

# Press Release

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## No state secrets at issue in El-Masri case, Council of Europe investigator Dick Marty argues in brief to the US Supreme Court

Strasbourg, 07.09.2007 – Swiss Senator Dick Marty, who has investigated secret detentions on behalf of the Council of Europe Parliamentary Assembly (PACE), today submitted a brief to the US Supreme Court arguing that “virtually nothing” remains secret concerning the mistaken kidnapping of German citizen Khaled El-Masri by the CIA.

The US government’s contention that state secrets would be revealed if the case was heard is therefore “wholly unwarranted”, Mr Marty said in an *amicus curiae* brief – a document giving additional information or argument which a third party, or “friend of the court”, can submit for the judges to take into account.

“It would be contrary to the purpose of the state secrets doctrine (...) to allow the US government to shield its clearly wrongful acts on the basis of that doctrine,” Mr Marty writes, arguing that El-Masri should be given the chance to prove his allegations in an American court, as promised by US Secretary of State Condoleezza Rice at a December 2005 press conference.

Mr El-Masri spent five months in secret jails in Skopje and Kabul before being released blind-folded in an Albanian forest after it was realised he had been kidnapped in error. He is seeking damages for his illegal abduction and detention but lower courts have ruled that his claims cannot be heard without compromising US national security. The Supreme Court is soon to decide on his appeal.

Mr Marty, a former prosecutor who has been honoured in the past by the US authorities for his work in fighting organised crime, argues that his own and other investigations have revealed many details of El-Masri’s abduction, including the identities of the CIA team which carried it out, the dates and flights of his “rendition”, and details of his treatment while detained.

In a June 2007 resolution, PACE deplored the use by governments of “state secrecy” laws to block investigations into wrongful acts by their secret service agents. While some national security concerns were legitimate, the parliamentarians said, independent bodies should always be able to evaluate government claims that such concerns justify setting aside the pursuit of justice.

[The full text of Mr Marty's \*amicus curiae\* brief](#) (PDF)

[Mr Marty's second report on secret detentions and illegal transport of detainees](#)  
[PACE Resolution 1562 \(2007\)](#)

The Parliamentary Assembly brings together 318 members from the national parliaments of the 47 member states.

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