

# “Justice heals – the international fight against impunity”

International Congress, Bochum, Germany, 14 – 16 October 2005



## Bochum declaration

To the government of Germany  
To the governments of the countries of this earth  
To the international community

From all the regions of the planet we have gathered in Bochum, united by the conviction that crimes against humanity cannot remain unpunished: Crimes against human dignity as they are and have been committed systematically in past and current wars, in the torture chambers of dictatorships and only too often in so-called democracies. As we did not accept and will not accept that humans are persecuted and forcibly displaced, disappear into secret torture centres, are mistreated and murdered or even executed straight away in broad daylight. And as we know that the perpetrators and authors of those crimes have a name and an address where they are free from criminal prosecution and able to receive state pensions, or they take money out of previously installed accounts for their personal enrichment, and often enough they even have leading positions in parliament, boards of management or public authorities, from where they continue to decide their country's fate. And as we know that every new day on which torturers, rapists and murderers can move freely in the streets of our cities constitutes a new deep wound to the souls of their victims and destroys the fundamental social fabric.

Coming from Asia, Africa, Europe and Latin America, we are gathering here in order to exchange the experiences that we have collected in our fight against impunity of these criminals. And we have developed strategies on how to use these experiences in the future and in other places against perpetrators.

We have been working with survivors of violence and the victim's families for years and decades. Und just as long a period we commit ourselves to shed light on those crimes and to put the perpetrators in the dock. The wounds torn in the souls of the survivors of violence, perpetrated by dictatorships and wars, take a long time to form scars. Only the necessary recognition of traumatic experiences by the surrounding society offers the possibility of coping with these experiences. A society, however, that grants the perpetrators to enjoy pensions in rest and peace, while their victims are queuing in front of therapy centres, refuses this recognition each new day.

For these reasons, we call for putting an end to the impunity of crimes against humanity and we claim that

a) the government of the Federal Republic of Germany:

- has to turn the German Code of Crimes against International Law in a real instrument for the persecution of crimes against humanity
- This includes the abolition of the exception regulations in the code of criminal procedure, which have constantly obstructed the opening of proceedings up to now.
- The scandalous abandonment of claims against Argentinean militaries in German courts must be withdrawn. If necessary, the legal preconditions for this must be created.

- The guidelines on German foreign policy must declare the struggle against impunity, as well as the international protection of human rights, including the special protection of human rights defenders, an objective of utmost importance.

b) from the governments of this earth

- Human Rights violations have to be investigated by independent commissions, listening to Testimonies of survivors witnesses and documenting the reported crimes in a systematic and extensive form which is usable in court. Reports must be publicly accessible and shall not withdraw the names of perpetrators.
- In order to integrate civil society in an appropriate way, commissions shall integrate human rights organisations, self help groups and associations of survivors and relatives. These must have the opportunity to exert an influence on the activities of the commission, based on equal rights. The work of national commissions is to be monitored by international bodies.
- Commissions must have far-reaching legal rights, including access to all archives, and have to be equipped with the necessary financial and human resources. This includes the extension of the forensic medical service, in order to meet the requirements for the identification of corpses and circumstances of crime.
- Survivors of human rights violations, and relatives of victims, who testify in court, have a right to psychotherapeutic assistance and, if necessary, full access to witness protection programmes.
- Perpetrators must be prosecuted within the framework of legal procedures based on the rule of law.
- All crimes perpetrated by state institutions on civilians must be tried in civil courts.
- Amnesties and end point laws, by which perpetrators in different countries have been granted impunity for war crimes, genocide or crimes against humanity, infringe international right. They must be withdrawn without replacement. If this has not been done yet, the necessary international conventions are to be ratified.
- Additionally, we claim that all governments join and ratify the statute of the International Criminal Court
- Survivors, relatives and descendants of victims are entitled to compensation. All types of human rights violations and groups of victims must be included into reparation programs.
- Reparation schemes must be designed in an integral way and, besides the necessity of material compensation, must lead to a comprehensive psychosocial, political and cultural rehabilitation and reintegration into social life.
- Claims for compensation must be granted without time limits.
- Reparation payments must not lead to a stay of legal proceedings, to the annulment of investigation cases or to the suspension of the right to demand criminal prosecution.
- All states are requested to sign and ratify the UN-Convention against Enforced or Involuntary Disappearance
- Special rapporteurs, independent committees and working groups of the UN human rights system as well as the correspondent regional systems have to granted unlimited access to the country.

c) from the international community

- The international community is to provide the supra-national instruments and institutions, that serve the protection of human rights with more extensive material and human resources.
- The development of the Global Partnership for the Prevention of Armed Conflict shall be supported and promoted.