



Written by [Joe Wolverton, II, J.D.](#) on July 25, 2014

EU Court: Poland Hosted Secret CIA Torture Facility

On Thursday, July 24, the European Court of Human Rights (ECHR) [found Poland guilty](#) of the unlawful detention and torture of two people committed at a secret CIA prison located in that country.

The Guardian reports on how the case arrived at the ECHR:

The case against Poland was brought by two men, Zayn al-Abidin Muhammad Husayn, a Saudi-born Palestinian known as Abu Zubaydah, and Saudi national Abd al-Rahim al-Nashiri.

Abu Zubaydah was initially detained in Pakistan in 2002 and accused of being a senior al-Qaida figure, although there has since been some doubt over the role he may have played. He was flown to Poland from a CIA prison in Thailand in December 2002, remaining there until September the following year.

Nashiri is accused of masterminding the October 2000 suicide bomb attack against the *USS Cole*, in which 17 people died, and is facing prosecution before a military commission. He was flown to Poland on the same executive jet as Abu Zubaydah, and transferred to Morocco the following June.

In a harshly worded judgment, the court found that Warsaw failed to follow up on the complaints and it fined the Polish government €100,000 per complainant, both of whom are currently being held (in violation of due process) at the military prison in Guantanamo Bay.

According to the *Guardian* report, there are a “series of cases” pending against two other European nations: Lithuania and Romania. All these complaints allege the governments of these countries permitted the CIA to maintain secret “black site” prisons within their borders in defiance of European and international law.

“Black sites” is the name given to the officially unconfirmed network of secret prisons located throughout the world used by the CIA to imprison and interrogate individuals suspected of committing or conspiring to commit terrorist activities.

These facilities are built outside the jurisdiction of the U.S. government and thus are not subject to American laws against torture.

Persons accused by the U.S. government of being “enemy combatants” were captured and subjected to “extraordinary rendition” and then shipped off to one of the prisons for questioning, where the detainees were often reportedly subjected to inhuman tactics to illicit responses from them.

Regarding the alleged Romanian prison, the Associated Press teamed with German investigative reporters from the public television network ARD and the German newspaper *Süddeutsche Zeitung* in conducting an investigation that purportedly discovered the secret torture facility.

Reportedly, former CIA operatives led the reporters to the building. In fact, the AP story states that “former intelligence officials both described the location of the prison and identified pictures of the





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building.”

President George W. Bush admitted the existence of the secret prisons in 2006, the same year they were supposedly shuttered and all the inmates transferred to Guantanamo.

After that, it was reported that the policy of maintaining the sites was abandoned in 2009.

Romania was first suspected in 2005 of being host to one of the CIA secret prisons, but denials were issued by all believed to have knowledge of the facility.

Despite the denials, however, the story began to unfold in 2007 after an investigation by the Council of Europe called out Romania for permitting a black site prison to operate in its territory. Again, denial followed denial, from Washington and Bucharest.

In fact, the Romanian foreign affairs minister stated at the time of the council’s investigation, “No public official or other person acting in an official capacity has been involved in the unacknowledged deprivation of any individual, or transport of any individual while so deprived of their liberty.”

The Legal Affairs Committee of the Council of Europe released a document in 2006 that sparked the wider inquiry. In that document, 14 nations in Europe were accused of collaborating with the CIA by either permitting the prisons to be run in their countries or aiding in the facilitating of “extraordinary rendition” flights.

From the evidence presented at the case against Poland, some of the same stories were told by the plaintiffs. From the *Guardian* report:

The court heard that the two men were held at a prison codenamed Quartz that the CIA operated at the Stare Kiejkuty military base in the north-east of the country.

The judgment in the Abu Zubaydah case recounted how he had described being repeatedly beaten, confined in a small box, and brought out to be repeatedly waterboarded.

“I was ... put on what looked like a hospital bed, and strapped down very tightly with belts. A black cloth was then placed over my face and the interrogators used a mineral water bottle to pour water on the cloth so that I could not breathe. After a few minutes the cloth was removed and the bed was rotated into an upright position.

“The bed was then again lowered to horizontal position and the same torture carried out again with the black cloth over my face and water poured on from a bottle. I struggled against the straps, trying to breathe, but it was hopeless. I thought I was going to die.”

Curiously, it was the closing by the CIA of the Polish prison in 2003 that led to the opening of the Romanian facility. AP reports that “in 2010, the BBC published a story claiming that while confined in the CIA black site in Poland, Khalid Sheikh Mohammed was water boarded in an effort to extract intelligence information from the alleged terrorist.”

Later that year, Warsaw reportedly petitioned the American government for help in investigating the purported prison. The request was denied.

Mark Mazzetti of the *New York Times* reported in March 2014, “The Central Intelligence Agency’s attempt to keep secret the details of a defunct detention and interrogation program has escalated a battle between the agency and members of Congress and led to an investigation by the C.I.A.’s internal watchdog into the conduct of agency employees.”



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The New American [added to the story](#), reporting on Senator Mark Udall's letter to President Obama charging the CIA with spying on the Senate committee:

Among the CIA's actions against the American Republic, Udall implies that the CIA had been "posing impediments and obstacles" to the oversight responsibilities of the Senate Select Committee on Intelligence, particularly regarding the CIA's secret torture prisons used primarily during the Bush era.

Given Thursday's uncompromising condemnation of Poland, it is likely that the ECHR will soon hand down several similar rulings.

As for Poland's response to the decision, *The Guardian* quotes a Polish presidential spokeswoman, Joanna Trzaska-Wieczorek, saying: "The ruling of the tribunal in Strasbourg on CIA jails is embarrassing for Poland and is a burden both in terms of our country's finances as well as its image."

The tribunal's ruling is an embarrassment for the United States, as well, and for our commitment to core constitutional principles of liberty and due process.

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