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PRESS RELEASE

Rights groups demand investigation of CIA's Extraordinary Rendition Program

Lawsuits against Germany, US and Macedonia seek justice for Khaled El Masri

Berlin, June 9, 2008 - The European Center for Constitutional and Human Rights (ECCHR), Berlin, the American Civil Liberties Union (ACLU), and the Open Society Justice Initiative (OSJI), both based in New York, met today in Berlin with lawyers from Germany, Macedonia and the United Kingdom to discuss the latest developments in the CIA rendition case of German citizen Khaled El Masri.

ECCHR filed today a lawsuit against the German Government at the Berlin administration court for its failure to demand the extradition of 13 CIA agents suspected of having illegally "rendered" Mr. El Masri from Macedonia to a US prison in Kabul, Afghanistan.

Khaled El Masri was seized by Macedonian authorities on December 31, 2003. He was detained incommunicado for 23 days, then handed over by the Macedonians to CIA agents who videotaped, blindfolded, and injected him with drugs, then flew him in chains to Kabul, Afghanistan. In Kabul he was tortured in a prison that his lawyers believe was the infamous CIA-run "Salt Pit" detention center. The CIA soon realized they were holding an innocent man, yet El Masri was held for more than four months before being released without charge. On May 28th, 2004, El Masri was flown by the CIA to Albania and dumped on an isolated roadside in the middle of the night. Albanian authorities thereafter placed him on a return flight to Germany.

At today's meeting the participating attorneys presented further legal actions already filed or being prepared in the USA, Macedonia and Albania. In addition to the lawsuit against Germany filed today, these include a petition against the United States at the Inter-American Commission on Human Rights, an



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upcoming criminal complaint in Macedonia, and freedom of information requests in Albania and Macedonia.

Wolfgang Kaleck (ECCHR) noted that "the globalization of abusive counterterrorism measures must be countered by a globalized transnational human rights movement" and sees the Berlin meeting as an important step forward.

As Ben Wizner (ACLU), who represented Khaled El-Masri in his lawsuit against former CIA Director George Tenet and others in U.S. courts, indicates: "The CIA's extraordinary rendition program could not have operated without the participation and support of countries and corporations throughout the world. We have been seeking to hold U.S. officials and corporations accountable for their involvement in the rendition program, but so far U.S. courts have dismissed our suits on secrecy grounds. Therefore, it is even more important that the fight to restore the rule of law and to end the rendition program be continued in every single country that provided assistance to the CIA's illegal torture and detention regime."

"Khaled El Masri and the world have a right to the truth about what the US has done and what it has forced other countries to do," said Darian Pavli of the Justice Initiative. "The US strong-armed other states into violating international law."

Background on legal actions in Germany and the United States

In January 2007 the Munich district court issued international arrest warrants against 13 CIA agents and flight personnel suspected of rendering El Masri to Afghanistan for interrogation. In September 2007 the German government announced that it would not request their extradition from the United States, apparently in order to avoid a political conflict with the U.S. government.

In December 2005, the American Civil Liberties Union filed a complaint at the District Court for the Eastern District of Virginia against former CIA Director George Tenet, three CIA-linked air transport companies and 20 employees of the CIA or the transport companies. Although El Masri's allegations were well known throughout the world and were supported by eyewitness testimony and physical evidence, the U.S. court accepted the CIA's claim that litigation of the case would reveal state secrets. That decision was upheld on appeal, and the U.S.

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Supreme Court declined to review the decision. The ACLU has since submitted a petition to the Inter-American Commission on Human Rights, arguing that the denial of a remedy to Khaled El Masri for his illegal abduction and torture violated international law.

Legal actions in Albania and Macedonia

In Albania, a journalist working with the Open Society Justice Initiative and the Center for Development and Democratization of Institutions (CDDI) submitted in August 2007 requests for information regarding the case to the Interior Ministry and the Ministry of Defense. The first answered that the release of the requested information would harm El Masri's privacy, while the latter argued that military information would be affected and therefore the information could not be disclosed. CDDI has brought legal action against the Ministry of Defense at the Tirana District Court, and is preparing follow-up requests to the Ministry of the Interior.

Macedonia has officially denied that El Masri was held illegally on its territory despite overwhelming evidence to the contrary. It did not bring disciplinary or criminal proceedings against the Directorate for Security and Counter-intelligence's personnel or other officials suspected of responsibility or involvement. El Masri's Macedonian attorney, Filip Medarski, has filed freedom of information requests about his case with various government agencies, and is about to file a request for a full-fledged criminal investigation with the office of the Macedonian public prosecutor.

Today's expert meeting in Berlin follows international workshops held by ECCHR in Warsaw and Berlin in October 2008 on the CIA's extraordinary rendition program and legal responses.

The participating organizations and attorneys strongly believe that those responsible for the grave human rights violations committed against the victims of the unlawful extraordinary rendition program must be brought to justice.

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For further information:

European Center for Constitutional and Human Rights (ECCHR),
*Extraordinary Rendition: Flights, Torture and Accountability - A
European Approach*, available at www.ecchr.eu.

American Civil Liberties Union (ACLU), *Fact Sheet: Extraordinary
Rendition*, available at
[http://www.aclu.org/safefree/extraordinaryrendition/2203res20051
206.html](http://www.aclu.org/safefree/extraordinaryrendition/2203res20051206.html)

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