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MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2022)1428/H46-19

9 March 2022

1428th meeting, 8-9 March 2022 (DH)**H46-19 Abu Zubaydah v. Lithuania (Application No. 46454/11)**

Supervision of the execution of the European Court's judgments

Reference document

CM/Notes/1428/H46-19

Decisions

The Deputies

1. recalling that in the present judgment the European Court established Lithuania's responsibility under the Convention on account of the authorities' knowledge of and involvement in the implementation of the CIA "High-Value Detainee Programme" and found serious violations of several Convention rights by Lithuania in the context of an "extraordinary rendition" operation which enabled the United States authorities to bring the applicant illegally under United States jurisdiction;
2. recalled further that the consequences for the applicant of the violations of the Convention found by the Court have not been remedied as he remains in "indefinite detention" and at risk of further inhuman treatment and reiterated their deepest concern at the flagrant denial of justice he continues to suffer;
3. noted again with profound concern that the United States authorities maintain their position not to support requests for diplomatic assurances regarding the applicant's situation, as shown by their decision to refuse the third Lithuanian request;
4. strongly urged again the Lithuanian authorities to pursue their diplomatic action and take the new steps envisaged to this end without any further delay and to exhaust every possible avenue to make it effective, including engaging with the United States authorities at a higher level;
5. recalled that, as advised by the Committee, the Lithuanian authorities have indicated considering, in parallel with their diplomatic efforts, the possibilities to intervene as *amicus curiae* in any relevant proceedings pending in the United States; expressed the strong expectation that this will rapidly lead to concrete action, noting in particular that the *habeas corpus* proceedings brought before the United States federal courts on behalf of the applicant provide alternative paths to seek the relief refused so far by the administration;

6. as regards the pending *domestic investigation*, noting that the investigative efforts continue to be focused on obtaining relevant information from foreign jurisdictions, reiterated their invitation to the Lithuanian authorities to keep the Committee informed of developments in relation to their initiatives to establish international co-operation; emphasised in this context the importance for the Lithuanian authorities to thoroughly explore every relevant avenue for co-operation with member and non-member States alike and with international institutions or bodies as well as the importance for Council of Europe member States concerned to lend their support to such initiatives;
7. underlined, in relation to the avenues considered by the Lithuanian authorities to seek access to information in proceedings under United States jurisdiction in order to advance the investigation and to the other investigative steps taken, the crucial importance of a proactive approach, and requested the authorities to give proper consideration, also in this context, to possibilities to intervene in relevant proceedings, such as those under the United States freedom of information legislation;
8. as regards the *payment of the just satisfaction*, welcomed the fact that, as a result of the co-operation between the Lithuanian authorities and the applicant's representative, the sums awarded by the Court as compensation for non-pecuniary damage and costs and expenses have now been placed at the disposal of the designated beneficiaries and expressed satisfaction for the initiatives taken by the Lithuanian authorities and the sustained efforts they deployed to facilitate this;
9. recalling once more that the United States has observer status with the Council of Europe and as such shares its ideals and values, considered that this status and such values encourage co-operation, again strongly urged the United States authorities to reconsider their position and to provide all necessary assurances and assistance or take other equivalent measures;
10. requested the authorities to submit information on all the remaining questions by 15 September 2022 at the latest and decided to resume consideration of this case at their 1451st meeting (December 2022) (DH).

Related documents

No related documents

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