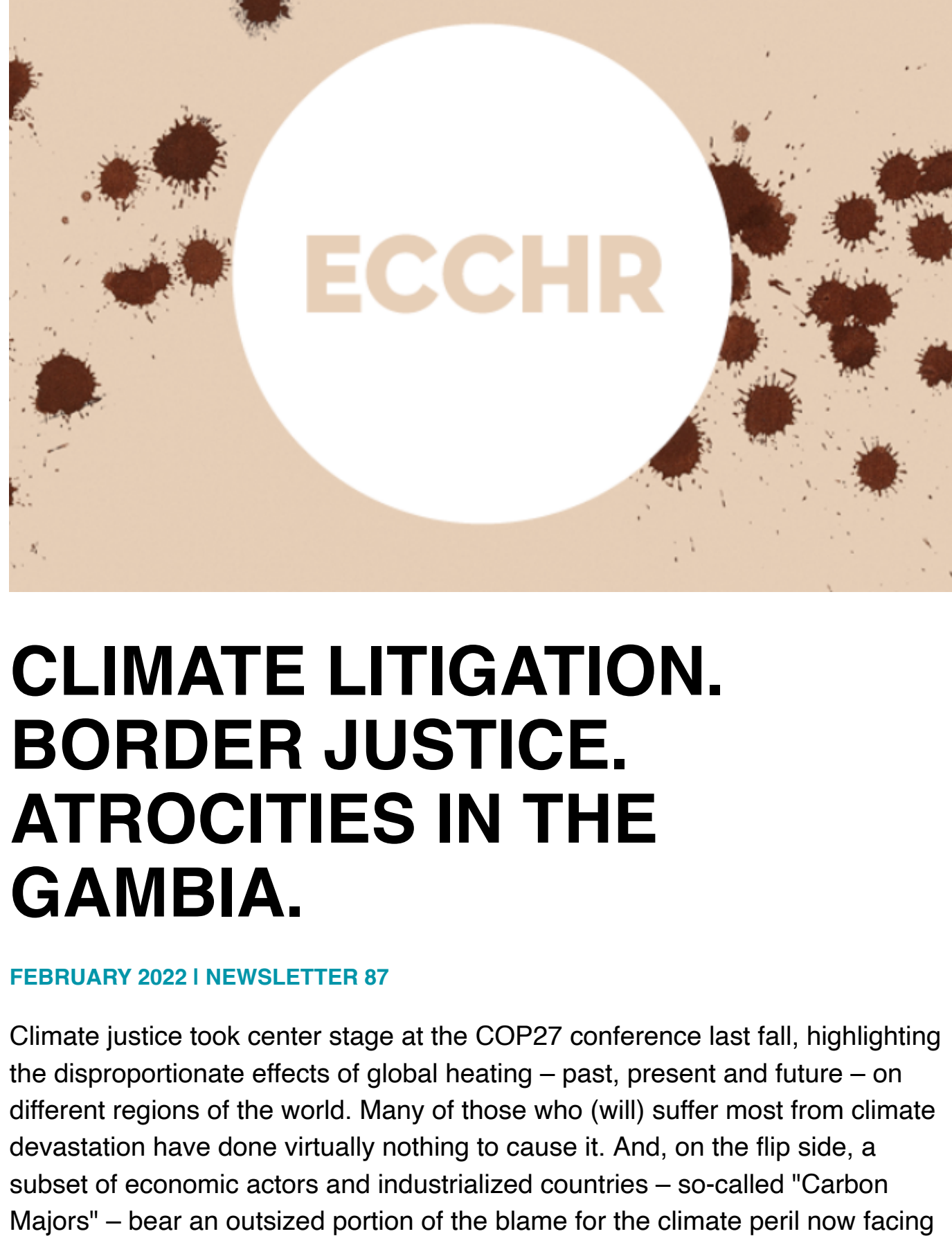


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# CLIMATE LITIGATION. BORDER JUSTICE. ATROCITIES IN THE GAMBIA.

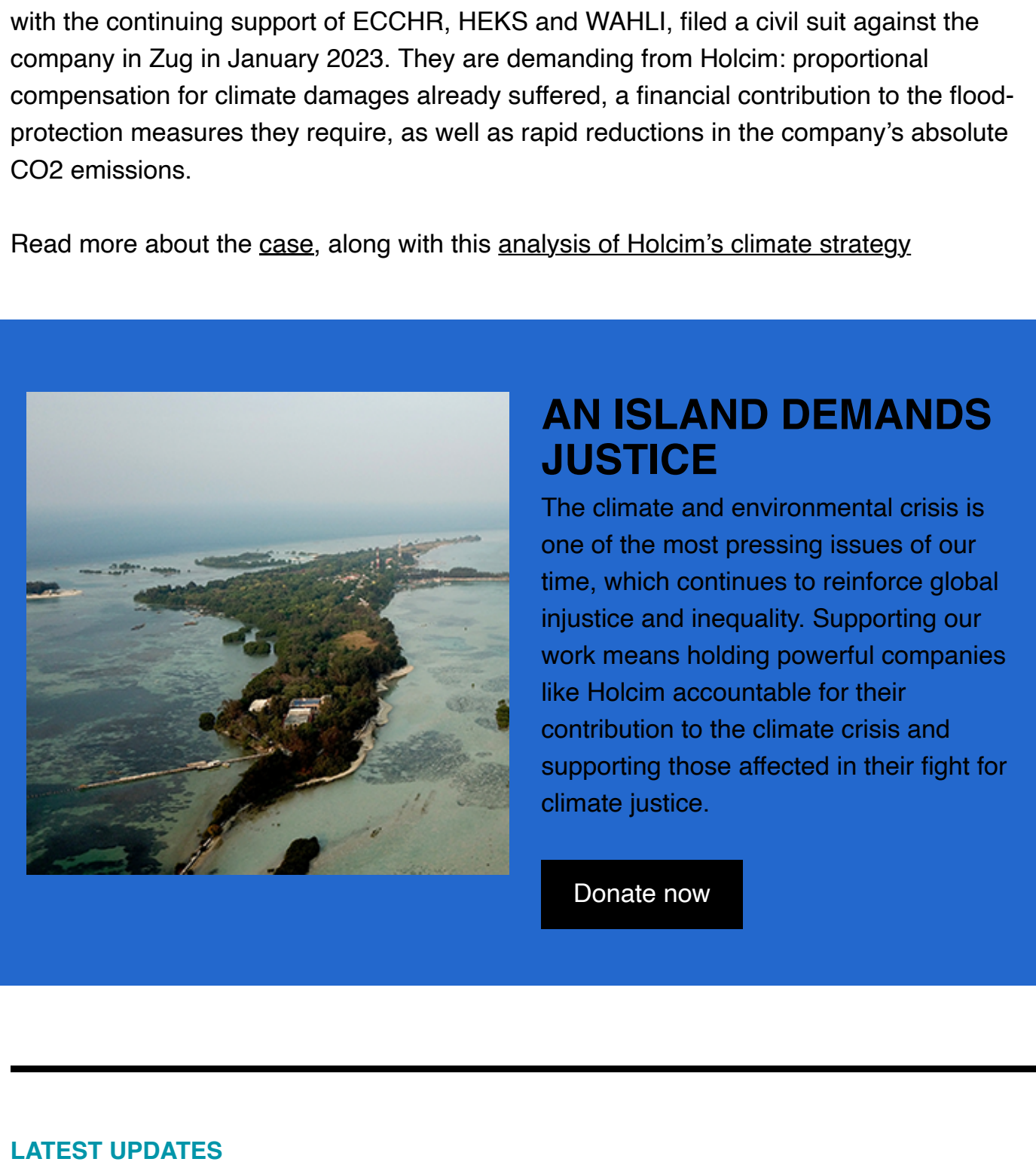
FEBRUARY 2022 | NEWSLETTER 87

Climate justice took center stage at the COP27 conference last fall, highlighting the disproportionate effects of global heating – past, present and future – on different regions of the world. Many of those who (will) suffer most from climate devastation have done virtually nothing to cause it. And, on the flip side, a subset of economic actors and industrialized countries – so-called "Carbon Majors" – bear an outsized portion of the blame for the climate peril now facing the world.

ECCHR is supporting the climate litigation efforts of four Indonesian island residents – whose home is existentially threatened by rising sea levels – against the Swiss cement firm Holcim. As the second lawsuit of its kind from the Global South against a Carbon Major, their complaint resonates with the plight of millions who live on islands or in low-lying coastal regions that face similar climate dangers.

Learn more about this case, among others, in this newsletter

*The ECCHR Team*



Composite image © Abdul Baits; Meinrad Schade; Lorenz Kummer; iStock (Pramod Kanakath; zhengzaishuru; Martin Lisner; simonkr); Gunawan; iStock (winner\_igor; AfrilLens)

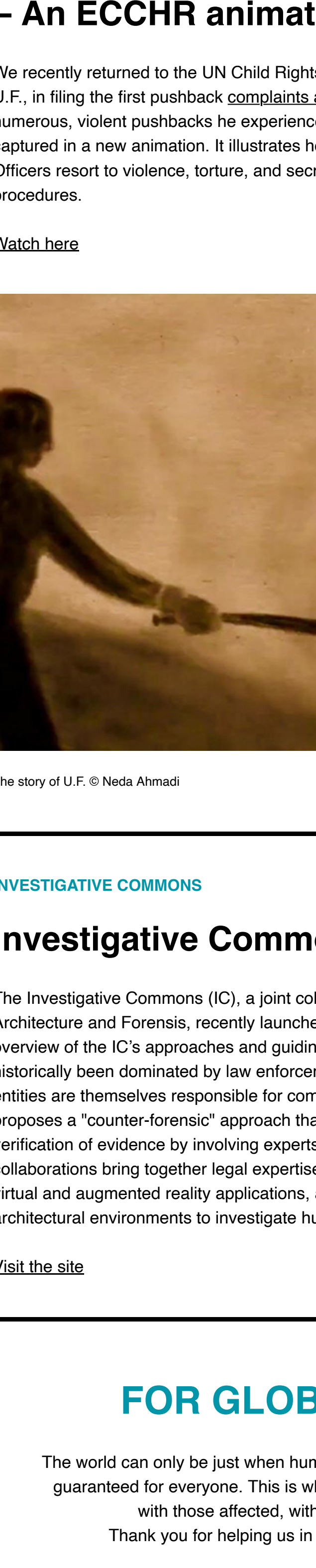
## Residents of Indonesian island take on "Carbon Major" Holcim in Swiss court

The cement sector currently accounts for 8% of global CO2 emissions, a massive contribution to planetary warming, for which Holcim, the industry's market leader, bears significant responsibility. Since 1950, Holcim has emitted over 7 billion tons of CO2, equivalent to 0.42% of all industrial CO2 emissions since the year 1751 – a carbon footprint of astronomical proportions that is more than twice the size of Switzerland's. While the firm claims its climate targets are aligned with the Paris Agreement to limit global warming to 1.5 °C, its absolute CO2 emissions, however, are increasing.

Meanwhile, parts of the flat island of Pari have become increasingly inundated, a consequence of rising sea levels that already heavily impacts the livelihoods and safety of island residents. Because this situation is almost guaranteed to worsen as global temperatures continue to increase, the island is on the brink of partial submersion by 2050 – and disappearing entirely in the next century.

Pari residents have hardly contributed to causing rising sea levels and, thus, took action against the Swiss firm in a conciliation hearing that concluded in October 2022. Holcim, however, refused to concede to any of their demands. Therefore, the four complainants, with the continuing support of ECCHR, HEKS and WAHLI, filed a civil suit against the company in Zug in January 2023. They are demanding from Holcim: proportional compensation for climate damages already suffered, a financial contribution to the flood-protection measures they require, as well as rapid reductions in the company's absolute CO2 emissions.

Read more about the [case](#), along with this [analysis of Holcim's climate strategy](#)



### AN ISLAND DEMANDS JUSTICE

The climate and environmental crisis is one of the most pressing issues of our time, which continues to reinforce global injustice and inequality. Supporting our work means holding powerful companies like Holcim accountable for their contribution to the climate crisis and supporting those affected in their fight for climate justice.

[Donate now](#)

### LATEST UPDATES

#### Iuventa trial update

The judge has now taken steps to provide Iuventa defendants with access to a qualified interpreter for the proceedings. In addition, two Italian government offices asked to join the trial as joint plaintiffs – a rare request that raises questions about the potential politicization of the trial.

[Read more](#)

#### Schengen's true face

Even though Croatia has committed flagrant human rights violations at the EU's external borders, the country was still awarded Schengen accession on 1 January. This shows the true colors of the Schengen zone: freedom of movement within means brutally sealing off borders to the outside world.

[Read our joint statement](#)

#### 21 years of lawlessness

Although the war on terror and its excesses have receded from the headlines, we cannot forget that Guantanamo Bay detention camp, which opened 21 years ago on 11 January, still holds prisoners – most of whom have not been charged and have been denied access to due process.

[Read our anthology](#)

#### Reparations in Namibia

Now, video footage of the entire conference on reparations in Namibia, organized by the Investigative Commons last November, may be viewed here. The footage includes panel discussions, lectures and research presentations concerning the legacy of German genocidal violence in Namibia.

[Watch footage](#)

### INTERNATIONAL CRIMES AND ACCOUNTABILITY

## Alleged driver for Gambian "death squad" on trial in Germany: A survivor testifies

Since April 2022, Bai L., an alleged driver for the paramilitary unit "the Junglers" – a death squad established under the dictatorial rule of Yahya Jammeh from 1994 until 2017 in The Gambia – has been on trial at the Celle Higher Regional Court in Germany. This is the first trial in Germany based on universal jurisdiction that addresses the atrocities committed during Jammeh's rule.

On 19 January 2023, Martin Kyere, a Ghanaian survivor of the massacre of 59 West African migrants committed by members of the death squad in 2005, testified before the court to the widespread nature of Jammeh's attack on the civilian population – an important development in the trial. In connection with our work on "Shrinking Spaces and Authoritarianism," ECCHR is currently supporting our partners involved in the case, including ANEKED, TRIAL International, and ECCHR Board Member Reed Brody.

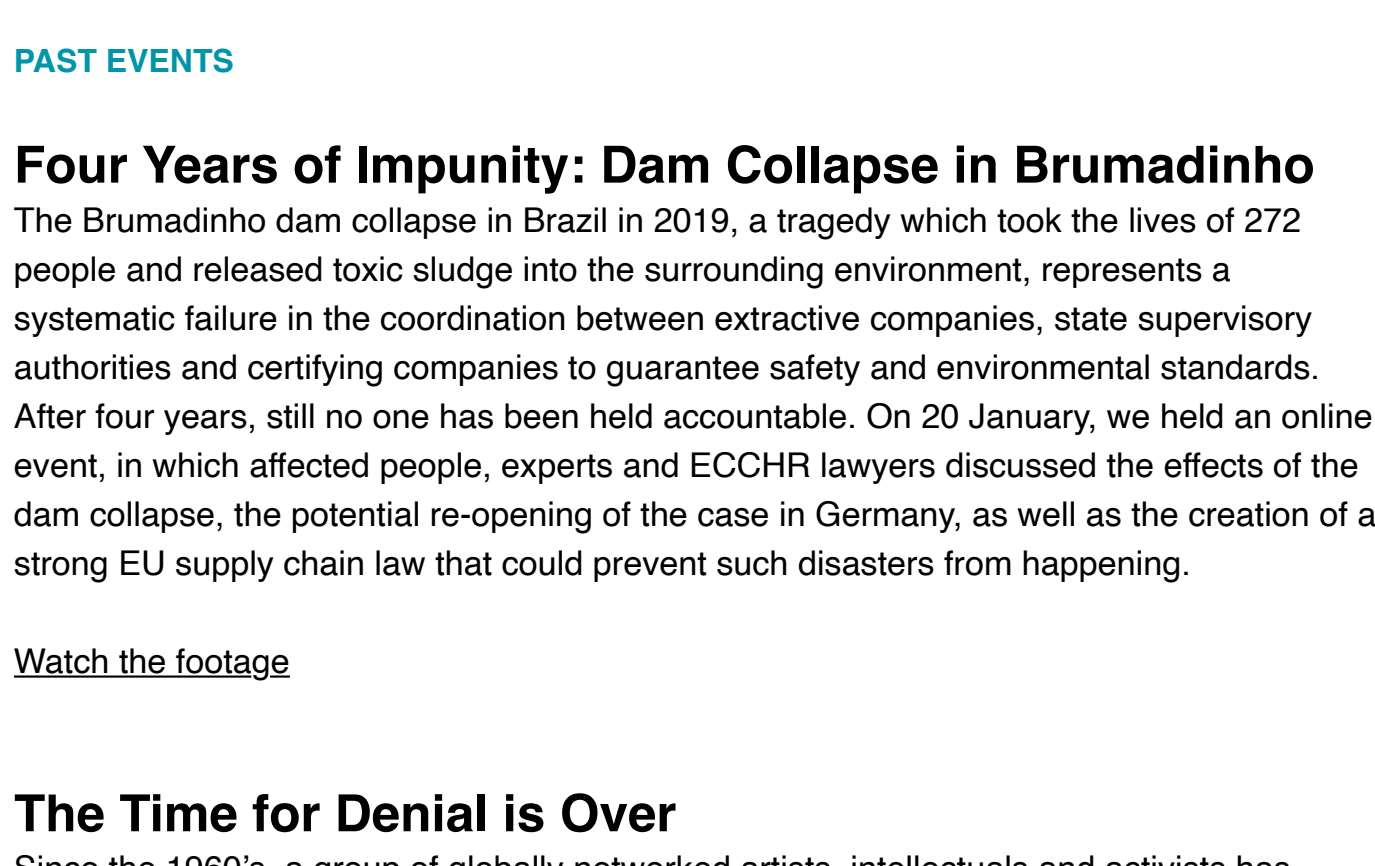
[Read more about the case](#)

### BORDER JUSTICE

## Pushbacks are more than just expulsions – An ECCHR animation

We recently returned to the UN Child Rights Committee to support a young Rohingya, U.F., in filing the first pushback complaints against Croatia and Slovenia that detailed the numerous, violent pushbacks he experienced while still a child. U.F.'s story is poignantly new in a new animation. It illustrates how a pushback is more than just an expulsion. Officers resort to violence, torture, and secret detention, and deny access to legal procedures.

[Watch here](#)



The story of U.F. © Neda Ahmad

### INVESTIGATIVE COMMONS

## Investigative Commons website now live

The Investigative Commons (IC), a joint collaboration between ECCHR, Forensic Architecture and Forensics, recently launched its official website, which provides a detailed overview of the IC's approaches and guiding concepts. The field of forensics has historically been dominated by law enforcement and state entities, but what if these same entities are themselves responsible for committing human rights violations? The IC proposes a "counter-forensic" approach that works to "socialize" the procurement and verification of evidence by involving experts from a wide range of fields. The IC's collaborations bring together legal expertise, open-source investigation, machine learning, virtual and augmented reality applications, and 3D reconstructions in simulated architectural environments to investigate human rights abuses.

[Visit the site](#)

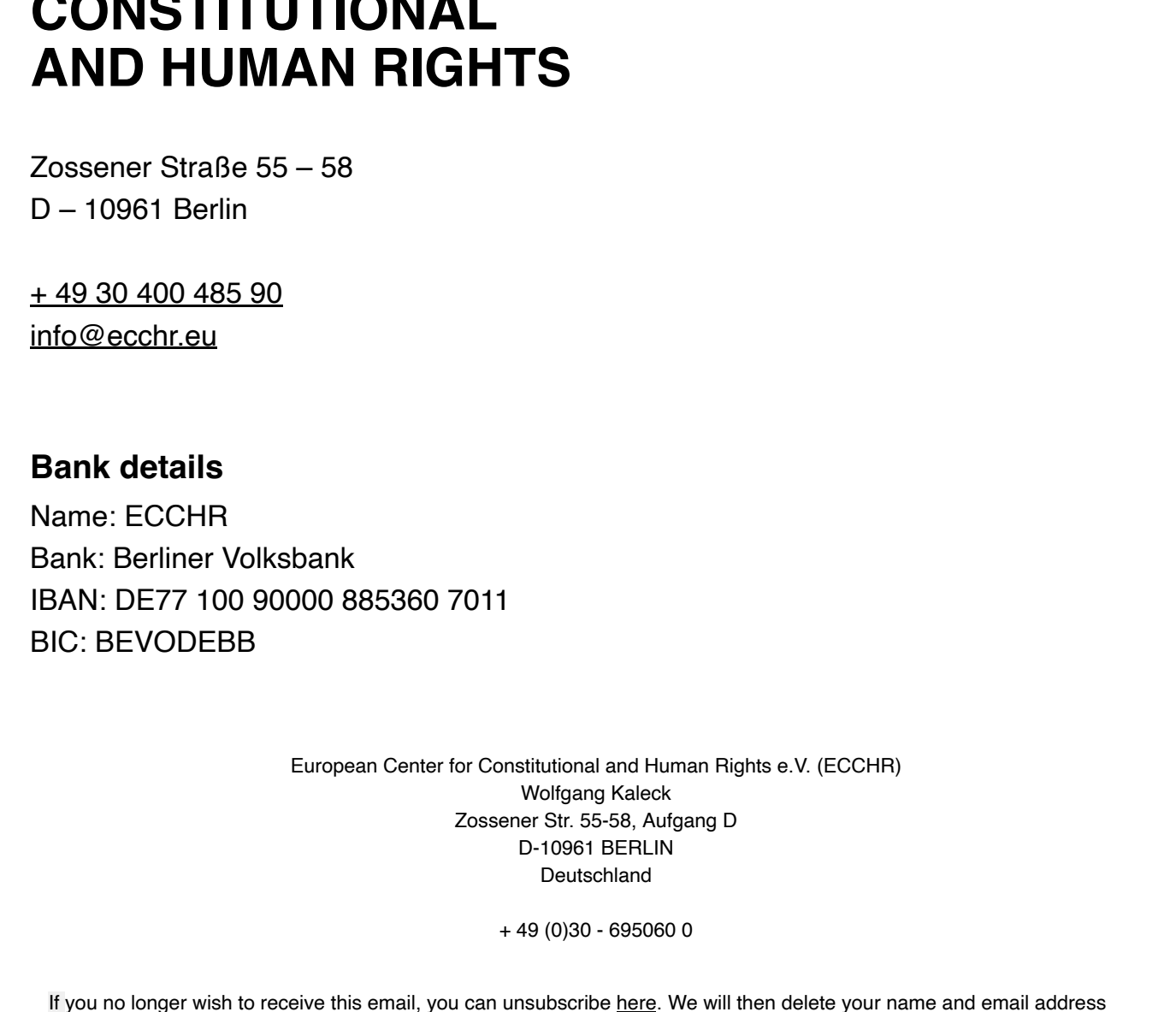
## FOR GLOBAL JUSTICE

The world can only be just when human rights are universally recognized and guaranteed for everyone. This is what we are fighting for across the globe: with those affected, with our partners, with legal means.

Thank you for helping us in our efforts to make this happen.

[Donate now](#)

### ECCHR



Creator: Stephan Röhl. This image is licensed under [Creative Commons License](#).

## Joumana Seif to receive Anna Klein Women's Award

We are very proud to announce that Joumana Seif, a legal advisor in ECCHR's International Crimes and Accountability program, will receive the Anne Klein Women's Award in 2023 for her work to advance women's rights and combat sexual and gender-based violence, particularly in the Syrian context. The award ceremony will be held on 3 March at the Heinrich-Böll Stiftung and via livestream with speeches by Annalena Baerbock, MdB, Federal Minister for Foreign Affairs (bcb) and Dr. Imme Scholz, jury chair and board member of the Heinrich Böll Foundation.

More information [here](#).

## ECCHR welcomes new colleagues and trainees

**Annabell Brüggemann** joined the Business and Human Rights program in February as a Legal Advisor

**Isabelle Hafthurther** joined the International Crimes and Accountability program in January as a Legal Advisor

**Theresa Mockel** joined the Business and Human Rights program in February as a Bertha Fellow

**Philipp Jedamzik** joined the Media and Communications team in January as a Senior Communications Officer

**Rebecca Bamberger** joined ECCHR in January as a Team Assistant

**Isabel Mühlmann** joined the Fundraising team in February as a student trainee

**Alina Petith** joined the Media and Communications team in January as an intern

**Bernadette Janßen, Daria Bayer and Jakob Struppler** joined the Critical Legal Training program in January as trainees

### FILM

## The Lost Souls of Syria

27,000 photos of civilian detainees that had been tortured and death were smuggled out of Syria by a military photographer (code name: "Caesar") and released to the public in 2014. In light of this extensive, damning evidence of systematic torture by the Syrian regime, director Stéphane Malterre and his co-author and historical advisor, Garance Le Caisne, investigate to what extent international justice mechanisms proved impotent in prosecuting the criminal Syrian state. On 8 February, the film will be screened at the Friedrich-Ebert Stiftung in Berlin, followed by a panel discussion with experts, journalists and ECCHR Legal Advisor Joumana Seif – who closely supported survivors involved in the [al-Khatib trial](#) at the Koblenz Higher Regional Court.

Watch the [trailer](#)

### EVENTS

## Investigating Russia's war of aggression against Ukraine

This panel will explore how human rights organizations are engaging in the fight for justice regarding crimes committed within the war. With a particular focus on open-source investigations and strategic case building, the event will feature existing approaches, as well as obstacles, to legally addressing these human rights abuses. The panelists are: Maksym Rokmaniko (Director of the Center for Spatial Technologies in Kyiv); Nadia Volkova (Director of the Ukrainian Legal Advisory Group); Roksolana Burianenko (Project Manager of the Ukrainian Archive); Hannah Bagdasar (Lead Investigator with Bellingcat's Global Authentication Project); and Anne Bardelle (Legal Advisor at ECCHR). Anne Schroeter (ECCHR's Coordinator of the Investigative Commons) will moderate the panel.

9 February 2023, 5:30 pm CET; Hybrid – via Zoom and at ECCHR, Zossener Str. 55-58, Berlin 10961.

Please register by sending an e-mail to [event@ecchr.eu](mailto:event@ecchr.eu) (Ukrainian interpretation will be available)

## Human rights and the arms industry: Towards a corporate mandatory human rights due diligence

Despite the extensive arms export control regulations in place, governments and arms companies continue to authorize and export weapons and services to states where there is a clear risk that they may be used in serious violations of human rights, including the potential commission of war crimes. This conference will bring together professors, experts and ECCHR legal advisors to assess how mandatory corporate due diligence legislation could help prevent, mitigate and remedy the human rights abuses that the arms sector currently enables.

9 February, 3:00 pm, Università Degli di Milano, Italy (in-person)

[More information here](#)

### PAST EVENTS

## Four Years of Impunity: Dam Collapse in Brumadinho

The Brumadinho dam collapse in Brazil in 2019, a tragedy which took the lives of 272 people and released toxic sludge into the surrounding environment, represents a systematic failure in the coordination between extractive companies, state supervisory authorities and certifying companies to guarantee safety and environmental standards. After four years, still no one has been held accountable. On 20 January, we held an online event, in which affected people, experts and ECCHR lawyers discussed the effects of the dam collapse, the potential re-opening of the case in Germany, as well as the creation of a strong EU supply chain law that could prevent such disasters from happening.

[Watch the footage](#)

## The Time for Denial is Over

Since the 1960's, a group of globally networked artists, intellectuals and activists has persistently advocated for the restitution of African cultural assets and ancestral remains as an integral part of the decolonization process. After a period of stagnation, these debates have accelerated in recent years, with the emergence of initiatives from countless artists and cultural institutions to advance the restitution process. On 3 – 4 February, Group50:50 held a conference with artists, researchers and lawyers on questions of restitution, in which ECCHR lawyer Sarah Imani gave a talk on legal questions surrounding the theft of human remains and their restitution.

[Watch the footage](#)

### PUBLICATIONS

**Interview Wolfgang Kaleck / Milo Rau**

[The goal is to be the sand in the gears of power](#)  
(only available in German)  
*Das Magazin*, February 2022

**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!*, 12 January 2023

**ECCHR**  
[Torture in Syria on trial in Koblenz: A documentation of the Al-Khatib proceedings](#)  
January 2023

**Christian Schliemann-Radbruch / Susan Hoffmanns**  
[Double standards: What is forbidden in this country cannot be safe elsewhere – Germany seeks to introduce a ban on pesticide exports](#)  
(only available in German)  
*Forum Umwelt und Entwicklung – Rundbrief* 3/2022, January 2023

**Marie Badarne / Claire Tixeire**  
[The C in Critical Legal Training](#)  
*Opinio Juris, Symposium on Classism and the International Legal Profession*, December 2022

**Sarah Imani / Anne Schroeter**  
[An appeal for a complete societal reckoning with colonialism](#)  
(only available in German)  
*Verfassungsblog*, 8 December 2022

**Judith Hackmack**  
[Law and the Challenge of Rehumanization](#)  
*Verfassungsblog*, 3 December 2022

**Ohiniko M. Toffa / Sarah Imani**  
[Restitution claims, law and provenance research](#)  
(only available in German)  
*Verfassungsblog*, 1 December 2022

## Let's stay in touch!

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