



NEW YORK
CITY BAR

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May 16, 2007

The Honorable Joseph Biden, Jr.
Chair of Senate Committee on Foreign Affairs
201 Russell Senate Office Building
Washington, DC 20510

The Honorable John Conyers, Jr.
Chair of House Judiciary Committee
2426 Rayburn House Office Building
Washington, DC 20515

The Honorable Tom Lantos
Chair of House Committee on Foreign Affairs
2413 Rayburn House Office Building
Washington, DC 20515

The Honorable Patrick Leahy
Chair of Senate Judiciary Committee
433 Russell Senate Office Building
Washington, DC 20510

Dear Chairmen Biden, Conyers, Lantos, and Leahy:

I write on behalf of the Association of the Bar of the City of New York (“the Association”). The Association¹ has taken a leading role in addressing human rights and civil liberties issues related to global counter-terrorism operations, including through the publication of a landmark report on the practice of “extraordinary renditions.” I urge you now to conduct a searching inquiry into the troubling case of a 24-year-old American citizen, Mr. Amir Mohamed Meshal, who has been held for almost three months in secret detention in Ethiopia.

Mr. Meshal’s case raises troubling questions about the involvement of U.S. government personnel in the unlawful detention of a citizen overseas. It also raises significant questions about whether the United States is outsourcing a U.S. citizen’s detention to Ethiopia in order to circumvent this nation’s laws and Constitution and evade accountability.

According to news reports and attorneys working with the Meshal family, Mr. Meshal was seized in late January 2007 near the Somalia-Kenya border, and detained in Kenya. News sources report that FBI agents interviewed Mr. Meshal while he was in custody in Nairobi. These sources also report that the agents threatened Mr. Meshal with torture and warned that he was in a “lawless country.”

¹ Founded in 1870, the Association is an independent non-governmental organization with a membership of more than 22,000 lawyers, judges, law professors and government officials, principally from New York City but also from throughout the United States and from 50 other countries.

On February 6, 2007, two FBI agents visited Mr. Meshal's father at his home in Tinton Falls, New Jersey, and informed him that Mr. Meshal was in custody in Kenya. That night the State Department called Mr. Meshal's father from Nairobi. The State Department officials confirmed that Mr. Meshal was in custody in Nairobi and stated that the Department was seeking to arrange Mr. Meshal's return to the United States as expeditiously as possible. Despite these assurances, on or around February 10, 2007, Mr. Meshal was illegally rendered from Kenya to Somalia. The State Department told Mr. Meshal that nothing further could be done. Approximately one week later, moreover, Mr. Meshal was taken to Ethiopia, where FBI agents again questioned him.

Mr. Meshal has now been detained in an Ethiopian prison for nearly three months without charge, without access to counsel, and without ability to contact his family. The International Committee for the Red Cross has requested access to Mr. Meshal, but its requests have been denied. The location of the prison where he is being held remains a secret.

On April 13, *The New York Times* and *Washington Post* reported that Mr. Meshal was brought from his secret jail to appear before a military tribunal in Addis Ababa. No formal charges were filed. On April 19, his Congressman, Rush Holt of New Jersey, informed Mr. Meshal's father that Mr. Meshal's return was imminent. Representative Holt reported that Mr. Meshal would be home by April 21 and even conveyed Mr. Meshal's flight information to the family. But Mr. Meshal never returned to the United States.

This case raises issues of first-order importance concerning the United States' compliance with the Constitution and human rights instruments that protect citizens and non-citizens. It merits your careful scrutiny through informed and thorough hearings to investigate what steps, if any, the United States Government is making to effect Mr. Meshal's return, and what role, if any, the United States had in Mr. Meshal's secretly rendition to Ethiopia.

I thank you in advance for your attention to this matter. This Association looks forward to supporting Congress' important work on these and other pressing issues.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barry Kamins".

Barry Kamins