



December 8, 2005

The Honorable Condoleezza Rice
Secretary of State
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Michael Chertoff
Secretary of Homeland Security
Department of Homeland Security
Washington, D.C. 20525

Dear Secretary Rice and Secretary Chertoff:

As counsel for Mr. Khaled El-Masri, a German citizen who was denied entry into the United States at Hartsfield International Airport in Atlanta on Saturday, December 3, 2005 without explanation, we write to confirm reports, and seek written assurances, that Mr. El-Masri will be permitted to enter the United States in the future without incident.

Mr. El-Masri, a German citizen, does not require a visa to enter the United States for temporary visits, and may rely upon the visa waiver program in such circumstances. When Mr. El-Masri attempted to enter the country on December 3, 2005, however, he was turned away without explanation. Mr. El-Masri was traveling to the United States in order to meet with his American lawyers, and to attend a news conference in Washington D.C. on December 6, 2005, announcing the filing of his lawsuit against George Tenet, the former Director of the Central Intelligence Agency, and others, for his abduction, detention, and mistreatment at the hands of agents of the CIA. In news reports, U.S. officials have confirmed that Mr. El-Masri was denied entry, but the reasons for the denial remain unclear. *See, e.g.,* Scott Shane, *German Held in Afghan Jail Files Lawsuit*, N.Y. TIMES, Dec. 7, 2005 at A25 (noting that United States Customs and Border Protection spokeswoman Kristi Clemens had “confirmed that Mr. [El-] Masri was denied entry” and that it was “based on information received from other American

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agencies”); Glenn Kessler, *Rice to Admit German’s Abduction Was an Error*, WASH. POST, Dec. 7, 2005 at A18 (reporting that Mr. El-Masri was “turned away because his name was on a Homeland Security watch list”).

Several media outlets have now reported, however, that the United States has assured the German government that Mr. El-Masri will be allowed entry into the United States in the future. *See, e.g.*, Glenn Kessler, *Rice to Admit German’s Abduction Was an Error*, WASH. POST, Dec. 7, 2005 at A18 (reporting that “[a] State Department official said Tuesday the United States had informed the German government that the problem had been resolved and [Mr. El-Masri] would be allowed to enter”); Saul Hudson and Mark Trevelyan, *U.S., Germany Differ on CIA Abduction Case*, REUTERS, Dec. 6, 2005 (quoting a senior State Department official as saying: “We assured the German government that if [Mr. El-Masri] did try to return to the United States he would be allowed in,” and that “[t]he issue has been resolved.”); Frank Davies and Warren P. Strobel, *German Citizen Held in Secret Prison Sues Ex-CIA Director*, KNIGHT RIDDER NEWSPAPERS, Dec. 6, 2005 (reporting that “[a] senior State Department official traveling with Rice said the department had told Germany . . . that [El-]Masri would be allowed into the United States if he wanted to come again); Pete Yost, GUARDIAN UNLIMITED, Dec. 6, 2005 (Associated Press story reporting that a senior State Department official said that the “United States has assured the German government that [El-]Masri will be allowed into the United States the next time he wants to enter”).

In light of these reports, we seek your prompt written assurances that Mr. El-Masri will be permitted to enter the country in the future without incident. Specifically, we seek assurances that Mr. El-Masri will be permitted to enter the country for temporary visits, and will not require a visa to do so, but rather, can continue to rely on the visa waiver program. Additionally, we seek your written assurances that any information about Mr. El-Masri that may prevent his entry into the country has been expunged from Department of State and/or Department of Homeland Security watch lists. We would appreciate your responding to this request as soon as possible and in any event no later than December 19, 2005.

Thank you in advance for your help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ann Beeson', with a long horizontal flourish extending to the right.

Ann Beeson
Ben Wizner
Melissa Goodman
American Civil Liberties Union
National Legal Department