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Meeting: 1428th meeting (March 2022) (DH)

Item reference: H46-19 Abu Zubaydah v. Lithuania
H46-21 Al Nashiri group v. Poland
H46-22 Al Nashiri v. Romania

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Réunion : 1428^e réunion (mars 2022) (DH)

Référence du point : H46-19 Abu Zubaydah c. Lituanie
H46-21 Groupe Al Nashiri c. Pologne
H46-22 Al Nashiri c. Roumanie (**anglais uniquement**)

Ms Darragh T. PARADISO
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Ref ► SecCM/OUT(2021)124e

Strasbourg, 7 October 2021

Dear Ms Paradiso,

dear Darragh,

As you are aware, the Committee of Ministers of the Council of Europe is responsible for supervising the execution of the judgments of the European Court of Human Rights, under Article 46 of the European Convention on Human Rights.

At its Human Rights meeting in September (1411st meeting, 14-16 September 2021), the Committee examined four cases concerning "extraordinary rendition" operations, which enabled the United States authorities to bring the two applicants in the cases illegally under United States jurisdiction. I enclose, for your reference, copies of the decisions adopted by the Committee in these cases.

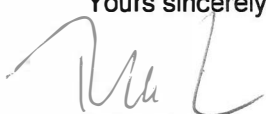
You will see that, in accordance also with the indications made by the European Court, the Committee has been encouraging the respondent States to engage in more effective dialogue with the authorities of the United States to seek to remove the risks incurred by the applicants and thus fulfil their obligations under Article 46 of the Convention. In addition, since national investigations into the circumstances which led to the violations constitute important measures to implement the judgments, the Committee has encouraged the respondent states to request legal assistance from the United States. Considering that the Observer status held by the United States with the Council of Europe encourages co-operation, the Committee strongly urged the United States authorities to provide all the necessary assurances and assistance required in the three cases.

In light of these considerations, the Committee of Ministers also agreed to invite the Office of the Permanent Observer of the United States of America to the Council of Europe to attend their next examination of these cases.

Thus, I have the great pleasure to extend an invitation to your authorities to attend the examination of these three cases at the Committee's 1427th Human Rights meeting of (8-10 March 2022). Please allow me at this stage to mention that the content of the Committee of Ministers' deliberations is confidential, and its decisions remain subject to confidentiality until the end of the meeting at which they are adopted.

I look forward to receiving your reply to the Committee's invitation.

Yours sincerely



Zoltan Taubner

Secretary to the Committee of Ministers



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February 02, 2022

Dear Secretary of the Committee of Ministers,

Dear Zoltan —

The Office of the Permanent Observer of the United States of America acknowledges the special invitation of the Committee of Ministers for our authorities to attend the 1427th Human Rights meeting (CM-DH) in March 2022. I regret to inform you we cannot accept the invitation at this time.

We appreciate the CM-DH's work and its role in the promotion for the respect of human rights. The Department of State has been responsive to European States that have sought assurances from the United States as directed by the Committee of Ministers in its supervisions of the execution of judgements of the European Court of Human Rights (ECtHR). However, as the Committee of Ministers is well aware, the United States of America is not subject to the jurisdiction of the ECtHR. Further relevant, domestic litigation is pending in the United States Supreme Court. We are therefore declining your invitation to attend this meeting.

The United States deeply values our cooperation with the Committee of Ministers, the ECtHR, and other Council of Europe bodies, and assures you of our highest consideration

Sincerely,

Darragh Paradiso

U.S. Deputy Permanent Observer to the Council of Europe