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Meeting: 1514th meeting (December 2024) (DH)

Communication from the applicant (15/10/2024) in the case of Al-Hawsawi v. Lithuania (Abu Zubaydah Group, 46454/11) (Application No. 6383/17).

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1514^e réunion (décembre 2024) (DH)

Communication du requérant (11/10/2024) relative à l'affaire Al Hawsawi c. Lituanie (Groupe Abu Zubaydah, 46454/11 (requête n° 6383/17) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

REDRESS

Ending torture, seeking justice for survivors

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15 OCT. 2024

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15 October 2024

COMMUNICATION
IN ACCORDANCE WITH RULE 9.1 OF THE RULES OF THE COMMITTEE OF MINISTERS
REGARDING THE SUPERVISION OF THE EXECUTION OF JUDGMENTS AND OF TERMS
OF FRIENDLY SETTLEMENTS

SUBMITTED BY REDRESS
AS REPRESENTATIVE OF:
MUSTAFA AHMED ADAM AL-HAWSAWI (APPLICATION NO. 6383/17)

1. As legal representatives of Mr. Mustafa Ahmed Adam al-Hawsawi, we write to provide relevant information on the implementation of the judgment concerning our client, *Al-Hawsawi v. Lithuania*,¹ which was delivered on 16 January 2024 and became final on 16 April 2024. For the purposes of execution of the judgment, the case was classified as repetitive of *Abu Zubaydah v. Lithuania*.² A summary of the case and an overview of the current status of the implementation of this judgment are provided below, along with our concerns and recommendations.
2. REDRESS, which has represented Mr al-Hawsawi throughout the proceedings before the European Court of Human Rights (ECtHR or the Court), is an international human rights NGO based in the United Kingdom with a mandate to assist survivors of torture to seek justice and other forms of reparation, hold accountable the governments and individuals who perpetrate torture, and develop the means of ensuring compliance with international standards and securing remedies for victims.

CASE DESCRIPTION

3. Mustafa Ahmed Adam al-Hawsawi (the Applicant or Mr al-Hawsawi) is a Saudi Arabian national who was captured during the “war on terror” in the aftermath of 9/11 and is currently detained in Guantánamo. He was a victim of repeated “extraordinary rendition” operations of the US Central Intelligence Agency (CIA) as a “High Value Detainee” (HVD), as part of which he was secretly detained in “Detention Site Violet”, located in Lithuania, for between 5-13 months in 2005-2006.
4. In *Al-Hawsawi*, the ECtHR found Lithuania responsible for multiple violations related to its complicity in the CIA’s rendition and secret detention program, involving Mr al-Hawsawi’s detention, “inhuman treatment”, and subsequent transfer exposing him to a real risk of further violations. Key violations of the European Convention on Human Rights (the Convention) include that of **Article 3** (prohibition of torture, substantive and procedural limbs), **Article 5** (liberty and security), **Article 8** (private and family life), **Article 6 §1** (fair trial), **Articles 2 and 3** in conjunction with Article 1

¹ *Al-Hawsawi v. Lithuania (Al-Hawsawi)*, Judgment of 16 January 2024.

² *Abu Zubaydah v. Lithuania (Abu Zubaydah)*, Judgment of 31 May 2018.

of Protocol No. 6 (right to life and prohibition of death penalty), and **Article 13** (right to an effective remedy) in conjunction with Articles 3, 5, and 8.

5. In terms of the individual measures of reparations awarded, Lithuania was ordered to:
 - a) seek assurances from the US to prevent the imposition of the death penalty, and with a view to removing or, at the very least seeking to limit, as far as possible, the effects of the above Convention violations suffered by the Applicant;
 - b) promptly reactivate and advance the domestic criminal investigation and conclude it as soon as possible to clarify the Applicant's detention, treatment, and transfer, identify those responsible, and secure accountability and punishment where appropriate;
 - c) pay EUR 100,000 in respect of non-pecuniary damage, and separately to pay costs.
6. The implementation challenges in this (repetitive) case largely replicate those already under consideration by the Committee of Ministers in the (leading) case of *Abu Zubaydah*. They also reflect the broader challenge to the rule of law represented by the other cases decided by the ECtHR in relation to the CIA rendition program, which for the most part remain unimplemented especially as regards the failure to investigate, as summarised in the following table:

Case	Year of judgment	Investigation commenced? Y/N	Investigation completed? Y/N	Prosecutions? Y/N	CoM supervision open or closed
El Masri v. Macedonia	2012	Y	Y (criminal investigation had become 'time barred')	N	Closed
Abu Zubaydah v. Poland	2014	Y	N	N	Open
Al Nashiri v. Poland	2015	Y	N	N	Open
Nasr and Ghali v. Italy	2016	Y	Y	Y	Open
Abu Zubaydah v. Lithuania	2018	Y	N	N	Open
Al Nashiri v. Romania	2018	Y	Y	N	Open
Al-Hawsawi v. Lithuania	2024	Y	N	N	Open
Al-Nashiri v. Lithuania	N/A (ongoing)	Y (Al-Nashiri not granted victim status)	N	N	N/A

STATUS OF IMPLEMENTATION OF INDIVIDUAL MEASURES

Introduction

7. Lithuania's failures over many years to undertake a full, effective and transparent investigation into the allegations made by Mr al-Hawsawi and Mr Abu Zubaydah are reflective of a broader unwillingness among a number of European States to deliver justice and accountability for abuses committed in the CIA rendition program during the so-called 'war on terror'. Despite multiple European Court judgments establishing the responsibility of European States for incurring in these human rights violations, investigations remain largely incomplete, delayed, and consistently fall short of international standards, creating a significant gap in the implementation of

these rulings. Two decades after the events, and after seven ECtHR judgments affirming European complicity, justice and accountability remain elusive and the full truth of what happened remains unknown. The enduring impunity for these violations undermines the rule of law and highlights the systemic challenges of addressing such abuses – particularly in a time where global scrutiny and demands for justice in the context of counterterrorism remain high. For Mr al-Hawsawi, Mr Abu Zubaydah and other CIA detainees affected by these serious human rights violations, given the extensive delay, there is a growing concern that justice may become increasingly out of reach.

8. Recognising the crucial role of the Committee of Ministers of the Council of Europe in overseeing the implementation of these judgments, it is essential that the Committee takes into account the broader pattern of reluctance to investigate these cases and reinforces its supervisory role by adopting the most decisive measures possible and recommendations that reflect the gravity of the violations and the urgent need for accountability.

Domestic Investigation

Lithuania's ongoing failure to investigate

9. The investigation into Mr al-Hawsawi's allegations, which was opened on 13 February 2014, was combined with the inquiry concerning Mr Abu Zubaydah on 6 February 2015.³
10. Despite the Court's 2018 judgment in *Abu Zubaydah*, which unequivocally recognised Lithuania's failure to comply with its international obligation to conduct a thorough and effective investigation, over six years have passed since then without any meaningful progress.
11. REDRESS has been making submissions to international bodies for over 10 years regarding the deficiencies in the investigation undertaken, and these concerns have been consistently and repeatedly recognised in the reports of various UN bodies, many of which have specifically referred to Mr al-Hawsawi's case or the pending investigation concerning his allegations. Some of the most recent examples include the following:
 - a) The Concluding Observations of the UN Committee on Enforced Disappearances dated 16 October 2017 expressed concern that "joint pretrial investigation No. 01-2-00015-14 has not been completed yet, that no suspects have been identified and that no notifications of suspicions have been served on any persons... [N]o persons have been recognized as victims, thereby denying the right of victims to redress and reparation... [D]etailed information on the progress of the pretrial investigation and the results of this investigation are being kept secret..."⁴
 - b) The Concluding Observations of the UN Human Rights Committee dated 29 August 2018⁵ expressed concern that Lithuania "has not fully and comprehensively

³ *Al-Hawsawi*, para 96.

⁴ Committee on Enforced Disappearances, *Concluding observations on the report submitted by Lithuania under article 29 (1) of the Convention*, 16 October 2017, CED/C/LTU/CO/1, para. 21.

⁵ Human Rights Committee, *Concluding observations on the fourth periodic report of Lithuania*, 29 August 2018, CCPR/C/LTU/CO/4.

investigated the complicity of the State party and State officials in human rights violations in counter-terrorism operations, including secret detention” and that the pre-trial investigation No. 01-2-00015-14 remained incomplete, with no suspects identified and that “all information on the progress and results of this investigation has been kept secret”.⁶ It also expressed concern “at reports that public servants in Lithuania have denied the binding nature of that judgment [a reference to *Abu Zubaydah*]”.⁷ It recommended, *inter alia*, that the pre-trial investigation be completed “within a reasonable time”.⁸

- c) The Concluding Observations of the UN Committee against Torture dated 21 December 2021⁹ recalled its own previous concluding observations in relation to the same case, and those of the Human Rights Committee and Committee on Enforced Disappearances (already mentioned above), and stated:

“...the Committee regrets the lack of significant progress in the investigation of the alleged instances of extraordinary rendition, secret detention, torture and ill-treatment under the extraordinary rendition and secret detention programme carried out by the United States Central Intelligence Agency in the State party, in particular in relation to Abu Zubaydah and Mustafa Ahmed al-Hawsawi. The Committee notes that, notwithstanding the findings of the European Court of Human Rights in the case of *Abu Zubaydah v. Lithuania* and the execution process currently ongoing in relation to the judgment, no tangible results have been achieved thus far in identifying those responsible and bringing perpetrators to justice...”¹⁰

In the light of this the Committee again urged Lithuania to “complete the investigation within a reasonable time and hold perpetrators to account, ensuring transparency and a sufficient degree of public scrutiny of the process, as well as providing appropriate redress and reparation to victims”.¹¹

12. Our most recent submission to UN bodies was made in June 2024 to the UN Committee against Torture, following up on their Concluding Observations cited above. This submission is attached at **Annex I**, and the issues raised will be considered at the Committee’s imminent review of Lithuania, due to take place in their forthcoming session between 28 October-22 November 2024.
13. The Court’s reiteration in its 2024 *Al-Hawsawi v. Lithuania* judgment, echoing the earlier conclusions in *Abu Zubaydah*, further highlights the persistent ineffectiveness and delays. Once again, the Court found that Lithuania had “failed to comply with the requirements of an ‘effective and thorough’ investigation” and ordered the State to take “all necessary steps to reactivate and advance the still pending criminal investigation”.¹² It also emphasised the need for the investigation to be carried with expedition and conclude promptly, once the full circumstances of the Applicant’s

⁶ Ibid, para. 23.

⁷ Ibid, para. 23.

⁸ Ibid, para. 24.

⁹ Committee against Torture, *Concluding observations on the fourth periodic report of Lithuania*, 21 December 2021, CAT/C/LTU/CO/4.

¹⁰ Ibid, para. 19.

¹¹ Ibid, para. 20.

¹² *Al-Hawsawi*, para 279.

detention, treatment, and transfer from Lithuania are clarified, allowing for the identification and accountability of those responsible.

14. Lithuanian authorities have neither acknowledged the Court's factual findings nor effectively investigated the allegations. To date, Mr al-Hawsawi remains without information regarding his ill-treatment, and the investigation remains opaque (see below, 'Denial of victim status and lack of public scrutiny').
15. Notably, Lithuania's approach to the investigation has been unduly narrow, failing to address the responsibility of its own officials for the conduct alleged. A simple analysis of the State's Action Plans, addendums, and updates clearly reveals a stark lack of substantive progress and ongoing secrecy, raising serious concerns about Lithuania's commitment and willingness to investigate these violations.
16. Lithuania has consistently failed to provide details on the investigation, including the precise steps taken (or when they were taken), evidence collected, and a likely timescale for any further investigations. For instance, in its Updated Action Plan of 24 January 2020, Lithuania broadly referenced the questioning of witnesses "to investigate the possible inquiries for the arrangement of provision of medical assistance issue indicated in the 2014 US Senate Committee Report" and the inclusion of closed hearing records from the ECtHR into the investigation.¹³ However, this submission is vague and fails to specify when these steps occurred, what evidence was obtained, and what further measures are needed to advance the investigation. The repeated use of generic terms without any real progress appears more like a procedural formality than a genuine attempt to seek accountability. In fact, this lack of specificity was one of the issues highlighted by the Court in *Al-Hawsawi v Lithuania* when recognising the continuous failure of Lithuanian authorities to investigate properly.
17. The Court also underlined in its judgment that, unlike in *Abu Zubaydah*, Mr al-Hawsawi's

"...name and his presence at Detention Site Violet are explicitly mentioned in one of the most credible sources of knowledge of the CIA rendition operations, namely the 2014 US Senate Committee Report which disclosed (albeit in a heavily redacted form) the circumstances surrounding the secret detention, torture and ill-treatment of the principal High-Value Detainees. In particular, the report relates the refusal of 'officers' of the country hosting Detention Site Violet 'to admit CIA detainee Mustafa Ahmad al-Hawsawi to a local hospital despite earlier discussions with country representatives about how a detainee's medical emergency would be handled'." ¹⁴
18. It is hardly imaginable that Lithuanian representatives who coordinated these details with the CIA cannot still be identified by Lithuania, i.e. by their own government, given that the redacted Senate Committee Report has been publicly available for nearly 10 years. As the Court pointed out:

"...no explanation had been given [by the government] as to why substantial progress could not have been made in Lithuania itself in relation to the

¹³ 1369th meeting (March 2020) (DH) - Updated action plan (02/01/2020) - Communication from Lithuania concerning the case of *Abu Zubaydah v. Lithuania* (Application No. 46454/11) [Anglais uniquement] [DH-DD(2020)6]

¹⁴ *Al-Hawsawi*, para 151.

knowledge, conduct and actions or omissions of Lithuanian officials. These matters had been the subject of the *Seimas* inquiry and other investigations to which the Court had referred in *Abu Zubaydah*.¹⁵

19. It is noteworthy that the *Seimas* inquiry's investigations in Lithuania ended in 2010,¹⁶ well before much of the currently available evidence had been published (particularly the evidence derived from the analysis of the 2014 US Senate Commission Report).
20. In more recent updates, the Lithuanian government continues to rely on the complexity of the investigation, the need for evidence from foreign jurisdictions, and the confidentiality of proceedings. The government persistently invokes the US' refusal to cooperate to justify its lack of progress, with these legal assistance efforts being presented as though they alone suffice as evidence of investigative attempts.
21. This is evident in the State's communication of June 2023, which simply refers to requests for international cooperation and claims that "no tangible results have been achieved", potentially due to issues of national security, intelligence, or state secrets".¹⁷ Yet, it again fails to identify any significant steps taken to investigate its own authorities' involvement in the CIA rendition program, and overlooks the fact that most relevant evidence in that regard would lie within its own institutions. The Court's 2024 judgment reaffirmed that the lack of US cooperation "cannot justify the apparent lack of any substantial progress in the investigation...".¹⁸
22. At the time of writing of this submission, no specific action plan has been published in relation to *Al-Hawsawi* (we will provide a supplementary submission if an action plan is provided in due course). The latest State update on *Abu Zubaydah* was published on 14 October 2024,¹⁹ but adds little to the previously available information, merely reporting on a general 'experience sharing' meeting with the Polish authorities in March 2024, committing itself to "continue [its] efforts with a view to advance the pre-trial investigation", and continuing to blame lack of progress on "the challenges where the main evidence is in the possession of foreign jurisdictions".
23. The lack of progress in the investigation over many years stands in stark contrast to Lithuania's recent declaration of its firm commitment to "human rights and the rule of law", including a commitment to the implementation of the ECtHR's judgments, as it assumes the presidency of the Committee of Ministers.²⁰ In terms of this

¹⁵ Ibid., para 172. See also paras 188-195.

¹⁶ *Abu Zubaydah*, para 174.

¹⁷ 1475th meeting (September 2023) (DH) - Rule 8.2a - Communication from the authorities (15/06/2023) concerning the case of *Abu Zubaydah v. Lithuania* (Application No. 46454/11) [Anglais uniquement] [DH-DD(2023)734]

¹⁸ *Al-Hawsawi*, para 192.

¹⁹ 1514th Meeting (December 2024) (DH) Communication from the authorities (10/10/2024) concerning the group of cases *Abu Zubaydah v. Lithuania* (Application No. 46454/11) [DH-DD(2024)1142]

²⁰ Ministers' Deputies, *Priorities of the Lithuanian Presidency of the Committee of Ministers of the Council of Europe (17 May – 13 November 2024)*, CM/Inf(2024)9-add, 21 May 2024, available at: [https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%220900001680afb6b5%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%220900001680afb6b5%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

investigation, we have not yet detected any signs that the State's rhetoric will be translated into reality.

Denial of victim status to the applicant and lack of public scrutiny

24. Throughout the investigation, the Applicant has requested Lithuanian authorities to grant him victim status, a critical step that would allow him formal recognition and some form of participation in the investigation through his legal representatives. However, his requests have been consistently rejected, without an adequate legal justification. The lack of the Applicant's recognition as victim in the domestic investigation was one of the issues noted by the Court when recognising Lithuania's failure to conduct an effective and thorough investigation.
25. A positive step forward, one that would signal the Lithuanian government's goodwill and commitment to fulfil its obligations and implement the judgment, would be the formal recognition of Mr al-Hawsawi as a victim in the investigation.
26. However, despite a renewed request in 2024 following the Court's ruling, Lithuanian authorities have once again denied the Applicant this status, claiming that the ECtHR's decision and its actual findings do not provide sufficient basis to recognise the Applicant as a victim in the domestic investigation (see **Annex II – Order to Reject the Application** (English translation)).
27. The prosecutor's decision asserts that "the national pre-trial investigation and the proceedings in the international court are not identical: the issue of state responsibility for a possible violation of the international convention is decided at the ECtHR, while the pre-trial investigation is carried out in order to reveal the criminal acts that may have been committed in the national law", and refers to an alleged lack of evidence to suggest that the Applicant has suffered the violations claimed. The decision states:

"No factual evidence has been obtained which satisfies the evidentiary requirements laid down by the CPC, on the basis of which it would be established that Mustafa al Hawsawi was imprisoned in the territory of the Republic of Lithuania and that he had suffered physical, material or non-pecuniary damage, at this stage of the pre-trial investigation, so that there are no grounds for declaring Mustafa al Hawsawi a victim under Part 1, Article 28 of the CPC" (Annex II).
28. This refusal is deeply troubling, especially in light of the Court's judgment, which recognised Lithuania's responsibility for facilitating Mr al-Hawsawi's unlawful detention and ill-treatment in its territory and subsequent transfer to another facility which exposed him to further risks. By denying the Applicant victim status, the Lithuanian authorities are effectively questioning the determination of facts made by the Court. This decision not only undermines the authority of the Court's ruling but also reinforces a broader pattern of Lithuania's secrecy surrounding the investigation, again raising further doubts about the government's willingness to fully comply with the Court's judgment. Again, this calls into question Lithuania's rhetoric about a commitment to "human rights and the rule of law", and its respect for ECtHR judgments, not to mention the implementation of the *Al-Hawsawi* judgment in particular.
29. The lack of transparency in the investigation also remains a significant concern. As noted above, Lithuania's failure to inform on the progress of the investigation

prevents the necessary public scrutiny characteristic of an effective investigation. As noted by the Court,

“...the importance and gravity of the issues involved require particularly intense public scrutiny of the investigation. The Lithuanian public have a legitimate interest in being informed of the criminal proceedings and their results. It therefore falls to the national authorities to ensure that without compromising national security, a sufficient degree of public scrutiny is maintained with respect to the investigation”.²¹

Assurances from the United States

30. The ECtHR ordered Lithuania to seek “assurances from the US authorities that [the Applicant] will not be subjected to the death penalty”;²² and to make “further representations to the US authorities with a view to removing or, at the very least seeking to limit, as far as possible, the effects of the above Convention violations suffered by the applicant”.²³ These orders stem from Lithuania’s responsibility under the European Convention to mitigate the ongoing consequences of the violations the Applicant has endured.
31. We respectfully request the Committee of Ministers to call upon Lithuania to make immediate, significant, effective, and sustained efforts to secure these assurances. Given the continued risk of the death penalty faced by Mr al-Hawsawi and the long-term and ongoing impacts of the violations,²⁴ it is essential that such representations be made promptly and effectively.
32. We had hoped to provide up-to-date information in this submission regarding Mr al-Hawsawi’s current detention conditions, well-being, and ongoing medical issues. However, Mr al-Hawsawi continues to be detained in conditions which have left him largely isolated from the outside world and which involve very stringent restrictions on his ability to communicate with lawyers. Consequently, we are not able to seek up-to-date instructions on such issues from Mr al-Hawsawi directly, and it has not proved possible to obtain a recent update from other sources. As far as we are aware, the following continue to contain an accurate summary of the position:
 - a) Restrictions on information about the applicant’s secret detention and his communication with the outside world – see *Al-Hawsawi*, paras. 56-57;
 - b) Present detention conditions – see *Al-Hawsawi*, paras. 77-78;
 - c) Psychological and physical effects of the HVD Programme on the Applicant – see *Al-Hawsawi*, paras. 82-83.
33. Regarding the issue of the death penalty in the US military commission proceedings, it was announced on 31 July 2024 that a plea deal had been reached after two years of negotiations with the prosecutors, which would have removed the death penalty risk for Mr al-Hawsawi. However, just two days later, this agreement was revoked by the US Secretary of Defense, in an alarming instance of political interference in ongoing legal proceedings.²⁵ This recent development underscores the vital

²¹ *Al-Hawsawi*, para 195.

²² *Ibid*, para 276.

²³ *Ibid*, para 277.

²⁴ As summarised in *Al-Hawsawi*, paras 82-83.

²⁵ REDRESS, [Accused in Guantánamo case may still face the death penalty](#), 1 August 2024.

importance and urgency of Lithuania's efforts to seek assurances from US authorities to remove the risk of the death penalty for the applicant.

34. Regarding fair trial violations, the Court found Lithuania responsible for breaching Article 6 of the Convention due to the State's "cooperation and assistance in the applicant's transfer from its territory, despite a real and foreseeable risk that he could face a flagrant denial of justice in the US proceedings".²⁶ The Court was also explicit about the non-admissibility of torture-tainted evidence, noting that "it would... be a flagrant denial of justice if such evidence were admitted in a criminal trial".²⁷ By facilitating Mr al-Hawsawi's transfer while being aware of the risk of such violations and effects – including the use of torture-tainted evidence – Lithuania has a duty to address this issue.

Payment of Just Satisfaction

35. The payment of damages and costs by the Lithuanian government has been completed.²⁸ We appreciate the cooperation of the Lithuanian authorities in this regard.

CONCLUSION

36. This submission:
- a) underscores Lithuania's persistent failure to conduct an effective and thorough investigation or hold accountable those responsible for severe human rights violations under the European Convention, particularly in the context of unlawful detention, ill-treatment, and rendition of the applicant and other CIA detainees, and
 - b) emphasises the urgent need for Lithuania to actively and effectively seek assurances from the US to
 - i) prevent the imposition of the death penalty on Mr al-Hawsawi, and
 - ii) mitigate the effects of the violations endured by him, as he continues to suffer from their long-term, lasting impact.

RECOMMENDATIONS

Recommendations regarding the domestic investigation

37. In light of the broader pattern across Europe of unwillingness to investigate CIA rendition cases, we respectfully request the Committee of Ministers to reinforce its supervisory role by adopting the most decisive measures possible in order to reflect the gravity of the violations, the urgent need for accountability, and the long-standing failures to achieve accountability despite two ECtHR judgments against the same State and this Committee's efforts over several years to secure an effective investigation.
38. Specifically, we encourage the Committee of Ministers to urge Lithuanian authorities to ensure that the pending criminal investigation:

²⁶ *Al-Hawsawi*, para 250.

²⁷ *Ibid*, para 247.

²⁸ We are satisfied that the full amount of damages was transferred by Lithuania destined to be received by a nominated representative of the Applicant, although the amount eventually received by that nominated representative was less than the full amount sent. It appears likely that this was the result of transfer charges being incurred which were outside of the control of the government.

- a) Is undertaken within a reasonable time, considering that nearly two decades have passed since Mr al-Hawsawi was secretly detained in Lithuania and rendered;
- b) Is undertaken in compliance with Chapter III of the Istanbul Protocol (2022),²⁹ and in this context Lithuania should submit an updated investigation plan, which should not be limited to legal assistance requests to the US or other States;
- c) Allows for independent legal representation of Mr al-Hawsawi as an interested party in the investigation (at the expense of Lithuania), whether by granting him victim status or otherwise;
- d) Provides Mr al-Hawsawi (via his Legal Representatives at REDRESS) with the information envisaged in the Istanbul Protocol Chapter III, paragraph 208, which includes, for example, regular updates on the investigation (“particularly following interviews and examinations”), key hearings, and any arrests;
- e) Is carried out with transparency, allowing for the necessary public scrutiny.

Recommendations regarding representations to the US

39. We respectfully request the Committee of Ministers to urge the Lithuanian government to:
- a) Immediately and effectively seek assurances from the US authorities to prevent the imposition of the death penalty on Mr al-Hawsawi;
 - b) Invite the US Permanent Representative to the Council of Europe to participate when the case is orally debated;
 - c) Actively make representations to the US authorities to
 - i) Seek the exclusion of any torture-tainted evidence in the ongoing proceedings against Mr al-Hawsawi;
 - ii) End his arbitrary detention, and meanwhile:
 - (1) Ensure his detention conditions comply with basic minimum international standards (for example, the UN Standard Minimum Rules for the Treatment of Prisoners, the ‘Nelson Mandela Rules’³⁰); and
 - (2) Ensure that he has consistent access to appropriate medical care (in accordance with the same standards).

²⁹ UN OHCHR, *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Professional Training Series No. 8, Rev. 2* (‘the Istanbul Protocol’), 2022, HR/P/PT/8/Rev. 2, Chapter III, paras 191-237.

³⁰ Available here: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf