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USA / Germany / Rumsfeld

HUMAN RIGHTS GROUPS ASK GERMAN COURT TO REVIEW FEDERAL PROSECUTOR'S DECISION TO DISMISS RUMSFELD TORTURE CASE

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- [english] - Americas - USA - USA / Guantánamo / Abu Ghraib -

Description :

Today an appeal was filed before the Frankfurt High Regional Court seeking review of the German Federal Prosecutor's April 2007 decision not to proceed with an investigation of former Defense Secretary Donald Rumsfeld, former Attorney General Alberto Gonzales, former CIA Director George Tenet, and other high-ranking U.S. officials for torture and war crimes committed in Iraq, Afghanistan, and Guantánamo.

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The 400-page complaint was filed on November 14, 2006 by Berlin attorney Wolfgang Kaleck under Germany's universal jurisdiction statute, on behalf of 12 Iraqi citizens who were held in Abu Ghraib and one Saudi citizen still held at Guantánamo.

The Federal Prosecutor, while refusing to meet with former military commander of Abu Ghraib Janis Karpinski who stood ready to be a witness in the case, had argued that an investigation by German authorities would not be "promising." German law has no such requirement for opening an investigation. Rights groups say the decision was clearly political.

"This appeal tests whether the German Code of Crimes against International Law is to remain a law only on paper or whether the fight against impunity for torture has priority over US-German political relations," said **CCR President Michael Ratner**.

Many of the same human rights groups filed a complaint in France on October 26 charging Rumsfeld with ordering and authorizing torture. That case is currently with the Paris Prosecutor.

The German Parliament, in a 2002 explanatory memorandum on the Code of Crimes Against International Law (CCIL), under which the Rumsfeld case was later filed, stressed that in exercising universal jurisdiction, "even if there is no connection [with Germany], the results of investigations initiated in Germany could be valuable for proceedings before a foreign or international criminal court," and the presence of the accused is not required.

Attorney Wolfgang Kaleck said, "The Federal Prosecutor clearly had no intention to remedy the ongoing impunity in this case, or to give any meaning to the objectives stated in the universal jurisdiction statute adopted in Germany five years ago."

"It is the duty of the Frankfurt High Regional Court to follow U.N. Special Rapporteur Leandro Despouy's June 2007 recommendations to the German authorities in this case, when he specifically urged them to consider the Rumsfeld complaint 'with the required independence, in accordance with applicable international norms and standards,'" said **FIDH President Souhayr Belhassen**.

[For an English summary of the appeal and other documents related to the complaint, visit FIDH website.](#)