



## Chamber hearing concerning alleged secret “rendition” in a case against Romania

The European Court of Human Rights is holding a **Chamber** hearing today **Wednesday 29 June 2016** at **9 a.m.** in the case of **Al Nashiri v. Romania** (application no. 33234/12)

The case concerns the alleged “rendition” of a man suspected of terrorist acts to CIA secret detention sites, where, according to his submissions, illegal interrogation methods amounting to torture were used.

*The hearing will be broadcast from 2.30 p.m. on the Court’s Internet site ([www.echr.coe.int](http://www.echr.coe.int)). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.*

The applicant, Abd Al Rahim Hussayn Muhammad Al Nashiri, is a Saudi Arabian national of Yemeni descent who was born in 1965. Mr Al Nashiri is currently detained in the Internment Facility at the United States (US) Guantanamo Bay Naval Base in Cuba. He has been suspected of the terrorist attack on the US Navy ship USS Cole in the harbour of Aden, Yemen, in October 2000 and of playing a role in the attack on the French oil tanker MV Limburg in the Gulf of Aden in October 2002.

Mr Al Nashiri alleges that he was the victim of an “extraordinary rendition” by the US Central Intelligence Agency (CIA), that is, of apprehension and extrajudicial transfer to CIA secret detention facilities in various countries, including Poland and Romania. He submits that he was held in a secret detention site in Romania, from 12 April 2004 to an unknown date before 6 September 2006, before being transferred and imprisoned at Guantanamo Bay, with the knowledge of the Romanian authorities for the purpose of interrogation, during which he was tortured.

Mr Al Nashiri’s complaints under the European Convention on Human Rights relate to three principal issues: his ill-treatment in Romania while in US custody, his transfer from Romania, and Romania’s failure to conduct an effective investigation into the circumstances surrounding his ill-treatment, detention and transfer from the Romanian territory. As regards his ill-treatment and detention in Romania, he alleges that Romania violated Articles 3 (prohibition of torture), 5 (right to liberty and security) and 8 (right to respect for family and private life) of the Convention in enabling his torture, ill-treatment and incommunicado detention on Romanian territory.

As regards his transfer from Romania, Mr Al Nashiri submits that, in knowingly and intentionally enabling his transfer despite substantial grounds for believing that there was a real risk that he would be subjected to the death penalty, Romania violated his rights under Articles 2 (right to life) and 3 of the Convention as well as Protocol No. 6 (abolition of death penalty) to the Convention. Furthermore, he submits that Romania violated his right to an effective remedy under Article 13 of the Convention by failing to conduct an effective investigation into the serious violations of his rights.

### Procedure

The application was lodged with the European Court of Human Rights on 1 June 2012.

The Court [communicated](#) the case to the Romanian Government and put questions to the parties under Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 6 (right to a fair trial), 8 (right to respect for private and family life), 10

(freedom of expression) and 13 (right to an effective remedy) of the Convention, and under Protocol No. 6 (abolition of the death penalty) to the Convention.

The following persons and organisations were granted leave to intervene in the written proceedings as third parties: the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedom while countering terrorism; the Association for the Defence of Human Rights in Romania – the Helsinki Committee (APADOR-CH); Amnesty International and the International Commission of Jurists, jointly; and Howard Kennedy Fsi LLP.

## Composition of the Court

The case will be heard by a Chamber, composed as follows:

Mirjana **Lazarova Trajkovska** (“The former Yugoslav Republic of Macedonia”), *President*,  
Kristina **Pardalos** (San Marino),  
Linos-Alexandre **Sicilianos** (Greece),  
Paul **Mahoney** (the United Kingdom),  
Aleš **Pejchal** (The Czech Republic),  
Robert **Spano** (Iceland),  
Florin **Streteanu** (*ad hoc* judge for Romania), *judges*,  
Armen **Harutyunyan** (Armenia),  
Pauliine **Koskelo** (Finland), *substitute judges*,

and also Abel **Campos**, *Section Registrar*.

## Representatives of the parties

### Government

Catrinel **Brumar**, *Agent*,  
Alexandrina-Livia **Rusu**, Manuela **Luduşan**, Victor Horia Dimitrie **Constantinescu**, Radu **Bodnar**, Mihai **Simionis** and Adrian **Ştefan**, *Advisers*;

### Applicant

Rupert **Skilbeck**, Amrit **Singh** and Diana-Olivia **Hatneanu**, *Counsel*,  
Nancy **Hollander**, *Adviser*.

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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.