Giessen/CAPAZ Institute), Wolfgang Kaleck (ECCHR)
   PANEL DISCUSSION
   24 NOVEMBER 2023

• Elisabeth Käsemann Foundation Memoria Talks:
   The Argentine Junta Regime on Trial in Germany—20 Years after the Issuance of Arrest Warrants against Jorge Videla et al.
   Stefan Herbst (Coalition against Impunity), Rodolfo Yanzón (Human Rights Lawyer), Wolfgang Kaleck (ECCHR)
   27 NOVEMBER 2023

• “Inherited Testimonies”
   The German Colonial Genocide in Namibia
   Forensic Architecture, Forensis, NTLA and OTA
   3 DECEMBER 2023

• Werteorientierte Außenpolitik
   Jürgen Trittin (MdB), Prof. Dr. Andreas Zimmermann (Universität Potsdam), Wolfgang Kaleck (ECCHR)
   5 DECEMBER 2023

• Die Konkrete Utopie der Menschenrechte. Ein Blick zurück in die Zukunft
   Trutzkaim Memorial and Museum
   Wolfgang Kaleck (ECCHR)
   LECTURE
   10 DECEMBER 2023

• Die konkrete Utopie der Menschenrechte—75 Jahre Allgemeine Erklärung der Menschenrechte
   Wolfgang Grenz (Amnesty International Germany), Wolfgang Kaleck (ECCHR)
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  AMSTERDAM, NETHERLANDS

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  NEW YORK, UNITED STATES

- ECCHR has consultative status at the United Nations Economic and Social Council (ECOSOC).

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GRASSROOTS FOUNDATION

COBLER FONDS

Global Campus of Human Rights

Samuel Rubin Foundation

ALLIANZ FOUNDATION
## Finances

### 2023 Revenue

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<td>Donations</td>
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<td>Grants (earmarked for 2023)</td>
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<td>Other operational revenue</td>
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<td>Interest and other revenue</td>
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<td><strong>Total</strong></td>
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### 2023 Expenses

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<td>Third-party fees</td>
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<td>Rent, office expenses</td>
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<td><strong>Net Loss</strong></td>
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Preliminary figures at the time of the publication.
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- American Civil Liberties Union (ACLU) NEW YORK
- Center for Constitutional Rights (CCR) NEW YORK
- Center for Justice & Accountability SAN FRANCISCO
- Centro de Derechos Humanos Miguel Agustín Pro Juárez MEXICO-CIUDAD
- Earth Rights International WASHINGTON, D.C.
- International Network for Economic, Social and Cultural Rights (ESCR-Net) NEW YORK
- Human Rights Center, UC Berkeley School of Law BERKELEY
- Magnum Foundation NEW YORK
- Open Society Justice Initiative NEW YORK
- The OSUN Center for Human Rights & The Arts at Bard College (CHRA) NEW YORK
- PILNet NEW YORK
- Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC) MEXICO-CIUDAD
- Syria Justice and Accountability Center WASHINGTON, D.C.
- Urnammu QUEBEC

CENTRAL AND SOUTH AMERICA
- ANDHES TUCUMAN
- Articulación Internacional dos Atingidos e Atingidas pela Vale (AIApV) RIO DE JANEIRO
- Asociación Sindical de Trabajadores Bananeros Agrícolas y Campesinos (ASTAC) QUEVEDO
- BASE Investigaciones Sociales ASUNCIÓN
- Bureau des Avocats Internationaux (BAI) Institute for Justice & Democracy PORT-AU-PRINCE/BOSTON
- Centro de Estudios Legales y Sociales (CELS) BUENOS AIRES
- Colectivo de Abogados José Alvear Restrepo (CCAJAR) BOGOTÁ
- Fundación Tierra LA PAZ
- Instituto Colombo-Alemán para la Paz (Capaz) BOGOTÁ
- Instituto de Defensa Legal LIMA
- International Network of Civil Liberties Organizations (INCLO) BUENOS AIRES
- Episcopal Region of Nossa Senhora do Rosário (RENERSER) BELO HORIZONTE
- Sindicato de Trabajadores de Plantaciones Agrícolas (SITRAP) LIMÓN
- Unión de los People Affected by Texaco (UDAPT) QUITO
- Pontificia Universidad Javeriana de Bogotá BOGOTÁ

AFRICA
- Association Marocaine des Droits de l’Homme (AMDH) NADOR
- BOSNOO GABARONE
- Center for Applied Legal Studies (CALS) JOHANNESBURG
- Equal Education Law Centre (EELC) CAPE TOWN
- Legal Resources Centre JOHANNESBURG
- Nama Traditional Leaders Association WINDHOEK
- Open Secrets KAPSTADT
- Ovaherero Genocide Foundation WINDHOEK
- Ovaherero Traditional Authority WINDHOEK
- Socio-Economic Rights Institute (SERI) JOHANNESBURG

ASIA
- Activist Anthropologists KARACHI
- Balda Factory Fire Affectees Association KARACHI
- Bangladesh Legal Aid and Service Trust (BLAST) DHAKA
- Center for International Law (CenterLaw) MANILA
- Home Based Workers Federation, Pakistan ISLAMABAD
- Human Rights Law Network (HRLN) NEW-DELHI
- Lawyers Beyond Borders, India Chapter TAMIL NADU
- Maharashtra Association of Pesticides Poisoned Persons (MAPP) YAVATMAL
- Malaya Lolas Organization PARANGA
- Michael Sfard Law Office TEL AVIV
- Mwatana for Human Rights SANAA
- National Trade Union Federation of Pakistan (NTUF) KARACHI
- National Garment Workers Federation (NGWF) DHAKA
- Pakistan Institute of Labour Education and Research (PILER) KARACHI
- Palestinian Center for Human Rights (PCHR) GAZA CITY
- Pesticide Action Network Asia-Pacific (PAN-AP) und PAN India PENANG/KERALA
- Rasheed Razvi Centre for Constitutional and Human Rights (RCCHR) KARACHI/LAHORE
- Syrian Women’s Network GAZIANTEP
- WALHI Friends of the Earth International, Indonesia JAKARTA

EUROPE
- Airwars LONDON
- Akademie der Künste BERLIN
- Andalucía Acoge SEVILLA
- Amnesty International LONDON
- Amnesty International Deutschland BERLIN
- Amnesty International France PARIS
- Amnesty International Italy
- Anti-Slavey International LONDON
- Associação Elín CEUTA
- Bellingcat AMSTERDAM
- Border Forensics LEIPZIG
- Border Violence Monitoring Network
- Comité catholique contre la faim et pour le développement (CCFD) PARIS
- Associazione per gli Studi Giudici sull’immigrazione (ASGI) ROM/MILAN
- Berlin Information Center for Transatlantic Security (BITS) BERLIN
- Berlin Postkolonial BERLIN
- Brot für die Welt BERLIN
- Bundeszentrale für politische Bildung BONN
- Business and Human Rights Resource Centre (BHRRC) LONDON
- Caesar Files Group BRUSSELS/BERLIN
- Campaign Against Arms Trade LONDON
- CCFD-Terre Solidaire PARIS
- Center for International Law Research and Policy (CILRAP) BRUSSELS/BERLIN
- Center for Peace Studies ZAGREB
- Centre Delàs BARCELONA
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THE WORLD CAN ONLY BE JUST WHEN HUMAN RIGHTS ARE UNIVERSALLY RECOGNIZED AND GUARANTEED FOR EVERYONE. THIS IS WHAT WE ARE FIGHTING FOR WORLDWIDE: WITH THOSE AFFECTED, WITH PARTNERS, WITH LEGAL MEANS.

USING THE LAW.
TO WORK TOGETHER FOR GLOBAL JUSTICE.

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