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African Commission Urged to Take on Groundbreaking Extraordinary Rendition Case *Case against Djibouti is First to Challenge African Cooperation in CIA Secret Detention Program*

(New York and London, February 28, 2011)—The African Commission on Human and Peoples’ Rights should require Djibouti to answer for abuses it committed as part of the CIA’s secret detention and rendition program, said the Center for Human Rights and Global Justice (CHRGJ) at NYU School of Law and the international human rights law organization, INTERIGHTS in a legal filing today. The two organizations urged the African Commission to officially accept the first-ever international case exposing an African country’s role in the U.S. rendition, secret detention, and torture program. The case—made public today—was confidentially filed in December 2009 on behalf of their client, Mohammed al-Asad, a Yemeni national who was detained in Djibouti in December 2003 and January 2004 as part of the CIA’s secret detention and rendition program. In addition to secretly detaining al-Asad, Djibouti was responsible for transferring him into the “black site” prison program, where he spent some sixteen months in secret and incommunicado detention. In May 2005, al-Asad was transferred to Yemen, where he resides freely today.

The African Commission took preliminary steps to accept the case, *al-Asad v. Djibouti*, in November 2010, notifying the parties that it was seized of the matter. Today’s filing marks the first public notice of the case and urges the Commission to find the case admissible, a step that would require Djibouti to reply to the allegations made by al-Asad.

“By serving as the doorway for the U.S. secret detention and rendition program in Africa, Djibouti directly violated the human rights of our client,” said CHRGJ Research Director, Jayne Huckerby. “Today the African Commission faces an historic opportunity to not only stand up for African sovereignty and human rights, but also to provide long-overdue truth and justice to an individual who was illegally abducted, detained, and tortured in the name of state security.”

In late 2003, al-Asad was expelled from Tanzania, where he had lived for more than a decade, and flown to Djibouti—a country wholly unfamiliar to him—where he was detained in a secret Djiboutian prison, interrogated by an American agent, and subjected to torture and inhuman treatment for approximately two weeks. Al-Asad was then taken to an airport where he encountered a “rendition team”—a gang of black-clad individuals who stripped and assaulted him before chaining, hooding, and forcing him onto a small airplane that launched al-Asad into a network of secret CIA prisons in Afghanistan and Eastern Europe. He endured further abuse in CIA custody for more than a year before being returned to Yemen in 2005. Al-Asad was released in 2006, never having been charged with a terrorism-related offense.

“I will never be able to return to my life before detention,” said Mr. al-Asad by phone from Yemen, where he currently resides. “My life and that of my family have been unjustly ruined and no one has been held accountable. It is my sincere hope that the African Commission will finally allow me to receive a measure of justice for what was taken from me.”

Despite extensive evidence—including an exhaustive [U.N. report on secret detention](#) in February 2010 that includes al-Asad’s case—neither the U.S. government nor the government of Djibouti have even acknowledged al-Asad’s detention. As al-Asad’s entryway into the secret detention and program, Djibouti played an especially crucial role in his abuse.

The cooperation of countries all over the world—including Djibouti in the Horn of Africa—was central to the operation of the U.S. rendition, secret detention, and torture program. While the role of European partners such as Poland and Romania has been the subject of much reporting and investigation, the assistance of countries like Djibouti has yet to be scrutinized.

“Human rights apply to everyone and cannot simply be bargained away through secret agreements among governments,” said Margaret Satterthwaite, Faculty Director of the CHRGI. “We urge the African Commission to make clear that this blatant disregard for justice on the continent is not acceptable. As calls for justice and democracy sweep across Northern Africa, the time is ripe for the Commission to ensure that governments in the region end their complicity in human rights violations carried out in the name of state security.”

In response to today’s filing, the government of Djibouti will be asked to lodge a formal reply. The Commission will then determine whether the case meets the Commission’s technical requirements for admissibility. Such a finding will allow the case to proceed to a full hearing on the merits.

“This case is the first filed before the African Commission on rendition in Africa, but it is far from an isolated case,” said Solomon Sacco, an INTERIGHTS lawyer working on the case. “Evidence continues to emerge of a systematic global practice of rendition. This case is part of a growing demand for recognition and justice for victims of rendition that will not go away. States—like Djibouti—who cooperated with the United States in its rendition programs, violating their own laws as well as the African Charter in the process, must be held accountable by the African Commission.”

Background

The African Commission hears cases that allege that a country party to the African Charter on Human and Peoples’ Rights violated the rights protected by that Charter. If the Commission decides to hear this case on the merits, it will have an opportunity to rule that Djibouti violated al-Asad’s human rights and to specify that Djibouti compensate al-Asad for the harm he has suffered.

To read the complaint in al-Asad’s case, click [here](#). To read today’s admissibility briefing, click [here](#). To read al-Asad’s declaration, click [here](#). For other supporting evidence, click [here](#).

For more information on CHRGI’s work on protecting the rights of people abused in the context of the U.S. counter-terrorism measures, click [here](#). For more information on INTERIGHTS’ work, click [here](#).

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