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*Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners*

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## **WORKING DOCUMENT No 3**

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Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners

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## VICTIMS

### **Khaled el Masri**

- Khaled el Masri, a German citizen, left Ulm, Germany, at the end of 2003 by bus for a brief holiday in Skopje, in the Former Yugoslav Republic of Macedonia (FYROM). On 31 December, he was stopped at the border between Serbia and FYROM. According to his version of the events, the FYROM border police handed him over to the local secret services, who held and questioned him for three weeks in a Skopje hotel. On 23 January 2004 the CIA took charge of him and transferred him to Afghanistan on their own Boeing 737 N313P. In Afghanistan, El Masri remained in solitary confinement for over four months. During his detention, he alleges that he received five visits in prison from a native German speaker, who identified himself as 'Sam'. The latter accompanied el Masri on his return flight to an unidentified place in Albania or not far from the Albanian border. The dates of his arrival and departure are confirmed by the FYROM entry and exit stamps in his passport .
- On 9 November 2005 the public prosecutor in Munich, Martin Hoffman, opened an investigation. According to Hoffman, 'there are no reasons not to believe that what el Masri has said is true'  
<http://service.spiegel.de/cache/international/spiegel/0,1518,341636,00.html>
- The preliminary isotope analysis of el Masri's hair and the medical analyses carried out on him confirm that he did actually live in detention in Afghanistan during the period in question.  
<http://reasonablereflection.net/1048>
- On 5 December 2005 Chancellor Angela Merkel stated that the USA had admitted that it had made a mistake in the case of el Masri.  
<http://www.washingtonpost.com/wp-dyn/content/article/2005/12/06/AR2005120600083.html>
- Questioned on the case, the US authorities have always refused to confirm or deny the claim.  
<http://www.commondreams.org/headlines05/1109-10.htm>
- On 14 December, Wolfgang Schäuble, German Minister of the Interior, speaking to the German Parliament, confirmed that his predecessor, Otto Schilly, had been briefed on the affair by former US Ambassador to Berlin Daniel Coats. 'The ambassador said they had apologised to el Masri, who had agreed to keep quiet about it in return for a sum of money', Schäuble told Parliament. El Masri denies having received any money or having promised to keep quiet.  
<http://www.mindfully.org/Reform/2005/Khaled-el-Masri-Rendition17dec05.htm>
- Khaled el Masri was heard by the Temporary Committee on 13 March 2006.

### **Maher Arar**

- Maher Arar, a Canadian citizen, has been living in Canada since 1987. He is married, with two children and has a masters degree in computer engineering. Returning from a holiday in Tunisia in September 2002, he was arrested and held at New York's Kennedy airport while in transit on the journey back to Canada. He was accused of

having links with Al Qaeda and was arrested and detained for 13 days. On 8 October 2002 he was served with an expulsion order issued by the Immigration Court. He was handed over to a team of CIA agents and was transferred to Jordan on a Gulfstream jet. Before reaching Amman, the aircraft landed at Ciampino airport, Rome, for refuelling (as confirmed by Eurocontrol flight records and Arar's own testimony).<http://www.statewatch.org/cia/documents/flights-eurocontrol.pdf>

- In Amman, Jordanian security agents took charge of Arar and escorted him to the border with Syria, from which he originated. Less than 24 hours later, he was in a Damascus prison under the control of the Syrian security services. After a year of physical and psychological torture, Maher Arar was released without any charge against him. He is now living in freedom in Canada.
- On 5 February 2004 the Canadian Government set up a commission of inquiry chaired by Justice O'Connor to investigate the actions of Canadian officials in the Arar case. [http://www.ctv.ca/servlet/ArticleNews/mini/CTVNews/20040730/arar\\_judge\\_040729/Canada?s\\_name=&no\\_ads](http://www.ctv.ca/servlet/ArticleNews/mini/CTVNews/20040730/arar_judge_040729/Canada?s_name=&no_ads)
- In October, a report of the O'Connor Commission confirmed that Arar had been tortured in Syria and that he had recovered well physically but was still suffering from psychological problems. [http://en.wikipedia.org/wiki/Maher\\_Arar](http://en.wikipedia.org/wiki/Maher_Arar)
- Maher Arar was heard by the Temporary Committee on 23 March 2006.

## Abu Omar

- Hassan Mustafa Osama Nasr, also known as Abu Omar, an Egyptian national, was the Imam of Milan. He had been granted political asylum in Italy after his Islamic organisation had been declared illegal in Egypt in the 1980s. On 17 February 2003 he was abducted by the CIA as he walked to his mosque in Milan for noon prayers. From that date, and for more than a year, there was no more trace of him. Thirteen months later, he placed several phone calls from Egypt to his family and friends in Milan. He claimed that he had been taken by CIA agents and flown to Egypt where he had been severely tortured by Egyptian secret services. He said that he had been released on the orders of an Egyptian judge because of lack of evidence. Shortly after those calls were made, he was rearrested.
- In June 2005 Judge Guido Salvini, on a request from Deputy Prosecutor Pietro Spataro, signed warrants for the arrest of 22 US nationals considered to be responsible for having organised and carried out Abu Omar's abduction on behalf of the CIA. The operation was allegedly led by Robert Seldon Lady, identified as the CIA chief in Milan.
- According to court documents, Omar was driven to the NATO airbase in Aviano and flown to Ramstein, Germany. He was transferred to a second aircraft (Gulfstream IV registration number **N85VM**) and flown to Cairo where he was handed over to the Egyptian police. Egypt has so far refused to respond to requests for information from Italian judges.
- The Italian Government has said that it has no knowledge of the abduction. This was stated by General Pollari, Director of the Italian intelligence services (SISMI), who was

heard by the Temporary Committee on 6 March 2006.

### **Al Zeri and Ahmed Agiza**

- On 18 December 2001 the Swedish Government received information from the CIA on two Egyptian citizens, Ahmed Agiza and Mohammed al-Zari, who had been resident in Sweden since 2000 as political refugees. On that night, the two Egyptians were expelled, transferred by the police to Stockholm airport and handed over to CIA agents. Agiza and al-Zari were stripped naked, drugged and chained and then taken on board a Gulfstream jet (registration number N379P) belonging to Premiere Executive Transport Services, a CIA front company. In Cairo, the Egyptian police took charge of them.
- Agiza and al-Zari were imprisoned and tortured for several months and, under pressure from the Swedish Government, were then brought to trial. Agiza was sentenced to twenty-five years' imprisonment for acts which date back to his former activism in Egypt with an Islamic fundamentalist group. Al Zari, on the other hand, was acquitted and released. He now lives near Cairo, under constant surveillance.
- The Swedish Ombudsman and the Parliamentary Committee on the Constitution intervened on this case. The latter submitted a report to the Swedish Parliament which points out, inter alia, that international conventions prohibit the expulsion of suspects to any country where they may be subjected to torture. The Committee also criticizes the fact that the Swedish Government took no practical steps to enforce the guarantee clause until it was too late and the two were already being subjected to torture.
- Kjell Jonsson, Mohammad al Zari's lawyer, and Mats Melin, the Swedish Ombudsman, were heard by the Temporary Committee on 23 March 2006 and 4 May 2006 respectively.

### **The 'Six Algerians'**

- On the night of 17 to 18 January 2002, Bosnian Federation police removed six Bosnian citizens or residents of Algerian origin (Bensayah Belkacem, Hadj Boudellaa, Saber Lahmar, Mustafa Ait Idir, Boumediene Lakhdar and Mohamed Nechle), who had been living in Bosnia-Herzegovina, from Sarajevo prison and handed them over to US custody; they were subsequently transferred to Camp X-Ray located in Guantánamo Bay, Cuba.
- The transfer took place a day after the order for their release from investigative detention had been issued by the Bosnian Supreme Court, and in violation of an order by the Bosnia-Herzegovina Human Rights Chamber that four of the men should not be transferred to the US.
- The men have reportedly been detained in Guantánamo Bay ever since.
- Michèle Picard, former chairman of the Human Rights Chamber of Bosnia-Herzegovina, and Srdjan Dizdarevic, chairman of the Helsinki Committee, were heard by the Temporary Committee on 25 April 2006.