

AI Index: PRE01/612/2012  
13 December 2012

## **Historic ruling on Europe's role in CIA renditions**

Today's ruling on the CIA's detention and rendition of German national Khaled El-Masri is a historic moment because for the first time it holds a European state accountable for its involvement in the secret US-led programmes and is a milestone in the fight against impunity, Amnesty International and the International Commission of Jurists (ICJ) said.

The European Court of Human Rights held unanimously that the former Yugoslav Republic of Macedonia (Macedonia) was responsible for the German national's unlawful detention, enforced disappearance, torture and other ill-treatment, and for his transfer out of Macedonia to locations where he suffered further serious violations of his human rights.

Further, that Macedonia did not satisfy its obligation to carry out an effective investigation.

"This judgment confirms the role Macedonia played in the Central Intelligence Agency (CIA) rendition and secret detention programmes, and is an important step towards accountability for European complicity in rendition and torture," said Julia Hall, Amnesty International's expert on counter-terrorism and human rights.

"Macedonia is not alone. Many other European governments colluded with the USA to abduct, transfer, 'disappear' and torture people in the course of rendition operations. This judgment represents progress, but much more needs to be done to ensure accountability across Europe."

"This ruling is historic. It recognises that the CIA rendition and secret detention system involved torture and enforced disappearances. It emphasises that both the victims and the public have the right to know the truth about these serious violations. It affirms without doubt that Europe cannot be an area of impunity but it must be a place of redress and accountability where international human rights law obligations are not bypassed but fulfilled," said Wilder Tayler, Secretary General of the ICJ.

"Other European governments – such as Poland, Lithuania, and Romania, against which cases are also pending with the Court – should note today's European Court judgment and take measures to ensure that the truth is told, thorough, effective, independent and impartial investigations are carried out and those responsible are held accountable."

The Court's ruling also serves to highlight the absence of accountability and remedy in the USA, noting that the claim filed against the CIA by Khaled El-Masri was dismissed by the US courts after the US administration invoked the "state secrets privilege".

On 31 December 2003, the Macedonian authorities arrested El-Masri, who is of Lebanese descent, after he entered Macedonia from Serbia.

They held him incommunicado, subjecting him to enforced disappearance, repeated interrogations and to ill-treatment, until 23 January 2004 when they handed him over to Central Intelligence Agency (CIA)

agents.

As part of the covert, US-led rendition and secret detention programme, the CIA transferred El-Masri to a secret detention facility in Afghanistan.

There he was held unlawfully in secret, not charged with any crime and his detention was not subject to judicial review. He did not have access to a lawyer. His whereabouts were not acknowledged and he was held incommunicado. As a result he was subjected to enforced disappearance for over four months. While in Afghanistan, he was subjected to torture and other ill-treatment.

On 28 May 2004, El-Masri was put on a plane and flown to Albania where he was released.