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European Court's landmark ruling finds rendition involved torture

13 December 2012 – In a landmark judgment, Europe's highest human rights court today held Macedonia responsible for its involvement in the secret detention, rendition and torture of a German citizen by the US Central Intelligence Agency.

It is the first time that the Court has addressed a European country's involvement in the CIA extraordinary rendition program.

The case was brought by Khaled El-Masri, who was seized by Macedonian agents at a border crossing in 2003 and then held incommunicado for more than three weeks in the capital Skopje, wrongly accused of being a member of al-Qaida. He was subsequently handed over to the CIA and held in secret detention in Afghanistan for more than four months, during which he alleges he was subjected to torture and ill-treatment. He was then secretly flown back from Afghanistan and dumped on a mountain road in Albania.

Like other victims of extraordinary rendition, El-Masri has been unable to pursue a case against the United States, as US courts have barred such claims on the grounds that they risk revealing classified information. El-Masri then brought a case against Macedonia for its involvement in his treatment.

The Grand Chamber of the European Court of Human Rights (ECtHR) found that Macedonia was responsible for serious violations of El-Masri's human rights, both in Macedonia and Afghanistan. In a key finding, the Court held that the treatment inflicted on El-Masri by the CIA on handover at Skopje airport – where he was beaten, stripped and sodomised with an object, before being chained to the floor of an aircraft and forcibly drugged– amounted to torture. Even though US agents carried out the abuse, the Court held Macedonia responsible because it had allowed it to occur on its territory.

The Court also found that Macedonia should not have allowed El-Masri to be handed over to US authorities because of the real risk he would be subjected to torture or ill-treatment at their hands. Macedonia was ordered to pay El-Masri €60,000 in compensation.

Dadimos Haile, Interim Director of REDRESS, an international NGO that helps torture survivors obtain justice and reparation and made written submissions to the Court as a third-party, said: "The Court has stressed that European states must get to the bottom of any official complicity in torture; both the victims and the general public have the right to know what happened".

"European states, including the UK, have repeatedly failed to respond to allegations of their own involvement in CIA-led secret rendition and detention," added Haile. "The court has sent out a clear signal that they must do so or face further claims like this."

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Note for Editors:

REDRESS did not represent Khaled El-Masri before the Grand Chamber, but made written submissions as a third-party on:

- the importance of keeping victims informed and allowing them to be involved in investigations into allegations they raise
- the requirement that such investigations be subject to public scrutiny
- the need for such investigations to be capable of identifying systemic failures leading to the violation and
- the right of the victim and the general public to know the truth of what happened.

REDRESS also submitted an expert report by clinical psychologist Dr Mary Robertson showing how providing a forum for justice, and identifying the perpetrators, can be crucial to victims' psychological recovery. REDRESS was represented in its amicus submissions by barristers Timothy Otty QC and Simon Pritchard of Blackstone Chambers.

About REDRESS:

REDRESS was founded by a British torture survivor in 1992. Since then, it has fought for the rights of torture survivors and their families. It takes legal challenges on behalf of survivors, works to ensure that torturers are punished and that survivors and their families obtain remedies for their suffering. It has intervened in a range of leading torture cases in the UK and abroad.