



European Court gives notification to Lithuanian Government of a further case concerning CIA secret detainee programme

The European Court of Human Rights decided on 21 February 2024 to give notice¹ to the Government of Lithuania of the application *Al-Nashiri v. Lithuania* (application no. 31908/22) and requested that they submit their observations.

The case concerns a national of Saudi Arabia of Yemeni descent who is currently detained in Guantánamo Bay and is facing capital charges before a United States (US) military commission on suspicion of, among other things, the bombing of the US Navy ship USS Cole in 2000. The US authorities consider him to have been one of the most senior figures in al-Qaeda.

In his case before the European Court Mr Al-Nashiri raises multiple complaints of torture, ill-treatment and unacknowledged detention when he was held for five months in 2005-2006 at a secret facility in Lithuania run by the US Central Intelligence Agency (CIA). Those alleged events took place against the background of the so-called “War on Terror”.

A [statement of facts](#) submitted to the parties, with questions from the Court, is available in English on the Court’s website. The Court’s ruling in the case will be made at a later stage.

The Court has ruled in two other cases concerning Mr Al-Nashiri’s detention at CIA secret facilities, in Poland and Romania: see judgments handed down in 2014 [Al Nashiri v. Poland](#) and 2018 [Al Nashiri v. Romania](#).

The applicant, Abd Al Rahim Husseyn Muhammad Al Nashiri, is a Saudi Arabian national of Yemeni descent who was born in 1965. He is currently being held in the Internment Facility at the US Guantánamo Bay Naval Base in Cuba.

Mr Al-Nashiri is considered to have been one of the most senior figures of al-Qaeda. He is notably suspected of being involved in the bombings 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. US Military prosecutors brought capital charges against him in 2011 for his alleged role in the attacks. The case is still in the process of pre-trial litigation.

Following the 11 September 2001 attacks in the US the CIA established a programme to detain and interrogate terrorists at sites abroad. Mr Al-Nashiri was captured in Dubai (the United Arab Emirates) in October 2002 and held in CIA secret detention facilities in, *inter alia*, Poland and Romania, before eventually being transferred to military custody in Guantánamo Bay in September 2006. These facts were established in two previous European Court judgments, [Al Nashiri v. Poland](#) and [Al Nashiri v. Romania](#).

Mr Al Nashiri submits in this case that he was also held at a secret detention site in Lithuania, codenamed “Detention Site Violet”, between October 2005 and March 2006.

He submits that since his capture he has had no contact with the outside world, except for CIA interrogators, Guantánamo Prison Camp personnel and counsel, and has been prevented from speaking publicly about his secret detention, transfers, ill-treatment and torture.

¹ Under Rule 54 § 2 (b) of the Rules of Court: “the Chamber or the President of the Section may decide to give notice of the application or part of the application to the respondent Contracting Party and invite that Party to submit written observations thereon and, upon receipt thereof, invite the applicant to submit observations in reply.”

In 2012 an expert diagnosed Mr Al-Nashiri as suffering from posttraumatic stress disorder, reporting that he was “irreversibly damaged by torture” and “presented as one of the most severely traumatised individuals she had ever seen”.

A pre-trial investigation was instituted in Lithuania in February 2014 concerning the rendition and detention programme of persons detained by the CIA on the territory of the Republic of Lithuania. It is currently still ongoing and Mr Al-Nashiri has not yet been granted the status of victim in the proceedings.

The application was lodged with the European Court of Human Rights on 20 June 2022.

Mr Al Nashiri complains that Lithuania enabled the CIA to detain him secretly on its territory, and to subject him to torture, various other forms of mental and physical abuse and incommunicado detention, resulting in prolonged separation from his family.

He also complains that Lithuania allowed him to be transferred to other jurisdictions, exposing him to further arbitrary detention and ill-treatment, a flagrantly unfair trial and a risk of the death penalty.

Lastly, he complains that Lithuania failed to carry out a prompt and thorough investigation into his allegations.

He relies on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security), 6 § 1 (right to a fair trial), 8 (right to respect for private and family life) and 13 (right to an effective remedy) and Article 1 of Protocol No. 6 (abolition of the death penalty).

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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.