



REDRESS regrets decision of court in Poland that will impede the investigation of case of victim of CIA rendition

Szczytno, Poland, 28 September 2015 – Today, a district court in Szczytno, Poland, rejected an appeal by REDRESS which had sought to overturn a decision by the Appellate Prosecutor’s Office in Kraków not to open an investigation into the alleged human rights violations committed against a victim of CIA rendition in Poland.

REDRESS had argued that publicly available evidence– including information gathered by European and international bodies as well as flight data retrieved by several NGOs– strongly suggests that Mustafa al-Hawsawi was secretly held in, and/or illegally transferred through, Poland by the CIA in 2003, two years after the USA launched its secret detention, interrogation and rendition programme, following the 9/11 terrorist attacks.

Carla Ferstman, Director of REDRESS, the London-based anti-torture organisation that represented Mustafa al-Hawsawi in these proceedings through local lawyer Dr. Bogumil Zygmunt, expressed regret at the court’s decision:

“We have explained why we believe Mr Al-Hawsawi may have been detained and tortured on Polish territory. This allegation needs to be investigated fully and effectively, so that the truth can be known. Some of the information on Mr Al Hawsawi’s possible movements in Poland is only available to Polish authorities, and we hope and expect that they bring this information to light. A full investigation into these allegations is of vital importance for the protection of Mr al-Hawsawi’s human rights, in particular his right to justice and to the truth, and also to ensure that these most serious human rights violations do not happen again.”

Ferstman added: ***“Poland’s complicity in the illegal transfer and secret detention of detainees by the CIA following the 9/11 attacks has by now been established beyond doubt, including in the two landmark judgments by the European Court of Human Rights in the Abu Zubaydah and Al Nashiri cases in 2014. In these judgments, the Court found that Poland was not only complicit in the CIA operations because it enabled the US authorities to torture them on its territory but also because it enabled the CIA to transfer them from Poland despite the existence of a real risk that they would be subjected to further torture and ill-treatment. Likewise, all the available evidence strongly suggests that Mr al-Hawsawi was illegally transferred through Poland and may have been secretly held there by the CIA. Poland can’t simply look the other way. It has an obligation to investigate these serious allegations and to allow Mr al-Hawsawi to participate in this investigation.”***

Mr al-Hawsawi is among a group of so-called “High Value Detainees” who were captured by, or handed over to, the USA after 9/11. Considered to have high intelligence

value by the USA, these terrorist suspects were forcibly disappeared and subjected to torture in CIA secret prisons for a number of years. The US Government finally acknowledged their detention when they were moved to Guantanamo Bay in 2006. Despite his designation as a High Value Detainee, after Mr al-Hawsawi's first interrogation session, the Chief of Interrogations, asked CIA Headquarters "for information on what al-Hawsawi actually 'knows,' saying: 'he does not appear to the [sic] be a person that is a financial mastermind...'"

The secrecy that underpins the CIA programme has made it extraordinarily difficult for Mr al-Hawsawi to gain access to evidence related to his rendition in and out of Poland and other countries. Rendition cases involve disappearances in the context of secrecy, and in these cases, knowledge of the events lie almost exclusively with the authorities.

The redacted Executive Summary of the US Senate Select Committee on Intelligence's Report, released in 2014, confirmed, however, that Mr al-Hawsawi was tortured by the CIA, including by being subjected to water-dousing, sleep deprivation and "sodomy with a foreign object". He became also infected with Hepatitis C, which he did not have previously and can cause cancer and cirrhosis, and suffers from other ailments as a result of this torture, including tearing within his rectum and a rectal prolapse.

You can find REDRESS' statement to the district court in Szczytno here:
<http://www.redress.org/downloads/2015.statement-final-in-poland.pdf>

Further information about REDRESS involvement in the al-Hawsawi case is available here: <http://www.redress.org/case-docket/al-hawsawi-case-1>

For further information, please contact Eva Sanchis, Communications Officer, on +44 (0)207 793 1777 or eva@redress.org.

About REDRESS: REDRESS is an international human rights NGO based in the UK with a mandate to assist torture survivors to seek justice and other forms of reparation.

Notes for editors:

1. Through local lawyer Dr. Bogumil Zygmunt, REDRESS represents Mustafa al-Hawsawi in proceedings in Poland seeking an effective investigation into allegations that he may have been secretly detained and tortured in, and/or illegally transferred through Poland. On 28 March 2014, the Appellate Prosecutor's Office in Kraków rejected a request by REDRESS to grant Mr al-Hawsawi victim status in the ongoing criminal investigation into Poland's involvement in the CIA's rendition, detention and interrogation programme. On 25 April 2014, REDRESS appealed the decision to the District Court of Szczytno. In considering whether to consent to the appeal, the Prosecutor's Office called REDRESS to provide further information at an interview in Kraków on 12 June 2014. On 17 December 2014, the Prosecutor's Office reiterated its refusal to initiate an investigation. In making its decision, it separated REDRESS' application from the ongoing investigation and opened a new case file. Three "High Value Detainees" (Walid Bin Attash, Abd al-rahim al-Nashiri and Abu Zubaydah) have been granted victim status in this investigation. On 14 September 2015, a district court in Szczytno heard an appeal brought by REDRESS against the Prosecutor's Office decision. A ruling was announced on 28 September 2015.
2. REDRESS is also involved in similar proceedings in Lithuania, where Mr al-Hawsawi is also believed to have been illegally transferred to and secretly detained and tortured. In Lithuania

REDRESS is represented by attorney Ingrida Botyrienne. In this country, prosecutors initially rejected a complaint brought by REDRESS (with the Human Rights Monitoring Institute) but an investigation was opened following a ruling of the Lithuanian courts overturning that decision in January 2014. On 26 August 2015, REDRESS requested victim status for Mr Al Hawsawi in this investigation. A decision is pending.

3. The UN Working Group on Arbitrary Detention recently found that Mr al-Hawsawi's ongoing detention is arbitrary and in contravention of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In July, the Inter-American Commission on Human Rights ordered precautionary measures regarding Mr al-Hawsawi, requesting the US to urgently provide him with the medical care he needs to treat injuries he incurred during his detention and interrogation by the CIA.