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EUROPE'S HIGHEST HUMAN RIGHTS COURT HEARS FIRST RENDITION CASE

16 May 2012 – The European Court of Human Rights today heard its first case involving a victim of the CIA rendition program.

The Grand Chamber of the European Court of Human Rights (ECtHR) heard detailed evidence supporting Khaled El-Masri's claim that he was subjected to torture and ill-treatment in a notorious Afghan prison, after being wrongfully arrested by Macedonian agents and handed over to a CIA rendition team more than eight years ago. After four months of detention he says he was returned to Europe and dumped on an Albanian road in May 2004.

Every attempt at seeking justice by El-Masri has failed until now.

El-Masri is represented in the case by a team of lawyers from the Open Society Justice Initiative. REDRESS first made written observations as a third party in the case before the ECtHR in 2011 and again this year on the rights of victims of extraordinary rendition under international law to an investigation, remedy and reparation.

REDRESS has made detailed submissions to the Court 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 and
- the need for such investigations to be capable of identifying systemic failures leading to the violation.

In the face of repeated failures to adequately investigate such allegations across Europe – including in the UK – REDRESS' submission shows how verification of the facts and public disclosure of the truth are themselves part of what the states involved owe victims under international law.

In support of its submission REDRESS provided the Court with an expert report by clinical psychologist Dr Mary Robertson, which discusses how the provision of a remedy, and identifying the perpetrators, can be crucial to victims' psychological recovery.

REDRESS' international legal officer, Sarah Fulton, said: "Providing a remedy to victims and getting to the bottom of what happened, and why, is vital because it allows injustice to be acknowledged by the wider society and helps victims to reclaim their dignity and come to terms with their suffering."

According to Fulton: "Extraordinary rendition, and the torture and ill-treatment associated with it, destroys lives. Its victims have the right, just like any other persons whose rights have been violated, to have their allegations properly investigated. Those investigations and their

findings must be as open to public scrutiny as possible, both for democratic accountability and, crucially, for the sake of the victims themselves. Leaving aside any monetary compensation, verification of the facts and public disclosure of the truth are vital parts of what the states involved owe victims under international law.”

Wednesday's hearing was the first time that a court heard the merits of El-Masri's complaint, even though several criminal and civil proceedings related to his case were started in the United States, Spain, Germany and Macedonia without result. His attempt to sue the CIA in the US courts was rejected in 2006 under the “state secrets” doctrine, which allowed the US Government to have the case dismissed without considering the merits on the basis that it risked revealing classified information. Efforts to encourage the Inter-American Commission on Human Rights to consider the US' application of the “states secrets” doctrine, which REDRESS also supported, have likewise not led anywhere.

To date, European states alleged to have been implicated in the extraordinary rendition programme have failed to properly address the allegations relating to their involvement or to provide a remedy to victims. REDRESS believes that this case presents the Court with an opportunity to emphasise to States the obligations that they have to both the public and to individual victims in such cases. It should also stand as a stark example to those seeking to limit even further victims' avenues for justice, including the UK which, despite much criticism, remains committed to introducing closed procedures in all cases raising national security issues.

The Grand Chamber will now consider the case, before delivering its judgment later in the year.

You can find REDRESS' full submissions below on our website – www.redress.org – under Case Docket.

REDRESS was represented in its amicus submissions by barristers Timothy Otty QC and Simon Pritchard of Blackstone Chambers.

For further information, please contact Eva Sanchis, Communications Officer, on eva@redress.org or +44 (0) 20 7793 1777.

Note: REDRESS was founded by a British torture survivor in 1992. Since then, it has fought for the rights of torture survivors and their families in the UK and abroad. 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.