



EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

DEAR FRIENDS, LADIES AND GENTLEMEN,

Firstly, we would like to thank everybody who in the past few weeks helped organize our events in Brussels and Berlin on international criminal law and terrorism lists, and also those who attended the conferences and discussed these issues with us. Also, regarding our office warming party we have received a lot of encouragement and positive feedback for which we are very grateful. Your interest and support are highly important for our young organization.

When talking about human rights, and in particular the ability to investigate and prosecute such matters within Germany, one has to keep German history in mind. In this respect the German post-war history, a history that is being celebrated as a success story in this very year, deserves a closer look: Sixty years ago the Federal Republic of Germany was founded, but many of the elites of the Nazi-regime remained in positions of power. It is therefore not surprising that since the Nuremberg War Crime Trials and its subsequent trials through the Allies, Nazi-offenders remained predominantly exempt from punishment by the German judiciary. The start of the main trial before the Munich District Court in November 2009 against John Demjanjuk, who is of Ukrainian descent, for the crime of aiding and abetting murder, especially against Dutch Jews in the Sobibor Concentration Camp, therefore reminds us of the preponderant impunity of the organizers of the mass murder of Jews and other persecuted groups.

The evaluation of the current commitment of the German state to human rights aside, crimes of the past, however, including those done by German post-war judiciary, should not be forgotten in this process. This is all the more valid as there are still survivors of the Nazi-regime and victims of German war crimes fighting for appropriate compensation. The fight of Greek victims from the village of Distomo first led them to Greek courts and later on to Italian courts. When the Italian judiciary began to enforce its jurisdiction against Germany in Italy, Germany turned to the International Court of Justice in The Hague and instituted proceedings against Italy for violation of the principle of state immunity. This proceeding - potentially relevant to future cases - was also subject of an ECCHR-event in December.

In the field of business and human rights ECCHR had to deal with human rights violations perpetrated by German corporations: In Argentina we are supporting a criminal proceeding against, among others, a Mercedes Benz Manager with a legal opinion. In the USA we have, together with other non-governmental organizations, handed in another legal opinion in a civil proceeding brought on behalf of South African victims of the Apartheid against a number of transnational corporations, among others Daimler AG, for supporting and profiting from the apartheid regime.

This month I travel to Argentina for a few weeks, where I will be observing several oral proceedings in the dictatorship cases. Among these are the trials of two German victims of the Argentinean dictatorship, cases which were investigated as a consequence of our initiative in Germany by the public prosecution of Nuremberg. Adriana Marcus was tortured in the torture center ESMA and Elisabeth Käsemann was murdered on 24 May 1977 by the Argentinean military dictatorship. Film director Alexandra Wetzl accompanies me on this journey and will let you experience what happens: Her video blog can be viewed on our homepage.

You can support ECCHR's work by visiting our events, informing others about our work, debating with us and of course by donating to our work.

Wolfgang Kaleck

General Secretary

UNIVERSAL JUSTICE

ARGENTINEAN DICTATORSHIP TRIALS

ECCHR-TRIAL MONITORING AND VIDEO BLOG

Starting in December 2009, ECCHR will be monitoring the main proceedings before Argentinean federal courts against former military officers for human rights violations during the military dictatorship (1976 until 1983). Lawyer Wolfgang Kaleck, General Secretary of the ECCHR, spokesman and one of the lawyers of the German "Coalition against Impunity", founded in 1998, will travel together with the Berlin filmmaker Alexandra Wetzl to Buenos Aires. They report from there with a video blog.

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UNIVERSAL JURISDICTION IN SPAIN

ECCHR-EXPERT DISCUSSION WITH SPANISH LAWYER

GONZALO BOYÉ

On 25 November 2009 Spanish criminal lawyer Gonzalo Boyé spoke at the ECCHR offices about the human rights cases that are currently pending before Spanish courts. After a review by Wolfgang Kaleck about the German and French Rumsfeld Cases (2004-2007), Gonzalo Boyé discussed the two cases that he supervises as a lawyer: the case concerning the targeted killings of Salah Shehade/Gaza; and the torture case against US-American jurists in connection with Guantánamo. The subsequent discussion centered around the new Spanish amendment bill regarding cases of universal jurisdiction and whether the current proceedings would be affected by this latest reform.

BETWEEN STATE IMMUNITY AND INDIVIDUAL COMPENSATION CLAIMS

EVENT ON THE GERMAN COMPLAINT BEFORE THE INTERNATIONAL COURT OF JUSTICE

On 3 December 2009 ECCHR, together with the Republican Lawyers Association (RAV), arranged a panel discussion on the State Immunity Case currently before the International Court of Justice. Therein, Germany challenges the decision of the highest Italian court that held that Germany should pay compensation to war victims and forced laborers from the Second World War.

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EUROPEAN LAWYERS MEETING ON THE PROSECUTION OF INTERNATIONAL CRIMES

ECCHR-WORKSHOP AND CONTRIBUTION TO CONFERENCE IN BRUSSELS

On 9 November 2009 in the run-up to a conference on universal jurisdiction in Brussels, ECCHR together with the Fédération Internationale des Ligues des Droits de l'Homme (FIDH) and Redress, organized a workshop on the same topic. Like the ECCHR-workshop on terrorism lists, transnational corporations and human rights and on the CIA-rendition flights, this workshop brought together a number of international experts in the field.

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PROCEEDINGS ACCORDING TO THE GERMAN CODE OF CRIMES AGAINST INTERNATIONAL LAW (I)

ARREST OF ALLEGED RWANDAN WAR CRIMINALS

On 17 November 2009 the President of the Rwandan rebel group Forces Démocratiques de Libération du Rwanda (FDLR) Ignace Murwanashyaka and his proxy Straton Musoni were arrested in Germany. Both are accused of having ordered the commission of war crimes and crimes against humanity in the East of the Democratic Republic of Congo and also of being organizers of a terrorist association.

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PROCEEDINGS ACCORDING TO THE GERMAN CODE OF CRIMES AGAINST INTERNATIONAL LAW (II)

POTENTIAL INVESTIGATION AGAINST COLONEL KLEIN

On 4 September 2009, American F-15 bombers, on the orders of the German Federal Armed Forces Colonel Georg Klein, attacked a group of insurgents and two

road tankers that had been stuck in a riverbed near the northern Afghan city Kundus. Up to 142 people were killed in this attack, among them adolescents and more civilians.

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BUSINESS AND HUMAN RIGHTS

THE CASE MERCEDES BENZ ARGENTINA A.S.

ECCHR FILED A LEGAL OPINION

ECCHR is supporting victims of political violence under the Argentinean military dictatorship that have pressed criminal charges in Argentina against a manager of Mercedes Benz S.A. The victims accuse high-ranking managers of Mercedes Benz Argentina S.A. to have contributed to the disappearance of fifteen unionists. For that purpose on 12 November 2009 ECCHR filed a legal opinion as *amicus curiae* (friend of the court) with an Argentinean court in the province San Martín. In this legal opinion, ECCHR points out that the Argentinean government is obliged to investigate the responsibility of private actors in connection with human rights violations perpetrated by the military dictatorship.

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ECCHR SUPPORTS CLAIM OF VICTIMS OF THE APARTHEID

TRANSNATIONAL CORPORATIONS BEFORE US-AMERICAN COURTS

On 30 November 2009 ECCHR jointly submitted an amicus brief to the US District Court of the Southern District of New York together with the Center for Constitutional Rights (CCR), Ecumenical Service for Advocacy Work on Southern Africa (KASA), Co-ordination for Southern Africa (KOSA) and Medico International. The brief supports the claims for compensation of victims of the South African Apartheid regime against eight German, European and American companies and banks, which were filed in the United States.

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TAKING VICTIMS CONCERNS BETTER INTO ACCOUNT

GUIDELINES FOR LAWYERS DEVELOPED IN A SEMINAR ON TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS

From 11 to 13 November 2009 the international seminar on "Transnational Corporations and Human Rights: Processing from the Victims' Perspective", was organized by the legal collective *Colectivo de Abogados José Alvear Restrepo*, in Suesca near Bogotá, Columbia. The participants included victims' representatives,

organizations and lawyers from five indigenous communities, ten Latin-American communities, Europe and North America. Claudia Müller-Hoff from ECCHR also attended. Together, they developed a catalog of practical guidelines for lawyers.

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GENDER AND HUMAN RIGHTS

NO MORE FEMINICIDES!

ECCHR-PARTICIPATION ON A CONFERENCE IN BRUSSELS ON FEMINICIDES IN CENTRAL AMERICA

On the occasion of the international day for the abolition of violence against women on 25 November, a conference "Ni una muerta mas - Balance y Perspectivas" (No more violence against women: State of play and perspectives) took place in Brussels on 19 November 2009. The conference was also attended by Anna von Gall, ECCHR's future program director for Gender and Human Rights. The aim of the conference was to provide an overview of activities in the past years and develop further steps and a concrete strategy for putting the subject on the agenda of the upcoming EU-Latin-America/Caribbean summit.

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ECCHR

ECCHR CELEBRATES OFFICE WARMING PARTY

ADVISORY BOARD MEMBERS DISCUSS FUTURE WORK

21 November 2009 was an important day for ECCHR. General Secretary Wolfgang Kaleck introduced the organization and its present history. For the future he announced that ECCHR will continue its work on the topics of universal justice and human rights in connection with gender, transnational corporations and counterterrorism, and will also address the problems of refugees at the southern border of the European Union.

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EVENTS

ECCHR-EVENTS

21 JANUARY 2010, 7 PM, ECCHR OFFICE

Current Challenges in Refugee Protection

A speech by Dr. Tillman Löhr

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PARTICIPATION AT EVENTS

5-7 FEBRUARY 2010, HEINRICH BÖLL FOUNDATION, BERLIN

Mexico: Quo vadis? 100 Years after the Revolution - Human Rights under Fire

ECCHR-General Secretary Wolfgang Kaleck presents together with Chris Schulz of the Diakonisches Werk the panel "Enforceability of Human Rights".

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DONATIONS

ECCHR is registered at Amtsgericht Charlottenburg and inscribed as non-profit association at the competent tax office. The Human Rights work of the ECCHR needs your support. Please help us in the legal fight against grave human rights violations and the legal analysis of such cases. The ECCHR is a member in the Human Rights Forum [Forum Menschenrechte]. Donations are tax deductible.

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