

## The Council of Europe's investigation into illegal transfers and secret detentions in Europe: a chronology

*The European Court of Human Rights has so far delivered three judgments concerning CIA rendition and secret detention operations in Council of Europe member states (one against [“the former Yugoslav Republic of Macedonia”](#) and two against Poland), and individual applications are currently pending against other states ([Italy](#), [Lithuania](#) and [Romania](#)), many drawing on Senator Dick Marty’s investigations. The Court has published a thematic [fact-sheet](#) on cases involving secret detentions.*

**24 July 2014:** The European Court of Human Rights delivers its judgments in the [Abu Zubaydah](#) and [Al Nashiri](#) cases against Poland.

**3 December 2013:** The European Court of Human Rights holds a joint Chamber [hearing](#) in the Abu Zubaydah and Al Nashiri cases against Poland, listening to submissions from all parties, and posts the [video online](#). It also holds a [confidential hearing](#) with the parties the day before the public hearing.

**10 October 2013:** The European Parliament, in a fresh [resolution](#), deeply deplores the failures to respond to its earlier demands, and renews the call for proper investigations in Lithuania, Romania and Poland. It suggests the “climate of impunity” surrounding the CIA’s rendition programme may have enabled the mass surveillance by the NSA, recently revealed.

**9 July 2013:** In addition to his case against Lithuania, Mr Zubaydah also brings a case before the Strasbourg Court [against Poland](#), similar to the case already brought by Mr Al Nashiri.

**14 December 2012:** The Court [communicates](#) to the Lithuanian Government the case of Abu Zubaydah v. Lithuania. Mr Zubaydah says he was illegally held and ill-treated in a secret prison in Lithuania run by the CIA.

**13 December 2012:** The European Court of Human Rights issues its first [judgment](#) in a case involving secret prisons on European soil when its Grand Chamber finds “The former Yugoslav Republic of Macedonia” in violation of the Convention for its part in the torture and rendition of German car-salesman Khaled El-Masri. It is [greeted](#) as a landmark judgment.

**18 September 2012:** The Strasbourg Court [communicates](#) to the Romanian Government the case of Al Nashiri v. Romania. Mr Al Nashiri – who also brought the earlier case against Poland – alleges

Romania knowingly and intentionally enabled the CIA to detain him and has refused to date to properly acknowledge or investigate any wrongdoing.

**11 September 2012:** PACE President Jean-Claude Mignon [welcomes](#) the latest [resolution](#) of the European Parliament, adopted on the anniversary of the 9/11 attacks, which calls on Lithuania, Poland and Romania to open or resume independent investigations into allegations that they colluded with the CIA to hold and interrogate terrorism suspects in secret prisons. National investigations so far have been “painfully inadequate”, he points out, but the process of accountability continues.

**10 July 2012:** The European Court of Human Rights [communicates](#) to the Polish Government the case of Al Nashiri v. Poland. Mr Al Nashiri, suspected of terrorist acts and now in Guantanamo, says he was tortured in Poland while in US custody following rendition, and that Poland “knowingly and intentionally” enabled his secret detention.

**16 May 2012:** The European Court of Human Rights holds its first [hearing](#) on a rendition-related case, in the El-Masri case, and posts the [video online](#). This case is heard before the Grand Chamber, an indication of its significance.

**8 December 2011:** Reacting to reported confirmation of a secret CIA prison in Romania, Dick Marty [says](#): “Five years ago we put forward substantial elements of proof of a secret CIA prison in Romania. There have been years of official denials since then. But the ‘dynamic of truth’ has run its course [...]. Those responsible for the crimes committed – and their cover-up – should now be held to account in a court of law.”

**24 November 2011:** [Reporting](#) on a September 2010 visit to Romania, the Council of Europe’s Anti-Torture Committee (CPT) questions the absence of a judicial inquiry into the allegations of a secret CIA prison in the country. In their [response](#), the Romanian authorities repeat that there is no evidence of this, and that – in the absence of proof – for them the subject is closed.

**22 November 2011:** The European Court of Human Rights [communicates](#) to the Italian Government the case of Nasr and Ghali v. Italy, and asks the parties to answer a number of questions. Egyptian imam Abu Omar alleges he was kidnapped in Rome and transferred to Egypt with Italian involvement, and then detained in secret for several months in inhuman conditions.

**6 October 2011:** In his last report for PACE, Dick Marty [evaluates](#) the various judicial or parliamentary inquiries launched after his reports five years ago named European governments which had hosted CIA secret prisons or colluded in rendition and torture. Overall, he concludes that unjustified resort to the doctrine of “state secrets” is still too often shielding secret services from scrutiny of involvement in human rights violations.

**5 September 2011:** In two comments marking the tenth anniversary of the 9/11 attacks – addressing, in turn, [renditions](#) and [secret detentions](#) – Council of Europe Human Rights Commissioner Thomas Hammarberg echoes Dick Marty's repeated calls for accountability on the part of European governments.

**19 May 2011:** [Reporting](#) on a June 2010 visit to Lithuania, the Council of Europe's Anti-Torture Committee (CPT) questions both the promptness and thoroughness of the Lithuanian Prosecutor General's pre-trial investigation into abuse of office, then under way. In their [response](#), the Lithuanian authorities report that "no objective data concerning the fact of abuse (or another criminal act) were collected during the pre-trial investigation" and therefore no charges will be brought.

**28 September 2010:** The European Court of Human Rights becomes involved in the first specific case involving rendition and secret prisons when it [communicates](#) the case of *El-Masri v. "the former Yugoslav Republic of Macedonia"* to the authorities, and asks the parties to answer a number of questions. Mr El-Masri, apparently mistaken by the CIA for another man of the same name, was kidnapped and interrogated in a Skopje hotel for 23 days before being transferred to US agents.

**21 August 2009:** Reacting to a news report that Lithuania was the site of a third secret CIA prison in Europe, Dick Marty [says](#) his own sources seem to confirm this information, and calls for "a full, independent and credible investigation" into what occurred on the outskirts of Vilnius: "Denial and evasion are no longer credible," he says.

**6 November 2008:** Testifying at the Milan trial of CIA and Italian secret service agents accused of kidnapping Abu Omar, Dick Marty [says](#) this is one of the few cases involving the CIA's extraordinary rendition program to come to court. The invocation of 'state secrets' by the Italian government must not - as in other judicial or parliamentary procedures in the US and Germany - be allowed to block the trial: "Let justice take its course!" he declares.

**4 April 2008:** In a [statement](#), Dick Marty criticises the Committee of Ministers for its response and accuses European governments of "hypocrisy" for continuing to deny their involvement in secret detentions and illegal renditions, unless forced to do so. "The United States made a choice - which I think was a wrong choice - to fight the war on terror using illegal means, but they at least made it openly and defend it," he points out.

**16 January 2008:** In a [reply](#), the Committee of Ministers – representing the 47 Council of Europe governments – says only that it will "carefully consider" the Secretary General's proposals to control the activities of foreign intelligence services in Europe, noting that they "reached deeply into sensitive areas of national security, law and practice". To date, it has not yet implemented any of these

proposals.

**27 June 2007:** The plenary Assembly – bringing together over 300 legislators from 47 European countries – backs Mr Marty's report and urges better oversight of foreign intelligence services operating in Europe. The use of "state secrecy" laws to protect wrongful acts by secret services should be limited, the parliamentarians say.

**8 June 2007:** Presenting a second report following several months of additional inquiry, Swiss Senator Dick Marty reveals evidence that US "high-value detainees", including alleged 9/11 mastermind Khalid Sheikh Mohammed, were held in secret CIA prisons in Poland and Romania. Based on extensive, cross-referenced testimony from serving and former intelligence agents, he also alleges a series of partly secret decisions among NATO allies in 2001 which enabled the CIA to carry out illegal activities in Europe.

**14 February 2007:** In a report, the European Parliament comes to similar conclusions to Mr Marty, saying EU countries "turned a blind eye" to extraordinary renditions across their territory and airspace.

**6 September 2006:** The Committee of Ministers – representing the 47 governments of the Council of Europe – decides only to "take note" of the Secretary General's proposals for greater control over the activities of security services operating in Europe, declining any immediate follow-up. The decision comes on the very same day that US President George Bush admits the existence of secret CIA prisons. On the other hand, PACE President René van der Linden reacts by declaring that kidnapping people and torturing them in secret "is what criminals do, not democratic governments". Such activities will not make citizens safer in the long run, he says. The admission is a vindication of Senator Marty's work, he adds.

**30 June 2006:** Council of Europe Secretary General Terry Davis makes concrete proposals to European governments for laws to control the activities of foreign intelligence services in Europe, reviewing state immunity, and making better use of existing controls on over-flights, including requiring landing and search of civil flights engaged in state functions.

**27 June 2006:** The plenary Assembly debates Mr Marty's first report and calls for the dismantling of the system of secret prisons, oversight of foreign intelligence services operating in Europe and a common strategy for fighting terrorism which does not undermine human rights.

**14 June 2006:** Analysing a second round of replies from governments to his inquiry, Council of Europe Secretary General Terry Davis concludes in a supplementary report that laws to protect Europeans against human rights violations by foreign intelligence agents are "the exception rather than the rule". Confirming his earlier conclusions, he says current controls on civil air traffic are

inadequate, while State aircraft in transit are rarely checked.

**7 June 2006:** Presenting his first [report](#), Dick Marty says he has exposed a global "spider's web" of illegal US detentions and transfers, and alleges collusion in this system by 14 Council of Europe member states, 7 of whom may have violated the rights of named individuals.

**17 March 2006:** In an [opinion](#), legal experts from the Council of Europe's Venice Commission say that, under the European Convention on Human Rights and other international laws, member states should refuse to allow transit of prisoners where there is a risk of torture. If this is suspected, they should search civil planes or refuse overflight to state planes.

**1 March 2006:** Analysing governments' [replies](#) to a separate inquiry using powers under the European Convention on Human Rights, Council of Europe Secretary General Terry Davis [says](#) Europe appears to be "a happy hunting-ground for foreign security services". [Presenting](#) a [first report](#), he says that the rules governing activities of secret services – especially foreign ones – appear inadequate in many member states, and that current air traffic regulations do not safeguard against abuse. Immunity for foreign agents who commit crimes in Europe should not extend to serious human rights violations.

**7 November 2005:** Following media reports, the Parliamentary Assembly appoints Senator Dick Marty, a Swiss former prosecutor, to conduct a parliamentary inquiry into "alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states". PACE President René van der Linden [declares](#): "This issue goes to the very heart of the Council of Europe's human rights mandate."

Other relevant Assembly documents:

- [Report on enforced disappearances \(2005\)](#)
- [Report on the control of internal security services in Council of Europe member states \(1999\)](#)
- [Report on the lawfulness of detentions by the United States in Guantanamo Bay \(2005\)](#)