

**International Federation for Human Rights (FIDH)  
Center for Constitutional Rights (CCR)  
Republican Attorneys' Association (RAV)  
And others (see list below)**

**HUMAN RIGHTS GROUPS SEEK CRIMINAL INVESTIGATION IN  
GERMANY OF RUMSFELD AND OTHER HIGH-RANKING U.S. OFFICIALS  
FOR AUTHORIZING TORTURE IN THE “WAR ON TERROR”**

*War Crimes Complaint Filed on Behalf of 11 Iraqi Victims and a Guantánamo  
detainee under Doctrine of Universal Jurisdiction*

*Rumsfeld Resignation Means He Can No Longer Claim Immunity*

November 13, 2006, Berlin, New York, Paris – The Center for Constitutional Rights (CCR), the International Federation for Human Rights (FIDH), the Republican Attorneys' Association (RAV) and others, represented by Berlin Attorney Wolfgang Kaleck, filed a criminal complaint in Germany today alleging that high-ranking U.S. civilian and military officials, including Defense Secretary Donald Rumsfeld and Attorney General Alberto Gonzales, committed war crimes in Iraq and in the U.S.-controlled Guantánamo Bay prison camp. Additional co-plaintiffs include dozens of international human rights groups from various regions in the world, Nobel Peace Prize winners Aldolfo Perez Esquirel and Martín Almada as well as Theo van Boven, the former United Nations Special Rapporteur on Torture.

Made possible by Germany's 2002 universal jurisdiction statute, the complaint was filed on behalf of 11 Iraqi citizens who were victims of gruesome crimes, including severe beatings, sleep and food deprivation, hooding and sexual abuse at the infamous Abu Ghraib prison. Mohammed al Qahtani, a Saudi citizen detained at Guantánamo who was subjected to torture and abuse there under the specific authorization of Rumsfeld and the supervision of Major General Miller, is also a plaintiff in the case.

Rumsfeld's resignation last week means that he can no longer try to claim immunity as a head of state or government official. The defendants are alleged to have ordered war crimes, aided or abetted war crimes, or failed to prevent their commission by subordinates, actions that are explicitly criminalized by German law. Under Germany's 2002 Code of Crimes against International Law (CCIL), the German Federal Prosecutor is entitled to prosecute war criminals irrespective of the location of the defendant or plaintiff, the place where the crime was carried out, or the nationality of the persons involved.

In November 2004, the previous German Federal Prosecutor failed to prosecute an earlier complaint against many of these same defendants. The U.S. pressured Germany to drop the case, which was ultimately dismissed in February 2005 on the eve of a visit by Defense Secretary Donald Rumsfeld to Germany. The Federal Prosecutor, who refused to

take up a single case under the universal jurisdiction law for the four years since it was passed, has been replaced by a new prosecutor.

In dismissing the case, the first prosecutor stated: “there are no indications that the authorities and courts of the United States of America are refraining, or would refrain, from penal measures as regards the violations described in the complaint.” The passage of the Military Commissions Act of 2006 immunizing officials and others from prosecution in the United States and much new evidence show this is not the case, according to attorneys and human rights groups.

*“Two years after filing our first case in Germany, the utter and complete failure of authorities in the United States to take any action to investigate high level involvement in the torture program could not be clearer,”* said CCR President **Michael Ratner**. *“The recently passed Military Commissions Act, which purports to amnesty the alleged war crimes of U.S. officials, is only the most recent illustration of American unwillingness to prosecute Americans. These crimes are not the work of ‘a few bad apples;’ they were planned and executed at the highest levels of the U.S. government.”*

Taking account of extraordinary new information that has come to light over the past two years, the new complaint now charges that former White House Counsel Alberto Gonzalez and former Deputy and Assistant Attorney General John Yoo and Jay Bybee, as well as others are alleged to be the legal architects of the Bush Administration’s practice of torture. The existence of so-called ‘torture memos’ and the authorization by Secretary Rumsfeld, Lt. General Sanchez and others, of special interrogation techniques that violate humanitarian and human rights law make clear that responsibility for abusive treatment at Abu Ghraib and the other U.S. facilities reaches all the way to the top. Former Brigadier General Janis Karpinski, a defendant in the earlier complaint as the commanding officer at Abu Ghraib, will now testify in Germany for the plaintiffs’ case.

Berlin attorney **Wolfgang Kaleck** said: *“In November 2004, we went to Germany because it was seen as a court of last resort, and in 2006 it still is. There is simply no other place to go except to foreign domestic courts. As we fight for accountability and justice, our worldwide network of human rights organizations and lawyers is working to strengthen universal human rights as the first resort for victims of war crimes wherever we have the opportunity to do so. Seizing advantage of the principle of universal jurisdiction lets us confront war crimes, no matter where they occur or who commits them. Today’s complaint is to be understood as an attempt, amongst others, to combat torture and deter further crimes.”*

*“The United States of America, purporting to set moral and legal standards for the world, refuses to seriously investigate the role of those at the top of the chain of command for the crimes committed against hundreds of detainees held in U.S. custody in Iraq, Afghanistan and Guantanamo Bay Naval Station, Cuba,”* said **Sidiki Kaba**, FIDH President. *“We now call upon the German prosecutor to fulfill her prosecutorial duties in an independent, impartial and objective manner.”*

For documents and more information on the case, visit [www.ccr-ny.org](http://www.ccr-ny.org).

### ADDENDUM

*U.S. officials charged include (list to update):*

- Secretary of Defense Donald Rumsfeld,
- Former CIA Director George Tenet,
- Undersecretary of Defense for Intelligence Dr. Stephen Cambone,
- Lieutenant General Ricardo Sanchez,
- Major General Walter Wojdakowski,
- Major General Geoffrey Miller,
- Colonel Thomas Pappas,
- Former Chief White House Counsel Alberto R. Gonzales,
- Former Assistant Attorney General Jay Bybee,
- Former Deputy Assistant Attorney General John Yoo,
- General Counsel of the Department of Defense William James Haynes, II,
- Vice President Chief Counsel David S. Addington.

*Co-Plaintiffs include:*

#### **Individuals**

1980 Nobel Peace Prize winner Aldolfo Perez Esquirel (Argentine),  
2002 Nobel Peace Prize winner Martín Almada (Paraguay),  
Theo van Boven, the former United Nations Special Rapporteur on Torture,  
Sister Dianna Ortiz, (Torture survivor, Executive Director of TASSC)

#### **International and Regional NGOs**

FIDH: International Federation for Human Rights  
The International Peace Bureau (Nobel Peace Prize winner in 1910)  
International Association of Lawyers Against Nuclear Arms (IALANA)  
European Democratic Lawyers  
European Democratic Jurists,  
International Association of Democratic Lawyers

#### **National NGOs**

Argentina: Comité de Acción Jurídica (CAJ)  
Argentina: Liga Argentina por los Derechos del Hombre  
Bahrain: Bahrain Human Rights Society (BHRS)  
Canada: Lawyers against the War (LAW)  
Colombia: Colectivo de Abogados José Alvear Restrepo  
Democratic Republic of Congo: Association Africaine des Droits de l'Homme (ASADHO)  
Egypt: Egyptian Organization for Human Rights (EOHR)

France: Ligue Française des Droits de l'Homme (LDH)  
Germany: The Republican Attorneys' Association (RAV)  
Jordan: Amman Center for Human Rights Studies (ACHR)  
Mexico: Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)  
Mexico: Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)  
Nicaragua: Centro Nicaraguense de Derechos Humanos (CENIDH)  
Palestine: Palestinian Center for Human Rights  
Tchad: Association Tchadienne pour la Promotion et la Défense des Droits de l'Homme (ATPDH)  
Senegal: Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO)  
USA: The Center for Constitutional Rights (CCR)  
USA: National Lawyers' Guild (NLG)  
USA: Torture Abolition and Survivors Support Coalition International (TASSC)  
USA: Veterans for Peace