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EXECUTIVE DIRECTOR

James A. Goldston

Secretary of State Hillary Clinton
U.S. Department of State
2201 C Street NW
Washington, DC 20520

May 11, 2010

Dear Secretary Clinton,

We write to request your assistance in the case of *El-Masri v. Macedonia*, a lawsuit currently pending before the European Court of Human Rights. The suit 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, German Chancellor Angela Merkel stated after meeting with 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 Council of Europe, the European Union, and the Bundestag have also concluded that the United States government was involved in his transfer based on flight records and other evidence.

Yet, the United States government has never publicly acknowledged its involvement in Mr. El-Masri's case. Following Chancellor Merkel's statements in 2005, senior U.S. officials denied that the administration had admitted to her that Mr. El-Masri had been "erroneously taken." In addition, over 2006 and 2007, the United States

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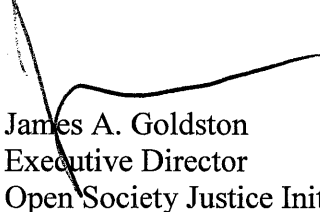
government sought and obtained dismissal of Mr. El-Masri's U.S. lawsuit on the grounds that the "state secrets privilege" precluded litigation of his claims.

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 therefore invite you to publicly confirm that the United States government had "erroneously taken" Mr. El-Masri. In addition, we ask that the United States, as an observer state of the Council of Europe, provide any assistance that might be sought of it by the European Court of Human Rights in its consideration of Mr. El-Masri's case.

We are available to meet with you in person to discuss this request. We look forward to hearing from you at your earliest convenience.

Sincerely,



James A. Goldston
Executive Director
Open Society Justice Initiative

Amrit Singh
Senior Legal Officer
Open Society Justice Initiative

cc: Eric Holder
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