



Forthcoming Chamber judgments concerning CIA secret detention sites in Lithuania and Romania

The European Court of Human Rights will be delivering two **Chamber** judgments¹ in the cases of **Abu Zubaydah v. Lithuania** (application no. 46454/11) and **Al Nashiri v. Romania** (no. 33234/12) at a public hearing on Thursday 31 May at 10 a.m. in the Human Rights Building, Strasbourg.

The cases concern allegations of Lithuania's and Romania's involvement in the United States Central Intelligence Agency's (CIA) secret extraordinary rendition programme.

The applicants in the cases were both so-called "high-value detainees" ("HVD") detained by the CIA at the start of the "war on terror" launched by President Bush following the 11 September 2001 attacks. They are currently being held in the Internment Facility at the United States (US) Guantánamo Bay Naval Base.

The applicant in the first case, Zayn Al-Abidin Muhammad Husayn, is a stateless Palestinian who was born in 1971. Initially suspected by the US authorities of being a planner of the 11 September 2001 attacks and a senior lieutenant to Osama bin Laden, he has never been charged with any offence.

The applicant in the second case, Abd Al Rahim Husseyn Muhammad Al Nashiri, is a Saudi Arabian national of Yemeni descent who was born in 1965. The US authorities notably suspected him of an attack on the US Navy ship USS Cole in the harbour of Aden (Yemen) in 2000 and on the French oil tanker MV Limburg in the Gulf of Aden in 2002. Proceedings against him are still pending in the US for his alleged role in the attacks.

The applicants complain that the respondent States enabled the CIA to detain them secretly on their territory, allowing the CIA to subject them to torture, various other forms of mental and physical abuse, incommunicado detention, and the lack of a possibility to contact their families or the outside world.

They also allege that the States allowed them to be transported to other CIA-run secret detention sites, exposing them to years of further similar treatment.

Lastly, they complain of the lack of a prompt and thorough investigation into their allegations.

Both applicants rely on Article 3 (prohibition of torture), Article 5 (right to liberty and security), Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy).

Mr Al Nashiri also relies on Article 2 (right to life), Article 6 (right to a fair trial within a reasonable time) and Article 1 of Protocol No. 6 (abolition of the death penalty) to complain that Romania exposed him to the risk of a flagrantly unfair trial and of being imposed with the death penalty.

The applications were lodged with the European Court of Human Rights on 14 July 2011 and 1 June 2012, respectively.

A fact-finding hearing was held on 28 June 2016 and a public hearing on 29 June 2016 in both cases ([Abu Zubaydah](#) and [Al Nashiri](#)).

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.