



## EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

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### **DEAR FRIENDS, DEAR LADIES AND GENTLEMEN,**

With around ten full and part time employees and an ever increasing number of German and international interns, ECCHR is now fully up and running. In April and May 2010 we proved this when two cases put forward by the program "Business and Human Rights", led by Dr. Miriam Saage-Maaß, attracted particular public attention. The Lidl case, which we informed you about in a special newsletter in mid-April, was concluded quickly and successfully and received broad coverage in the media. We returned to questions of corporate responsibility for the complaint filed against employees of Lahmeyer International, a German construction firm that managed the construction of the Merowe Dam in North Sudan. In our view, Lahmeyer International shares responsibility for the inundation of 30 villages and the displacement of 4700 families.

The Lidl case was based on an innovative interpretation of the laws against unfair competition. Lidl had falsely claimed that it was complying with social standards during the manufacturing process; ECCHR used the laws against unfair competition to force Lidl to accept legal responsibility for these false assertions. On first glance it may seem to be of little importance to textile workers in Bangladesh that Lidl had to withdraw its advertisement. However, we should remember that firms want to advertise fairly traded products and both wish to present themselves as socially responsible, and are increasingly compelled to do so. If they intend on doing this, they will have to pay attention to the conditions in which their products are produced, and exert their influence overseas. As evidenced by requests from Switzerland and France for legal support in similar cases, this new legal instrument can also be utilized in other countries. In addition, lawmakers need to respond to the obvious need for legal changes which would allow charges to be brought directly against corporations who disregard labor and human rights. ECCHR is part of the initiative which seeks to develop this proposed legislation.

The charges brought against Lahmeyer aim to establish another legal precedent: a German firm brought to justice before a German court for disregarding violations of human rights committed overseas. In both cases the law is employed as an innovative instrument to incite social change, to demonstrate gaps in legislation and to initiate exemplary proceedings.

Staying with the theme "Business and Human Rights", there is new and exciting news from Argentina, where I myself spent the last week observing the dictatorship trials. It can no longer be claimed that Argentinean prosecutors side with those civil and business figures who acted as accomplices to the dictatorship. Take, for example, the detention of Martinez de Hoz at the beginning of May. De Hoz, the dictatorship's Minister of Economy has been arrested for participating in the

abduction of two manufacturers, along with other crimes.

Over the next few months we will be busy working on the case against Colonel Klein for the bomb attack on Kundus in Afghanistan, on 4 September 2009. In a move which should be criticized, the Office of the Federal Prosecutor has decided to dismiss investigations into Klein's activities. Together with other lawyers, ECCHR is representing the victims and will appeal this decision.

ECCHR was not surprised by the results presented in the final report into the murder of Chechen exile Umar Israilow on 13 January 2009, published by the Austrian Federal Department for Security and Counter-Terrorism. The President of Chechnya, a constituent republic of Russia, Ramsan Kadyrow clearly appears to be responsible for this murder. In June 2008 ECCHR filed charges against Kadyrow in Vienna, with the help of witness statements from Israilow. Despite this, the police did not consider it necessary to arrest Kadyrow, nor to protect Israilow. As this has now been officially confirmed, we are looking forward to seeing whether or not an international arrest warrant will be issued.

In April the Australian lawyer Gavin Sullivan joined our program „Counter Terrorism and Human Rights". Gavin, who has previously been working in the United Kingdom, has written expert legal opinions for both of the Spanish Guantánamo cases. These cases address the program of torture under the Bush administration and are currently pending before Spanish courts.

As always we are happy to receive your suggestions and criticisms. You can also support ECCHR by attending our events, telling others about our organization and of course by donating to our work.

Wolfgang Kaleck  
General Secretary

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## UNIVERSAL JUSTICE

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### FUNDAMENTAL BREACHES OF PROCEDURE IN COLONEL KLEIN CASE

#### OFFICE OF THE FEDERAL PROSECUTOR LEADS "SECRET TRIAL"

On 19 April 2010 the Office of the Federal Prosecutor announced in the Federal Court that it would dismiss investigations into the case of German Armed Forces Colonel, Colonel Klein, and Master Sergeant Wilhelm. Both were accused of war crimes and murder following their decision to order an airstrike on two road tankers close to Kundus. In the course of the attack, up to 142 people were killed, among them civilians. ECCHR General Secretary Wolfgang Kaleck is representing the families of the Afghan victims, together with Bremen-based attorneys Bernhard Docke und Karim Popal.

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## **KADYROV ACCUSED OF INCITING MURDER IN AUSTRIA**

### **FINAL REPORT NAMES THE CHECHEN PRESIDENT AS SUSPECT**

Ramzan Kadyrov, President of Chechnya, a constituent republic of Russia, has been accused of inciting the murder of Chechen exile Umar Israilov in a final report released by the Austrian State Offices of Domestic Security and Counter-Terrorism. Israilov was shot dead in broad daylight in Vienna on 13 January 2009. Prior to his murder, Israilov had agreed to give evidence in a trial before the European Court and in proceedings taken against Kadyrov in Austria. These trials concerned, among other crimes, cases of torture that Israilov himself had suffered in Chechnya. With the assistance of Israilov's witness statements, charges were filed by ECCHR in Vienna, June 2008.

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## **FORMER ARGENTINEAN PRESIDENT SENTENCED TO 25 YEARS' IMPRISONMENT**

### **JUSTICE AT LAST FOR THE VICTIMS OF CAMPO DE MAYO**

After months of hearings and hundreds of witness statements, Reynaldo Benito Bignone, who was President Argentina during the final phase of the military dictatorship (1982-1983), was sentenced to 25 years imprisonment on 20 April 2010. Bignone was charged with torture as a crime against humanity for offences carried out in the torture centre Campo de Mayo. The federal court in San Martin, Argentina has also sentenced five further high ranking officials from dictatorship to imprisonment. The ECCHR has previously reported on the trials.

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## **BANKS SUPPORTED CRIMES COMMITTED DURING THE ARGENTINEAN DICTATORSHIP**

### **HUMAN RIGHTS ORGANIZATIONS PRESENT A LEGAL OPINION**

During its reign (1976-1983), the Argentinean Military Junta sought and received financial support from international banks. As such, the banks supported the regime and its repressive policies. Human rights organizations have presented a legal opinion in a case before the Federal Court Nr 7 in Buenos Aires. This concludes that international banks, by awarding financial credit to the Military Junta, contributed substantially to human rights abuses. ECCHR-General Secretary Wolfgang Kaleck spoke at the conference "Financing Gross Human Rights Violations: International Banks, Complicity and the case of Argentina", about the participation of civil and economic actors in the crimes of the dictatorship.

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## **BUSINESS AND HUMAN RIGHTS**

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### **GERMAN ENGINEERING - REGARDLESS OF THE CONSEQUENCES?**

#### **ECCHR REPORTS AN OFFENSE AGAINST THE PLANNING OFFICE LAHMEYER INTERNATIONAL**

On 3 May 2010 the ECCHR filed a complaint against two executive employees of the engineering company Lahmeyer International GmbH at the department of public prosecution in Frankfurt am Main. Lahmeyer International GmbH was instrumental in constructing the Merowe dam in Northern Sudan. In the criminal complaint the two employees are charged with the flooding of over 30 villages, the displacement of over 4,700 families and the destruction of their livelihood.

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### **LIDL RETRACTS ADVERTISEMENTS**

#### **COMPLAINT AGAINST CUSTOMER DECEPTION IS SUCCESSFUL**

The complaint filed on 6 April 2010 by the Hamburg Customer Protection Agency against Lidl due to unfair competition resulted in a swift victory. Vis-à-vis the Customer Protection Agency, Lidl formally agreed to cease proclaiming worldwide fair working conditions in its advertisements. The complaint was supported by the Clean Clothes Campaign (CCC) and the European Center for Constitutional and Human Rights (ECCHR). The pair objected to Lidl's advertisements that promised consumers fair labor conditions in its textile supplier plants in Bangladesh.

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## **COUNTERTERRORISM AND HUMAN RIGHTS**

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### **ECCHR PROVIDES EXPERT OPINION**

#### **EUROPEAN COURT OF JUSTICE REVIEWS TERRORISM LIST AGAIN**

The European Court of Justice in Luxembourg must take a stand on the new EU Terrorism List. While the trials to date have concerned aggrieved parties who have contested their inclusion on the list, this time it concerns a preliminary question submitted to the European Court by the Düsseldorf Higher Regional Court. The ECCHR has put their expert opinion forth in the case.

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## **GUANTANAMO AND U.S. TORTURE PROGRAM UNDER LEGAL CHALLENGE**

### **HUMAN RIGHTS GROUPS SEEK TO INTERVENE IN SPANISH CASE ON THE BUSH ADMINISTRATION'S TORTURE PROGRAM**

On 27 April 2010 the European Center for Constitutional and Human Rights (ECCHR, Berlin) along with the Center for Constitutional Rights (CCR, New York), filed submissions in two key cases currently pending before the Spanish Courts that are seeking to investigate the torture program conducted by the United States under the Bush Administration.

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## **US SECRET PRISONS IN LITHUANIA**

### **ECCHR CO-ORGANIZES CONFERENCE IN VILNIUS IN MARCH 2010**

European human rights lawyers got together on 22 March 2010 at a conference entitled „CIA ‚Extraordinary Rendition' Program: What's next for Lithuania?" The conference took place at Vilnius University in the country's capital and involved discussions about the results of the Lithuanian Parliamentary Inquiry Committee. At the end of 2009, the Committee's report confirmed suspicions that two US-operated secret prisons had existed on Lithuanian soil. The participants of the conference attempted to find ways of initiating juridical steps towards a clarification of the facts and towards holding certain individuals involved criminally responsible. ECCHR's General Secretary, Wolfgang Kaleck spoke to the participants about the trials taking place to date in Europe against CIA agents and other European parties involved.

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## **GENDER AND HUMAN RIGHTS**

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### **ABORTION LAW**

#### **FAILURE TO IMPLEMENT REPRODUCTIVE RIGHTS IN THE EU PUSHES WOMEN TOWARDS UNSAFE ABORTIONS**

Worldwide restrictive abortion laws continue to lead to unsafe abortions and women die as a consequence. Within the EU, there are still countries in which the termination of a pregnancy is still an illegal act. Indeed, on average 16 women travel daily from Ireland to England in order to receive a safe abortion. Meanwhile every year around 200, 000 illegal abortions take place in Poland. Together with pro-choice activists from Poland and Ireland, the ECCHR has been discussing strategies for taking further steps on the international and European level against the devastating consequences of restrictive women's health policies. For this purpose, the Program Director for the Gender and Human Rights department has provided a

legal overview of the European and international institutions and their judicial policies in relation to women's reproductive health laws.

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## NEWEST PUBLICATIONS

**Wolfgang Kaleck / Andreas Schüller:** Litigating Extraordinary Renditions, in: Interrights Bulletin, Spring 2010, Vol. 16/1 („Kidnapped by the State: Extraordinary Rendition and Secret Detention in the ‚War on Terror‘), p. 34.

[Read...](#)

**Miriam Saage-Maab:** With Law Against Corporate Groups? The Sense and Nonsense of Legal Proceedings against Corporations for Human Rights Abuses, in: Weitblick, Mai 2010 (Beilage der taz am 11. Mai 2010), S. 4 / online: S. 7 (in German).

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## INTERVIEWS

„Democratic Controls Made Impossible“, John Goetz and Matthias Gebauer in discussion with Wolfgang Kaleck on the Kunduz affair, in: Spiegel Online vom 26. April 2010 (in German).

[Read...](#)

„This is a Secret Trial“, Daniel Steinmaier in discussion with Wolfgang Kaleck about the juridical investigations in the Kunduz affair, in Jungle World Nr. 18, 6. Mai 2010 (in German).

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## DONATIONS

ECCHR is registered at Amtsgericht Charlottenburg and is inscribed as a 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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