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EXECUTIVE DIRECTOR

James A. Goldston

Bundeskanzleramt
Bundeskanzlerin
Angela Merkel
Willy-Brandt-Straße 1
10557 Berlin

May 11, 2010

Dear Chancellor Merkel,

We write to request your assistance in the case of *El-Masri v. Macedonia*, an application currently pending before the European Court of Human Rights. The application challenges the Macedonian government's role in the "extraordinary rendition" of Mr. Khaled El-Masri by the United States government. We are counsel for Mr. El-Masri in this case.

As you are no doubt aware, Mr El-Masri, a German citizen, was seized and detained in Macedonia for twenty-three days, and subsequently transferred by plane to Afghanistan, where he was detained for four months in United States custody.

On December 6, 2005, you made a statement after meeting with then-U.S. Secretary of State Condoleezza Rice that the United States had "admitted" that Mr. El-Masri had been "erroneously taken." Official inquiries by the Bundestag, the Council of Europe, and the European Union have also concluded that the United States government was involved in his transfer based on flight records and other evidence.

The Open Society Justice Initiative is a joint initiative of Open Society Institute, New York and Open Society Institute, Budapest.

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Yet, the United States government has still never publicly acknowledged its involvement in Mr. El-Masri's case. Indeed, since your meeting with Secretary of State Rice, senior U.S. officials have denied that they confirmed that Mr. El-Masri had been "erroneously taken." In addition, the United States government sought and obtained dismissal of Mr. El-Masri's U.S. lawsuit on the grounds that the "state secrets privilege" precluded litigation of his claims.

It is very difficult for Mr. El Masri to move forward with his life in the absence of a public acknowledgement of what happened to him. Indeed, one of his primary motivations in bringing his case to the European Court is to obtain some vindication of the facts.

On behalf of Mr. El-Masri, we invite you to confirm that the United States government admitted to you that it had "erroneously taken" Mr. El-Masri. In addition, in the interests of protecting the rights of a German citizen, we invite your government to consider intervening as a third party in proceedings relating to Mr. El-Masri's case before the European Court of Human Rights if given the opportunity to do so by the Court.

Sincerely,



James Goldston
Executive Director
Open Society Justice Initiative

Amrit Singh
Senior Legal Officer
Open Society Justice Initiative