

SECRET DETENTION AND RENDITION OF TERRORIST SUSPECTS IN ECHR CASE PRACTICE

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Post-9/11 human rights violations by European states through complicity in CIA rendition program

ECtHR's Cases:

- Al-Hawsawi v. Lithuania (2024),
- Al-Nashiri v. Poland (2015) and Romania (2018),
- Abu Zubaydah v. Lithuania (2018) and Poland (2015),
- Nasr and Ghali v. Italy (2016).
- El-Masri v. North Macedonia (2012),



Extraordinary Rendition Route of Khaled El-Masri



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Legal Framework and the Court's Mandate

- Are states responsible for violations committed by the U.S. on their soil or with their assistance?
- The respondent state exercised jurisdiction over the individuals when they were secretly detained in facilities hosted or tolerated by that state.



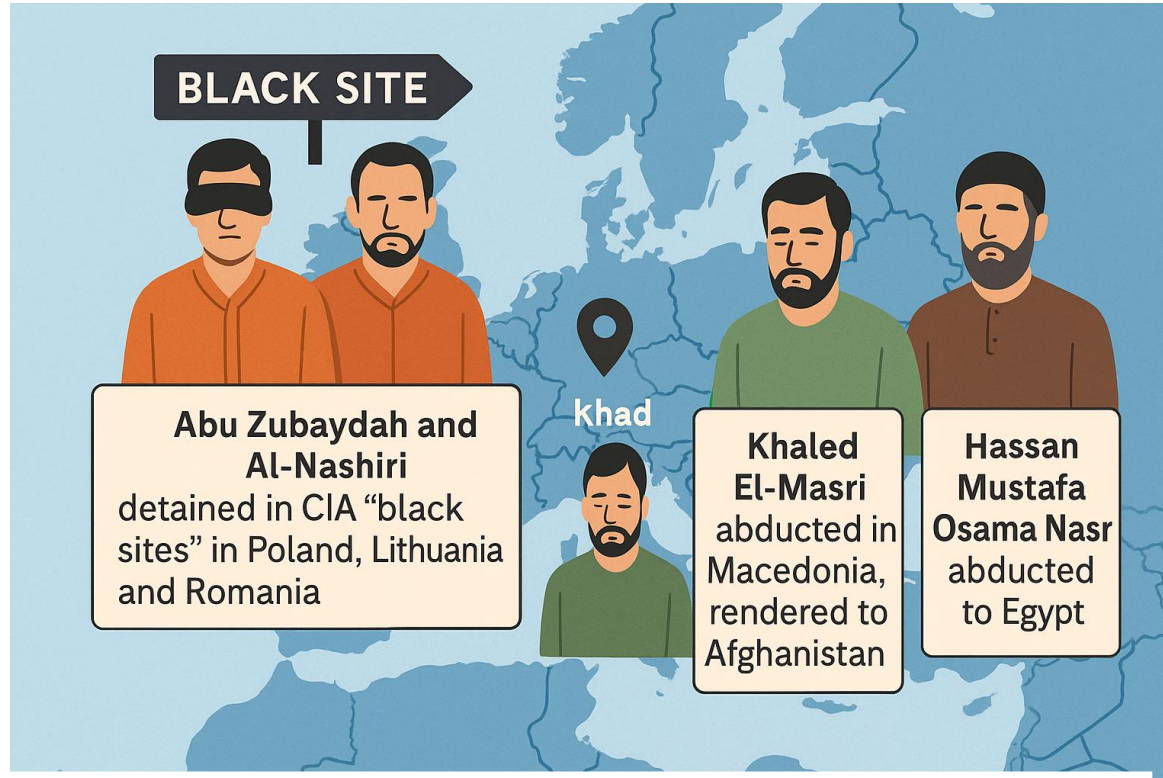
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The Core Facts Across Cases



States

- Enabled, hosted, or facilitated these operations
- Failed to conduct effective investigations into the abuses

THE COURT'S KEY FINDINGS



Secret detention amounts to torture



Violation of human dignity



Violation of the Fair Trial and the Prohibition of the Death Penalty



Non-existent or ineffective domestic remedies

Violation of human dignity and privacy



Detention unauthorised, incommunicado, and without a legal basis

Contradiction Between State Security and Human Rights Protection



European governments, chose secrecy over legality, and expediency over accountability.

- State Secrecy and Denial as a Shield
- Security Cooperation Without Safeguards
- Victims Cast Outside the Protection of the Law
- Failure to Investigate: Security Interests Blocking Justice
- European Values Undermined by Realpolitik

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The Way Forward: Remedies and Reforms

The Court has ordered:

- **Individual measures:** redress and official investigations;
- **General measures:** legal and institutional reforms to prevent recurrence.

Many victims remain without meaningful reparations, and many responsible officials have not been held to account.

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Final Reflection



- In the post-9/11 era, fear justified actions unworthy of our democratic values.
- ECtHR judgments are moral indictments.
- Rulings are a call to conscience for European governments.

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THANK YOU!

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