

Extraordinary Rendition Case Study III

Khaled El-Masri's story

Khaled El-Masri, a German citizen, was detained in Macedonia whilst going on holiday, and rendered to Afghanistan by the Americans where he was held for months at the 'Salt Pit'.

These excerpts are taken from Mr El-Masri's complaint against George J Tenet [former head of the CIA], Premier Executive Transport Services, Inc and other defendants brought in the United States District Court for the Eastern District of Virginia, dated 6 December 2005.

Plaintiff Khaled El-Masri was born in Kuwait in 1963, and raised in Lebanon. He fled Lebanon in 1985 to escape the civil war in that country, and settled in Germany, where he became a citizen in 1995. He attended high school for three years before leaving to become a carpenter. He has since been employed as a truck driver and a car salesman, but has been unemployed since the conclusion of the events described below. Mr. El-Masri is married and has five young children.

On December 31, 2003, Mr. El-Masri boarded a bus in Ulm, Germany, intending to visit Skopje, Macedonia, for a brief holiday. Mr. El-Masri's journey was uneventful, passing through several European border inspections without incident, until the bus crossed the Serbian border into Macedonia. There, Macedonian law enforcement officials confiscated Mr. El-Masri's passport and detained him for several hours. He was thereafter transferred by armed plainclothes officers to a hotel in Skopje.

Mr. El-Masri was detained in the hotel for 23 days, guarded at all hours by rotating shifts of armed Macedonian officers. The curtains were closed day and night, and Mr. El-Masri was never permitted to leave the room. His frequent requests to see a lawyer, translator, or German consular official, or to contact his wife, were denied. When he once moved toward the door and stated that he intended to leave, three of his captors pointed pistols at his head and threatened to shoot him.

Mr. El-Masri was interrogated repeatedly by Macedonian agents throughout the course of his detention. The interrogations were conducted in English, despite Mr. El-Masri's limited English proficiency. He was questioned about what he did in Ulm, the persons with whom he associated there, and the persons who attended his mosque, the Ulm Multicultural Centre and Mosque. Mr. El-Masri's interrogators pressed him continuously about a meeting he allegedly had in Jalalabad, Afghanistan with an Egyptian

man, and about possible Norwegian contacts. Mr. El-Masri responded that he had never been to Jalalabad and knew no one from Norway.

On the seventh day of his confinement, a man who appeared to be in charge of the interrogators proposed to Mr. El-Masri that if he confessed his involvement with al Qaeda, he would be returned to Germany. Mr. El-Masri refused. On the thirteenth day of his confinement, Mr. El-Masri commenced a hunger strike to protest his continued unlawful detention, and he did not eat again during the remaining ten days of detention in Macedonia.

On January 23, 2004, seven or eight Macedonian men dressed in civilian clothes whom Mr. El-Masri had not seen before entered the hotel room. The men recorded a 15-minute video of Mr. El-Masri. They instructed him to say that he had been treated well, had not been harmed in any way, and would shortly be flown back to Germany. The men then handcuffed and blindfolded him and placed him in a car.

After a drive of approximately one hour, the car came to a halt, and Mr. El-Masri could hear the sound of airplanes. He was removed from the vehicle, still handcuffed and blindfolded, and was led to a building. Inside, he was told that he would be medically examined. Instead, he was beaten severely from all sides with fists and what felt like a thick stick. His clothes were sliced from his body with scissors or a knife, leaving him in his underwear. He was told to remove his underwear and he refused. He was beaten again, and his underwear was forcibly removed. He heard the sound of pictures being taken. He was thrown to the floor. His hands were pulled back and a boot was placed on his back. He then felt a firm object being forced into his anus.

Mr. El-Masri was pulled from the floor and dragged to a corner of the room. His blindfold was removed. A flash went off and temporarily blinded him. When he recovered his sight, he saw seven or eight men dressed in black and wearing black ski masks. One of the men placed him in a diaper. He was then dressed in a dark blue short-sleeved track suit, and placed in a belt with chains that attached to his wrists and ankles. The men put earmuffs and eye pads on him, blindfolded him, and hooded him.

Mr. El-Masri was marched to a waiting plane, with the shackles cutting into his ankles. Once inside, he was thrown to the floor face down and his legs and arms were spread-eagled and secured to the sides of the plane. He felt an injection in his shoulder, and became lightheaded. He felt a second injection that rendered him nearly unconscious.

On information and belief, the men dressed in black clothing and ski masks were members of a CIA 'black renditions' team, operating pursuant to unlawful CIA policies and at the direction of defendant Tenet.

Mr. El-Masri was dimly aware of the plane landing and taking off again. When the plane landed for the final time, he was unchained and taken off the plane. It was warmer outside than it had been in Macedonia, and Mr. El-Masri realized that he had not been returned to Germany. He believed he might be in Guantánamo, or possibly Iraq. He learned later that he was in Afghanistan.

Aviation documents show that a Boeing business jet owned by defendant Premier Executive Transport Services and operated by defendant Aero Contractors Ltd, then registered by the Federal Aviation Authority as N313P, took off from Palma, Majorca, Spain on January 23, 2004, and landed at the Skopje airport at 8:51 p.m. that evening. The jet left Skopje more than three hours later, flying to Baghdad and then on to Kabul, the Afghan capital. On Sunday, January 25, the jet left Kabul, flying to Timisoara, Romania.

Mr. El-Masri was removed from the plane and shoved into the back of a waiting vehicle. The car drove for about ten minutes. Mr. El-Masri was then dragged from the vehicle, pushed into a building, thrown to the floor, and kicked and beaten on the head and the small of his back. He was left in a small, dirty, concrete cell. When he adjusted his eyes to the light, he saw that the walls were covered in crude Arabic, Urdu, and Farsi writing. The cell did not contain a bed. It was cold, but Mr. El-Masri had been provided only one dirty, military-style blanket and some old, torn clothes bundled into a thin pillow. Through a window at the top of the cell, Mr. El-Masri saw a red, setting sun, and realised that he had been travelling for 24 hours.

On information and belief, the prison to which Mr. El-Masri was transferred was a CIA-run facility known as the 'Salt Pit,' an abandoned brick factory north of the Kabul business district that was used by the CIA for detention of some high-level terror suspects.

Mr. El-Masri was thirsty. Through the small, barred window of his cell, Mr. El-Masri saw a man dressed in Afghan clothing. He shouted to the man for water, and the man pointed to a bottle of putrid water in the corner of the cell. Mr. El-Masri asked for fresh water, but was told he could drink from the bottle or go thirsty.

That night, Mr. El-Masri was removed from his cell and transferred to an interrogation room. There were six or eight men dressed in the same black clothing and ski masks as the men in the Macedonian airport, as well as a masked doctor who spoke American-accented English and a translator who spoke Arabic with a Palestinian accent. Mr. El-Masri was stripped naked, photographed, and medically examined by one of the masked men. Blood and urine samples were taken. Mr. El-Masri complained to the man who seemed to be a doctor about the unhygienic water and poor conditions in his cell. The man responded that the Afghans were responsible for the conditions of his confinement. Then Mr. El-Masri was returned to his cell, where he would be detained in a single-person cell, with no reading or writing materials, and without once being permitted outside to breathe fresh air, for more than four months.

On his second night in the Salt Pit, Mr. El-Masri was woken by masked men and once again brought to the interrogation room. Again, six or eight masked, black-clad men were in the room. Mr. El-Masri was interrogated by a masked man who spoke Arabic with a South Lebanese accent. The man asked him if he knew why he had been detained; Mr. El-Masri said he did not. The man then stated that Mr. El-Masri was in a country with no laws, and that no one knew where he was, and asked whether Mr. El-Masri understood what that meant.

Mr. El-Masri was interrogated about whether he had taken a trip to Jalalabad using a false passport; whether he had attended Palestinian training camps; whether he was acquainted with September 11 conspirators Mohammed Atta and Ramzi Binalshibh; and whether he associated with alleged extremists in Ulm, Germany. Mr. El-Masri, who has never knowingly associated with any terrorist or terrorist organisation, answered these questions truthfully, just as he had in Macedonia. Mr. El-Masri asked why he had been transported to Afghanistan, when he was a German citizen with no ties to that country. His interrogator did not answer.

In all, Mr. El-Masri was interrogated on three or four occasions, each time by the same man, and each time at night. His interrogations were accompanied by threats, insults, pushing, and shoving. Two men who participated in the interrogations identified themselves as Americans. Mr. El-Masri repeatedly demanded that he be permitted to meet with a representative of the German government, but these requests were ignored.

In March, Mr. El-Masri and several other inmates with whom he communicated through cell walls commenced a hunger strike to protest their continued confinement without charges. After 27 days without food, Mr. El-Masri was given an audience with two unmasked Americans, one of whom was the prison director and the second an even higher official whom other inmates referred to as 'the Boss.' The Afghan prison director was also present, along with the translator with the Palestinian accent. Mr. El-Masri insisted that the Americans either release him, bring him before a court, allow him access to a German official, or watch him starve to death. The American prison director replied that he could not release Mr. El-Masri without permission from Washington, but stated that Mr. El-Masri should not be detained in the prison. Mr. El-Masri was returned to his cell, where he continued his hunger strike.

Mr. El-Masri's health deteriorated on a daily basis. He received no medical treatment during his confinement, despite repeated requests.

On information and belief, CIA officials at the 'Salt Pit' believed early on that they had detained the wrong person. In March, Mr. El-Masri's passport was examined by CIA officials in Langley, Virginia and determined to be valid. Defendant Tenet was notified in April that the CIA had detained the wrong person. By early May, Condoleezza Rice, then the President's National Security Advisor, had been informed that the CIA was detaining an innocent German citizen. Nonetheless, Mr. El-Masri was detained in the 'Salt Pit' until May 28.

On the thirty-seventh day of his hunger strike, hooded men entered Mr. El-Masri's cell, dragged him from his bed, and bound his hands and feet. They dragged him into the interrogation room, sat him on a chair, and tied him to it. A feeding tube was then forced through his nose to his stomach and a liquid was poured through it. After this procedure, Mr. El-Masri was given some canned food as well as some books to read. Mr. El-Masri was weighed. Since the time of his seizure in December of 2003, Mr. El-Masri had lost more than sixty pounds.

Following his force-feeding, Mr. El-Masri became extremely ill and suffered

very severe pain. A doctor visited Mr. El-Masri's cell in the middle of the night and administered medication, but Mr. El-Masri remained bedridden for several days.

Around the beginning of May, the prison director brought Mr. El-Masri to the interrogation room, where he met an American who identified himself as a psychologist, accompanied by a female interpreter with a Syrian accent. The psychologist told Mr. El-Masri that he had travelled from Washington DC to check on him and ask him some questions. At the conclusion of the conversation, the man promised that Mr. El-Masri would be released from the facility very soon.

Soon thereafter, Mr. El-Masri was visited by a German speaker who identified himself only as 'Sam.' 'Sam' was accompanied by the American prison director and an American translator. Mr. El-Masri asked 'Sam' whether he was a representative of the German government, and whether the German government knew that Mr. El-Masri was being held in Afghanistan, but 'Sam,' after consulting with the Americans, declined to answer. He asked 'Sam' whether his wife knew where he was; 'Sam' replied that she did not. 'Sam' then proceeded to ask Mr. El-Masri many of the same questions he had previously been asked regarding his alleged associations with extremists in Neu Ulm, Germany.

'Sam' visited Mr. El-Masri three more times. In late May, Mr. El-Masri received a visit from 'Sam,' the American prison director, and an American doctor. He was informed that he would be released in eight days. 'Sam' warned him that, as a condition of his release, he was never to mention what had happened to him, because the Americans were determined to keep the affair a secret.

On May 27, the American doctor visited Mr. El-Masri's cell. He instructed Mr. El-Masri not to eat or drink anything, as the next day he would be transported back to Germany, and during the transit back, he would not be permitted to use the bathroom. The next morning, the doctor and the American prison director arrived in his cell. Mr. El-Masri was blindfolded and cuffed, led out of his cell, and driven for about ten minutes. He was then locked in what seemed to be a shipping container until he heard the sound of an aircraft arriving.

Mr. El-Masri was released from the shipping container, and his belongings were returned to him. He was told to change back into the clothes he had worn in Macedonia, and was given two new t-shirts. He was then driven to the waiting plane, blindfolded and ear-muffled, and led onto the plane, where he was chained to his seat.

The man named 'Sam' accompanied Mr. El-Masri on the plane. Mr. El-Masri also heard the muffled voices of two or three Americans. Shortly after take-off, Mr. El-Masri asked 'Sam' if he could have the earmuffs removed; 'Sam' obliged, after consulting with the Americans. Sam informed Mr. El-Masri that Germany had a new President. He said that the plane would land in a European country other than Germany, because the Americans did not want to leave clear traces of their involvement in Mr. El-Masri's ordeal, but that Mr. El-Masri would eventually continue on to Germany. Mr. El-Masri feared that he would not be returned home, but rather taken to another country and executed.

When the plane landed, Mr. El-Masri, still blindfolded, was taken off the plane and placed in the back seat of a vehicle. He was not told where he was. He was driven in the vehicle up and down mountains, on paved and unpaved roads, for more than three hours. The vehicle came to a halt, and Mr. El-Masri was aware of the men in the car getting out and closing the doors, and then of men climbing into the vehicle. All of the men had Slavic-sounding accents but said very little.

The vehicle proceeded to drive for another three hours, again up and down mountains and on paved and unpaved roads. Eventually, the vehicle was brought to a halt. Mr. El-Masri was taken from the car, and his blindfold was removed. His captors gave him his belongings and passport, removed his handcuffs, and directed him to walk down the path without turning back. It was dark, and the road was deserted. Mr. El-Masri believed he would be shot in the back and left to die.

Mr. El-Masri rounded a corner and came across three armed men. They immediately asked for his passport. They saw that his German passport had no visa in it, and asked him why he was in Albania without legal permission. Mr. El-Masri replied that he had no idea where he was. He was told that he was near the borders with Macedonia and Serbia. The men led Mr. El-Masri to a small building with an Albanian flag, and he was presented to a superior officer. The officer observed Mr. El-Masri's long hair and long beard and told him he looked like a terrorist. Mr. El-Masri asked to be taken to the German embassy, but the man told him he would be taken to the airport instead.

Mr. El-Masri was driven to the Mother Theresa Airport in Tirana, arriving at about 6am. One of the Albanian guards took his passport and 320 Euros from his wallet and went into the airport building. When he returned, he instructed Mr. El-Masri to go through a door, where he was met by a person who guided him through customs and immigration control without inspection. Only after the plane was airborne did Mr. El-Masri finally believe he was returning to Germany.

The plane landed at Frankfurt International Airport at 8:40am. Mr. El-Masri was by then about forty pounds lighter than when he had left Germany, his hair was long and unkempt, and he had not shaved since his arrival in Macedonia. From Frankfurt he travelled to Ulm, and from there to his home outside the city. His house was empty and clearly had been so for some time. He proceeded to the Cultural Center in Neu Ulm and asked after his wife and children. He was told that his family had relocated to Lebanon when he failed to return from his holiday.

In June 2004, having been notified by Mr. El-Masri's German lawyer, the Office of the Prosecuting Magistrate in Munich, Germany opened an investigation into Mr. El-Masri's allegations that he had been unlawfully abducted, detained, and interrogated in Macedonia and Afghanistan. German officials easily corroborated Mr. El-Masri's account that he had travelled to Macedonia and had been detained shortly after entering that country. To evaluate Mr. El-Masri's account of his detention in Afghanistan, German authorities conducted scientific tests, including radioactive isotope analysis of Mr. El-Masri's hair. Those tests were consistent with Mr. El-Masri's account that he had spent time in a South Asian country and had been deprived of food for an extended period.