



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIRST SECTION

Application no. 344/26
Ramzi BIN-AL-SHIBH against Poland
lodged on 27 December 2025
communicated on 26 August 2026

SUBJECT MATTER OF THE CASE

The application concerns the arbitrary detention of the applicant, and torture and ill-treatment, to which he was allegedly subjected in Poland during the extraordinary rendition operations by the United States authorities.

The applicant complains that he was detained at the CIA secret detention facility in Stare Kiejkuty, Poland, between December 2002 and September 2003. His detention largely overlapped with the periods of detention of Mr Al Nashiri and Mr Abu Zubaydah (see judgments *Al Nashiri v. Poland*, no. 28761/11, 24 July 2014 and *Husayn (Abu Zubaydah) v. Poland*, no. 7511/13, 24 July 2014).

The applicant is currently detained at the Naval Station Guantánamo Bay.

On 11 March 2008 the Krakow Regional Prosecutor opened a criminal investigation against unknown persons concerning secret CIA detention facilities in Poland (current case file no. 2004-5.Ds.12.2025).

On 30 December 2015 the prosecutor decided to discontinue allegations related to the alleged responsibility of some Polish officials as time-barred. That decision is classified and was not notified to the applicant.

On 30 November 2020 the prosecutor decided to discontinue other allegations against various officers of the Polish Intelligence Agency. That decision was subsequently upheld by the Warsaw District Court. The reasoning of both decisions is classified, and they were not notified to the applicant.

In their 2025 request for legal assistance sent to the US authorities, the prosecutor in particular inquired whether the applicant had been detained in Poland and whether the enhanced interrogation techniques had been used on him.

In 2025 the applicant's representatives were granted access to the files of the Polish investigation case for the first time (including the classified part). They were however not permitted to take pictures or make copies of any documents.

The applicant alleges a violation of Article 3 of the Convention in its substantive aspect in that Poland consented and acquiesced in his torture by the CIA Agents during his arbitrary detention at the Stare Kiejkuty secret detention facility, as part of the CIA Rendition Programme. Poland also failed to take measures to prevent his torture and ill-treatment on its territory and to prevent his rendition from its territory to another CIA secret detention facility, where he was exposed to further torture and inhuman or degrading treatment.

He also alleges a violation of Article 3 of the Convention in its procedural aspect claiming that Poland failed to carry out an effective investigation into the applicant's allegation of serious violations of his Convention rights. The investigation lacked the requisite transparency, was not prompt, adequate or thorough, and did not allow the applicant – as a victim – to participate in the proceedings.

Under Article 5 of the Convention the applicant complains that he was arbitrarily detained and that Poland permitted and/or enabled to establish a secret detention facility, facilitated the US authorities to render the applicant to and from Poland, to detain him secretly and to transfer him to further arbitrary detention.

Under Article 8 of the Convention the applicant complains that by permitting the CIA to hold him in a secret detention facility on its territory and by facilitating his transfer, Poland enabled to subject him to physical abuse and to deprive him of any contact with his family. It constituted an interference with his moral and physical integrity and his right to private and family life.

He also submits that, in breach of its obligations under Article 6 of the Convention, Poland cooperated and assisted in his transfer from its territory, in circumstances where the authorities knew – or ought to have known – that there was a real and serious risk that he would be transferred to a jurisdiction where he would be subjected to a flagrant denial of justice.

Invoking Articles 2 and 3 of the Convention, read together with Article 1 of Protocol No. 6 to the Convention, the applicant complains that Poland knowingly enabled his transfer from its territory to other CIA-run detention facilities, despite that there were substantial grounds for believing that there was a real and serious risk that he would be subjected to the death penalty.

Lastly, the applicant alleges a breach of Article 13 alone and in conjunction with Articles 3, 5 and 8 of the Convention due to Poland's failure

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to grant him victim status and carry out an effective, prompt and thorough investigation into his allegations. Allegations against state officials were severed to other proceedings and subsequently discontinued on application of statute of limitations. The applicant was never notified of those decisions.

QUESTIONS TO THE PARTIES

Articles 3 (substantive aspect), 5 and 8 of the Convention

1. Have the Polish authorities been responsible for a violation of the applicant's rights under Article 3 (substantive aspect), Article 5 and Article 8 of the Convention on account of:

(a) allegedly enabling the CIA to transfer the applicant to Poland and to detain him on their territory secretly, torture and ill-treat him, deprive him of contact with the outside world and his family, and subject him to various forms of mental and physical abuse; and

(b) allegedly enabling the CIA to transfer the applicant from Poland, in spite of a serious risk that he would be subjected to further torture, ill-treatment, unacknowledged, incommunicado detention, deprived of contact with the outside world and his family, and subjected to further mental and physical abuse in CIA custody?

Article 3 of the Convention (procedural aspect)

2. Have the Polish authorities complied with the standards of an "effective and thorough" investigation for the purposes of Article 3 of the Convention in respect of the applicant's allegations of torture, ill-treatment, secret incommunicado detention and mental and physical abuse?

Article 6 of the Convention

3. Have the Polish authorities been responsible for a violation of the applicant's rights under Article 6 of the Convention on account of allegedly enabling the CIA to transfer the applicant from Poland to a jurisdiction where he faced a serious risk of receiving a flagrantly unfair trial?

Articles 2 and 3 of the Convention and Article 1 of Protocol No. 6 to the Convention

4. Have the Polish authorities been responsible for a violation of the applicant's rights under Articles 2 and 3 of the Convention and Article 1 of Protocol No. 6 to the Convention on account of allegedly enabling the CIA to transfer the applicant from Poland to a jurisdiction where he faced a serious risk of the death penalty?

Article 13 in conjunction with Articles 3, 5 and 8 of the Convention

5. Has the applicant had an "effective remedy" for the purposes of Article 13 of the Convention in respect of the alleged violation of his rights protected by Articles 3, 5 and 8 of the Convention?

As to the facts and documents

Was the applicant granted the status of victim in the investigation opened on 11 March 2008? The Government are invited to submit copies of documents concerning this pending criminal investigation.

In their replies to the above questions, the parties are asked to refer to the Court's judgments in *Al Nashiri v. Poland*, no. 28761/11, 24 July 2014, *Husayn (Abu Zubaydah) v. Poland*, no. 7511/13, 24 July 2014, *Al Nashiri v. Romania*, no. 33234/12, §§ 108-109, § 342, § 357, § 386 and §§ 502-503, 31 May 2018 and the 2014 US Senate Committee Report (point F, pages 87-93).