



Human rights violations against Lithuania for its involvement in CIA secret detention programme

The case [Al Nashiri v. Lithuania](#) (application no. 31908/22) concerned a Saudi Arabian national of Yemeni descent who is currently detained in Guantánamo Bay. He 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. He was captured during the so-called “War on Terror” launched by President Bush in the aftermath of the 9/11 attacks.

In today’s **Chamber judgment**¹ in the case the European Court of Human Rights held, unanimously, that there had been **violations of Articles 6 § 1 (right to a fair trial) and 8 (right to respect for private and family life)** of the European Convention on Human Rights and of **Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) read together with Article 1 of Protocol No. 6 (abolition of the death penalty)** to the European Convention.

The Court found that Mr Al-Nashiri had been held for more than five months in 2005-2006 at a secret facility in Lithuania run by the US Central Intelligence Agency (CIA). It also found that the Lithuanian authorities had assisted in Mr Al-Nashiri’s transfer from its territory in spite of a real risk that he could face a flagrant denial of justice and the death penalty in the United States of America (USA). Furthermore, he had been held in incommunicado detention and solitary confinement, and denied any contact with his family.

In coming to those conclusions, it referred to the principles set out in seven other similar cases previously brought before it: [El-Masri v. “the former Yugoslav Republic of Macedonia”](#) of 2012, [Al Nashiri v. Poland and Husayn \(Abu Zubaydah\) v. Poland](#) of 2014, [Nasr and Ghali v. Italy](#) of 2016, [Al Nashiri v. Romania](#) and [Abu Zubaydah v. Lithuania](#) of 2018 and [al-Hawsawi v. Lithuania](#) of 2024.

However, it **rejected as inadmissible** Mr Al-Nashiri’s complaints of torture, ill-treatment and unacknowledged detention under **Articles 3, 5 (right to liberty and security) and 13 (right to an effective remedy)**, which had already been examined and decided in 2022 in another procedure before the UN Working Group on Arbitrary Detention.

Lastly, **under Article 46 (binding force and implementation of judgments)** the Court affirmed its recommendations in the other similar rulings, in so far as relevant to the present case, in particular that the Lithuanian Government should seek assurances from the US authorities that Mr Al-Nashiri would not be subjected to the death penalty.

Principal facts

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.

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

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.

Military prosecutors brought capital charges against him in 2011 for his alleged role in the attacks. Mr Al-Nashiri's trial was scheduled to start in June 2026.

Following the 11 September 2001 attacks in the USA 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, among other countries, 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 submitted in this case that he had also been held at a secret detention site in Lithuania, codenamed "Detention Site Violet", between October 2005 and March 2006.

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

In 2012 an expert diagnosed Mr Al-Nashiri as suffering from post-traumatic 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. All Mr Al-Nashiri's challenges against the decisions refusing to recognise him as a victim in these proceedings have been unsuccessful, most recently in December 2021.

Complaints, procedure and composition of the Court

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

Mr Al-Nashiri alleged in particular that Lithuania had 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 complained that Lithuania had 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 complained that Lithuania had failed to carry out a prompt and thorough investigation into his allegations.

He relied 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).

Judgment was given by a Chamber of seven judges, composed as follows:

Arnfinn Bårdsen (Norway), *President*,
Saadet Yüksel (Türkiye),
Jovan Ilievski (North Macedonia),
Lorraine Schembri Orland (Malta),
Oddný Mjöll Arnardóttir (Iceland),
Gediminas Sagatys (Lithuania),
Stéphane Pisani (Luxembourg),

and also Andrea Tamietti, *Section Registrar*.

Jane Swift (tel: + 33 3 88 41 29 04)

Claire Windsor (tel: + 33 3 88 41 24 01)

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.