



EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

DEAR FRIENDS, DEAR LADIES AND GENTLEMEN,

Since its foundation, ECCHR has made the defense of human rights within counter-terrorism a focal point of its work, in particular in connection to the CIA 'extraordinary rendition' program. The ECCHR has worked to analyze legally the European contribution to CIA rendition flights, has held regional events and has founded a network made up of organizations and legal specialists. Through its approach, ECCHR has established itself as a respected organization in Eastern Europe. Using legal expertise we have, for example, participated in investigations concerning secret CIA detention centers in Poland and will subsequently soon be holding a conference in conjunction with the University of Vilnius and the Human Rights Monitoring Institute. Held on 22 March 2010, the conference will be entitled, "CIA Extraordinary Rendition Program: What's next for Lithuania?".

Also in the amicus curiae brief in the Arar case, which the ECCHR submitted together with Bar of England and Wales Human Rights Committee, the judicial investigation of the CIA rendition flights in European states is a central issue. This legal analysis aims to support the case put forward by torture victim Maher Arar before the US Supreme Court, while at the same time also making the importance of this legal work in Europe clear.

On the ECCHR website over the last few months it has been possible to follow the opening of proceedings against former members of the Argentinean military who are now being tried for human rights violations committed during the dictatorship. Alongside further information on the progress of the trials, you can now see video reports of the individual hearings or watch interviews which underline the significance of these trials both for the victims and their relatives, as well as for the Argentinean society as a whole. To view these films please select the new menu option, "[VIDEOS](#)." From the ECCHR's perspective, the Käsemann and Stawowiok cases are of particular importance. The progress of these cases was facilitated in Germany by the Coalition against Impunity and Wolfgang Kaleck (ECCHR), who worked as one of the lawyers and spokespersons for the case. These proceedings made a vital contribution to the movement that culminated in the resumption of criminal proceedings in Argentina following years of impunity. This is stressed by Herta Däubler-Gmelin, the former German Federal Minister for Justice, in her interview with the ECCHR. The criminal proceedings against accountable members of the Argentinean military may have its limitations, but it remains nonetheless an important example of the way in which legal measures can work in collaboration with other initiatives to put an end to a reign of impunity. However, as Nobel Peace Prize winner Adolfo Pérez Esquivel rightly stresses in his interview with the ECCHR, military officials are not the only ones responsible for the extreme abuse of human rights during the dictatorship. As he points out, companies like Mercedes Benz and Ford also took part in the crimes committed by dictatorship.

The difficulty of proving businesses to be liable for their cooperation with dictatorships and for their contribution to human rights abuses can also be seen in compensation claims against Daimler and Rheinmetall brought before a US American Court by victims of the apartheid. Such claims were supported by an expert legal opinion produced by the ECCHR. The legal significance of these claims was presented by the ECCHR at the start of this year during an expert discussion in the German parliament before members of the Committee for Human Rights and Humanitarian Aid. In the past the federal administration has clearly rejected multiple claims for compensation put forward by the U.S. John Ruggie, the UN Special Representative of the Secretary General on human rights and business, has also proved reluctant to hold businesses legally accountable, and has instead opted for a non-judicial version of corporate responsibility. These matters were raised by the ECCHR at the expert meeting in January. We hope therefore that in the coming months we will be able to present to you cases developed in our 'Business and Human Rights' program that not only holds businesses "responsible" for past human rights abuses, but also make them legally accountable.

To what extent can states be considered obligated to investigate crimes under international law, if the state in which the crimes were committed is not conducting proper investigations? This complex issue was pursued by the ECCHR and Prof. Dr. Florian Jeßberger in a legal analysis presented in Spain in February. It was concluded that states should not be prevented from investigating by the fact that another state is also exercising its jurisdiction. The case concerned an attack carried out by the Israeli Air Force on a house in Gaza which lay in the center of a populated area. The Spanish courts had argued that they could not exercise Spanish jurisdiction, as an investigation of national institutions was already underway in Israel. The legal opinion made clear that the responsibility of states cannot be avoided for reasons of formality.

Since 1 March we have been working with new director Anna von Gall to put together our new program, "Gender and Human Rights." This new field will investigate the gendered aspect of human rights work, be it the defense or realization of political or civil liberties, or business, social and cultural human rights. Andreas Schüller, who leads our Universal Justice program, has since the beginning of the year been supported in his work by Spanish lawyer Almudena Abascal Sánchez de Molina. Julia Prosinger, who has been working as an ECCHR intern for the past several months, will now be assisting with the administration of the organization. We are also pleased that the ten vacancies for interns, trainees and voluntary lawyers have been filled by engaged "Young Lawyers" from around the world.

Finally we are pleased to draw your attention to the addition of another European language on our website: in the Spanish section you will now find selected articles from each of our programs.

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

UNIVERSAL JUSTICE

GERMAN ARREST WARRANT ISSUED FOR EX-DICTATOR VIDELA

THE MURDER OF GERMAN CITIZEN ROLF STAWOWIOK

On 15 December 2009, the District Court in Nuremberg issued another warrant for the arrest of Jorge Rafael Videla, the former head of the military junta that ruled Argentina between 1976 and 1983. The warrant was issued in response to Videla's participation in the murder of Rolf Stawowiok, a German citizen. The criminal complaint was filed in May 2001 by Wolfgang Kaleck on behalf of the Coalition against Impunity. In January 2010 proceedings were temporarily suspended by the Prosecutor's Office in Nuremberg-Fürth due to the absence of the accused.

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THE CASE OF ELISABETH KÄSEMANN

THE TRIAL BEGAN ON 26 FEBRUARY, 2010

On 26 February, 2010 the trial began before the 4th Federal Court concerning cases of torture and murder in the detention center "El Vesubio." In this same center the young German Elisabeth Käseman was imprisoned and tortured following her abduction on 9 March, 1977. On 24 May of the same year, Elisabeth Käsemann was shot four times, murdered along with 15 other prisoners in Monte Grande. In 1998, a complaint was filed as part of the Käsemann Case by the Coalition against Impunity, a network of human rights, legal and church-based organizations to which ECCHR belongs.

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ARGENTINEAN VIDEOS

REPORTS AND INTERVIEWS

Since December 2009, ECCHR and filmmaker Alexandra Wetz have been monitoring the on-going proceedings against former members of the Argentinean military concerning their involvement in human rights abuses during the military dictatorship. The main hearing has taken place before Argentinean Federal Courts. Under the option "[VIDEOS](#)" in the menu bar you will find videos showing reports and exclusive interviews with those connected to the case. Among others interviewed is Adolfo Pérez Esquivel, winner of the Nobel Peace Prize. Further information on the individual proceedings can be found [here](#).

THE CASE OF ELISABETH KÄSEMANN
THE TRIAL BEGAN ON 26 FEBRUARY 2010



"THE MILITARY DID NOT DO IT ALONE"
INTERVIEW WITH NOBEL PEACE PRIZE WINNER ADOLFO PÉREZ
ESQUIVEL



JUSTICE FOR THE VICTIMS
ARGENTINE HUMAN RIGHTS ATTORNEY RODOLFO YANZON



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THE RESPONSIBILITY TO INVESTIGATE INTERNATIONAL CRIMES

ECCHR SUBMITS EXPERT OPINION ON CONCURRENT CRIMINAL JURISDICTIONS AND INTERNATIONAL LAW IN SPANISH PROCEEDING

ECCHR submitted in February 2010 an expert opinion on concurrent criminal jurisdictions under international law in a Spanish case. The opinion was written by ECCHR and its advisory board member Professor Dr. Florian Jeßberger. Spanish courts argued they were not competent to open investigations into international crimes committed in Gaza, because investigations were already opened by local authorities. The Gaza (Al Daraj) case concerns the targeted bombing of a house located within a built up area carried out by the Israeli air force in 2002. The attacks aimed to kill an alleged-leader of Hamas. 14 people were killed alongside the intended victim of the attacks. In addition around 150 people were injured and a significant amount of property was destroyed.

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BUSINESS AND HUMAN RIGHTS

CORPORATE RESPONSIBILITY FOR HUMAN RIGHTS

ECCHR TAKES PART IN EXPERT CONSULTATION LED BY UN SPECIAL REPRESENTATIVE ON HUMAN RIGHTS AND BUSINESS

On 20 January 2010 the UN Special Representative of the Secretary General for Human Rights and Business, John Ruggie, was invited to Berlin to take part in an expert consultation prior to the Federal Ministry for Economic Co-operation and Development's conference "That's Right! - Corporate Responsibility for Human Rights." Together with around 60 other representatives of corporations, governments, and civil society organizations, the ECCHR discussed questions of practical implementation of the conceptual framework "Protect, respect and remedy" developed by John Ruggie to address corporate responsibility.

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COMPENSATION CLAIM AGAINST DAIMLER AND RHEINMETALL

EXPERT DISCUSSION WITH MEMBERS OF COMMITTEE FOR HUMAN RIGHTS AND HUMANITARIAN AID IN THE GERMAN FEDERAL PARLIAMENT

Working together with the Arbeitsstelle Südliches Afrika (KASA), the Koordination Südliches Afrika (KOSA) and Medico International, the ECCHR organized an expert discussion in the German Federal Parliament for the members of the Committee for Human Rights and Humanitarian Aid on 29 January 2010 . This expert discussion revolved around one pending compensation claim in the US raised by victims of apartheid against Daimler, Rheinmetall and three other corporations, as well as the position of the federal government, which dismissed the suit. The ECCHR supported the claim of the victims of apartheid through an amicus curiae brief. The brief discussed the meaning of judicial remedy for human rights violations.

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COUNTERTERRORISM AND HUMAN RIGHTS

ECCHR SUPPORTS 'EXTRAORDINARY RENDITION' CASE

AMICI CURIAE BRIEF FILED TO THE US SUPREME COURT IN THE CASE OF MAHER ARAR

In association with the Bar of England and Wales Human Rights Committee, ECCHR filed on 5 March an amici curiae brief supporting the petition of the New York-based Center for Constitutional Rights in the compensation case of Maher Arar. Maher Arar, a Canadian citizen, was arrested and abducted by US officials in 2002 and brought to Syria. In his one-year detention in Syria he suffered torture and was imprisoned under inhumane and degrading conditions. After his return to Canada a commission of inquiry, established by the Canadian government, shed light on his case. Arar is now seeking compensation for his rendition to Syria by US officials before US courts. The lower courts dismissed the claim because state secrecy issues were at stake threatening foreign relations and national security.

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CIA-'EXTRAORDINARY RENDITION' PROGRAM WHAT'S NEXT FOR LITHUANIA?

INTERNATIONAL CONFERENCE, 22 MARCH 2010 IN VILNIUS

Organized by Human Rights Monitoring Institute (HRMI), Law School of Vilnius University and European Center for Constitutional and Human Rights (ECCHR)

In August 2009 the existence of a secret prison close to Vilnius came to light. The prison was to be used in the CIA's 'Extraordinary Rendition' Program. Although an investigative committee from the Lithuanian parliament was able to confirm its existence, it was not able to clarify whether or not CIA prisoners were interrogated on Lithuanian soil. Taking into consideration the European involvement in the CIA secret program, this conference will ask which legal steps can be taken to further illuminate the facts of this case, and which might be employed to prosecute those responsible, should this become necessary.

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EUROPEAN REFUGEE POLITICS

TUNESIAN FISHERMEN CONVICTED AFTER RESCUING STRANDED REFUGEES

SUPPORT COMMITTEE ESTABLISHED - APPEALS ANNOUNCED

On 17 November 2009 the Tunisian fishermen Adbelasset Zenzeri and Abdelkarim Bayough were sentenced in Agrigent (Italy) to two and a half years imprisonment. In total seven Tunisian fishermen have sat in the dock in Sicilian Agrigent for over two years, accused of assisting illegal entry and civil disorder. The fishermen are accused of fetching 44 African refugees in distress at sea and taking them to the next port in Lampedusa (Italy). Captain Zenseri informed the Italian coastguard, but when the coastguard wanted to send the refugees back to Tunisia, he contended with the critical weather conditions and navigated towards the nearest port in Lampudesa. Once there the fishermen were handcuffed by the police and taken into custody.

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EVENTS

ECCHR-EVENTS

22 MARCH 2010, VILNIUS

CIA "Extraordinary Rendition" Program: What's next for Lithuania? International Conference in Co-operation with: Human Rights Monitoring Institute (HRMI), Law School of Vilnius University. Speaker will include: Henrikas Michevicius (Vilnius), Gavin Simpson, Amrit Singh (New York), Julia Hall, Clara Gutteridge (London) und Wolfgang Kaleck (Berlin).

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PARTICIPATION AT EVENTS

24 MARCH 2010, UNIVERSITY OF ESSEX

Financing Gross Human Rights Violations: International Banks, Complicity and the case of Argentina, with a lecture by Wolfgang Kaleck about the case of disappeared Mercedes Benz trade unionists in Argentina.

NEWEST PUBLICATIONS

Wolfgang Kaleck: Das argentinische Trauma. Kann das Strafrecht die Wunden heilen? ("The Argentinean Trauma: can criminal law heal the wounds?"), in: Süddeutsche Zeitung 28 December 2009 (in German)

[Read...](#)

Dr. Miriam Saage-Maaß: Geschäft ist Geschäft? Zur Haftung von Unternehmen wegen der Förderung staatlicher Menschenrechtsverletzungen, (Business as usual? On the responsibility of corporations in the advancement of state-sponsored human rights abuses") in: Kritische Justiz, H1/2010, S. 54-61(in German)

[Read...](#)

Dr. Miriam Saage-Maaß: Transnationale Unternehmen im nationalen und internationalen Recht ("Transnational corporations in national and international law"), in: Zeitschrift für Menschenrechte, Journal for Human Rights, Jg. 3 02/2009, S. 102-122 (in German)

[Teaser...](#)

INTERVIEWS

„Wir werden präsent sein“, Andreas Fanizadeh im Gespräch mit Wolfgang Kaleck („We will be present“, Andreas Fanizadeh in discussion with Wolfgang Kaleck), in: taz 15 December 2009 (in German)

[Read...](#)

Der Fall Käsemann, Nela Fichter im Gespräch mit Wolfgang Kaleck (**The Käsemann Case**, Nela Fichter in discussion with Wolfgang Kaleck), in: SWR2 on 30 December 2009 (in German)

Listen to audio...

DONATIONS

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