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## **Ex-prisoner Sues Former CIA Head**

A German citizen claiming he was tortured and held in a secret prison in Afghanistan has sued former CIA Director George Tenet.

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The Miami Herald

December 7, 2005

WASHINGTON -- A German citizen who alleges he was abducted by the CIA from Macedonia, held in a secret prison in Afghanistan for five months and tortured, sued ex-CIA Director George Tenet Tuesday.

"I want an apology, and I want to know why this happened to me," Khaled al Masri said during a video hookup from Germany. "What happened to me was outside the bounds of any legal framework, and should never be allowed to happen to anyone else."

Khaled al Masri's lawsuit, filed by ACLU attorneys in Alexandria, Va., sheds light on the CIA's secret practice of "extraordinary renditions" -- using special teams to capture suspected terrorists and transport them to countries that routinely practice torture or to one of the agency's reported secret prisons in Eastern Europe or Asia.

### **NO COMMENT**

U.S. officials have refused to confirm or deny the existence of secret prisons.

Questions about al Masri's treatment dominated Secretary of State Condoleezza Rice's visit Tuesday to Germany, where the case has put intense public pressure on the coalition government of Chancellor Angela Merkel.

Rice said "when and if mistakes are made, we work as quickly as possible to rectify them." But she declined to admit error in al Masri's specific case, either during a press conference with Merkel or, according to U.S. officials, in their private meeting.

Senior administration officials, speaking on condition of anonymity because of the legal and diplomatic sensitivities, said that admitting error would be a boon to al Masri's lawsuit.

A CIA spokesperson said "we don't comment on matters before the courts."

In the four years since the Sept. 11, 2001, attacks, the CIA has captured about 3,000 people, including some top al Qaeda leaders, according to a Washington Post report.

Intelligence committees in Congress have been told that the CIA's inspector general is investigating possible "erroneous renditions."

## **PROGRAM'S CRITICS**

Human rights groups and several European leaders have criticized the rendition program, which has shipped some suspects to countries such as Egypt, Jordan and Syria, which torture, or to the CIA's own secret detention centers.

At least four of the suspects were then taken to the Guantánamo Bay prison camp in Cuba.

Al Masri said he was beaten and threatened repeatedly in custody, kept in a squalid cell in Afghanistan and denied medical treatment. He said he was told by an American that "you are now in a country with no rule of law -- you might get buried here."

Al Masri, 42, was born in Kuwait of Lebanese parents. He moved to Ulm, Germany, in the 1980s, became a citizen in 1995 and has five children.

His saga began on a visit to Macedonia, where that nation's security forces detained him on Dec. 31, 2003. The CIA suspected that he was involved with Sept. 11 conspirators.

A team of seven or eight black-clad men blindfolded, handcuffed and beat al Masri, drugged him and dragged him on to a plane, he claimed in the lawsuit.

He said he underwent harsh interrogations in Afghanistan and was repeatedly asked if he knew Mohammed Atta and Ramzi Binalshibh, two Sept. 11 conspirators who had been active in Germany.

Al Masri professed his innocence, and after a hunger strike in which he was force-fed, he said he was visited by a German who told him he would be released soon. He also said a prison "director" told him he had been held because of "mistaken identity."

Tenet and Rice learned of the mistake, according to The Washington Post report, and eventually told German officials but asked them not to discuss the case.

In May 2004, al Masri was flown to Albania and driven to a hilltop late at night, he said. Three armed men took him to another plane, and he was taken to Germany.

"I'm not the man I used to be," al Masri said Tuesday, speaking German. He claimed in the lawsuit he lost 40 pounds in custody, and a forensic analysis in Germany showed he was malnourished.

## **SEEKING REMEDY**

Al Masri is seeking at least \$75,000 in damages for "prolonged, arbitrary detention and torture." His lawyers are using the Alien Tort Statute, which allows foreigners to sue over conduct by U.S. officials overseas.

The CIA has defended the rendition program, which dates back to the 1980s, as a swift, effective way to neutralize terrorists and foil plots.

The agency expanded the use of renditions after the Sept. 11 attacks, when the agency was under great pressure to prevent a second wave of al Qaeda assaults.

"Terrorists started the war on our soil. We have taken the war to them. Sometimes this requires what we euphemistically call a `kinetic' solution on foreign soil," CIA Director Porter Goss told Congress in March, referring to renditions.

"We have to be able to use all of the tools at our disposal and understand the consequences of how we use them," he added.

But the growing practice of renditions has caused controversy. An FBI agent assigned to Guantánamo who had been a New York prosecutor warned supervisors in 2002 that officials who discussed plans to ship suspects to countries that use torture could be prosecuted for conspiring to violate U.S. laws, according to a memo obtained by Newsweek in August.

And the al Masri case showed how a rendition can affect relations with allies. Merkel, at Tuesday's news conference, appeared to imply the Bush administration had acknowledged al Masri's seizure and detention was a mistake.

But Rice aides moved swiftly to quash the idea that Rice had apologized or admitted a mistake.

One official said Washington, without admitting wrongdoing, has told the Germans that al Masri was seized because his name -- which is common -- matched that of a suspected terrorist. His passport was erroneously thought to be forged, the official said.

## **REFUSED ENTRY**

On Saturday Al Masri boarded a flight to the United States to appear at the ACLU press conference, but was refused entry.

A senior State Department official traveling with Rice said the department had told Germany after that refusal that al Masri would be allowed into the United States if he wanted to come again.