

2022  
ANNUAL REPORT



Enforcing  
human rights  
through  
legal means

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**2022  
ANNUAL REPORT**

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# Human rights are not granted—they must be fought for

WOLFGANG KALECK

The 10<sup>th</sup> of December 2023 will mark the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights, an occasion which promises to give rise to controversial discussion. Time and again, voices have been raised, claiming that the project of universal human rights anchored within the declaration has failed. Critics point to the current situation, especially in light of Russia's war against Ukraine, as proof that the protection of human rights is not working. More and more states have withdrawn from this normative call. The World Cup soccer tournament in Qatar and the violent suppression of the opposition in Iran only serve to furnish alternative justifications of this claim.

Human rights are indeed being trampled underfoot in many regions of the world. And in our efforts to enforce them through legal means, we at ECCHR also confront our share of political obstacles, in particular. All too often, states only maintain an instrumental relationship with human rights and will even go so far as to block their implementation when it suits their interests.

Instead of simply writing off the enforcement of human rights, however, this should be seen as a historical process that has not yet come to its completion. As the rather conservative historian Heinrich August Winkler recently pointed out: since the Universal Declarations of Human Rights in 1776 and 1789, the history of the West has been a history of struggles over the adoption or rejection of this normative project. The history of the West has also always been a history of violations of its own values. Most importantly, human rights declarations have often been wiser than many of their authors, who were mired in racial and male prejudice.

A yawning gap has also always existed between normative aspirations and practical implementation. According to US sociologist Kathryn Sikkink, however, human rights have historically always emerged as the result of struggles led primarily by oppressed individuals and groups.

The same was the case with the Universal Declaration of Human Rights of 1948. Although they had just defeated Hitler's Germany, the European colonial states were by no means interested in adopting binding human rights covenants—as they would run the risk of being accused of excessive violence within the wars against the independence movements in Indonesia, Kenya and Algeria.

Thus, a better time for human rights never existed in the past. No, human rights must be fought for, today just like yesterday, again and again, all over the world. With our legal resources, we must continue to stand in support of individuals and groups who have been denied their rights. The good news is that, in the last 25 years, successes across the globe have been achieved.

Of course, the recent interest in international criminal law now exhibited by some Western states is politically motivated, as seen, for example, with calls to the International Criminal Court made shortly after the outbreak of war in Ukraine in February 2022 and an arrest warrant against Putin issued in March 2023. But we can nonetheless see this as something positive: it is reassuring to know that so many governments around the world share our legal position that civilians require better protection within wartime conflicts. It is also gratifying to see that the United States and the United Kingdom, who have historically stood in the way of the project of universal justice, are now clamoring for it.

So, let us hold them to their word! Successful trials in Germany under the principle of universal jurisdiction against Syrian torturers, as seen with the Koblenz judgment of January 2022,<sup>→P.14</sup> must now be followed by criminal proceedings against Western actors if they are suspected of complicity in war crimes—for example, for supplying weapons to the war criminals in Saudi Arabia and their allies in the Yemen war.<sup>→P.27</sup>

In the last 25 years,  
successes across the globe  
have been achieved

Until recently, there was rarely any talk of transnational corporations having to submit to universal standards for their activities beyond national borders. But this is precisely the idea behind the Supply Chain Act, which came into force in Germany on 1 January 2023 and will soon be followed by EU-wide legislation.<sup>→P.24</sup>

The introduction of a new, and especially imperfect, law is however by no means sufficient. Those excluded from their rights must be given access to justice. In each individual case, the claims and rights of those affected must be enforced. To be more successful, we must also approach our work together with others and in a multidisciplinary manner. When we combine legal, political and psychosocial approaches, we can support individuals and communities more effectively. As ECCHR's ever-growing case portfolio consistently shows, we leave no avenue unexplored.

There is no question that the rulings of the European Court of Human Rights in Strasbourg in the cases of so-called pushbacks in Spain or Macedonia are disastrous, as the court clearly gave in to political pressure.<sup>→P.58+59</sup> But we will keep up the fight on this legal front. One thing is absolutely certain: we are seeking more human rights for everyone—and as part of this process, we must learn to contend with temporary legal defeats or setbacks. And who could say what the world would look like right now if all of us weren't here, fighting together for human rights?

In this spirit, we thank all those who are working with us to realize the concrete utopia of the Universal Declaration of Human Rights. Because, in reality, there is no alternative to it.

WOLFGANG KALECK IS GENERAL  
SECRETARY OF THE EUROPEAN  
CENTER FOR CONSTITUTIONAL AND  
HUMAN RIGHTS (ECCHR).

# Natural disasters, climate change and debt

NASIR MANSOOR

For decades, millions of people in Pakistan have faced the multi-pronged challenges of natural disasters, climate change and pandemics, coupled with economic downturns, bad governance, neocolonialism and the debt trap. Poverty, hunger and unemployment have risen rapidly, with more than half the population living beneath the poverty line and an unemployment rate exceeding 6.5%, while food inflation is the highest in the region.

While the economic downslide of recent decades stems primarily from the cruel policies of the capitalist system that rules Pakistan through debt traps, a recent increase in environmental hazards, both natural and man-made, has further exacerbated the country's economic vulnerability. In 2005, a large earthquake hit Kashmir, while during the same year, the country endured massive floods; in 2020 and 2021, Covid-19 wreaked its havoc, and recently in 2022, an unprecedented flood virtually paralyzed the entire country.

Pakistan is among the countries most vulnerable to climate change, and last year's flood showed the true scale of such climate dangers: millions were displaced, making every fourth citizen in Pakistan homeless; civil infrastructure, roads, schools, hospitals and dispensaries were damaged, along with a large number of houses and extensive farmlands. A government estimate put losses at roughly US \$30 billion, with 10 years needed to rebuild. Though all of Pakistan was heavily hit by the rains and floods, the provinces of Sindh and Balochistan were practically destroyed. These floods were the worst in the history of the country, directly affecting 3.5 million people and several million others indirectly.

In addition, the cotton crop was badly damaged, meaning that the country will face a 45% shortage of local cotton, which will affect some one million workers in the textile and garment industry. Beyond cotton, edible crops like paddy, chilies and vegetables were also washed away, while government wheat silos were damaged such that millions of tons of wheat were lost. As a result, at least 12% of the Pakistani population faces food shortages, at a time when a severe food crisis has already been looming large over the country—leading to the urgent need for food imports to avert a famine-like situation. Altogether, due to climate change, food crisis and foreign loans, poverty and inequality are rising drastically in Pakistan.

Global warming is in fact yet another face of the capitalist mode of production on its rampage across the world. The industrial countries of the Global North have used fossil fuels for their development since the industrial revolution, and have unleashed this environmental disaster on the countries of the Global South. Pakistan, with its share of 1% of global CO<sub>2</sub> emissions, bears minimal responsibility for this, along with the many other countries who suffer from floods and droughts. Yet, as they endure the effects of the climate crisis, these countries are also already suffering under the global debt crisis—whose origins also lie with the capitalist countries of the world.

## Pakistan is among the countries most vulnerable to climate change

Our top priority should be to save the lives of people. The Pakistani government needs to put a moratorium on the repayment of local and foreign loan installments, as these funds should be spent on helping flood survivors. The Pakistani government also should not ask for aid but, rather, demand reparations for climate damage, along with the cancellation of debt. Industrial countries must also immediately release the sum of \$100 billion per annum that they promised at COP27 to countries hardest hit by climate change. In addition, polluting companies must also be legally held accountable for their contributions to the crisis, as well as compensate those directly affected by it.

As part of a transnational coalition to address the aftermath of the floods, the Pakistani labor organizations NTUF and HBWWF are currently in consultation with affected people, political and social leaders, along with legal experts, in order to initiate litigation in German courts against states and organizations involved in climate crimes. ECCHR has already been challenging European companies in violation of international criminal law who fail to fulfill their obligations to safeguard the environment. Previously, ECCHR dragged German brands into our courts in the case of the Baldia factory fire in Karachi. As a result of the efforts of those affected by the fire, a law was passed in Germany that obligates German companies to safeguard the rights of workers and the environment in their supply chains all over the world. Worker organizations are now planning to use “due diligence legislation” in Germany to file cases against carbon-emitting fossil fuel companies in light of the climate-related disaster in Sindh and other parts of Pakistan.

**NASIR MANSOOR IS SECRETARY  
GENERAL OF THE NATIONAL TRADE  
UNION FEDERATION PAKISTAN (NTUF).**

# International Crimes and Accountability

I.

LAURA FIORIO  
MY FASCIST GRANDPA  
2023 →



## Forging paths to accountability

Human rights defenders find their efforts perennially challenged by questions and technicalities of enforcement. How, where and through which legal channels can human rights violations be effectively addressed? This task lies at the heart of ECCHR's legal interventions: not only do we dedicate our energies to exposing and contesting the gravest international crimes, we must also work tirelessly to find new ways to bring them to justice.

The fight against impunity demands that we consistently identify the inflection points within existing law, in order to open up new avenues of redress, whether in international or national courts, or through invoking the principle of universal jurisdiction. In practice, universal jurisdiction—which refers to crimes so sinister that the duty to prosecute them transcends all borders—functions as a patchwork of legal innovations and precedents that continues to acquire increasing legitimacy, along with more teeth.

By supporting court proceedings under universal jurisdiction in Europe, ECCHR has contributed to bringing high-ranking perpetrators of crimes against humanity to justice, as well as setting precedents for future human rights litigation.

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Holding even the most powerful actors to account.

Political and economic power cannot be allowed to shield those who commit crimes against humanity. We intervene to stop torture, sexual violence and war crimes from going unpunished.

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## Protectionism, isolation and the breaching of international law at sea

For years, it has been well known that people on the move apprehended by the so-called Libyan coast guard in the Mediterranean Sea are returned to Libya and deprived of their liberty within in detention facilities. Despite the overwhelming evidence of systematic human rights violations in these detention centers, the European Union continues to provide financial resources, patrol boats, equipment and training to the Libyan coast guard, all of which are intended to prevent those seeking safety from reaching Europe. European actors often participate directly in these so-called “search and rescue” operations that ultimately are designed to return people on the move to Libya and detain them there: in certain cases, for example, FRONTEX drones cooperate with the Libyan coast guard by sharing the location of sea vessels in distress.

European and Libyan actors cooperate closely at both the political and operational levels

However, the interception of people on the move at sea in order to detain them in Libya constitutes a crime against humanity in the form of severe deprivation of liberty—because those affected are intentionally brought back into a system of forced labor, torture, rape and sexual violence. In order to hold those responsible to account, we submitted a communication to the International Criminal Court (ICC), requesting that the court investigate the individual legal responsibility of high-ranking decision-makers from EU member states, the EU Commission, FRONTEX, the European External Action Service and EUNAVOR MED in connection with 12 emblematic incidents of interception at sea amounting to severe deprivation of liberty.

Our communication is based on evidentiary materials gathered by Sea-Watch, as well as other sea rescue and civil society organizations and investigative journalists. These materials illustrate the close cooperation between European and Libyan actors at both the political and operational levels. Already in 2021, we requested that the ICC open investigations into the responsibility of armed groups, militias and Libyan state actors for crimes against humanity perpetrated against people on the move in Libya. Now, in addition, we are demanding an end to any policy, funding or program by the EU and its member states that aims to externalize European borders by detaining people on the move in Libya. We are also calling for the creation of a civilian, state-funded and -coordinated European search and rescue operations agency that complies with maritime law and human rights standards, as well as fulfills the obligation to bring people to a safe place on land.

## The criminalization and prevention of sea rescue is costing lives

DARIUSH BEIGUI

In 2016, we set off with the ship “Iuventa” to the Mediterranean because we could no longer watch what was happening: we wanted to take action and show solidarity with people on the move. Overall, we were able to save 14,000 people in distress at sea. Then, in August 2017, the Iuventa was seized by the Italian authorities and, since then, has been rotting in a harbor basin in Trapani. Meanwhile, more than 10,000 people have drowned in the Mediterranean Sea. Because of our efforts to save lives, four of us are now standing trial in Trapani.

The charges against us: aiding and abetting unauthorized immigration into Italy. Altogether, those on trial include four Iuventa activists, an additional 17 individuals, two NGOs and a shipping company, whose ships were chartered to rescue people at sea. Since May 2022, we have been in the midst of preliminary hearings, before the start of the actual trial.

**This mishandling of procedural principles and our rights is appalling.**

Ever since we began our work, we have stood in the cross-hairs of the Italian authorities. Only two months after the Iuventa’s first expedition, the investigations began. Not only was our bridge bugged, other ships and phones were spied on as well. By the time the investigation was completed, our file contained almost 30,000 pages and 400 DVDs with audio recordings. However, we were only provided with German translations of the indictments and a 700-page summary of our file. On two occasions, we requested translations of the remaining documents, and both times, this was denied—in clear breach of European law. Every person accused of committing a crime is entitled to receive the documents related to his or her proceedings translated into his or her native language. This principle is intended to ensure that people can participate in their own proceedings, as well as guarantee a fair trial.

This mishandling of procedural principles and our rights is appalling. Nevertheless, we are still privileged: we have resources; we can afford lawyers; and—because we are Europeans—our case and the failures of the legal system receive attention. What is overlooked is the fact that trials such as ours and their mishandling are widespread throughout Italy. Over 2,500 people—most of whom were actually themselves on the move and in search of safety—have been convicted of the same charges and imprisoned. Italy’s attack on civilian sea rescue and its neglect of procedural principles is a prime example of the pressures that human rights activists face across the world, revealing how the space for justice, solidarity and rights is shrinking.

**DARIUSH BEIGUI WAS ONE OF THE CAPTAINS OF THE PRIVATE SEA RESCUE SHIP IUVENTA. IF CONVICTED, HE FACES UP TO 20 YEARS IN PRISON.**

## Making injustice visible Addressing conflict-related sexual violence in international criminal law

ARNE BARDELLE

Neither the commission of international crimes nor their legal reappraisal takes place in a sociopolitical vacuum. While war crimes and crimes against humanity are often perpetrated in connection with the enforcement of political, racial or religious hierarchies, their legal prosecution also runs the risk of overlooking and perpetuating discriminatory structures. This is particularly evident in cases of **sexual violence**, which has been and continues to be used as a weapon of war in conflicts around the world. Too often, victims have been denied legal recognition of the injustices they have suffered, thus obscuring the structural dimension of gender-based violence—while patriarchal norms and gender stereotypes have helped foster this ignorance.

**Too often, victims have been denied legal recognition, thus obscuring the structural dimension of gender-based violence**

Only since the rulings of the international tribunals for Rwanda and the former Yugoslavia has an international legal practice gradually taken shape that recognizes sexual violence in its various forms as a crime under international law in its own right. While the Rome Statute further expanded the differentiation of such crimes and enshrined them into legal form, the German Code of Crimes against International Law, however, falls short of these standards and must be reformed.

Even if it will not be possible through legal means alone to disrupt the fatal interplay between discriminatory gender hierarchies and the most serious human rights violations, the example of sexual violence clearly demonstrates how important it is to make such patterns of crime legally visible. An important success in this regard was achieved at the Koblenz “al-Khatib” trial, in which sexual violence was prosecuted as a crime against humanity at the behest of ECCHR’s partner lawyers.

Currently, reliable evidence of severe forms of sexual violence committed by Russian soldiers in Ukraine continues to accumulate. In contrast to previous situations, international and national investigative authorities appear to be focusing their efforts on addressing these crimes at an early stage, which is to be welcomed. However, the inclusion of civil society within such investigations remains essential in order to ensure that victims can assert their rights in a self-determined manner with sufficient knowledge of legal procedural steps. What is needed is not only the deployment of specially trained investigators, but also a discussion in society as a whole about the underlying mechanisms that continue to stigmatize survivors of sexual violence.

**ARNE BARDELLE IS A BERTHA JUSTICE FELLOW AND PART OF ECCHR’S INTERNATIONAL CRIMES AND ACCOUNTABILITY PROGRAM.**

# The End of My Story

## Sentencing Day in Koblenz

RUHAM HAWASH

At the beginning of the trial, I had no idea what to expect from it, but today I can say that this difficult ordeal has restored my faith that justice is not merely an illusion, but rather a necessity that can be achieved. Today, I stand proud for knowing well the taste of justice, in the same way that over the past 10 years I have come to know the taste of freedom from going out to demonstrate with hundreds of thousands of other Syrians, men and women alike, in the midst of our peaceful revolution.

Today, I stand proud  
for knowing well  
the taste of justice

Through this ruling, we have taken a new step towards justice. This verdict in a German court, in the first instance, and a European court, in the second instance, has recognized the viciousness of the regime and its security apparatus, and has recognized that the regime used all manner of torture in an orchestrated way as a tool for silencing any voice that rose up in defense of freedom and justice. We have tried and will continue to try with all our might to convince the world of this truth, ever since we first went out as part of the revolution against the regime in 2011. This verdict is a clear message to all those who might consider normalizing relations with the Assad regime, those who would attempt to rearm it and accept its crimes: this remains a criminal government.

Finally, I believe that the ruling from this court is by no means the fullest extent of justice for the Syrian people and cannot serve as a substitute for finding a comprehensive and lasting solution to the problem of prisoners, enforced disappearance and the war in Syria more generally. At the same time, this ruling must be understood as a wake-up call for the German government and all the governments of the world to do something meaningful in order to save those who can still be saved inside the regime's cells and inside the larger prison that is Assad's Syria.

In these few pages, I have tried to document my own personal experience in court by gathering together a few scattered snapshots from a purely subjective perspective, far removed from the technical details that fill this book. I have also tried to elaborate on some of the thoughts, feelings, and viewpoints that came to me when I addressed the panel of judges during the closing arguments in December 2021.

I realize full well that what I went through during this trial was an entirely individual experience. It might seem like a dream to the millions of Syrian men and women who have lost their faith in any kind of justice in this world. This trial might not be a huge leap forward in general terms, but it is a rather large step for me on a personal level. Therefore, I hope and will continue to hope that all of us may live for a moment through this achievement: reclaiming our ability to act and restoring our faith in the value of doing something.

RUHAM HAWASH IS A SYRIAN-PALESTINIAN ACTIVIST AND WAS A JOINT PLAINTIFF IN THE AL-KHATIB TRIAL. THIS TEXT IS AN EXCERPT FROM HER PERSONAL REFLECTIONS ON THE TRIAL WITHIN AN ANTHOLOGY THAT WILL BE RELEASED BY THE BPB IN COOPERATION WITH ECCHR.

# Reckoning with Argentina's bloody military dictatorship in German courts

When one's brother disappears without a trace, it leaves an indelible mark on the family that persists for generations. On 18 September 1976, Omar Marocchi was abducted by the Argentine military junta and taken to the grounds of the Mar del Plata naval base where he was presumably killed. This was the time of the military dictatorship, the darkest chapter in Argentine history. Between 1976 and 1983, more than 30,000 people were arrested or disappeared under the dictatorship of Rafael Videla in Argentina, which sought to establish a neoliberal system, crush the labor movement and eliminate left-wing opposition.

In 1976, Luis Kyburg was a naval officer, acting as deputy commander of a unit at Mar del Plata, a naval base where political opponents of the regime were tortured, sexually abused and killed. When Kyburg was called to testify about these crimes in a criminal trial in Mar del Plata in 2013, the German-Argentine dual citizen fled to Germany and has since lived undisturbed in Berlin. In Argentina, an international arrest warrant was issued against Kyburg for his alleged involvement in crimes against humanity, but his German citizenship prohibits him from being extradited to Argentina for trial.

This does not, however, prevent the German judiciary from conducting its own criminal investigations into Kyburg and playing an important role in addressing these crimes. Since 2015, the Berlin Federal Prosecutor's Office has indeed been investigating Kyburg in at least 19 cases of enforced disappearance and murder. In light of these investigations, Omar Marocchi's sister, with the support of ECCHR, filed a criminal complaint with the Berlin Prosecutor's Office in June 2018.

Germany could contribute  
to coming to terms with  
the injustices of the military  
dictatorship

It has already been proven that Kyburg's unit was involved in systematic crimes against humanity. His superior, along with 15 other military officers stationed in Mar del Plata at the time, have already been convicted in Argentina of enforced disappearance, torture and murder. Thus, Kyburg's citizenship should not allow him to be shielded from prosecution. After 10 years, the German judiciary should finally fulfill its responsibility and hold Kyburg accountable for his crimes—the victims and survivors would then receive a measure of justice, and the German judiciary would make a small, yet important contribution to the legal process of coming to terms with the injustices of the military dictatorship.

# Constitutional Complaint

## No. 2 BvR 508/21

EXCERPT: WRITTEN RESPONSE TO THE STATEMENT BY THE GERMAN GOVERNMENT ON BEHALF OF THE COMPLAINANTS

SUBMITTED: 24.10.2022

In the constitutional complaint proceedings...

### 2 BvR 508/21

A reply shall be submitted to the statement of the Federal Government from 19 August 2022, received by the undersigned on 8 September 2022:

The facts underlying the constitutional complaint remain essentially unchanged. [...]

In 2021 and 2022, the armed forces of the United States of America also conducted drone strikes in Yemen. In 2021, three attacks (on 24 August, 13 November and 15 December 2021) could be attributed with certainty to the United States, and US involvement appears likely in three others (on 16 March, 24 September and 13 November 2021). Additional US drone strikes occurred on 6 February 2022 and 7 June 2022. In these attacks, altogether between 11 and 18 people were killed, four to eight of them were civilians. Up to 12 civilians were injured.

The complainants have perceived an increased drone presence over their Khashamer residence since the beginning of 2022. [...]

The complainants and their families live under the continuous presence of drones, with occasional unpredictable escalation, and for this reason, live in constant fear. This continues to adversely affect their daily lives, their professional and personal lives, and their mental and physical well-being. [...]

Thus far, the United States has not yet declared any move away from the doctrine of global war on terrorism and its associated manipulative treatment of the imperatives of international humanitarian law. Mistakes in target selection and significant civilian casualties remain unmatched by efforts to improve operational practices. Independent studies recently concluded that US forces do not accurately account for civilian casualties resulting from drone strikes, nor do they systematically evaluate these missions in terms of improving the protection of civilians. The high number of civilian casualties in drone strikes is said to be due to structural problems in information gathering, evaluation, and decision-making processes. [...]

As far as can be seen, the German Federal Government, also in the 20<sup>th</sup> legislative period, continues to regard as sufficient the assurance by the United States that activities on US military properties in Germany were carried out in accordance with applicable law. The government maintains that it remains in a “trusting dialogue” with the American side regarding the use of drones and the role of the US Ramstein Air Base, and will continue this in the future [...] The government claims to have no knowledge regarding either civilian casualties or the quality or deficiencies of US operational command [...].

**IN SUMMER 2012, A US DRONE STRIKE IN YEMEN KILLED TWO MEMBERS OF THE BIN ALI JABER FAMILY. BECAUSE GERMANY ALLOWED THE US TO USE THE RAMSTEIN AIR BASE FOR DRONE STRIKES, THREE YEMENIS SUED GERMANY 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.**

# “Zeitenwende”

## for international criminal law?

FLORIAN JESSBERGER

What a year. An “epochal turning point,” perhaps, as the German Chancellor claimed? One thing is certain: 2022 will be remembered as the year of the first war of aggression in Europe in the 21<sup>st</sup> century. The Russian war of aggression against Ukraine has been addressed publicly in the language of international criminal law: crimes of aggression, war crimes, crimes against humanity. Far beyond the practical question of its enforcement, international criminal law provides a vocabulary to put into words the flagrant violations of international law—and not just atrocities like those seen in Butscha.

Particularly in Germany, true legal advances have been made

So then: 2022, a year of international criminal law? Most certainly. In addition to the attention (and money) that the Ukraine war brought to international criminal law and its institutions, true legal advances have also been made, particularly in Germany. For the first time, a member of the Syrian security apparatus was convicted of crimes against humanity, while, also for the first time, the mass crimes against the Yazidis were designated as a genocide by a court. Here, the advances of the German judiciary stand out as exemplary. And beyond this, the Federal Minister of Justice took the 20<sup>th</sup> anniversary of the International Code of Crimes Against International Law, the Völkerstrafgesetzbuch, as an opportunity to launch crucial reform measures that have long been demanded by academia and civil society. On all of these fronts, ECCHR has assumed an important leading role.

Admittedly, there is no reason to celebrate. For all of its progress, 2022 is also a year of warning. The global erosion of human rights, along with the mechanisms that safeguard them, has not yet been stemmed, while the “triumph” of the international criminal law paradigm raises with it new questions—questions rightly posed by those who criticize “double standards.” And indeed, under the current circumstances, the political, military and economic elites of the Global North can still rest assured that they will not be called to account. The task remains to bring the emancipatory potential of international criminal law to bear in these areas as well—which is what makes the work of ECCHR so valuable and indispensable.

FLORIAN JESSBERGER IS PROFESSOR OF CRIMINAL LAW AT HUMBOLDT UNIVERSITY IN BERLIN AND A MEMBER OF THE ECCHR ADVISORY BOARD.

# Business and Human Rights

## II.

LAURA FIORIO  
MY FASCIST GRANDPA  
2023 →



## Reckoning with the real costs of commerce

In times of war and violent oppression, horrendous acts—such as war crimes, torture, extrajudicial killings and enforced disappearances—have a jolting effect, especially for many who live within the protected spheres of the Global North. Yet, such gated areas of peace and wealth are ultimately sustained by transnational value chains driven by powerful corporate actors. While such enterprises often propagate an image of lawfulness and good citizenry, their activities, too, involve, and even profit from, forms of oppression and violence: systematic land grabs, ecological devastation, labor exploitation, war crimes and torture.

Within ECCHR’s Business and Human Rights program, our work aims to shine a spotlight directly on the routine and system-wide abuses of humans and the biosphere that are built into the most quotidian acts of commerce—and to hold those who profit from them to account. To reckon with the true costs of business—or in the common parlance of economists, the “externalities” of global trade—our interventions fight against war profiteering and arms trade, the export of poisonous pesticides, and acts of reckless disregard for human rights and the environment committed by extractive industries writ large.



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Enforcing human rights up and down the supply chain.

We hold corporations and their subsidiaries accountable for engaging in war profiteering, forced labor and environmental degradation. Companies must address the harms entangled with their business practices.

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## Loss and damages, past and future

### Residents of a disappearing island take on Swiss cement giant

At COP27, calls for climate justice sharpened into focus, underscoring how those most affected by climate change have typically done scarcely little to cause it. While the climate crisis is broadly understood as the sum of 250-plus years of collective human disregard for the biosphere, around 85% of CO<sub>2</sub> fossil-fuel emissions occurred after the end of the 2<sup>nd</sup> World War—and roughly 50% only during the last 30 years. Indeed, so-called “Carbon Majors,” a subset of carbon-intensive corporations and states, which have known of the dangers of CO<sub>2</sub> for decades, carry an outsized portion of the blame for the current calamity.

This is why, in a [groundbreaking case](#), four men and women from the small Indonesian island of Pari decided to take legal action against one such Carbon Major, the Swiss cement corporation Holcim. Sea-level rise is happening in real-time on Pari, with increasingly frequent flooding and storm-surge events that drench island infrastructure, contaminate fresh water sources and damage local agriculture. Each year, patches of the island fail to resurface, raising the specter of significant land-loss by 2050—and of Pari’s complete disappearance in the next century.

In 2050, large parts of  
Pari will have disappeared

The cement industry currently accounts for 8% of global CO<sub>2</sub> emissions, and Holcim is its global market leader. A study by the Climate Accountability Institute also recently revealed a startling statistic: Holcim’s carbon footprint from 1950–2021 amounts to 0.42% of all global industrial emissions since the year 1751—a sum that is beyond staggering. After a conciliation hearing in October 2022 with Holcim failed to yield results, the complainants, with the support of ECCHR, HEKS and WAHLI, took the company to court in January 2023 in Switzerland. In the case, they have adopted an unprecedented legal approach that holistically combines mitigation, adaptation and reparations—demanding compensation for past damages, a financial contribution to flood-protection measures and rapid reductions in Holcim’s future CO<sub>2</sub> emissions.

The case, as only the second of its kind to originate from the Global South, joins 2179 other climate cases worldwide, a wave of climate litigation aimed not only at legal redress, but also at catalyzing a global political response that is commensurate to the crisis.

# Civil lawsuit against cement producer Holcim

ZURICH, 30 JANUARY 2023

Dear Mr. President,  
Dear Cantonal Judges,

In the matter of

Asmania                      AND                      Arif Pujiato                      AND                      Mustaqfirin                      AND                      Edi Mulyono  
Complainant 1      Complainant 2      Complainant 3      Complainant 4

together the Complainants  
against

Holcim AG  
Defendant

concerning

violation of personality rights,  
damages  
and compensation

I submit to you in the name of and on behalf  
of the complainants within the deadline [...]

## CLIMATE CHANGE AS AN EXISTENTIAL THREAT TO THE ISLAND OF PARI AND THE COMPLAINANTS

<sup>56</sup>

Climate change is an existential threat to small islands. It affects the livelihoods, health, well-being, food security and water security—including access to clean drinking water—as well as the cultural values of small island residents. It leads to a loss of assets, economic degradation resulting from the destruction of settlements and infrastructure, and economic decline and the breakdown of livelihoods based on fishing and tourism. It results in the loss of biodiversity in traditional agroecosystems and causes reduced habitability or even uninhabitability on small islands, leading to the displacement of island residents.

THIS TEXT IS AN EXCERPT FROM THE CIVIL LAWSUIT BROUGHT BY FOUR RESIDENTS OF THE INDONESIAN ISLAND OF PARI AGAINST THE CEMENT MANUFACTURER HOLCIM WITH THE SUPPORT OF ECCHR, HEKS AND WAHLI.

# Toxic trade Battling the “Big Four” agrochemical corporations

LAURA DUARTE REYES  
CHRISTIAN SCHLIEMANN-RADBRUCH

The pesticide manufacturer Syngenta exemplifies the threat to humans and the environment posed by large agrochemical corporations. ECCHR is supporting efforts to oppose this threat.

Four multinational agrochemical corporations from the Global North dominate the global market for pesticides, fertilizers and genetically modified seeds: Bayer, BASF, Syngenta and Corteva. Their hegemonic market power is exercised particularly in the Global South. For example, in India, the Big Four sell products which are so toxic and dangerous that they have long been banned in Europe. On top of this, end customers neither receive sufficient warnings about the dangers of such pesticides, nor do they have access to suitable protective gear. Chemical residues pollute the soil, air and water, while small-scale farmers, bound to restrictive contracts, are forced to exclusively use the seeds supplied by large companies (seeds often designed to be regularly treated with company chemicals)—a system that obstructs the path toward organic and sustainable alternatives. As a result, such corporate business practices endanger food security in the Global South, degrade biodiversity and perpetuate the climate crisis.

Mounting opposition against the Big Four is not without its challenges—yet, it is possible. Already in 2015, ECCHR submitted a complaint to the Food and Agriculture Organization of the United Nations, in order to expose and condemn the discriminatory and exploitative business practices of the agrochemical industry.

And since 2020, ECCHR has supported the first transnational complaint in Europe by a farmer and the families of two deceased farmers from India against the Swiss agrochemical giant Syngenta. The complaint alleges that the company, against its better knowledge, sold Syngenta products classified by the Pesticide Action Network as highly toxic to unprotected users. The complainants thus are arguing that the company bears partial responsibility for foreseeable damages to health, including even death.

## Opposition against the Big Four is challenging but not impossible

While such interventions help hold corporations accountable and influence policy changes, ECCHR is also now part of a Europe-wide network of civil society initiatives that are challenging the business models of the Big Four and successfully putting pressure on policy-makers. Syngenta and Co. are of course trying to stall these efforts: repeatedly, they drag out proceedings, exert political influence and bombard the public with questionable scientific studies. Despite such stalling tactics, last year, the German government announced an export ban on pesticides already prohibited in the EU, while in January 2023, a new supply chain law came into force. The EU also intends to follow suit with a due diligence law that obligates companies to respect human rights, the environment and the climate.

LAURA DUARTE REYES IS A LEGAL ADVISOR IN, AND CHRISTIAN SCHLIEMANN-RADBRUCH IS THE CO-DIRECTOR OF, ECCHR'S BUSINESS AND HUMAN RIGHTS PROGRAM.

# Justice is Everybody's Business

## Fighting corporate recklessness ... everywhere

BEN VANPEPERSTRAETE

From exploited garment-industry workers in South Asia to the human and environmental toll of a dam collapse in Brazil, the manifold ways in which businesses engage in human rights abuses have become increasingly visible in recent years. ECCHR's litigation efforts, which span multiple cases on corporate accountability and human rights, continue to confirm that current legal frameworks, across various geographical regions, are ill-equipped to protect human rights and the environment from reckless corporate conduct. The legal duty for companies to adequately ensure environmental and human rights standards cannot be subject to gaps and variations in the law—a robust, widely applicable law to hold corporate actors to account has become indispensable.

A robust law to hold corporate actors to account has become indispensable

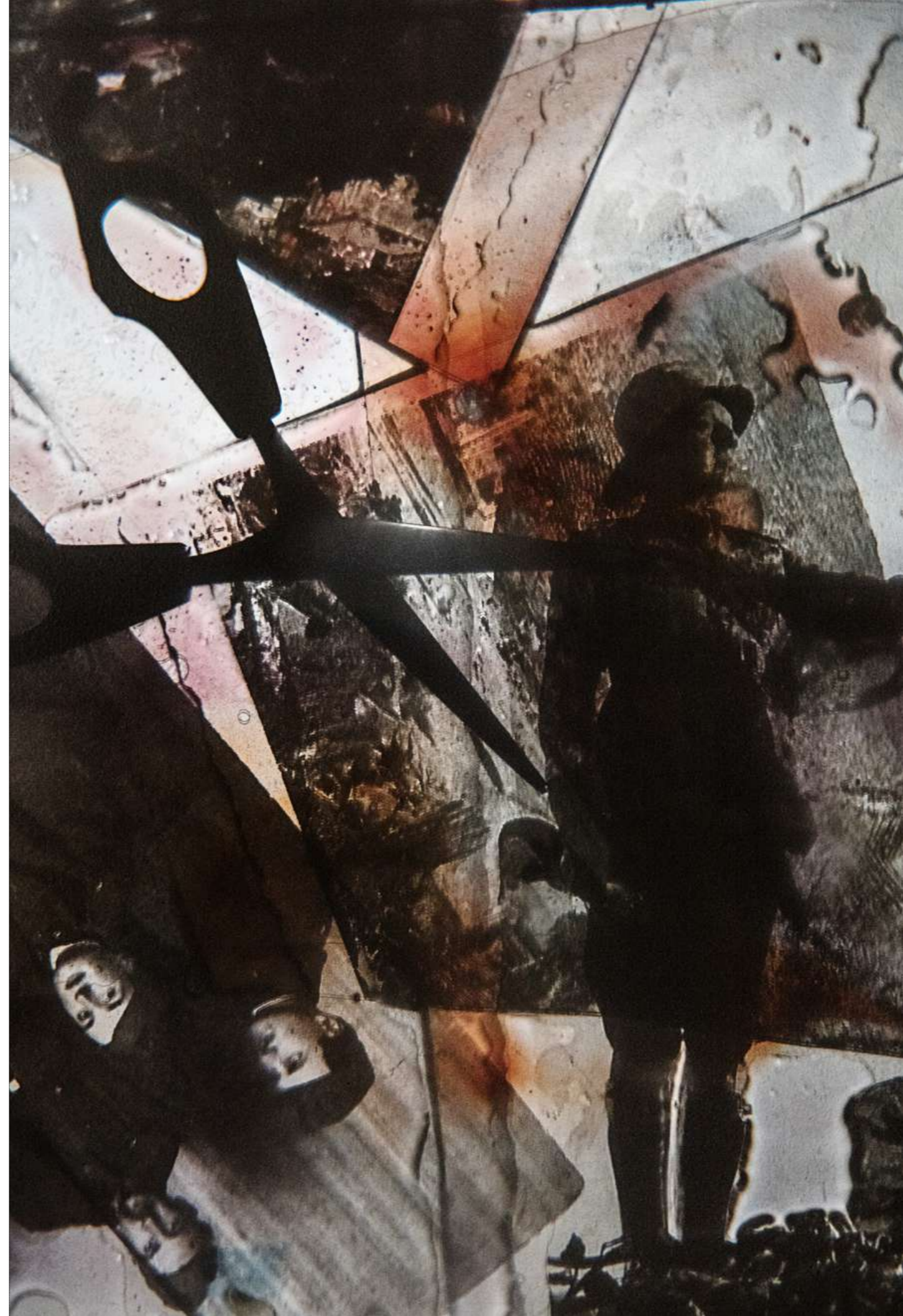
In the slipstream of a case in which Pakistani victims sued German retailer KiK, Germany adopted its own Supply Chain Act in 2021 to address such inadequacies. This legislation, based on the concept of human rights due diligence developed in the 2011 UN Guiding Principles on Business and Human Rights, joins the efforts of multiple countries, each with their own policy nuances, to translate this expectation for corporations into hard law.

In light of this growing willingness to address abuses in global value chains, the European Commission proposed a human rights due diligence directive in 2022. In its initial proposal, the Commission borrowed heavily from existing EU member state laws, as well as from an earlier proposal by the Parliament, to forge a more ambitious path toward enforcing human rights due diligence for Europe as a whole. This law would require companies to actively enforce environmental and human rights standards across their entire value chains. In addition, they would be obliged to engage with stakeholders and provide affected workers and communities with access to remedy, also within European civil courts.

To push for an even stronger directive, ECCHR has teamed up with civil society groups across Europe. Based on its extensive casework, ECCHR is contributing its expertise to this collaboration, which includes direct lobbying and advocacy, as well as a broader EU-wide campaign: “Justice is Everybody's Business.”

**BEN VANPEPERSTRAETE IS A SENIOR LEGAL ADVISOR IN THE BUSINESS AND HUMAN RIGHTS PROGRAM AT ECCHR AND OVERSEES ADVOCACY AND LOBBYING EFFORTS AT THE EU LEVEL.**

→ [JUSTICE-BUSINESS.ORG](https://www.justice-business.org).



# A certified disaster in Brumadinho

## The vigilance of the people in the face of corporate impunity

DANILO CHAMMAS

The Brumadinho dam collapse in Brazil in 2019, which killed 272 people and released toxic sludge into the surrounding environment, represents a tragic example of the hazardous combination of for-profit extractivism, state negligence, and corruption within the safety certification industry. As the Brazilian state outsources dam safety monitoring to private certification companies, the accountability of these companies must be commensurate with the critical role they play in ensuring the safety of people and the environment.

The investigations in Brazil into the dam failure revealed substantial evidence supporting the indictment of 11 employees of the mining company Vale S.A. and five employees of the German certification company TÜV SÜD for the crimes of murder (with intent to kill), negligence and environmental damage—as they allegedly knew there was a high risk that the dam could collapse.

Yet, criminal prosecution in Brazil does not satisfy the need to hold those responsible from other jurisdictions to account. That is why five Brazilian relatives of the victims and the organizations Misereor and ECCHR filed a **criminal complaint** against TÜV SÜD and one of its employees in Munich, requesting investigations into the potential criminal behavior of German actors related to the dam failure.

The fight against corporate impunity, however, can only be sustained by the popular vigilance of the people. The repeated shouts for justice for the victims of the Brumadinho tragedy and a growing public interest in accountability efforts thus inspired us at RENSER to found the Observatory of the Criminal Actions on the Brumadinho Tragedy, developed in partnership with AVABRUM and the Affected People's Collective, in order to document criminal proceedings in Brazil and Germany. In our reports, we monitor the performance of justice institutions and disseminate reliable information to the public, while archiving case materials to create a documentation and memory center available to those affected, researchers, journalists and the general public.

### Criminal prosecution must extend beyond Brazil

Our fight for justice for the victims of Brumadinho joins a chorus of voices in Europe and the rest of the world, demanding a European human rights due diligence directive that is binding for as many companies as possible and that reaches across the entire value chain. From our side of the world, we will continue with our popular vigilance in the face of corporate impunity, counting on the support of organizations like ECCHR.

DANILO CHAMMAS IS A BRAZILIAN LAWYER AND ACTIVIST. HE AND THE ORGANISATION RENSER ARE WORKING TO BRING JUSTICE TO THOSE AFFECTED BY THE DAM COLLAPSE AND CRIMINAL ACCOUNTABILITY TO THOSE RESPONSIBLE IN BRAZIL AND GERMANY.

# European profits from war crimes

On 26 March 2015, a Saudi Arabian-led military coalition launched a brutal air war campaign in Yemen, which has since resulted in repeated violations of international human rights law. Across the country, schools, hospitals, residential areas, as well as sites of religious and cultural heritage have been indiscriminately destroyed. Above all, it is the civilian population who has suffered most.

In order to wage their war, Saudi Arabia and the United Arab Emirates rely upon training, maintenance, weapons systems, bombs and combat aircraft provided and produced by European actors. With full knowledge of the systematic attacks on civilians—which are in breach of international law—Germany, England, France, Italy and Spain nonetheless continue to supply armaments to both Arab states. Many of these military shipments are joint weapons projects involving several of these countries, such as the Eurofighter and Tornado fighter jets.

### Trans-European investigations are necessary to hold all actors accountable

This European support, however, comes with a price: government officials and export authorities, along with the managers of arms companies, are potentially making themselves complicit in war crimes and crimes against humanity by providing such military assistance. This is why ECCHR and the Yemeni organization Mwatana for Human Rights, together with our European network, submitted a communication to the International Criminal Court in 2019—because trans-European investigations are necessary in order to hold all actors of international crimes accountable.

Yet, the ICC can only take action if national investigative authorities are unable or unwilling to pursue prosecution. This is why we also pursue **legal interventions** at the national level: in Italy, for example, we submitted a criminal complaint against managers of the Rheinmetall subsidiary, RWM Italia S.p.A., and against high-ranking officials in the Arms Export Authority. We also filed an additional criminal complaint in France against Dassault Aviation, Thalès, and MBDA France.

Through freedom of information requests, we are demanding access to arms export information. Transparency of licensing processes and arms export data protocols, in addition to criminal accountability, are also among our core demands.

With projects such as the interactive platform *European Arms in the Bombing of Yemen* and the report *Spanish arms exports and alleged war crimes in Yemen*, we highlight Europe's complicity in war crimes in Yemen—for which we demand justice.

# Cross-sections: Opening the Archives

III.

LAURA FIORIO  
MY FASCIST GRANDPA  
2023 →



# Archives

## The untold stories of the past

WOLFGANG KALECK IN CONVERSATION  
WITH MAAZA MENGISTE AND LAURA FIORIO

In her project *My Fascist Grandpa*, the Italian artist and photographer Laura Fiorio—whose work accompanies this annual report—focuses on Italy’s fascist and colonial history through the lens of shared family histories. Her grandfather was an avowed fascist and participated in Italy’s colonial mission, scarcely remembered today, in what is now Ethiopia. Based on photos from private archives, her project aims to transfer individual stories and memories—often forgotten or taboo—out of the private realm and into public space in order to provoke critical reflection. To this end, she used conventional archival techniques to symbolically gather photography, mementos and letters into archival crates and then projected them onto the facades of fascist buildings in a collage-like intervention that defamiliarizes these objects and uncovers the difficult heritage hidden behind modernist architecture.

Through her work, she was introduced to the Ethiopian-American author Maaza Mengiste, who also conducted archival work in Italy. Mengiste visited numerous colonial archives, found memorabilia at flea markets and increasingly came across accounts of women in the Ethiopian army who resisted the colonial land grab by Italian occupying forces—a phenomenon almost entirely absent within memorial culture. She also discovered evidence of this in her own family, as her great grandmother fought in the Ethiopian army. Her novel *The Shadow King*, highly praised internationally, revolves around this narrative.

WK

Let’s talk about Italy’s fascist history, and a chapter of it which is fairly unknown even to an Italian audience, let alone a European one—the colonial war in Ethiopia. Laura, can you give us some insight into your work *My Fascist Grandpa*, which is part of ECCHR’s Annual Report 2022?

LF

The research started with a site in Sicily, built in the fascist period by the Entity of Colonization of the Sicilian Latifundium, as that territory was considered backwards and in need of modernization. It’s important to recognize that the colonial past linked to these heritage sites is not critically discussed, not only in Italian territory, but also abroad. There is a collective amnesia about the occupation of “Italian Africa”—as it was called—while the role of Italy in colonial history is always minimized, if not denied.

Some years ago, I found pictures from my grandfather who was in the fascist army during the occupation of Ethiopia. You can see him with his comrades, in tourist-like pictures, smiling in groups or with local people in an innocent way while they were indeed colonizing the territory. What I decided to do was to make these pictures public, projecting them onto fascist architecture. Local people involved in the project also brought in some of their own material, and we did some workshops around these images, discussing what is to be done with this difficult visual, as well as monumental, heritage. Painting, cutting or other kinds of collective interventions were symbolic actions that we engaged in, in order to add a layer to this shared debate and to draw out these invisibilized narratives.

We discussed what is to be done with this difficult visual and monumental heritage

WK

Maaza, you were born in Ethiopia in 1971, just a few years before the overthrow of the emperor Haile Selassie, who had ruled Ethiopia for more than 40 years, also during the colonial period. And what happened then was actually not particularly a liberation, but a so-called Marxist-backed revolution in 1974 that brought a wave of repression with a very brutal regime, which also forced your family to leave the country. At some point, you started researching your own history.

MM

In one way, I’ve always known about the history of Italy’s invasion of Ethiopia and the war, and then the eventual victory over the fascist army. When I was thinking about writing a book, I thought this was a story that I wanted to tell because it felt like such a simple story of good versus evil. At the time, I wasn’t writing. I had never written a book. So, I think *The Shadow King* was many years in development even before I started writing it. And then, when I started really doing this research, I lived in Rome, and I was looking through fascist archives. I had already written my first book by that time, and I thought I knew the story that I wanted to tell. But the more I researched this history, the more complicated it became.

Laura spoke about photographs, and when I lived in Rome, I started thinking about the ways that family photographs could offer another kind of history that the archives were not telling me, partly because these photographs, taken by soldiers on the ground with their own personal cameras, did not have to go through censorship the same way that newspaper accounts or actual official documents were censored by the fascists. So, I started trying to find all of these personal photographs, and this completely changed my understanding of this war.

WK

In a way, it seems like it was an unwritten history. Why was there not more artistic or historical work, for example, from the Ethiopian side? The Italian side did what all the other colonial powers in Europe did: they tried to blank out this part of the history. How do you explain that?

MM

I think that Ethiopians after this war were documenting the war in their own way. There were no cameras. Ethiopians didn't have cameras when they were fighting in the hills the way the Italians did. But after the war in Addis Ababa and across Ethiopia, there were photo studios that were set up by Greeks, by Armenians, by Ethiopians, Eritreans. They were using the skills that they had often observed with the Italians or within other communities. They were starting to get access to cameras and also to what they could not photograph during the war. They started recreating and reenacting scenes in photo studios. They would take their old uniforms or their horse, if they had a horse, and they would stand in front of the camera in these studios, and that would represent their time in the war. There were songs that were created that would commemorate certain battles and certain fighters. There were books that were written and some autobiographies about their time, people's time in war. I think your question to me is why? Why were some of these things never talked about? A lot of it has to do, I think, with Haile Selassie, who came back from the war...

Ethiopians were  
documenting the war  
in their own way

WK

In 1941.

MM

In 1941, and he told everyone: "We are going to forget and forgive what happened. Your Italian brothers,"—there were many of them that chose to stay in Ethiopia rather than go back to Italy—"they will become part of our family. They will be in our community. The one who did something wrong was Mussolini." So, there was no reckoning with what happened, no reckoning with war crimes. You have 40 years of this and then a revolution comes in 1974 and people have never had an opportunity to talk about the trauma of 1935 to 1941, to talk about what actually happened and what people were capable of.

WK

You write about a part of the story you described in your own words as "no one ever talked about the women." And so, you focus very much on the role of the women in that war.

MM

In my research through photographs, I started discovering photographs of women in military uniforms in the Ethiopian army with their rifles. I started reading small accounts in soldiers' diaries of women in the field when they were fighting. And I started thinking: no one ever told me this. There is an entire history here. Of course, they would have been in the war if they could. I know that if they were close enough to follow an army and collect the dead, they were close enough to be hit by bullets. Why wouldn't they arm themselves in turn? And that really changed the direction of my novel. And then, the real detective work began by trying to piece together testimonials if I could find them, family memories from people that I knew, but also this archival research where the stories were not always apparent. But if I looked deep enough, I recognized that some of these women that I saw in the images were definitely soldiers.

WK

It was interesting to read in one of your interviews about when you saw a woman in uniform for the first time in a photograph.

MM

That photograph showed me a history that I had not really been aware of before. It was a woman in uniform with her horse. And I looked at that image. What it told me was, if there was one woman, then there were likely five. And if there were five, there were maybe ten. And if there were ten, there were maybe 50. And I went back through old documents that I had been reading, newspaper articles, and because I saw that photograph, I suddenly realized that I had missed a couple of articles that spoke about women in the Ethiopian army, leading men, leading charges.

What I realized is that from researching other wars, other liberation movements, reading the testimonies of women in antifascist movements from Spain to Italy around the world, realizing that they fought, and when they came back to camp, they had another battle that they had to fight. And it was often with the men in their own camps. Ethiopia is no different. We've known the place of sexual violence in war. It seems to go hand in hand. War is about being masculine, it is about being aggressive. It's about surviving. Where does a woman fit into this world? If war makes a man out of you, what does it say about you if a woman is fighting next to you or against you and actually might be doing better? And these were the questions that started to really develop. I think this influenced the direction of *The Shadow King*, because these women soldiers were having to defend territory, land, but when they went back to camp, had to defend their bodies as territory. But they were also fighting the Italians who saw them as territory to be conquered.

WK

Who is supposed to write this forgotten chapter of the history, and to whom is your work directed?

MM

Oh, that is a good question. I think the question is who's in my head—what image—who do I envision? When I was writing *The Shadow King*, I really envisioned someone quite like me who lived most of their life outside of Ethiopia. I was writing for someone who doesn't know this history. And for those who are curious about the many, many ways that authoritarian dictatorships can happen. With bullets, but also with photography, for example. I think I was writing for the curious.

### I started discovering photographs of women in military uniforms

LF

This work is processual and collective, I think it's for everybody who wants to participate. A lot of silenced histories are collective ones, and it's worth creating a safe space for them to be told. The project's focus is the past, but of course it's to sensitize us to the present, looking also at the current political situation in Italy—the government we have is extremely linked to the fascist ideology. I mean, we can just look at the news a couple of days ago. They literally left 79 people to die not far from the Italian coast. The question is why this is still happening, why these power structures are repeating themselves. I think because the people aren't able to have a space for counter-narrative to the propaganda. And it's because of the structural violence we live in, every day—we don't have time to gather together and care for each other, to share traumas and to look for solutions. Colonialism is not something in the past. It is still in the present, and it's in the fabric of society. And it belongs to the present extraction and the present violence and what is happening now. It's not called colonialism because we are told we are living in postcolonial times, but it's still there in another way, with another name, maybe capitalism, globalization, extractivism or whatever. But that's just changing the names. The violence and the structures remain the same.

**FOR THE ECCHR PODCAST FRAMING HUMAN RIGHTS, WOLFGANG KALECK SPOKE WITH LAURA FIORIO AND MAAZA MENGISTE ABOUT ARCHIVES, THE FORGOTTEN COLONIAL PERIOD IN ETHIOPIA, WOMEN IN WAR, PHOTOGRAPHY AND MUCH MORE. THIS TEXT INCLUDES EXCERPTS OF THIS CONVERSATION. THE PROJECT "MY FASCIST GRANDPA" WAS DEVELOPED IN COLLABORATION WITH MARIO MARGANI AND WITH THE SUPPORT OF GARAGE ENNA AND DECOLONIZING ARCHITECTURE. "THE SHADOW KING" WAS PUBLISHED BY W.W. NORTON & COMPANY.**

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## The Living Open Archive

RIEKE ERNST

Since its inception 15 years ago, ECCHR has generated a tremendous amount of expertise and knowledge in the field of legal and political human rights work. Whether stemming from case work or from critical reflections upon it, the material we have amassed spans a broad array of topics and geographical regions.

This has provoked some questions: what methods of archiving our work would help shed light on the overarching themes and narratives that actually bind our work together? How can we situate our own work in the political history of the larger human rights project? Through the “Living Open Archive” project, ECCHR is developing answers to these questions.

The approaches of ECCHR’s four programs draw strength from their specificity, but many of our cases exhibit significant overlap between different program topics. For example, issues of border justice and migration are frequently tied to systematic repression by authoritarian regimes or the breakdown of regional ecologies. Or, when extractivist industries deploy paramilitary violence to displace indigenous people from their land and fundamentally damage ecological niches, there is also often a strong link to colonial history and its transgenerational effects at work in such conflicts.

ECCHR’s work requires a vivid, living archive, as opposed to a linear or static one

The core aims of the Living Open Archive are to identify these types of lateral connections between different fields and to develop innovative ways of visualizing them, using various media formats and narrative techniques to thematically cluster topics. Because ECCHR’s interventions are ongoing, we determined that an ECCHR archive should take the form of a temporally extended multimedia platform that also allows new insights and contributions to feed back into it—a vivid, living archive, as opposed to a linear or static one.

The cross-disciplinary structure of the archive will enable us to move back and forth more smoothly between the fine-grained intricacy of our daily work and a more panoramic view of the larger social and political landscape, enriching our daily communication and legal approaches in the future.

RIEKE ERNST WORKS AT ECCHR’S INSTITUTE FOR LEGAL INTERVENTION, WHERE SHE COORDINATES THE LIVING OPEN ARCHIVE PROJECT AND IS RESPONSIBLE FOR THE AREA OF ART AND HUMAN RIGHTS.

# Open verification: Toward an investigative commons

EYAL WEIZMAN

## THE COUNTER- FORENSIC TURN

If somebody would have told me a decade ago that I would be running a forensic institute, I would have run for my life. I found the very idea of forensics to be rather abhorrent. It is, after all, one of the fundamental arts of the state, the privilege of its agencies: the police, the secret services or the military.

Today, I find myself directing Forensic Architecture (and its new sister agency Forensis in Berlin), whose members include a group of architects, filmmakers, artists, coders, lawyers and journalists. Key to the reorientation of my thought practice is the notion of counter-forensics—a way of turning around the forensic gaze to investigate the state agencies that normally practice forensics themselves.

Our work usually involves two kinds of actions: we deconstruct the statements of those in power, show their weaknesses and inconsistencies, bring doubt where official pronouncements make facts appear solidly in favor of those in power, and we also use a multiplicity of evidentiary sources to construct (something of) the narrative of what may have taken place. That is, we both destroy statements of fact, and we build some.

Open verification is  
a collective approach  
to establishing truth

Counter-forensics is distinct from the forensics that emerged out of the intersection of policing and science in the 19<sup>th</sup> century. It is not as if the people have stormed the lab and taken it over. The difference is due to some structural limitations on the work of those investigating state crime. Primary amongst those is that those practicing counter-forensics are excluded from the crime scene. They are kept beyond the literal or the figurative police tape. The evidentiary basis for counter-forensics must rely upon information which slips through or under this police cordon. Something must leak: victims of violence may share images or videos, or testify publicly or directly to us, while border guards or police might leak information intentionally or accidentally through social media. Our evidentiary base thus tends to be partial. We call these partial but crucial bits of data “weak signals.”

## OPEN VERIFICATION

The term “verification” belongs to the history and theory of science. It charges empirical observation with the task of confirming or falsifying an abstract proposition, be it a mathematical model, scientific theory or philosophical conjecture. In the field of counter-forensics, “open verification” engages with new kinds of material—open-source and activist-produced—and employs different methodological processes that open and socialize the production of evidence, integrate scientific with aesthetic sensibilities, and work across and bring together different types of seemingly incompatible institutions and forms of knowledge.

Because it starts from an incident, open verification is grounded in experience, and the perspective it brings to bear is openly partial, embedded, activist or militant, rather than a “disinterested” or neutral view from nowhere. Patiently adding different local, ground-level perspectives to one another allows for an incident to be seen from different points of view. The more perspectives, the more relations can be established between the actors, perpetrators, victims and bystanders in a scene.

In forensics, the state investigates  
crimes, while we investigate  
the crimes of the state

Open verification integrates a distributed network of practitioners working together to articulate the logic of the violence inflicted upon them: communities collecting information in videos and testimonies; activists and lawyers who stand with them; technologists and scientists (in areas as diverse as structural engineering, botany, geology, fluid dynamics and remote sensing) who augment user-produced evidence with their distinct skill set. Thereafter come reporters, publishers and cultural institutions with their curators, offering forums in which evidence is circulated and framed within broader historical and sometimes theoretical contexts.

## INVESTIGATIVE COMMONS

This collective and diffused mode of truth production is made necessary by a political situation in which conflicts are waged not only over resources but also over interpretations of reality, and in which identities are formed around the formation and interpretation of facts.

A certain reality-denial which presently manifests itself in digital racism, ultra-nationalism, self-victimhood, and conspiracism, and known recently as “post-truth,” is not about what Hannah Arendt called “lying in politics.” Deception is sometimes necessary. This phenomenon is not manifested as an epistemological argument about the veracity of this or that fact, or as a debate about how best to establish or verify things. It is rather an attempt by some types of regimes to cast doubt over the very possibility of there being a way to reliably establish facts at all, so as to blur people’s perception, and for those

in power to fill this void with the clarity of ideological proclamation. For such anti-epistemologists, truth seems simple and given, ready at hand, depending merely on the power of their position.

Such acts of reality-denial are not rhetorical add-ons to the brute force of state violence; rather, they are the condition that enables it to continue to happen. The destruction of evidence tends to complement the destruction of people and things. If nothing wrong has happened, it mustn't stop.

State perpetrators and their anti-epistemologists want to destroy the possibility of a common ground. While for us, inversely, establishing the common ground becomes a political project. With each new investigation, a new community of praxis is woven from the meshing of its divergent viewpoints. In this, open verification becomes a form of construction. In socializing the production and dissemination of evidence, it ultimately establishes an unlikely but fundamental commons in which the production of facts constitutes the foundation of an expanded epistemic community of practice, built around a shared perception and understanding of the world.

**EYAL WEIZMAN IS THE FOUNDER AND DIRECTOR OF FORENSIC ARCHITECTURE. HE IS PROFESSOR OF SPATIAL AND VISUAL CULTURES AT THE GOLDSMITHS, UNIVERSITY OF LONDON.**

**THIS TEXT IS BASED ON WEIZMAN'S FORTHCOMING ESSAY: "OPEN VERIFICATION."**



# Border Justice IV.

LAURA FIORIO  
MY FASCIST GRANDPA  
2023 →



## Combating rightlessness in border zones

Despite increased public awareness and independent monitoring of human rights violations at Europe's external borders, the last 10 years have seen an entrenchment of pushback practices and growing support for further border fortification. Although border regions are anything but lawless, governed by numerous human rights standards, states have forced people on the move into conditions of rightlessness. Now, as states increasingly view human rights as obstacles, they see those pushing for the respect of laws at borders as disruptors.

In reality, it is states that bring disruption to their borders. Instead of creating legal pathways to protection, states are doubling down on deterrence, leaving those on the move with no option but to cross borders irregularly. And, when they do, they face pushbacks, often involving racialized violence, even torture or death.

Our Border Justice team, now 10 years running, confronts the evolving nature of border practices and the mounting obstacles to challenging these serious violations in courts. In the fight to stop the erosion of core human rights, we are adopting new techniques to verify and reconstruct pushback events, while working with applicants and partners to pursue different legal avenues to address growing rightlessness for people on the move and the criminalization of human rights defenders.

Donate  
now

Protecting those forced to flee from war, hardship and maltreatment.

We are committed to ensuring that human rights play a central role in shaping European migration and asylum policy. The right to have rights must be guaranteed for everyone.

ECCHR.EU/DONATE



“I want to stop this suffering.”

## A Rohingya minor challenges Croatia and Slovenia over pushbacks

When “U.F.,” a Rohingya asylum-seeker from Myanmar, reached Europe unaccompanied at 16, Europe greeted him by pushing him back to Bosnia on five occasions. Croatian officers apprehended U.F. without identifying him; confiscated and then stole or burnt his belongings; obstructed him from accessing any forms of assistance; denied him access to asylum; and then drove him in windowless vans to the border area and expelled him back into Bosnia, often with extreme violence. On his last, so-called “chain” pushback from Slovenia, Slovenian officers who apprehended U.F. near the Italian border ignored his statement that he was under 18 and from Myanmar. Instead of facilitating his access to the asylum procedure and ensuring other critical safeguards guaranteed under international law for unaccompanied minors, they detained him for two nights before handing him over directly to Croatian authorities, who then pushed him back to Bosnia. “The way the officers treated us made me feel like they thought we were made of dirt,” U.F. recalls.

U.F.’s experience represents a well-documented, consistent and coordinated pushback practice so common across European borders: the informal and concealed treatment of people on the move, all to irregularly expel them from European territory so that they cannot claim protection there. It also draws attention to the often-overlooked reality that many who face such pushbacks are minors—despite the fact that international law affords children on the move heightened protection.

In July 2022, ECCHR and partner organization BlindSpots supported U.F. in filing complaints against Croatia and Slovenia before the UN Committee on the Rights of the Child, which oversees state parties’ compliance with the UN Convention on the Rights of the Child. These complaints build upon the committee’s findings in a previous case supported by ECCHR concerning the pushback of a Malian child at the Spanish-Moroccan border. They assert that Croatia and Slovenia’s pushback(s) of U.F. violated several key provisions of the convention, one of the most widely ratified international treaties and an important standard-bearer.

U.F.’s complaints and his detailed account challenge prominent Croatian narratives that pushbacks do not occur, particularly in light of Croatia’s later 2023 entry into the Schengen Zone, which has in effect rewarded this practice. His story is illustrated in an animated video called, “The story of U.F.” It was produced in partnership with the Child Rights International Network and details the lived experience of his pushbacks and his determination to hold both states to account. As U.F. describes, “I want to stop this suffering.”

## Increasing brutality on the Spanish-Moroccan border

HANAA HAKIKI

On 6 February 2014, a group of people swam from a Moroccan beach towards an adjacent Spanish beach in Ceuta—a European Union enclave on African soil. Many were struggling to stay afloat, when Spanish officers standing a few meters away were instructed to shoot tear gas and rubber bullets at them. After five bodies were found on Spanish territory and 10 in Morocco, it was clear that at least 15 people had died, with many more severely injured and traumatized. Questions as to the Spanish officers' responsibility arose, and an investigation was opened for the five deceased found on Spanish territory—but not for the remaining 10, who died under the exact same circumstances.

The families of the deceased were excluded from the investigation, while Spanish authorities only reluctantly heard two of the three survivors who came forward as witnesses. Despite the formal involvement of Spanish NGOs as civil parties, the investigation relied primarily on the officers' accounts. After eight years of legal battles, the Supreme Tribunal eventually archived the case, even though one survivor still remained unheard. This was on 2 June 2022.

On 24 June 2022, we received images of what is now called the “Melilla massacre.” The images displayed unconscious black people almost piled up on top of one another near the border fence structure, surrounded by Moroccan officers, in the wake of another Spanish-Moroccan border operation. At least 23 people died, and at least 77 had disappeared. This time, no body or corpse would be left on Spanish territory, allowing Spanish authorities to exclude Spanish jurisdiction and, thus, deny responsibility.

Two weeks later, as we still struggled to process the unfathomable scenes of 24 June, the EU Commission “highlighted the solid results of their cooperation” with Morocco in migration—a statement confirming that complete disregard for the law, along with torture and even killings, are now normalized at Europe's borders.

### Spanish authorities only reluctantly heard two of the three survivors

That is precisely why we cannot give up. More than ever, we—survivors, families, volunteers, activists, investigators, parliamentarians, lawyers, advocacy professionals, funders and those I have not named—have to fight harder.

HANAA HAKIKI IS A SENIOR LEGAL ADVISOR IN ECCHR'S BORDER JUSTICE PROGRAM, WHERE SHE WORKS ON PUSHBACKS AND VIOLENCE AT EUROPE'S BORDERS.

## Bulgaria must implement the decision of the European Court of Human Rights

A grave escalation in the number and severity of pushbacks from Bulgaria highlights the result of the continued acceptance and, indeed, reliance on pushbacks as a means of border control. In 2022, investigative reporting by the group Lighthouse Reports detailed new tactics within the Bulgarian practice, including stripping those apprehended of their clothing and belongings, the detention of asylum-seekers in cages prior to their returns, and even the shooting of a Syrian refugee during one such pushback. The patterns emerging in this practice all too closely resemble those employed by Croatia during its similar pushback operations (as addressed by other ECCHR-supported litigation).

The European Court of Human Rights' 2021 judgment in *D v. Bulgaria*, a case supported by ECCHR, condemned Bulgaria's pushback of a Turkish journalist and asylum-seeker directly to Turkey, without appropriate procedural safeguards or the protection of his right to claim asylum, in 2016. As recent developments further indicate, the case of D was not an isolated incident but, instead, reflects a widespread and worsening state practice. The court's judgment is currently under implementation in a process through which the Committee of Ministers of the Council of Europe (CoE) reviews the steps Bulgaria has taken to comply with the court's judgment and prevent similar violations from recurring. In this context, and particularly in light of the absence of effective monitoring of border violations by any other European institution, the implementation process represents a key opportunity to support oversight of Bulgaria's respect for human rights at its borders and to keep a spotlight trained on its continuing pushbacks.

### Escalation of Bulgarian pushbacks increases

In August 2022, ECCHR, along with partner organization Voice in Bulgaria, submitted a report to the CoE's Department for the Execution of Judgments, to be considered alongside its review of Bulgaria's implementation of the D case. The report highlighted Bulgaria's escalation in pushbacks and outlined concrete steps Bulgaria must take to cease and prevent them. The committee has thus far categorized the case as “leading,” indicating that it raises significant structural issues which require that Bulgaria implement new general measures to sufficiently address them. The information and recommendations provided by ECCHR and Voice in Bulgaria will assist the committee in monitoring whether Bulgaria has in fact done so—and highlight that closure of the case's monitoring is not possible while pushbacks from Bulgaria are still ongoing.

# The invisible game of Croatian pushbacks

A CONVERSATION WITH MATIJA VLATKOVIĆ AND ABBY D'ARCY

AD

Since working as a Bertha Fellow at ECCHR, you've written and are now staging a play—*Invisible Game*—about the system of Croatian pushbacks. Am I right to say that it's very much a documentary play, based on a lot of source material we collected together?

MV

Yes, it's an extension of my work at ECCHR, fighting border regimes. But the theater has more freedom, you're outside of the constraints of the courts. You know, when you're confronted with the unbelievable arguments submitted by Croatia, when they said those officers beating up migrants could have been anyone putting on police uniforms, when it becomes that absurd, I'm not sure how you can fight that in court. So, in the theater we're exposing this absurdity and using humor as a weapon against rising fascism.

AD

You have a different focus in the play than the one we use in our casework. Why did you want to do that?

MV

We didn't want to center on the victim story because, in a way, people are losing empathy for that. Instead, we're looking at the everyday nature of border violence. You know, we went and stayed in the hotel with all the pushback cops, recording the atmosphere for the soundtrack to the play, listening in on their after-work beers, understanding the energy there. They see themselves as hunters, there are drones flying constantly overhead, it's a heavily militarized border. But they're sleeping alongside tourists, next door are the cheese and honey stands. The violence, the racism, is entrenched in everyday life, everyday violence in the shadows.

AD

These pushbacks often happen at night in the shadows, but it's like an open secret. It's the political game you see as the invisible part?

MV

Pushbacks have become normalized since courts aren't punishing them and the EU is condoning them. We wanted to look at these different levels of power, where the pushback system is invented, how it's kept alive, and executed, from the border officers, through the national politicians, up to the EU level. And that top level we reproduced on stage with a choir, repeating mantras, like a robotic, ideologically driven propaganda machine spitting out these real-life statements from politicians.

AD

And on the other side are the informal, local structures.

MV

The locals play such an important role at the border, and in the play, for us they connect it to the history and put this in context. They're the people in between, as the Balkans as a region is in between east and west, getting smashed between two sides. The locals are fearful of men in uniforms, traumatized from the war, yet they find creative, impactful ways to support people on the move. These are also very important spaces of solidarity, sharing stories, like in our artistic spaces, connecting with people within and beyond our communities, outside of our echo chambers.

MATIJA VLATKOVIĆ WAS A BERTHA JUSTICE FELLOW IN THE BORDER JUSTICE PROGRAM.

ABBY D'ARCY WORKS IN BOTH THE BORDER JUSTICE PROGRAM AND THE COMMUNICATIONS DEPARTMENT.

# No accountability for Greek border operations

## M.A v. Greece and 7 other applications

JOINT THIRD PARTY INTERVENTION  
ECCHR, PRO ASYL & RSA

### ACCRUED OBSTACLES FOR FOREIGN VICTIMS OF ILL-TREATMENT IN THE CONTEXT OF BORDER OPERATIONS

Creating an impossibility to oversee officers' actions at borders

15

The endangering of life and ill-treatment during border operations through physical and psychological violence and inhumane detention has been reported since 2006 [...]. Human rights institutions confirm the credibility of testimonies of ill-treatment, the existence of a state policy of pushbacks and the systematic use of ill-treatment. However, Greek authorities continue to deny the existence of pushback practices, including in answers to the media, parliaments and human rights institutions.

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Isolation of those apprehended during pushbacks [...] is a powerful tool of secrecy and denial, as is the refusal to maintain any records [...]. Thus, there still is no single-custody record, and no records at all for detainees at border stations, leading the Committee for the Prevention of Torture to conclude that claims of arbitrary detention and/or ill-treatment are credible; the lack of records is intentional to cover-up ill-treatment; and this aims to obstruct access to procedure, in particular registration. [...]

Perpetuating impunity through the lack of effective investigations

18

Pushback victims face specific obstacles to accountability: the arbitrary and unrecorded character of their detention and handling results in greater vulnerability to retaliation. It also results in the non-recording of operations times and locations but also of complainants' identity and presence in Greek territory, weakening the evidence in their case and their chances of ever being identified, located and interviewed. [...] In handling pushback cases, investigating and prosecutorial authorities show even more reluctance and passivity, with standard letters as responses to complaints, obvious lines of inquiry not followed; the lack of records used to justify swift dismissals. Thus, despite several public announcements of thorough investigations and inquiries, none have resulted in any effective investigation or accountability.

THIS TEXT CONTAINS EXCERPTS FROM A THIRD-PARTY INTERVENTION SUBMITTED IN JULY 2022 BY ECCHR, PRO ASYL AND REFUGEE SUPPORT AEGEAN IN EIGHT PENDING CASES AGAINST GREECE IN FRONT OF THE EUROPEAN COURT OF HUMAN RIGHTS.

# Institute for Legal Intervention **V.**

LAURA FIORIO  
MY FASCIST GRANDPA  
2023 →



## The transformative potential of the law

The history of the human rights project is also the history of its continual redefinition—a process in which the law has always shown two faces. While the law reflects the ruling structures of power in the society it claims to govern, it also provides strategic tools to dismantle them. Our Institute for Legal Intervention pursues the latter: to identify exclusionary, repressive dimensions within the law and help abolish them.

Guided by decolonial, feminist and ecological approaches, our work endeavors to recalibrate the struggle for human rights to the demands of the 21<sup>st</sup> century. By acknowledging how the ills of an extractivist global economic system have historically fallen on the shoulders of colonized peoples, the working classes, women and the environment, our work addresses the legacies and after-effects of such past brutality and exploitation—as current human rights issues. This project is not merely about justice for past wrongs; it is also essentially aimed at mitigating future crises.

Beyond training future human rights defenders and equipping them with a toolkit of critical approaches, we work to bring these larger debates beyond the courtroom into other forums through collaborations with artists, academics and journalists.

Donate  
now

Changing the law beyond the courtroom.

The legacies of unjust power structures within the law must be challenged. We initiate academic and legal policy debates, collaborate with artists, and critically educate future human rights defenders to (re)shape the law to meet the demands of our time.

[ECCHR.EU/DONATE](https://ecchr.eu/donate)



## “An invitation to imagine the world afresh”

### A reflection on the reappraisal of colonial wrongs

JOHN B. NAKUTA

My engagement with the European Center for Constitutional and Human Rights (ECCHR) started in March 2019. ECCHR, the Goethe-Institute in Namibia, and the Academy of the Arts in Berlin organized a symposium under the banner “Colonial Injustice—Addressing Past Wrongs” from 25–26 March 2019 in Windhoek, Namibia. I was inordinately pleased and honored to deliver the keynote address at this event. My four years of acquaintance and collaboration with ECCHR exemplify the words of Louise Arbour, who argues that the great strength of the international human rights framework is the civil society community of human rights defenders—international and domestic. This, in the context of Namibia, is particularly relevant in the North-South civil society cooperation in the field of decolonization and calls for reparatory justice for colonial injustices. A key imperative for this kind of collaboration, importantly, should be premised on Southern needs rather than Northern desires.

Also, the North-South partnerships paradigm should be facilitated by decolonization as a framework. Such a framework, to echo Samia Chasi, necessarily requires the shifting of perspectives from the North to the South—dismissing the false narrative of the North being associated with knowledge and theory production, and the South being relegated to field studies.

In my experience, it appears that these fundamentals underpin and inform the work of ECCHR with its partners in the Global South. It is no exaggeration to state that ECCHR is working to change the paradigm of North-South partnerships. My engagements and collaboration with ECCHR in the words of Dilip Menon, indeed, attest to an opportunity and “an invitation to imagine the world afresh.” To this end, actively working towards rehumanizing, specifically, the Ovaherero, Nama, San, and Damara people who were dehumanized through the callous German genocidal acts. In this context, I would be remiss not to repeat my persistent call on ECCHR for greater collaboration with the San and Damara representatives to achieve the kind of justice sought by these communities for the unspoken injustices they equally suffered during the entire period of German colonial rule.

JOHN B. NAKUTA TEACHES SOCIAL JUSTICE AT THE UNIVERSITY OF NAMIBIA. AS AN ACTIVIST, HE ADVOCATES FOR JUSTICE, HUMAN RIGHTS, THE RULE OF LAW AND GOOD GOVERNANCE.

# Rehumanization of ancestral remains

## The politics of repatriation

JUDITH HACKMACK

The report “We want them back,” published in early 2022, found at least 5958 examples of human/ancestral remains, wrested from colonial contexts, which are still in the possession of institutions in the greater Berlin area. All of these remains were brought to Germany under circumstances in which the will of the deceased or their next of kin was disrespected: for example, in incidents of atrocities perpetrated by military expeditions or the unsanctioned excavations of bodies from village graveyards.

How is it possible that these human remains are still to be found in Germany in 2022? One answer is that, to this day, there has been no nation-wide, systematic effort to determine the provenance of such remains in German collections and repatriate them. Civil activists and groups, such as Mnyaka Sururu Mboro with Berlin Postkolonial, have demanded repatriations for quite some time, and more recently, ECCHR has supported them in their work. Yet, existing programs for provenance research largely rely on the voluntary cooperation of museums and research institutions and focus their efforts on public collections. As a result, institutions unwilling to cooperate can simply refrain from participating if they so choose.

In post-mortal rights cases, German jurisprudence indicates that the possession of colonial human remains is legally problematic. This follows from the strong emphasis that the law places on the will of the deceased and the dignified handling of the dead human body. The practice of housing human remains in collections stands in violation of Article 1 of Germany’s Constitution, insofar as any treatment of a person which degrades them to the status of an object violates the right to human dignity. In the social sciences, successful repatriation processes have thus been described as processes of rehumanization—an approach which fully acknowledges that a human being is a subject and not an object of the law.

In our work, we seek to dismantle the racist and colonial structures that still legally justify the continued possession of human remains. We demand effective repatriations through processes of rehumanization that put the rights of the deceased and their descendants at the forefront.

JUDITH HACKMACK WORKS AT ECCHR’S  
INSTITUTE FOR LEGAL INTERVENTION ON  
GERMAN AND EUROPEAN COLONIAL CRIMES  
AND POSTCOLONIAL CRITIQUES OF LAW.  
THIS TEXT IS BASED ON A CONTRIBUTION  
THAT WAS PART OF THE JOINT SYMPOSIUM  
→“RESTITUTION, COLONIALISM AND THE COURTS”  
ORGANIZED BY ECCHR AND VERFASSUNGSBLG.

# How can legal scholarship and practice work together to bring about legal interventions?

MARKUS KRAJEWSKI

Continual exchange and cooperation are both indispensable for critical legal scholarship, as well as a practice geared toward legal interventions. This is all the more true in the case of ECCHR’s human rights work, which is grounded in supporting emancipatory struggles. However, in order for this close intertwining of practice and scholarship to succeed, it is necessary to reflect carefully on what the actual goals of the cooperation should be and what the roles of “practice” and “scholarship” might involve. To this end, it is essential to recognize that the law, both as lived practice and as an academic field, is socially constructed and can function both as a structural component of hegemonic projects of domination, as well as a tool to challenge them.

As an example of ECCHR’s collaboration with the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), during the course of its work on civil lawsuits against companies for human rights violations, ECCHR discovered that this topic had barely made an appearance within German civil legal scholarship—in contrast to international discourse. The search for well-known scholars who engage with this issue from a progressive perspective proved futile. Against this background, the idea came about to focus on scholars during their qualification phase. In the fall of 2016, ECCHR and the FAU invited nine doctoral candidates and postdoctoral scholars to a joint workshop in Berlin on “Civil Liability of Companies for Human Rights Violations.”

In order to broaden this discussion to include more-established academics, articles by professors of civil law were commented on in the workshop. The resulting anthology was the first German-language publication to contain a significant number of academic articles on the enforcement of human rights due diligence from a civil law perspective. This process also encouraged the authors to pursue paths that diverge from the then-(still?) prevailing discourse. Thus, this can also be seen as a strategic intervention in legal scholarship.

Human rights work  
is grounded in supporting  
emancipatory struggles

Another joint project between FAU and ECCHR is the summer school program focusing on business and human rights, which has been underway since 2019. This program is aimed at the next generation of human rights experts within academia and legal practice worldwide and emphasizes the importance of issues of corporate responsibility within human rights education.

PROF. DR. MARKUS KRAJEWSKI TEACHES  
AT THE CENTRE FOR HUMAN RIGHTS  
ERLANGEN-NUREMBERG (CHREN) AT THE  
FRIEDRICH-ALEXANDER-UNIVERSITY  
ERLANGEN-NUREMBERG.

THE RESULTING ANTHOLOGY “DIE  
DURCHSETZUNG MENSCHENRECHTLICHER  
SORGFALTPFLICHTEN VON UNTERNEHMEN”  
BY MARKUS KRAJEWSKI AND MIRIAM  
SAAGE-MAASS WAS PUBLISHED BY NOMOS  
VERLAGSGESELLSCHAFT IN 2018.

# Impressions of the Critical Legal Training program

ECCHR has a special commitment to the education and training of future human rights lawyers. Our Critical Legal Training program has already enabled over 400 lawyers to broaden their understanding of legal criticism, postcolonial theory, feminism and intersectionality. Here, some of them discuss their work at ECCHR.

## ROBERT SCHMIDT \*

CLT YEAR 2018  
CURRENT JOB LEGAL OFFICER AT REDRESS  
RESIDENCE LONDON, UNITED KINGDOM

ECCHR and, in particular, the Critical Legal Training program have introduced me to a unique international human rights school of thought, which created an intellectual compass for me that has guided me through various personal and professional contexts ever since. I consider myself immensely lucky to have connected with the amazing ECCHR team and network of alumni at an early stage of my career. It is because of this experience that I have an actual reference for what a human rights movement can and should be. Besides implanting the seed of the critical human rights lawyer within me, my experience with the CLT program set me on the right path in my professional career. I will always have loyalty for the people in this network and will always fly across countries and continents to reunite with them!

\*NAME HAS BEEN CHANGED BY EDITORIAL STAFF.

## PHILIPP SCHÖNBERGER

CLT YEAR 2019  
CURRENT JOB LAWYER AT GREEN LEGAL IMPACT E.V. AND FRAGENSTAAT  
RESIDENCE BERLIN, GERMANY

Working with ECCHR in the Critical Legal Training program and continuing my exchanges with young activists and lawyers through the Alumn\* Network have been valuable sources of inspiration for my personal and professional development. Getting to know many of the wonderful individuals that make this organization so special has encouraged me to understand and use law as a tool for social and political change, while constantly reminding me of the importance of maintaining a critical perspective on my own work and its context.

## LUXCY ALEX LAMBERT

CLT YEAR 2020  
CURRENT JOB LAWYER AND CONSULTANT AT HESSIAN REFUGEE COUNCIL  
RESIDENCE FRANKFURT, GERMANY

My time at ECCHR gave me the unique opportunity to meet interesting and inspiring people from all around the globe. I was not only able to embrace my Eelamtamil identity but also contribute to an environment where my colleagues all shared a multitude of revolutionary backgrounds and were committed to enhancing solidarity and empowerment. Working together, we did our best to provide redress to those who are most affected by current global injustices.

# Selected activities

## LUNCH TALKS

“From the Law of Occupation to the Crime of Apartheid—Changing Perspectives in Human Rights Organizations”

NAHED SAMOUR  
(POSTDOC, INTEGRATIVE RESEARCH INSTITUTE LAW & SOCIETY, HUMBOLDT-UNIVERSITÄT ZU BERLIN)

MODERATION: YOSSI BARTAL

“Welcome to Lawfare: The Criminalization of Democratic Politics in the Global South”

PROF. DR. VALERIA VEGH WEIS  
(CRIMINOLOGIST, ALEXANDER VON HUMBOLDT FELLOW, FREIE UNIVERSITÄT BERLIN)

MODERATION: CHARLENE LORENZ

“Human Rights-Based Climate Litigation in Latin America”

JUAN AUZ, PHD RESEARCHER  
(CENTRE FOR FUNDAMENTAL RIGHTS, HERTIE SCHOOL IN BERLIN)

MODERATION: ANDREAS GUTMANN AND LILIAN LÖWENBRÜCK

## CRITICAL READING DEBRIEFS

“Francisco De Victoria and the Colonial Origins of International Law”

ANTHONY ANGHIE  
MODERATION: JOANNA SAMUELS

“Critical Climate Justice”

FARHANA SULTANA  
MODERATION: MICHAEL BUTERA

“Creating a Special Tribunal for Aggression against Ukraine is a Bad Idea”

KEVIN JON HELLER  
MODERATION: CLAIRE TIXEIRE

## TRAINEE MEETINGS

Colonial Crimes Committed Against the San in German South West Africa

PRESENTATION: CHILOMBO MUKENA

Arms Supplies to Non-State Armed Groups—Terrorism or Freedom Fight? A Study on the Power of Narratives in International Law

PRESENTATION: HANNAH KIEL

Pushbacks in Europe: Legal Discourse vs. Political Reality

PRESENTATION: SHARON KUNDAI MATONGO

Epistemic Limitations of Universal Jurisdiction Trials

PRESENTATION: FIN-JASPER LANGMACK

Human Rights in the Metaverse

PRESENTATION: DIANA ROLDAN-MCGINLEY

# Appendix VI.

LAURA FIORIO  
MY FASCIST GRANDPA  
2023 →



# Partner organizations

## NORTH AMERICA

- 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 CITY**
- Earth Rights International **WASHINGTON, DC**
- International Network for Economic, Social and Cultural Rights (ESCR-Net)
- Global Justice Center **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 CITY**
- Syria Justice and Accountability Center **WASHINGTON, DC**
- Urnammu **QUEBEC**

## CENTRAL AND SOUTH AMERICA

- ANDHES **TUCUMÁN**
- Articulação Internacional dos Atingidos e Atingidas pela Vale (AIAPV) **RIO DE JANEIRO**
- 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 de Defensa Legal **LIMA**
- International Network of Civil Liberties Organizations (INCLO) **BUENOS AIRES**
- Episcopal Region of Nossa Senhora do Rosário (RENSER) **BELO HORIZONTE**
- Terra de Direitos **CURITIBA**
- Unión de Afectados por Texaco (UDAPT) **QUITO**

## ASIA

- Activist Anthropologists **DAKAR**
- Baldia Factory Fire Affectees Association **KARACHI**
- Bangladesh Legal Aid and Service Trust (BLAST) **DAKAR**
- Center for International Law (CenterLaw) **MANILA**
- Human Rights Law Network (HRLN) **NEW DELHI**
- Lawyers Beyond Borders, India Chapter **TAMIL NADU**
- Maharashtra Association of Pesticides Poisoned Persons (MAPPP) **YAVATMAL**
- Malaya Lolos Organization **PAMPANGA**
- Michael Sfar Law Office **TEL AVIV**
- Mwatana for Human Rights **SANA'A**

- National Trade Union Federation of Pakistan (NTUF) **KARACHI**
- 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**

## AFRICA

- Association Marocaine des Droits de l'Homme (AMDH) **NADOR**
- Botswana Society for Nama, OvaHerero & OvaMbanderu (BOSNOO) **GABARONE**
- Center for Applied Legal Studies (CALS) **JOHANNESBURG**
- Equal Education Law Centre (EELC) **CAPE TOWN**
- Legal Assistance Center **WINDHOEK**
- Legal Resources Centre **JOHANNESBURG**
- Nama Traditional Leaders Association **WINDHOEK**
- Ovaherero Genocide Foundation **WINDHOEK**
- Socio-Economic Rights Institute (SERI) **JOHANNESBURG**
- WALHI Friends of the Earth International—Indonesia **JAKARTA**

## EUROPE

- Avocats Européens Démocrates—European Democratic Lawyers (AED-EDL) **STRASBOURG/COLMAR**
- Airwars **LONDON**
- Akademie der Künste **BERLIN**
- Amnesty International **LONDON**
- Amnesty International Deutschland **BERLIN**
- Amnesty International France **PARIS**
- Amnesty International Italy **ROME**
- Bellingcat **AMSTERDAM**
- Border Forensics **GENEVA**
- Border Violence Monitoring Network
- Comité catholique contre la faim et pour le développement (CCFD) **PARIS**
- Associazione per gli Studi Giudici sull'immigrazione (ASGI) **ROME/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 (BHRR) **LONDON**
- Caesar Files Group **BERLIN**
- Campaign Against Arms Trade **LONDON**
- CCFD-Terre Solidaire **PARIS**
- Center for International Law Research and Policy (CILRAP) **BRUSSELS/BERLIN**

## APPENDIX

- Center for Peace Studies **ZAGREB**
- Centre Delàs **BARCELONA**
- Centre for the Enforcement of Human Rights International (CEHRI) **VIENNA**
- Center for Legal Aid—Voice in Bulgaria **SOFIA**
- Center for Spatial Technologies **KYIV**
- Civil Rights Defenders **STOCKHOLM**
- Civitas Maxima **GENEVA**
- ClientEarth **BRUSSELS**
- Clean Clothes Campaign/Kampagne für saubere Kleidung **AMSTERDAM/WUPPERTAL**
- Coalizione Italiana Libertá e Diritti civili (CILD) **MILAN**
- Coalition Against Arms Trade (CAAT) **LONDON**
- Commission for International Justice and Accountability (CIJA) **BRUSSELS**
- Decolonize **BERLIN**
- Dachverband kritischer Aktionärinnen und Aktionäre **COLOGNE**
- Demokratische Juristinnen und Juristen der Schweiz (DJS) **BERN**
- European Association of Lawyers for Democracy & World Human Rights (ELD) **DÜSSELDORF**
- European Coalition of Corporate Justice **BRUSSELS**
- European Forum on Armed Drones **UTRECHT**
- Fédération internationale de ligues des droits de l'homme (FIDH) **PARIS**
- FoodFirst Informations- und Aktions-Netzwerk (FIAN) **DEUTSCHLAND**
- Flinn Works **BERLIN**
- Forensic Architecture **LONDON**
- FORENSIS **BERLIN**
- Forschungs- und Informationszentrum Chile-Lateinamerika (FDCL) **BERLIN**
- Forum for International Criminal and Humanitarian Law (FICHL) **BRUSSELS**
- Germanwatch **BONN/BERLIN**
- Global Legal Action Network (GLAN) **GALWAY/LONDON**
- Global Campus of Human Rights **VENICE**
- Goethe-Institut **MUNICH**
- Goldsmiths, University of London **LONDON**
- Giuristi Democratici **PADUA**
- Hafiza Merkezi (Truth Justice Memory Center) **ISTANBUL**
- Haus der Kulturen der Welt (HKW) **BERLIN**
- Heinrich-Böll-Stiftung **BERLIN**
- HIAS in Greece **ATHENS/LESVOS**
- Human Rights Institute, La Universidad de Deusto **BILBAO**
- Human Rights Law Centre, University of Nottingham **NOTTINGHAM**
- Human Rights Watch (HRW) **BRUSSELS/BERLIN**
- India Justice Project **BERLIN**
- Initiative Lieferkettengesetz **BERLIN**
- Initiative Schwarzer Menschen in Deutschland (ISD) **BERLIN**
- INKOTA-Netzwerk e.V. **BERLIN**
- Internationale Akademie Nürnberger Prinzipien **NUREMBERG**
- International Institute of Political Murder (IIPM, Milo Rau) **BERLIN**
- Lawyers for Justice in Libya (LFJL) **LONDON**
- Lesben- und Schwulenverband (LSVD) **COLOGNE**
- LGBT Network **SAINT PETERSBURG**
- Macedonian Young Lawyers Association (MYLA) **SKOPJE**
- Medica Mondiale **COLOGNE**
- medico international **FRANKFURT (MAIN)**
- Minority Rights Group **LONDON**
- MISEREOR **AACHEN**
- Movimento Consumatori **ROME**
- Moving Europe
- Multiwatch **BERN**
- No Name Kitchen
- Norwegian Helsinki Committee **OSLO**
- Nürnberger Menschenrechtszentrum **NUREMBERG**
- Pestizid Aktions-Netzwerk e.V. Deutschland **HAMBURG**
- PAX **UTRECHT**
- PRO ASYL **FRANKFURT (MAIN)**
- Public Eye **ZÜRICH**
- REDRESS **LONDON**
- Refugee Support Aegean (RSA) **CHIOS**
- Reporter ohne Grenzen **BERLIN**
- Reprieve **LONDON**
- Republikanischer Anwältinnen- und Anwälteverein (RAV) **BERLIN**
- Rete Italiana per il Disarmo **ROME**
- Rosa-Luxemburg-Stiftung (RLS) **BERLIN**
- RüstungsinformationsBüro (RIB) **FREIBURG**
- Saferworld **LONDON**
- Sea-Watch **BERLIN**
- Sherpa **PARIS**
- The Centre for Research on Multinational Corporations (SOMO) **AMSTERDAM**
- Sri Lanka Advocacy Group
- Studiengruppe Informationsdesign (SI), Burg Giebichenstein Kunsthochschule Halle **HALLE**
- Syrian Archive **BERLIN**
- Syrian Center for Legal Studies and Research (SCLSR) **BERLIN**
- Syrian Center for Media and Freedom of Expression (SCM) **PARIS/BERLIN**
- Tactical Technology Collective **BERLIN**
- Transitional Justice Clinic **THE HAGUE**
- TRIAL International **GENEVA**
- Ukrainian Archive, Mnemonic **BERLIN**
- Ukrainian Legal Advisory Group **KYIV**
- Western Sahara Resource Watch **LONDON**
- Women Now For Development **PARIS**
- Women's Initiatives for Gender Justice **THE HAGUE**
- Women's International League for Peace and Freedom **GENEVA**
- World Organisation Against Torture **GENEVA**
- Yemeni Archive, Mnemonic **BERLIN**
- Zentrum ÜBERLEBEN **BERLIN**



# Legal interventions

## INTERNATIONAL CRIMES AND ACCOUNTABILITY

### Italy

#### Responsibility for deadly US drone strike in Libya

Criminal complaint against Italian Commander of Sigonella Naval Air Base for the permission of an American drone strike on civilians in Libya, killing 11 members of a Toureg community near Ubari.

SUBMITTED: 30 MARCH 2022  
OFFICE OF THE PROSECUTOR AT THE TRIBUNAL OF SIRACUSA, ITALY

### Belarus

#### Crimes against humanity after presidential elections

Criminal complaint against five high-ranking members of the Belarusian security apparatus for torture and systematic violence against protesters in the course and aftermath of the presidential elections in August 2020.

SUBMITTED: 22 JUNE 2022  
INVESTIGATIVE AUTHORITIES IN FINLAND AND ESTONIA

### Germany

#### Role of the US military base Ramstein in drone strikes

Response to the statement by the German government in the ongoing constitutional complaint against the use of the US military base Ramstein in Germany for US drone strikes in Yemen.

SUBMITTED: 24 OCTOBER 2022  
FEDERAL CONSTITUTIONAL COURT, GERMANY

### Ukraine

#### Killing of Lithuanian filmmaker in Mariupol

Submission of evidence in relation to the killing of Lithuanian filmmaker Mantas Kvedaravičius presumably by Russian-backed forces in Mariupol in the spring of 2022.

SUBMITTED: 4 NOVEMBER 2022  
INVESTIGATIVE AUTHORITIES IN LITHUANIA

### Libya

#### Crimes against humanity against migrants and refugees

Article 15 communication to the International Criminal Court regarding the interception at sea of migrants and refugees fleeing Libya and their return thereto as the crime against humanity of severe deprivation of liberty.

SUBMITTED: 29 NOVEMBER 2022  
INTERNATIONAL CRIMINAL COURT, NETHERLANDS

## BUSINESS AND HUMAN RIGHTS

### Italy

#### The role of Italian arms manufacturers in war crimes in Yemen

Appeal to the decision by the Italian public prosecutor to dismiss a request to investigate the criminal liability of senior officials within Italy's National Authority for the Export of Armament and managers of RWM Italia S.p.A., for arms exports potentially connected to a deadly air strike on the village of Deir Al-Hajari in Yemen on 8 October 2016.

SUBMITTED: 15 MARCH 2022  
ADMINISTRATIVE COURT ROME, ITALY

### and

Additional submission to the Judge of Preliminary Investigations in preparation of the hearing to decide on the appeal filed by ECCHR and its partners against the decision by the Italian public prosecutor to dismiss the case.

SUBMITTED: 14 DECEMBER 2022  
JUDGE OF PRELIMINARY INVESTIGATIONS (GIP) ROME, ITALY

### France

#### Aiding and abetting crimes against humanity in Syria

Legal memorandum submitted in preparation of the hearing before the Investigative Chamber of the Paris Court of Appeals re-examining the charges against Lafarge (now Holcim) for complicity in crimes against humanity and endangering peoples' lives in Syria.

SUBMITTED: 23 MARCH 2022  
PARIS JUDICIARY TRIBUNAL, FRANCE

### France

#### Aiding and abetting war crimes in Yemen by arms manufacturers

Criminal complaint against the three French arms manufacturers Dassault Aviation, Thales and MBDA France for continued arms exports to Saudi Arabia and the United Arab Emirates, allegedly used in war crimes in Yemen.

SUBMITTED: 1 JUNE 2022  
PARIS JUDICIARY TRIBUNAL, FRANCE

### Switzerland

#### Corporate responsibility for pesticide poisoning

On behalf of the three plaintiffs from Maharashtra, India, further evidence was filed in the ongoing claim for damages against the Swiss pesticide manufacturer Syngenta.

SUBMITTED: 8 JUNE 2022  
CIVIL COURT BASEL-CITY, SWITZERLAND

### Switzerland

#### Corporate responsibility for rising sea levels

Request for conciliation filed by four Indonesian island inhabitants demanding compensation, financing of flood protection measures and CO<sub>2</sub> emissions reductions from Swiss cement producer Holcim.

SUBMITTED: 11 JULY 2022  
ARBITRATION AUTHORITY CIVIL COURT CANTON ZUG, SWITZERLAND

### and

Submission of a civil complaint by the four island inhabitants against Holcim AG.

SUBMITTED: 30 JANUARY 2023  
CANTONAL COURT ZUG, SWITZERLAND

### Romania

#### No compensation for failed gold mine in Rosia Montana

Two Romanian organizations, with the support of ECCHR, submitted a second amicus curiae brief in the State Investor dispute between Gabriel Resources and Romania.

SUBMITTED: 18 SEPTEMBER 2022  
INTERNATIONAL CENTRE FOR THE SETTLEMENT OF INVESTMENT DISPUTES, WASHINGTON, DC, USA

## BORDER JUSTICE

### Greece

#### Mistreatment, detention and multiple forcible deportations at border

Individual complaint by an Iranian applicant concerning repeated pushbacks to Turkey involving multiple violations of the International Covenant on Civil and Political Rights.

SUBMITTED: 2 FEBRUARY 2022  
UN HUMAN RIGHTS COMMITTEE, SWITZERLAND

### Croatia

#### Pushbacks to Bosnia and Herzegovina

Following Croatia's statements, a further submission on the behalf of a Syrian applicant in his complaint regarding six pushbacks to Bosnia and Herzegovina in 2018/2019.

SUBMITTED: 9 MARCH 2022  
UN HUMAN RIGHTS COMMITTEE, SWITZERLAND

Croatia/Slovenia

Violent pushbacks of unaccompanied minor Individual complaints by an unaccompanied Rohingya minor to the UN Committee on the Rights of the Child concerning multiple violent pushbacks from Croatia and a chain push-back from Slovenia.

SUBMITTED: 6 JULY 2022  
UN COMMITTEE ON THE RIGHTS  
OF THE CHILD, SWITZERLAND

Greece**Systematic human rights violations at borders**

Third-party intervention submitted together with Pro Asyl and Refugee Support Aegean in eight cases against Greece regarding systematic human rights violations at its borders.

SUBMITTED: 25 JULY 2022  
EUROPEAN COURT OF HUMAN RIGHTS, FRANCE

Bulgaria**Pushback found illegal**

Submission of a Rule 9 report encouraging Bulgaria's implementation of the European Court of Human Rights' recent judgment in D v. Bulgaria which found the handover of the applicant to Turkey unlawful.

SUBMITTED: 31 AUGUST 2022  
COMMITTEE OF MINISTERS OF THE COUNCIL  
OF EUROPE, FRANCE

**INSTITUTE FOR LEGAL INTERVENTION**Germany**Reparatory justice initiatives regarding colonialism**

Contribution to the Report of the Secretary-General "A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action."

SUBMITTED: 16 MAY 2022  
DURBAN DECLARATION AND PROGRAMME OF ACTION,  
SWITZERLAND

Germany**Child rights in (post)colonial contexts**

Additional submission together with Berlin Postkolonial e.V., Decolonize Berlin, the Nama Traditional Leaders Association (NTLA) and Ovaherero Traditional Authority (OTA) to the CRC on racial discrimination and child rights in (post)colonial contexts.

SUBMITTED: 18 JULY 2022  
UN COMMITTEE ON THE RIGHTS OF THE CHILD, SWITZERLAND

Germany/Tanzania**Restitution of human remains/ancestors from the Kilimanjaro Region**

Report of the Chiefs' Council, for submission to the Tanzanian government together with Berlin Postkolonial and Flinn works.

SUBMITTED: 10 NOVEMBER 2022  
MINISTRY OF CULTURE, TANZANIA

# 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.

 TORTURE

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. As Germany is in a position to take action on the basis of the principle of universal jurisdiction, ECCHR and our partners submitted a criminal complaint to the German Federal Public Prosecutor's Office in November 2021.

 REPRESSION

Germany**Crimes in Colonia Dignidad**

The settlement of the German religious sect Colonia Dignidad in Chile was the site of grave human rights crimes for many years. ECCHR supports those affected in their struggle to hold two former leading members of the sect to account in Germany. In spring 2019, however, public prosecutors in Münster and Krefeld closed their investigations. An appeal was dismissed, along with a disciplinary complaint.

 REPRESSION

Germany**First trial worldwide on state torture under President Bashar al-Assad**

In April 2020, 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 4000 people and the deaths of 30 people.

 TORTURE

Germany**Germany must bring Argentine dictatorship criminals to trial**

The Berlin Public Prosecutor's Office must file charges against Luis K, a former Argentine officer, who allegedly participated in crimes against humanity during the military dictatorship. Because he faced imprisonment in Argentina, he fled to Germany in 2013. ECCHR is supporting the sister of an Argentine who was forcefully disappeared.

 REPRESSION

Germany**International arrest warrant for former Syrian Intelligence Chief Jamil Hassan**

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.

 TORTURE

Germany**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.

 DRONE STRIKES

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.

 SEXUAL VIOLENCE

Germany**War crimes in the Sri Lankan civil war**

There have been no effective legal proceedings to date addressing crimes committed during the Sri Lankan civil war (1983–2009). ECCHR calls for the initiation of adequate criminal investigations—including those conducted on the basis of universal jurisdiction—into high-ranking military officers' criminal responsibility for war crimes, crimes against humanity and sexual violence.

 WAR CRIMES

Italy**Role of Naval Air Station Sigonella in the US drone program**

US combat drones are stationed at Sigonella Naval Air Station in Sicily that are deployed in military operations. The agreement between the US and Italy concerning the presence of the drones and the rules for their deployment has not yet been made public. ECCHR filed a freedom of information request in 2016 to reveal this information, but since then, the Italian government has repeatedly refused access. In June 2022, the administrative court in Rome decided that the Italian Ministry of Defence must provide ECCHR access to four Technical Agreements (signed 2010, 2014, 2017 and 2021).

 DRONE STRIKES

Italy**Italy's responsibility in deadly US drone strike**

In November 2018, 11 members of a Tuareg community in Ubari, Libya, were killed in a US drone strike. Together with relatives of the victims, ECCHR filed a criminal complaint with the Office of the Prosecutor at the Tribunal of Siracusa 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.

 DRONE STRIKES

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.

 REPRESSION

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 cannot be seen as rescue operations. Interceptions of migrants and refugees and their systematic return 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.

 REPRESSION

Lithuania**Killing of Lithuanian filmmaker in Mariupol**

To document the reality of war, 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.

 WAR CRIMES

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.

 TORTURE

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.

 SEXUAL VIOLENCE

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.

 TORTURE

## 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.

**GP** GLOBAL PRODUCTION CHAINS

### 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.

**CR** CORPORATIONS + REPRESSIVE REGIMES

### 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.

**GP** GLOBAL PRODUCTION CHAINS

### 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.

**AS** ARMS + SURVEILLANCE TECHNOLOGY

### 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.

**AS** ARMS + SURVEILLANCE TECHNOLOGY

### 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.

**GP** GLOBAL PRODUCTION CHAINS

### 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.

**GP** GLOBAL PRODUCTION CHAINS

### 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.

**AS** ARMS + SURVEILLANCE TECHNOLOGY

### Romania

#### Mining company disregards human rights and environmental protection

Residents of Roșia Montană, Romania, have been fighting to stop a gold mine's construction. Canadian-British mining firm Gabriel Resources sued Romania before an international arbitration tribunal. In 2018, ECCHR submitted an amicus curiae brief in support of the residents. In September 2022, with the help of ECCHR, the Romanian organizations filed another amicus brief with the arbitration court in Washington, DC. A decision in the case is expected in 2023.

**RE** RESOURCE EXPLOITATION

## HUMAN RIGHTS AND CLIMATE JUSTICE

### France

#### Energy giant neglects indigenous rights in Mexico

The French company Electricité de France (EDF) has been working on a wind park project in Oaxaca, Mexico, since 2015. Turbines are to be built on Unión Hidalgo territory, but the indigenous community has not been sufficiently consulted. Their representatives, ProDESC and ECCHR filed a civil lawsuit under the French Duty of Vigilance Law in October 2020. EDF should halt the project until human rights standards are being upheld. In November 2021, the Paris court rejected part of the case on formal grounds. An appeal against this decision was filed in December 2021.

 GREEN ECONOMY

### 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.

 GLOBAL WARMING

### 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 companies 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 their 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.

 PROTECTION OF ECOSYSTEMS

### 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.

 GLOBAL WARMING

### 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.

 PROTECTION OF ECOSYSTEMS

### Switzerland

#### Swiss cement producer responsible for rising sea levels

The cement industry is one of the biggest CO<sub>2</sub> emitters in human history. Leading the cement industry, Holcim is a "Carbon Major" with more output in CO<sub>2</sub> emissions than Switzerland itself. Four Indonesian islanders demanded compensation for more frequent flooding, the financing of adaptation measures and a reduction in future emissions. After conciliation procedures failed in 2022, those affected, with the support of ECCHR and partners, filed a civil lawsuit in January 2023 in Switzerland.

 PROTECTION OF ECOSYSTEMS

## BORDER JUSTICE

### Bulgaria

#### Monitoring Bulgaria's implementation of ECtHR 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 the state's implementation of the European Court of Human Rights' judgment.

 PUSHBACKS

### Croatia

#### ECtHR 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.

 PUSHBACKS

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.

 **PUSHBACKS**

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 states' 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.

 **PUSHBACKS**

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.

 **PUSHBACKS**

North Macedonia**Forced returns at the Greek border**

With ECCHR's support, eight refugees from Iraq, Afghanistan and Syria lodged individual complaints in September 2016 against North Macedonia at the European Court of Human Rights. The refugees accuse North Macedonia of immediately returning them back to Greece in March 2016, in violation of the European Convention on Human Rights. In April 2022, the Court found that the mass pushback did not violate the applicants' rights.

 **PUSHBACKS**

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 finally dismissed the appeals and archived the case in June 2022.

 **PUSHBACKS**

**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.

 **COLONIAL CRIMES**

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 and 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 of these people in drawing attention to these injustices and in presenting their concerns before UN committees and enforcing them in Germany.

 **COLONIAL CRIMES**

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.

 **COLONIAL CRIMES**

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.

 **COLONIAL CRIMES**

# Map

All ongoing and a selection of completed ECCHR cases and projects can be found on the world map insert accompanying this annual report and on our website.

# Publications

## ECCHR PUBLICATIONS

### ECCHR/Clean Clothes Campaign/ Public Eye/SOMO

Legislating human rights due diligence:  
Respecting rights or ticking boxes? (2022)

[→ READ ONLINE](#)

### ECCHR

Torture in Syria on trial in Koblenz:  
A documentation of the  
Al-Khatib proceedings (2022)

[→ READ ONLINE](#)

### ECCHR

Rupture and reckoning:  
Guantánamo turns 20 (2022)

[→ READ ONLINE](#)

### ECCHR/TRIAL International/ Civitas Maxima/CJA/FIDH/REDRESS

Universal Jurisdiction Annual Review (2022)

[→ READ ONLINE](#)

### ECCHR/Comisión Ciudadana Nacional e Internacional

“En Colombia nos volvimos cifras” Informe para el  
esclarecimiento de los hechos ocurridos el 9, 10 y 11  
de septiembre de 2020 en Bogotá y Soacha (2022)

### ECCHR/Amnesty International Spain/ Centre Delas for Peace Studies

Spanish arms exports and alleged war crimes  
in Yemen: How spanish arms exports may have  
facilitated or contributed to international crimes  
allegedly committed in Yemen, 2015–2021 (2022)

[→ READ ONLINE](#)

### ECCHR, Heinrich-Böll-Stiftung, INKOTA-netzwerk, PAN Germany, Rosa-Luxemburg-Stiftung

Implementation of a ban on exports of certain  
hazardous pesticides from Germany (2022)

[→ READ ONLINE](#)

### ECCHR/India Justice Project

In the Name of Development: Indigenous Rights  
Violations and Shrinking Space in Chhattisgarh (2022)

[→ READ ONLINE](#)

### ECCHR/SOMO/Swedwatch/ OECD-Watch/ECCJ

Downstream due diligence: Setting  
the record straight (2022)

[→ READ ONLINE](#)

### ECCHR

Repairing the irreparable? Tackling the  
long-term effects of German colonialism  
in Germany & Namibia (2022)

[→ READ ONLINE](#)

### ECCHR/Anti-Slavery International/ Die Grünen/EFA im Europäischen Parlament

Progressing the proposed EU regulation  
on prohibiting products made  
with forced labour. A model law (2022)

[→ READ ONLINE](#)

## PODCASTS

### Why restitution matters

Mnyaka Sururu Mboro/Nathalie Anguezomo  
Mba Bikoro/Michael Bader/Sarah Imani

[→ LISTEN ONLINE](#)

### Guilty

Patrick Kroker in Branch 251

[→ LISTEN ONLINE](#)

### #20 Wirtschaft und Menschenrechte

Michael Bader in Völkerrechtspodcast

[→ LISTEN ONLINE](#)

### How the EU border regime violates children’s rights and how to fight back

Delphine Rodrik in Blindspots  
Podcast Freedom of Movement

[→ LISTEN ONLINE](#)

### Dt. Kolonialverbrechen in Namibia—Herero fordern Entschädigung

Wolfgang Kaleck in Deutschlandfunk Kultur Weltzeit

[→ LISTEN ONLINE](#)

### Internationale Sportwettkämpfe: Megaevents in autokratischen Staaten

Wolfgang Kaleck in Deutschlandfunk Nova

[→ LISTEN ONLINE](#)

## BOOKS

### Wolfgang Kaleck

Nuestra lucha global por los derechos humanos:  
Derecho contra poder (Roca Editorial, 2022)

### Wolfgang Kaleck

Adaletin İktidarla Mücadelesi: İnsan  
Hakları (The Kitap, 2022)

## BOOK CHAPTERS

### Wolfgang Kaleck

“Putting the trial on trial: Global solidarity against  
the abuse of the law”, in Free the El Hiblu 3  
Campaign (Eds.) Free the El Hiblu 3 (2022)

### Wolfgang Kaleck

“Zwischen Dystopie und konkreter Utopie”, in  
Dana Giesecke und Harald Welzer (Eds.), Zu spät  
für Pessimismus (S. Fischer Verlag GmbH, 2022)

### Wolfgang Kaleck

“Von Doppelstandards im Völkerstrafrecht”,  
in Jeßberger et. al. (Eds.) Strafrecht und  
Systemunrecht—Festschrift für Gerhard Werle  
zum 70. Geburtstag (Mohr Siebeck, 2022)

### Wolfgang Kaleck

“Man muss nicht immer Parteifreund sein”,  
in Sabine Leutheusser-Schnarrenberg (Eds.),  
In liberaler Mission—Gerhart Baum  
und die deutsche Demokratie  
(NZZ Libro Schwabe Verlagsgruppe AG, 2022)

### Miriam Saage-Maaß

“Ein überfälliger Schritt. Rechtsverbindliche  
Verantwortung von Unternehmen für Menschenrechte”,  
in Vera Fischer et al. (Eds.), Grundrechte-Report  
2022: Zur Lage der Bürger- und Menschenrechte in  
Deutschland (Fischer Taschenbuch Verlag, 2022)

### Miriam Saage-Maaß

“Veränderte gesellschaftliche und rechtliche  
Rahmenbedingungen”, in Klaus J. Zink (Eds.),  
Arbeit in globalen Lieferketten  
(vdf Hochschulverlag AG, 2022)

### Hanaa Hakiki

“The ECtHR’s Jurisprudence on the prohibition  
of collective expulsions in cases of pushbacks  
at European borders: A critical perspective”,  
in Prof. Dr. Stephanie Scheidermair et al. (Eds.),  
Theory and Practice of the European Convention  
on Human Rights (Nomos Verlag, 2022)

### Laura Duarte Reyes, Diana Roldan-McGinley

“Derechos Humanos y Empresas: panorama  
general e importancia de este campo para  
la agroindustria”, in Mariell Palau et. al.  
(Eds.), Con la soja al cuello 2022. Informe sobre  
Agronegocios en Paraguay (BASE IS, 2022)

## ACADEMIC ARTICLES

### Miriam Saage-Maaß

“Das Recht von Mensch und Natur:  
Der Kampf gegen die Klima-Apartheid”, 2 Blätter  
für deutsche und internationale Politik (2022)

### Claudia Müller-Hoff/ Franziska Oehm

“Eine Alternative zur Haftung nach dem  
Sorgfaltspflichtengesetz?—Zur Anwendung  
ausländischer Rechtsnormen in transnationalen  
Schadensersatzklagen gegen deutsche Unternehmen”,  
1 Zeitschrift für europäisches Privatrecht (2022)

### Anne Schroeter

“Das Investigative Commons: Aufarbeitung  
von Verbrechen durch zivilgesellschaftliche  
Organisationen”, 1 Wissenschaft und Frieden (2022)

**Delphine Rodrik**

“Rights not recognized: Applying the right to recognition as a person before the law to pushbacks at international borders”, 4 International Journal of Refugee Law (2022)

**Miriam Saage-Maaß**

“Editorial: Ein langer überfälliger Schritt”, 2 Zeitschrift für Product Compliance (2022)

**Andreas Schüller**

“Was bedeutet der Krieg in der Ukraine für die internationale Strafjustiz?”, 2 Forschungsjournal Soziale Bewegungen (2022)

**Sarah Imani/Karina Theurer**

“Reparations for colonial crimes—the negotiations between Germany and Namibia as an example for the ambivalent role of the law in these cases”, Zeitschrift für Friedens- und Konfliktforschung (2022)

**Joumana Seif/****Sima Nassar/Rima Flihan**

“Death is not the worst that can happen... It is also the waiting!”, The Syrian Feminist Lobby (2022)

**Wolfgang Kaleck**

“Menschenrechtsanwalt? Wie wird man das? Was bedeutet das eigentlich?”, 2 Zeitschrift für Menschenrechte (2022)

**Andreas Schüller**

“Spot On! Kriegsverbrechen in der Ukraine” 10 Berliner Anwaltsblatt (2022)

**SELECTED INTERVIEWS AND OPINION PIECES****Wolfgang Kaleck**

Zwanzig Jahre Guantanamo: Schließt das Lager, Süddeutsche Zeitung, 10 January 2022

**Wolfgang Kaleck**

Weltrecht in Koblenz, Die Zeit, 27 January 2022

**Wolfgang Kaleck**

Ein Leben für Gerechtigkeit, Focus Magazin, 13 May 2022

**Miriam Saage Maaß**

Menschenrechte und Natur, taz 15 May 202

**Wolfgang Kaleck**

Menschenrechte vor Gericht, Prinzip Apfelbaum No. 20, May 2022

**Wolfgang Kaleck**

Weltrechtsprinzip: Kommt Putin vor Gericht? Spiegel Online, 9 July 2022

**Wolfgang Kaleck**

Hans-Christian Ströbele: Ein Streiter für das Recht, Jacobin, 19 September 2022

**Wolfgang Kaleck**

Zwischen Nichtstun und Erfolg liegt ein weites Feld, Neue Züricher Zeitung, 29 September 2022

**Laura Duarte Reyes**

Ein Gerichtserfolg wäre wegweisend, Ørsted, 5 October 2022

**BLOG POSTS****Claudia Müller-Hoff/****Laura Duarte Reyes**

“Raus aus dem fossilen Zeitalter—Zieht dem Energiecharta-Vertrag den Stecker!”, Völkerrechtsblog, 31 January 2022

**Christian Schliemann-Radbruch**

“Blinded by the Light? Rüstungsexportkontrolle unter dem Eindruck des Kriegs in der Ukraine”, Verfassungsblog, 7 April 2022

**Christian Schliemann-Radbruch/Anina Dalbert**

“Wiedergutmachung für unternehmerisches Handeln in der Schweiz—zwei Schritte zurück, ein Schritt vorwärts”, Business and Human Rights Resource Centre, 28 July 2022

**Andreas Schüller**

“Northeast Syria—Executioner without judge”, MedicoInternational, 5 September 2022

**Delphine Rodrik**

“Rightlessness in Melilla: Pushbacks as violations of the right to recognition before the law”, EU Migration Law blog, 21 September 2022

**Alev Erhan/Allison West/****Spyridoula Katsoni/Meike Krakau**

“Landgrabs, Institutional Violence and Shrinking Civic Space: Introducing the Symposium ‘Adivasi Struggles in Chhattisgarh’”, Völkerrechtsblog, 24 October 2022

**Alev Erhan**

“Tigers over Tribal Rights: Conservation Induced Displacement in Chhattisgarh”, Völkerrechtsblog, 25 October 2022

**Allison West**

“India Trains Its Sights on Dissent in Chhattisgarh. Snooping on Civil Society Through Extralegal Spyware”, Völkerrechtsblog, 28 October 2022

**Sandra Cossart/Anna Kiefer/ Cannelle Lavite/Claire Tixeire**

“Multinational Lafarge Facing Unprecedented Charges for International Crimes: Insights into the French Court Decisions”, OpinioJuris, 15 November 2022

**Sarah Imani/ Ohiniko Toffa**

“Restitutionsbegehren, Recht und Provenienzforschung”, Verfassungsblog, 1 December 2022

**Judith Hackmack**

“Law and the Challenge of Rehumanization”, Verfassungsblog, 3 December 2022

**Sarah Imani/ Anne Schroeter**

“Appell für eine gesamtgesellschaftliche Aufarbeitung des Kolonialismus”, Verfassungsblog, 8 December 2022

**Marie Badarne/ Claire Tixeire**

“The C in Critical Legal Training”, Opinio Juris, 21 December 2022

## Guantánamo turns 20—Online event for the launch of the anthology and digital art exhibition

Katherine Gallagher (Center for Constitutional Rights), Mohamedou Ould Slahi (former detainee, author), Wolfgang Kaleck (ECCHR), Allison West (ECCHR)  
11 JANUARY 2022

## Certification industry: Part of the solution or part of the problem for HRDD? The case of the Brumadinho dam break

Maria Arena (MEP, S&D), Danilo Chammas (RENSER), Claudia Müller-Hoff (ECCHR), Ben Vanpeperstraete (ECCHR)  
27 JANUARY 2022

## Bringing Greek pushbacks to justice

Parvin A (applicant), Stefanos Levidis (Forensic Architecture), Nils Muiznieks (Amnesty International), Hanaa Hakiki (ECCHR)  
1 FEBRUARY 2022

## What follows Koblenz and Frankfurt?

### Dealing with human rights crimes against Syrians in national courts

Layla Al-Zubaidi (Heinrich-Böll-Stiftung), Katrin Langensiepen (Bündnis 90/Die Grünen), Catherine Marchi-Uhel (IIM), Wassim Mukdad (musician, activist, joint plaintiff), Lotte Leicht (ECCHR), Andreas Schüller (ECCHR)  
22 MARCH 2022

## Beyond human control:

### The impact of the drone war on civilians

Khalil Dewan (Stoke White Investigations), Emran Feroz (journalist and author), John Goetz (journalist, NDR), Chantal Meloni (ECCHR)  
26 MARCH 2022

## The shutdown of legal routes for refugees and the 2016 “March of Hope”

Zoran Drangovski (Macedonian Young Lawyers Association), Marta Górczyńska (Helsinki Foundation for Human Rights), Hanaa Hakiki (ECCHR)  
5 APRIL 2022

## Conference: Corporate crimes and international criminal law—Moving beyond the Nuremberg Paradigm

Amnesty International Corporate Crimes Project, T.M.C. Asser Institute, ECCHR  
18 MAY 2022

## Intertemporal Legality, Colonial Crimes and the Violent Awaiting for the Return of Ancestral Remains

Discussion in context of the project “How will you ascertain time?”  
Daniel Mader (AWO Berlin), Sarah Imani (ECCHR)  
28 MAY 2022

## Gender, race, colonialism:

### A conversation with Rita Segato

Rita Laura Segato (anthropologist and author), Palvasha Shabab (Bertha Global Exchange Fellow), Bruna Santos (ECCHR)  
18 JUNE 2022

## Justice across borders: Survivor and civil society perspectives on universal jurisdiction in Germany

Bassam Alahmad (Syrians for Truth and Justice), Victoria Fedorova (Legal Initiative Belarus), Imraan Mir (Kashmir Law and Justice Project), Sirra Ndow (African Network against Extrajudicial Killings and Enforced Disappearances), Andreas Schüller (ECCHR), Allison West (ECCHR)  
29 JUNE 2022

## Return of African artifacts

Discussion in the context of the yearly conference of the African Bar Association  
Dr. Evelien Campfens (Leiden University), Ricardo Márquez García (Rautenstrauch-Joest-Museum), Sarah Imani (ECCHR)  
10 AUGUST 2022

## Wie kann die Bundesregierung das Exportverbot für Pestizide realisieren?

Presentation of a legal opinion  
Silke Bollmohr (INKOTA-Netzwerk), Mirka Fries (LL.M.), Susan Haffmans (PAN Germany), Ida Westphal (Ass. iur.), Christian Schliemann Radbruch (ECCHR)  
12 SEPTEMBER 2022

## War crimes in the Ukrainian war: Possibilities for prosecution

Dr. Carola Hausotter (Evangelische Akademie Bad Boll), Nadia Volkova (ULAG), Andreas Schüller (ECCHR)  
15 SEPTEMBER 2022

## A permanent state of emergency? Human rights challenges at the EU’s external borders and beyond

Azizou Chehou (Alarmphone Sahara), Tineke Strik (Member of the European Parliament), Hanaa Hakiki (ECCHR)  
26 SEPTEMBER 2022

## 20 Jahre Völkerstrafgesetzbuch Symposium Universität Hamburg

with Kai Ambos (Universität Göttingen), Stefanie Bock (Universität Marburg), Aziz Epik (Universität Hamburg), Julia Geneuss (Universität Hamburg/Universität Konstanz), Duscha Gmel (Federal Public Prosecutor General), Martin Heger (Humboldt-Universität zu Berlin), Florian Jeßberger (Humboldt-Universität zu Berlin), Georgia Stefanopoulou (Universität Hannover), Natalie von Wistinghausen (lawyer), Wolfgang Kaleck (ECCHR), Patrick Kroker (ECCHR), Chantal Meloni (ECCHR), Andreas Schüller (ECCHR), among others  
7 - 8 OCTOBER 2022

## Prep room talks #4:

### Rückgabe und postkoloniale Kritik aus juristischer Perspektive

Friedrich von Bose (Grassi Museum für Völkerkunde), Sarah Imani (ECCHR)  
11 OCTOBER 2022

## BMJ: 20 Jahre Völkerstrafgesetzbuch Kampf gegen die Straflosigkeit schwerster völkerstrafrechtlicher Verbrechen

Frank Bräutigam (journalist and lawyer), Marco Buschmann (Federal Minister of Justice), Claus Kreß (Universität zu Köln), Andriy Kostin (Prosecutor General of Ukraine), Lars Otte (Federal Prosecutor, Federal Court of Justice), Angelika Schlunck (State Secretary BMJ), Paulina Starski (Albert-Ludwigs-Universität Freiburg), Düzen Tekkal (author, journalist, political scientist), Wolfgang Kaleck (ECCHR)  
1 NOVEMBER 2022

## Conference: Wie aus Krisenerscheinungen Zukunftsperspektiven entwickelt werden können

Opening speech: Wolfgang Kaleck (ECCHR)  
Deutsche Gesellschaft für Demokratiepädagogik e.V.  
12 OCTOBER 2022

## Conference: The German Colonial Genocide in Namibia—A Case for Reparations

Forensic Architecture, Forensis, Haus der Kulturen der Welt, ECCHR  
5 NOVEMBER 2022

## The Gourougou Trial

Pre-screening Netflix-Movie  
Christian Jakob (journalist, taz), Abou Bakar Sidibé (activist und filmmaker), Hanaa Hakiki (ECCHR), Claire Tixeire (ECCHR)  
17 NOVEMBER 2022

## Child pushbacks: Panel discussion on child rights at the border in Croatia and Slovenia

Gordan Bosanac (Member of Croatian Parliament), Miha Nabergoj (Advisor to the Human Rights Ombudsman of the Republic of Slovenia), Aoife Nolan (Human Rights Law Centre), Tatjana Ristić (Save The Children), Delphine Rodrik (ECCHR)  
21 NOVEMBER 2022

## “To Catch a Dictator”

Book talk  
Reed Brody (human rights lawyer, author), Angela Mudukuti (human rights lawyer), Kalika Mehta (ECCHR Alumni), Leonie Steinl (ECCHR Alumni)  
1 DECEMBER 2022

## The Gourougou Trial

Film screening and talk  
Abou Bakar Sidibé (activist and filmmaker), Amanda Brown (ECCHR Alumni), Carsten Gericke (ECCHR)  
1 DECEMBER 2022

## The freedom of art in times of war and crisis

Panel in context of the conference  
European Alliance of Academies  
Matthias Krupa (journalist, Die Zeit), Iris ter Schiphorst (composer and member of Akademie der Künste), Andres Veiel (filmmaker and member of Akademie der Künste), Wolfgang Kaleck (ECCHR)  
16 DECEMBER 2022

# Council, Advisory Board and Team

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**Timon Mürer**

Editor (February until December 2022)

**Lavinia Parsi**

International Crimes and Accountability

**Xuchen Zhang**

International Crimes and Accountability  
(until December 2022)

**CRITICAL LEGAL TRAINING PARTICIPANTS**

The participants in Critical Legal Training in 2022 came from 16 different countries: Albania, Brazil, Canada, Columbia, France, Germany, Guatemala, India/Kashmir, Italy, Pakistan, Portugal, Rwanda, Sudan, Switzerland, USA, Zambia

**Critical Legal Training**

Edoardo Bastianini, Mascha Bayerl, Anna-Christina Braukmann, Michael Butera, Martina Calcaterra, Sara Çapaliku, Francesca Cassano, Anne Castagner, Sophie Eder, Fritz Ernst, Adeela Firdous, Salomé Friedli, Andreas Gutmann, Danial Haschem, Isabell Haßfurth, Hannah Kiel, Fin-Jasper Langmack, Tarik Lazouni, Victoria Lies, Chantal Lingani, Charlene Lorenz, Lilian Löwenbrück, Felix Lüth, Hannah Mangel, Sharon Kundai Matongo, Samah Mohammed, Chilombo Mukena, Konrad Neugebauer, Solveig Olson-Strom, Diana Roldan-McGinley, Bruna Santos, Sally Sauer, Johannes Schwab, Gianna Seglias, Mathilde Silvestre, Eva Souchet, Célia Steffens, Johannes Wendland

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Hanna Rosebrock, Lara Sophie Sander

**Bertha Justice Fellows**

Michael Bader, Arne Bardelle, Laura Duarte Reyes, Leokadia Melchior, Delphine Rodrik

**Bertha Global Exchange Fellows**

Carlos Martínez Roca, Bufete Jurídico de Derechos Humanos, Guatemala; Palvasha Shahab, Pakistan Centre for Constitutional and Human Rights, Pakistan; Faisal Siddiqi, Pakistan Centre for Constitutional and Human Rights, Pakistan

**COOPERATION WITH UNIVERSITIES**

In 2022, we continued to work with these institutions: Bonavero Institute for Human Rights, University of Oxford (UK), Center for Human Rights and Global Justice, City University of New York (USA), EUCLID, Clinique du Droit de l'Université de Paris Nanterre (France), Harvard Law School, Harvard University (USA) Human Rights Law Center, University of Nottingham (UK), Instituto de Derechos Humanos Pedro Arrupe, Universidad de Deusto (Spain), International Law Clinic, Université Paris II (France), Law Clinic Grund- und Menschenrechte, Humboldt-Universität zu Berlin (Germany), Law Clinic Praxis der Strafverteidigung, Freie Universität Berlin (Germany), Juristische Fakultät, Università degli Studi di Milano Statale (Italy), New York University (USA)

**ECCHR IS A MEMBER OF**

Bertha Justice Initiative Network, London (UK); Koalition gegen Straflosigkeit. Wahrheit und Gerechtigkeit für die deutschen Verschwundenen in Argentinien, Nuremberg/Berlin (Germany); CorA—Netzwerk für Unternehmensverantwortung, Berlin (Germany); European Coalition for Corporate Justice (ECCJ), Brussels (Belgium); Forum Menschenrechte, Berlin (Germany); OECD Watch, Amsterdam (Netherlands); Allianz "Rechtssicherheit für politische Willensbildung," Lübeck (Germany); Initiative Lieferkettengesetz, Berlin (Germany); and has consultative status at the United Nations Economic and Social Council (ECOSOC)

# Partner lawyers and academics

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## 2022 REVENUE

Core funding	€ 758.935,00
Project funding	€ 1.457.419,73
Private donations	€ 313.190,85
Grants (earmarked for 2022)	€ 1.474.718,53
Other operational revenue	€ 240.896,82
Interest and other revenue	€ 39.421,49
<b>TOTAL</b>	<b>€ 4.284.582,42</b>

## 2022 EXPENSES

Personnel (core staff)	€ 1.986.892,62
Personnel (CLT scholarships, project-based contracts)	€ 87.938,59
Third-party fees	€ 463.279,79
Rent, office expenses, public outreach	€ 1.142.991,50
Projects, events, travel expenses	€ 438.377,37
Depreciation	€ 165.102,55
<b>TOTAL</b>	<b>€ 4.284.582,42</b>
<b>NET LOSS</b>	<b>€ 0</b>

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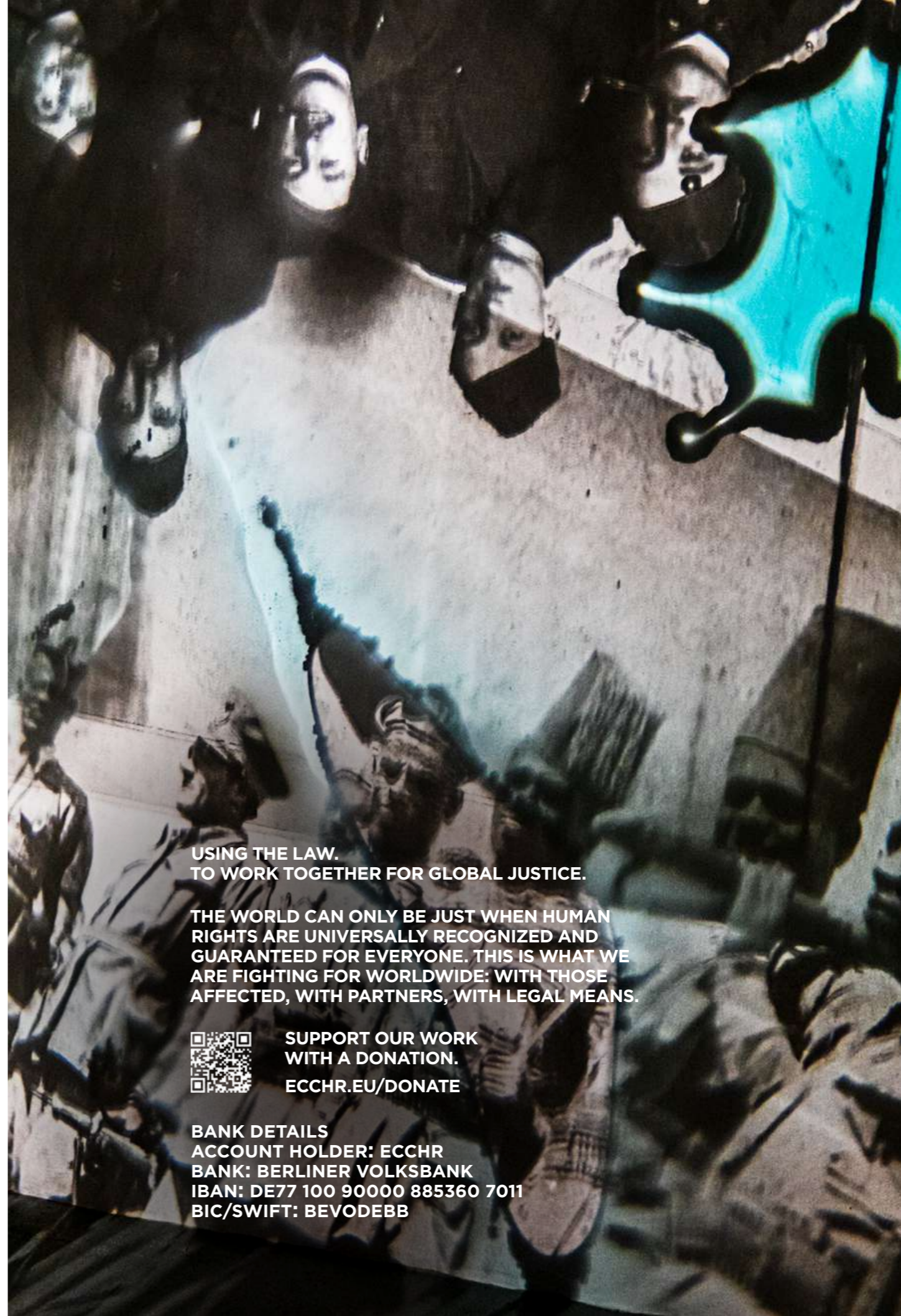
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