

## **Declaration of Dr Sam Raphael, Co-Director of The Rendition Project**

I, Sam Raphael, a citizen of the United Kingdom, hereby declare that:

1. I am 38 years old and currently reside in London, United Kingdom.
2. I have prepared this declaration in conjunction with Communication No. 383/2010, in the matter between Mohammed Abdullah Saleh al-Asad and the Republic of Djibouti.
3. The purpose of my declaration is to set out my analysis of the available evidence regarding rendition flights to and from Djibouti, and to set this within the wider context of global rendition flights undertaken as part of the CIA's Rendition, Detention and Interrogation (RDI) programme. In doing so, I conclude that:
  - a. I have been able to identify the rendition circuit which transferred Mohammed al-Asad to secret detention in Afghanistan in January 2004 following his secret detention in Djibouti;
  - b. Djibouti played a key role in the RDI programme during 2003 and 2004;
  - c. I have been able to identify at least five other rendition circuits which transferred named prisoners to and from CIA secret detention in Afghanistan during 2003 and 2004, and which used Djiboutian territory as a key stopover.
4. Overall, my assessment of the available evidence confirms the centrality of Djibouti to the RDI programme.

### **Professional background and experience**

5. I am a Senior Lecturer in International Relations at the University of Westminster, United Kingdom.
6. I hold a Doctorate of Philosophy from the University of London, a Master of Arts from the University of London, and a Bachelor of Science from the University of London.
7. I have professionally researched and investigated the US Government's program of extraordinary rendition, secret detention and interrogation since 2010, as Co-Director of The Rendition Project.

### **The Rendition Project**

8. The Rendition Project is a unique collaboration between academics and human rights practitioners, which is focused on undertaking and publishing original research into the RDI programme. Our work is at the forefront of efforts to investigate and understand the use of rendition, secret detention and torture by the CIA and its allies in the "war on terror".
9. We have compiled a number of unique and powerful resources, including:
  - a. the most comprehensive account to date of the fate and whereabouts of each of those detained and tortured within the programme;<sup>1</sup>
  - b. the world's largest public database of rendition flights by CIA aircraft;<sup>2</sup>
  - c. detailed analysis of more than 60 renditions of individuals to secret detention and torture;<sup>3</sup>
  - d. material on the complex web of companies which helped operate a network of rendition aircraft and secret prisons.<sup>4</sup>
10. The extensive analysis provided by The Rendition Project is underpinned by an unrivalled body of primary material, such as prisoner testimonies, declassified documents, flight records, company invoices and court documents. Together, these help to build an unparalleled picture of the RDI programme, and are located in the same place for the first time.

---

<sup>1</sup> <<http://www.therenditionproject.org.uk/prisoners/index.html>>

<sup>2</sup> <<http://www.therenditionproject.org.uk/flights/flight-database.html>>

<sup>3</sup> <<http://www.therenditionproject.org.uk/flights/renditions/index.html>>

<sup>4</sup> <<http://www.therenditionproject.org.uk/flights/companies/index.html>>, and <<http://www.therenditionproject.org.uk/flights/aircraft/index.html>>

11. My analysis of the RDI programme has been cited as expert evidence in numerous locations, including: media articles;<sup>5</sup> the European Parliament;<sup>6</sup> evidence submitted to prosecutors in countries known to have hosted CIA ‘black sites’;<sup>7</sup> and evidence submitted in litigation at the European Court of Human Rights.<sup>8</sup>

### **The Rendition Project CIA Prisoner Database**

12. In December 2014, US Senate Select Committee on Intelligence (SSCI) published a heavily-redacted version of the 499-page executive summary to the *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* (SSCI report).
13. From January 2015 until present, The Rendition Project has joined forces with The Bureau of Investigative Journalism in order to establish the fate and whereabouts of the 119 CIA prisoners mentioned in the SSCI report.<sup>9</sup> This investigation has resulted in a number of publications.<sup>10</sup>
14. As part of this investigation, I have compiled and published a ground-breaking CIA Prisoner Database.<sup>11</sup> This database provides a summary of our analysis of, and sets out what is currently known about: prisoner nationalities; where and when each prisoner was captured; the duration of pre-CIA custody, before they were transferred to the CIA's secret prison network; the range of dates within which we know each prisoner was transferred to CIA custody; the duration of CIA detention; the range of dates within which we know that each prisoner was transferred out of CIA custody; and what happened to each prisoner after their time in CIA detention.
15. In addition, we have published detailed profiles of each of the 119 prisoners, setting out our analysis in full.<sup>12</sup>
16. Importantly, our analysis of details contained in the SSCI report, triangulated with a range of authoritative external sources, has allowed us to identify a clear date, or date range, within which each prisoner was transferred to CIA control as part of the RDI programme. We have also been able to identify a clear date, or date range, within which each prisoner was transferred out of CIA control.

### **The Rendition Project Flight Database**

17. I have created the world's largest and most comprehensive database of flight data in the public domain relating to aircraft associated with the RDI program. This database includes over 11,000 flights by more than 100 aircraft.<sup>13</sup>
18. I have collected the flight data from numerous authoritative sources, including: Eurocontrol (an official international organisation coordinating air travel in European airspace); the US Federal Aviation Administration (FAA); national civil aviation authorities of numerous states; parliamentary investigations at a national level; corporate invoices and other documentation submitted in the *Richmor Aviation v. Sportsflight Air* litigation;<sup>14</sup> and corporate invoices and other documentation obtained through investigation by Reprieve, and published jointly by The Rendition Project and Reprieve.
19. By bringing together flight data from numerous authoritative sources, and by linking individual flights into ‘flight circuits’, it has been possible to establish the fullest account to date of the movements of renditions aircraft around the world.

---

<sup>5</sup> E.g., Ian Cobain and James Ball, ‘New light shed on US government’s extraordinary rendition programme’, *The Guardian*, 22 May 2013; ‘Rendition flights claim to be investigated by Police Scotland’, *BBC News*, 5 June 2013.

<sup>6</sup> European Parliament, *Joint motion of a resolution on alleged transportation and illegal detention of prisoners in European countries by the CIA*, 2013/2702(RSP).

<sup>7</sup> REDRESS and Human Rights Monitoring Institute, *Request for an investigation concerning suspicion of criminal offences committed in Lithuania against Mr Mustafa al-Hawsawi*, 13 September 2013.

<sup>8</sup> In the case of *Abu Zubaydah v. Lithuania*.

<sup>9</sup> <https://www.thebureauinvestigates.com/category/projects/cia-torture/> and <https://www.thebureauinvestigates.com/2015/01/09/the-cia-torture-report-where-are-the-missing-detainees-the-bureau-launches-new-investigation/>

<sup>10</sup> E.g., <https://www.thebureauinvestigates.com/wp-content/uploads/2015/04/complete-v12.pdf>; <https://www.thebureauinvestigates.com/2015/10/14/revealed-cia-torture-black-sites-history-boom-bust/>

<sup>11</sup> <http://www.therenditionproject.org.uk/prisoners/data.html>

<sup>12</sup> <http://www.therenditionproject.org.uk/prisoners/search.html>

<sup>13</sup> <http://www.therenditionproject.org.uk/flights/index.html>

<sup>14</sup> See *Richmor Aviation Inc., v. Sportsflight Air, Inc.*, 918 N.Y.S.2d 806 (2011).

20. It is important to note that, for many of these circuits, each individual dataset comprising the database contains only partial records of an aircraft's movement. It has only been through the collation of multiple datasets, and a corresponding match with contracting paperwork to tie specific circuits to the RDI programme, that relevant and meaningful circuits have been reconstructed.
21. It is also important to note that the database does not include all legs of all rendition circuits. Much of the data I have gathered has come from North American and European authorities, meaning that I am able to track the movement of CIA aircraft through North American and European airspace much more easily than African and Asian airspace.
22. I have found it particularly difficult to access flight data from a number of countries which were heavily involved in the RDI programme, such as Djibouti, Pakistan, Syria and Iraq. However, by using flight data as just one tool, and triangulating this with other datasets – such as CIA cables referenced in the SSCI report and prisoner testimony – I have in many cases been able to fill in gaps which exist in the flight data record.

### **Identifying Specific Rendition Operations**

23. I have been able to identify specific rendition operations by comparing the findings in the CIA Prisoner Database – including our findings of when each prisoner was transferred into and out of the RDI programme – with an analysis of my Flights Database. Where a flight by a known rendition aircraft to a known secret prison location coincides with the known transfer dates of specific prisoners, this provides significant circumstantial evidence of a specific rendition operation.
24. Additional (non-flight data) information regarding the dates and locations of initial capture, the locations of specific detentions of each prisoner, and the dates of specific transfers, can in many cases provide significant support for the identification of specific rendition operations through an analysis of flight data.
25. Such evidence, triangulated in this manner, has been accepted by international courts as highly relevant in determining the complicity of particular states in the RDI programme. For example, in the case of *el-Masri v. the former Yugoslav Republic of Macedonia*, the European Court of Human Rights has found that flight data ‘enhanced the applicant’s credibility’ regarding allegations of secret detention in Macedonia and subsequent rendition from there to Afghanistan, and formed ‘prima facie evidence in favour of the applicant’s version of events.’<sup>15</sup> In the cases of *Abu Zubaydah v. Poland* and *al-Nashiri v. Poland*, the Court found that evidence drawn from flight data was ‘sufficiently convincing’ to place the applicants in Poland, and accepted that there was ‘no alternative explanation’ for the flight that had taken them there.<sup>16</sup>
26. As a result of this ongoing investigation, The Rendition Project has identified over 100 specific rendition operations. A number of these have been made public;<sup>17</sup> others are, as yet, unpublished.

### **Mohammed al-Asad’s rendition to CIA detention.**

27. I have been able to identify the rendition circuit which transferred Mohammed al-Asad to CIA secret detention in Afghanistan in January 2004. I have achieved this by matching what is known about the date he was transferred into the RDI programme with what is known about the movement of CIA aircraft during the same period.
28. I have determined that Mohammed al-Asad was transferred into CIA custody in Afghanistan at some point between 3-8 January 2004. He recalls being held in three separate sites after Djibouti, and I have determined that these include the site referred to in the SSCI report as DETENTION SITE COBALT from the end of January until 24 April 2004, and the site referred to in the SSCI report as DETENTION SITE ORANGE from 24 April 2004 – 5 May 2005.
29. Flight data documents a rendition circuit during this time by a known rendition aircraft: the Boeing 737 with registration number N313P. This aircraft left Washington, D.C., at 18:57 on 5 January 2004, and flew across the

---

<sup>15</sup> European Court of Human Rights, *Judgment: Case of el-Masri v. The Former Yugoslav Republic of Macedonia* (Application no. 39630/09), Strasbourg, 13 December 2012, para. 156-65.

<sup>16</sup> European Court of Human Rights, *Judgment: al-Nashiri v. Poland*, para. 405-15; *Judgment: Husayn (Abu Zubaydah) v. Poland*, para. 405-15.

<sup>17</sup> <http://www.therenditionproject.org.uk/flights/renditions/index.html>

Atlantic, landing in Frankfurt, Germany, at 02:30 on 6 January 2004. After 90 minutes stopover for refuelling, it then flew to Amman, Jordan, landing at 07:51 on 6 January 2004.

30. Between 6-8 January 2004, the aircraft disappears from the flight data for nearly 48 hours, reappearing again in Amman in the early hours of 8 January 2004.
31. From Amman, the aircraft flew to Kabul, Afghanistan, departing at 01:15 on 8 January and landing at 05:12 on the same day. I have identified that two further prisoners – Hassan bin Attash and Ali al-Hajj al-Sharqawi – were rendered from Jordan to Afghanistan on board this flight. Both men were detained by the CIA in Afghanistan for around four months, at DETENTION SITE COBALT, before being transferred to US military custody at Bagram Airbase in May 2004.
32. N313P then left Afghanistan at 07:28 on 8 January 2004, and flew back to Europe, landing in Prague, Czech Republic, at 13:46. As happened in a number of other rendition circuits, the rendition crew then had 24 hours’ “rest and relaxation” time in Prague, before flying back to the United States. The aircraft finally landed in Washington, D.C., at 23:52 on 9 January 2004.
33. Having carefully reviewed the flight records, the range and capacity of the aircraft, and the standard operating procedure for CIA rendition operations – where multiple prisoners were often transferred on board the same aircraft – it is my conclusion that N313P could easily have flown from Jordan to Djibouti and back to Jordan between 6-8 January 2004, and that this would fit with what is known about the ways in which CIA rendition operations took place.
34. The close overlap of the dates when Mohammed al-Asad, Hassan bin Attash and Ali al-Hajj al-Sharqawi were transferred into CIA detention, and the fact that all three men were held together in DETENTION SITE COBALT for a significant portion of their time in CIA detention, provides further indication that they were rendered on board the same aircraft.
35. Given the gap in the flight data which suggests a possible return flight from Jordan to Djibouti, and the very close overlap in dates with this flight and Mohammed al-Asad’s transfer to CIA custody in Afghanistan, it is my conclusion that al-Asad was transferred to Afghanistan on board N313P, with a stopover in Jordan *en route* for the rendition of Hassan bin Attash and Ali al-Hajj al-Sharqawi.

### **Djibouti’s wider role in the RDI programme**

36. The detention of Mohammed al-Asad in Djibouti, and his rendition from Djibouti to Afghanistan between 6-8 January 2004, should not be seen in isolation from the significant evidence that documents Djibouti’s central role in the CIA’s RDI programme during 2003 and 2004.
37. Having assessed the body of evidence at my disposal, it is clear that Djibouti was involved in the capture or initial interrogation of other prisoners subsequently transferred to CIA custody, and that Djiboutian territory was used on multiple occasions in rendition operations which transferred prisoners to and from CIA black sites in Afghanistan. I will outline a number of case studies below, in order to illustrate the wider involvement of Djibouti in the CIA programme during 2003 and 2004.

### ***Case Study A: Rendition of Suleiman Abdullah Salim, Djibouti-Afghanistan, March 2003***

38. Suleiman Abdullah Salim was the 48<sup>th</sup> prisoner to enter the RDI programme.<sup>18</sup>
39. Mr Salim’s own account suggests that he was captured in Mogadishu by agents from the CIA and the Kenyan National Intelligence Service on or around 15 March 2003. He was rendered to Kenya, where he was secretly detained for around eight days. Then, on or around 23 March 2003, he was transferred to the custody of US officials, who held him at the US airbase in Bossasso, Somalia, and then in Djibouti.<sup>19</sup> According to Mr Salim’s

---

<sup>18</sup> SSCI, p. 459. The name given by the SSCI report is “Suleiman Abdullah”

<sup>19</sup> Salim et al. v. Mitchell and Jessen, Complaint, 2:15-CV-286-JLQ, para 72-73. Available: <https://www.aclu.org/legal-document/salim-v-mitchell-complaint>

own account, he was then rendered from Djibouti to DETENTION SITE COBALT on or around 26 March 2003, where he was held and subjected to torture.<sup>20</sup>

40. Mr Salim's account fits with my analysis of CIA records, which show that Mr Salim was rendered into CIA custody at some point between 3-31 March 2003, and subjected to the CIA's "enhanced interrogation techniques".
41. Flight data I have analysed shows a flight from Djibouti to Afghanistan by a known rendition aircraft – a Gulfstream IV jet with registration number N63MU – between 27-28 March 2003. The aircraft left Washington, D.C., at 00:57 on 26 March 2003, flying to Dakar, Senegal, and arriving at 08:21 on 26 March. The aircraft flew on from Dakar to Nairobi, Kenya, landing in the evening of 26 March 2003.
42. The crew rested overnight in Nairobi, and then flew to Djibouti-Ambouli International Airport on the evening of 27 March 2003, landing at 21:42. The aircraft left Djibouti at 22:36 on 27 March 2003 and flew to Kabul, Afghanistan, landing 04:03 on 28 March 2003.
43. N63MU then began the return leg of its journey, flying to Frankfurt, Germany, in the morning of 28 March 2003, and returning to Washington D.C. on 29 March 2003.
44. Having reviewed the evidence in this case, it is my conclusion that Suleiman Abdullah Salim was subjected to CIA secret detention in Djibouti for some time between 23-27 March 2003, and then rendered from Djibouti to Afghanistan on 27 March 2003, where he was further detained and tortured at DETENTION SITE COBALT.

#### ***Case Study B: Rendition of Laid Saidi, Djibouti-Afghanistan, May 2003***

45. Laid Saidi was the 57<sup>th</sup> prisoner to enter the RDI programme.<sup>21</sup>
46. Laid Saidi's own account suggests that he was captured in Tanzania on 10 May 2003 by Tanzanian police officers. He was held for three days, before being driven to the Malawi border and handed over to Malawian and US agents. He was then held in a secret prison in Malawi for around a week, before being rendered to Afghanistan on 17-18 May 2003. His account of his subsequent secret detention and torture matches closely with other accounts of DETENTION SITE COBALT.<sup>22</sup>
47. Mr Saidi's account fits with my analysis of CIA records, which show that Mr Saidi was rendered into CIA custody at some point between 15-20 May 2003, and subjected to the CIA's "enhanced interrogation techniques".
48. Flight data I have analysed shows a known rendition aircraft – a Gulfstream V with registration number N379P – landing in Djibouti at 11:29 on 15 May 2003, and then departing Kabul, Afghanistan, at 13:15 on 19 May 2003. I do not currently have access to records of the aircraft's movement between Djibouti and Afghanistan. However, the aircraft had the capacity and range to fly from Djibouti to Malawi and then onto Afghanistan.
49. Having reviewed the evidence in this case, it is my conclusion that Laid Saidi was rendered from secret detention in Malawi to Afghanistan at some point 15-19 May 2003, where he was further detained and tortured at DETENTION SITE COBALT. His rendition was on board an aircraft which stopped for refuelling in Djibouti.

#### ***Case Study C: Rendition of Ali Saeed Awadh, Djibouti-Afghanistan, December 2003 and Afghanistan-Djibouti, June 2004***

50. Ali Saeed Awadh was the 90<sup>th</sup> prisoner to enter the RDI programme, where he was held for 170-179 days.<sup>23</sup> A number of CIA cables from DETENTION SITE COBALT, dated throughout January-May 2004, document the fact that Awadh was being held as a result of mistaken identity.<sup>24</sup>

---

<sup>20</sup> Salim et al. v. Mitchell and Jessen, Complaint, para 73.

<sup>21</sup> SSCI, p. 459. The name given by the SSCI report is "Laid Ben Dohman Saidi, aka Abu Hudhaifa"

<sup>22</sup> Craig Smith and Soud Mekhennet, 'Algerian Tells of Dark Term in US Hands', *The New York Times*, 7 July 2006. Available: <http://www.nytimes.com/2006/07/07/world/africa/07algeria.html>. Although Saidi does not provide the exact dates, he testifies that it was from Saturday night to Sunday morning. 17 May 2003 was the Saturday after his transfer to Malawi (on or around Tuesday 13 May 2003).

<sup>23</sup> SSCI, p. 460.

<sup>24</sup> Specifically, cables numbered 1871, 2022 and 2024.

51. Through an analysis of CIA records and other authoritative sources, I have determined that Ali Saeed Awadh was transferred to CIA custody at some point between 15-18 December 2003, and released at some point between 2-14 June 2004.
52. Flight data documents a flight circuit by a known rendition aircraft – a Gulfstream IV with registration number N85VM – between 15-18 December 2003. This circuit involved a direct flight from Djibouti to Afghanistan. The aircraft flew from Washington, D.C., to Madrid, Spain, and then onto Luxor, Egypt. From Egypt it flew to Djibouti, and then direct to Kabul, Afghanistan. Its return leg saw it stopover at Shannon, Ireland, before returning to Washington, D.C., landing 17:22 on 18 December 2003.
53. Flight data also documents a flight circuit by the same aircraft, between 11-15 June 2004, which included a direct flight from Afghanistan to Djibouti. The aircraft flew from Washington, D.C. to Shannon, Ireland, leaving at 23:54 on 11 June 2004 and landing at 06:05 on 12 June 2004. It then left Shannon at 07:09, and flew to Paphos, Cyprus, landing at 12:09 on 12 June 2004. From Paphos, the aircraft flew to Kabul, Afghanistan. Then, between 13-14 June 2004, the aircraft flew direct to Djibouti, before returning to Europe and landing in Palma de Mallorca. After 24 hours’ “rest and relaxation” for the renditions crew, the aircraft then flew back to Washington, D.C., landing in the morning of 15 June 2004.
54. Having reviewed CIA practice in several other cases, where prisoners deemed for release were returned to their country of origin or capture, and given the very close match between Mr Awadh’s transfer dates and the flight data, it is highly likely that the two flights between Djibouti and Afghanistan were rendition operations for this prisoner.
55. It is my conclusion that Ali Saeed Awadh was rendered from Djibouti to Afghanistan at some point 15-18 December 2003, where he was further detained at DETENTION SITE COBALT. After realising that they had the wrong individual in custody, the CIA rendered Awadh back to Djibouti at some point 11-15 June 2004.

***Case Study D: Rendition of Gouled Dourad, Djibouti-Afghanistan, March 2004***

56. Gouled Dourad was the 102<sup>nd</sup> prisoner to enter the RDI programme.<sup>25</sup> He was captured in Djibouti on 4 March 2004, and held and interrogated by Djiboutian authorities for a number of days. The CIA clearly had access to Mr Dourad while he was in Djiboutian custody.<sup>26</sup>
57. Through an analysis of CIA records and other authoritative sources, I have determined that Mr Dourad was rendered to CIA custody at some point between 10-16 March 2004.
58. Flight data documents a flight from Djibouti by the known rendition aircraft N8068V (previously registered as N379P), departing on 8 March 2004. The aircraft flew to Afghanistan, Morocco and then Guantánamo Bay, all destinations which held CIA secret prisons. Flight data suggests that the aircraft landed in Afghanistan on 9 March 2004, and Guantánamo Bay on 11 March 2004.
59. Having reviewed the evidence in this case, it is my conclusion that Gouled Dourad was captured, detained and interrogated by Djiboutian and CIA forces, before being rendered from Djibouti to Afghanistan, Morocco or Guantánamo Bay 10-11 March 2004, where he was further detained by the CIA.

Signed \_\_\_\_\_

Date \_\_\_\_\_

27/06/2016

<sup>25</sup> SSCI, p. 460. The name given by the SSCI report is Hassan Ahmed Guleed.

<sup>26</sup> SSCI, p. 339.