

Lawyers taking Rumsfeld war crimes case to Spain after German rejection

By [Joshua Pantesco](#)

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German lawyer [Wolfgang Kaleck](#) [profile] says that he will refile a [war crimes complaint](#) [CCR press release] against former US Secretary of Defense Donald Rumsfeld in Spain with the help of Spanish counterparts after the German Federal Prosecutor's office Friday [rejected](#) a bid to prosecute the suit in Germany under that country's [universal jurisdiction law](#) [text], according to a report published Saturday in *Der Spiegel*. Federal Prosecutor Monika Harms [said](#) [CCR press release] that the case did not have a sufficient connection to Germany to warrant exercise of her legal discretion, noting that the alleged crimes were committed outside of Germany, the defendants do not reside in Germany, they are not currently located in Germany, and it is not anticipated they will soon enter German territory. Spain passed a [universal jurisdiction law](#) [text] of its own in 1985, invoking it most famously in the [case of former Chilean dictator Augusto Pinochet](#) [PDF background].

The German [complaint](#) [introduction in English, PDF; full complaint text in German, [part one](#) and [part two](#), PDF] against Rumsfeld and [other top US officials and advisors](#) [CCR list] on behalf of eleven former Abu Ghraib detainees and one Guantanamo detainees alleged that they were responsible for the torture of the 12 plaintiffs and authorized the commission of other war crimes in the US "war on terror."

German lawyer to sue Rumsfeld

A German lawyer is planning to join forces with Spanish counterparts to file a lawsuit in Spain against former US Defense Secretary Donald Rumsfeld over the alleged abuse of detainees at Abu Ghraib and Guantanamo prisons, a German magazine reported on Saturday.

The move by Berlin lawyer Wolfgang Kaleck comes after German prosecutors said on Friday they had decided against launching an investigation into Rumsfeld over the abuse claims.

"There is no safe haven for Rumsfeld," weekly magazine *Der Spiegel* quoted Kaleck's associate, Michael Ratner, as saying.

"If the Germans aren't bold enough then we'll try in Spain," he added.

Kaleck could not be reached for comment on Saturday.

Civil rights groups filed a suit with Germany's Federal Prosecutors Office in Karlsruhe in

November seeking war crimes charges, arguing Germany could prosecute foreign violations of international law under its 2002 universal jurisdiction law.

The Center for Constitutional Rights (CCR) said 11 Iraqi citizens held at Abu Ghraib in Iraq and one Saudi detainee at the US Guantanamo Bay base on Cuba were victims of beatings, sleep and food deprivation and sexual abuse.

However, the German prosecutors office said it could not open an investigation as the individuals in question were not present in the country.

In addition to Rumsfeld, the suit named 13 other US officials, including Attorney General Alberto Gonzalez, former CIA director George Tenet and high-ranking military officers.

The 13 others will also be named in the Spanish suit, Der Spiegel said. Copyright Reuters 2007

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