TORTURE FLIGHTS:
NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

SEPTEMBER, 2018
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“The use of torture compromises that which most distinguishes us from our enemies, our belief that all people, even captured enemies, possess basic human rights.” – Senator John McCain (1936 - 2018)
Frank Goldsmith (Co-Chair)

Frank Goldsmith is a mediator, arbitrator and former civil rights lawyer in the Asheville, NC area. Goldsmith has represented detainees imprisoned at the U.S. Naval Base at Guantánamo Bay, Cuba, and is the author of a chapter in a book entitled “Obama’s Guantánamo,” a collection of perspectives from 16 lawyers. Among other professional honors, Goldsmith was inducted as a Fellow of the American College of Trial Lawyers, and has served on the boards of directors of a number of legal organizations and nonprofit groups.

Robin Kirk (Co-Chair)

Robin Kirk is the Faculty Co-Chair of the Duke University Human Rights Center at the Franklin Humanities Institute and is a founding member of the Pauli Murray Project, an initiative of the center that seeks to examine the region’s past of slavery, segregation and continuing economic inequality. An author and human rights advocate, Kirk directs Duke’s Human Rights Certificate. She served as co-chair of the Durham City-County Reconciliation Commission and as a consultant to the Greensboro Truth and Reconciliation Commission.

James E. Coleman, Jr.

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David M. Crane

David M. Crane was the founding Chief Prosecutor of the Special Court for Sierra Leone, an international war crimes tribunal, appointed to that position by UN Secretary-General Kofi Annan. Crane’s mandate was to prosecute those who bore the greatest responsibility for war crimes during Sierra Leone’s civil war in the 1990s. He served more than 30 years in the U.S. federal government as a senior intelligence officer and special operations officer, and is a retired Professor at Syracuse University College of Law. He lives in western NC.

Jonathan Freeman

Jonathan Freeman is a fellow at the Truman National Security Project and an international consultant specializing on operations, strategy and political intelligence. He is a decorated combat veteran of Iraq and Afghanistan. Freeman has held appointments as the Deputy White House Liaison at the Department of Defense, and at USAID as the Senior Advisor in the Office of Civil Military Cooperation.

Patricia McGaffagan

Patricia McGaffagan worked as a psychologist for twenty five years at the Johnston County, NC Mental Health Center. She is currently employed by the Department of Health and Human Services. McGaffagan has lived in Johnston County since 1981 and has worked to establish several non-profit organizations. These include Harbor Inc., serving victims of domestic violence and rape; Habitat for Humanity; and the Johnston County Animal Protection League.

Jomana Qaddour

Jomana Qaddour is a doctoral student at Georgetown University Law Center and the co-founder of Syria Relief & Development, a humanitarian organization that has distributed over $50 million worth of humanitarian and emergency relief to Syrians in the region. Previously, she worked more than three years in the U.S. federal government as a senior intelligence officer and special operations officer, and is a retired Professor at Syracuse University College of Law. She lives in western NC.

Dr. Annie Sparrow

Dr. Sparrow is an intensivist and global-health specialist who provides public health expertise in many of the world’s most devastating combat zones. She is Assistant Professor at the Department of Population Health Sciences & Policy at the Icahn School of Medicine at Mount Sinai in New York City, where she teaches human rights and humanitarian aid in complex emergencies. Sparrow worked with Human Rights Watch as its first researcher with medical training in Darfur and Syria. She has testified before the International Criminal Court and the House Foreign Affairs Committee.

Colonel Lawrence Wilkerson (Ret.)

Lawrence Wilkerson’s last positions in government were as Secretary of State Colin Powell’s Chief of Staff (2002–05) and Associate Director of the State Department’s Policy Planning staff under the directorship of Ambassador Richard N. Haass. Previously, Wilkerson served 31 years in the U.S. Army. He is Distinguished Adjunct Professor of Government and Public Policy at the College of William & Mary.

Jennifer Daskal

Ms. Daskal is an Associate Professor of Law at American University Washington College of Law in Washington, DC, where she teaches and writes in the fields of criminal, national security, and constitutional law. From 2009–2011, Daskal was counsel to the Assistant Attorney General for National Security at the Department of Justice.
As I write this, our nation’s flags fly at half-mast and the late Senator John McCain is being honored at a memorial service attended by three former presidents at Washington’s National Cathedral. His relationship with torture was intimate, not only because he was a torture survivor, but also because in the experience of being tortured he came to realize the importance of the prohibition against cruelty to our nation’s character and global role. In his last book, The Restless Wave, written in contemplation of his own death, he addressed the reasons that impelled him so implacably and consistently to oppose the use of torture by the United States. He wrote:

“The moral values and integrity of our nation, and the long, difficult, fraught history of our efforts to uphold them at home and abroad, are the test of every American generation. Will we act in this world with respect for our founding conviction that all people have equal dignity in the eyes of God and should be accorded the same respect by the laws and governments of men? That is the most important question history ever asks of us. Answering in the affirmative by our action is the highest form of patriotism.”

When the United States tortured, we did so in direct violation of that “founding conviction.” But the evidence shows that we damaged the nation in other ways as well, and that the harm is not merely relegated to the past but continues to this day. Our use of torture and our failure to hold ourselves accountable for the crimes of torture continue to damage our national character, our laws and the rule of law, the fabric of human rights and international law, our foreign policy, and our national security.

This is the context in which this report by the North Carolina Commission of Inquiry on Torture, or NCCIT, must be understood. When those North Carolina citizens who established the Commission acted, they did so motivated by the understanding that the torture of even a few people violates the equal dignity of all, by the desire to step in and stand up when government had demonstrated that it could not be prodded or trusted to investigate its own wrongdoing, and to advance the principle of accountability without which all law is hollow. Above all, they determined that, to the degree that it was in their power, the state they loved would not be tainted by torture. This is indeed, as Senator McCain said, an example of “the highest form of patriotism.”

This seminal report, Torture Flights: North Carolina’s Role in the CIA Rendition and Torture Program, presents NCCIT’s investigatory findings on the issue of whether individuals or business entities located in the state of North Carolina, and acting out of its territory, participated in the U.S. Government’s CIA-led torture program during the George W. Bush administration. The sobering finding, amply documented in these pages, is that they did. The connection between North Carolina and the government-sponsored torture of the era is clear: aircraft operated by at least one local company, based at North Carolina airfields that were subsidized by North Carolina revenues and subject to a measure of North Carolina regulation, and flown by North Carolina pilots, were engaged in the transport of dozens of captive individuals to multiple foreign sites, some managed by government-sponsored torture of the era.

In the end, what did the NCCIT identify as the task ahead? In the Report’s Conclusion, the authors state: “we must fully account for what we did, identify the people responsible, hold them to account, and through these actions make vivid our vow that it will not happen again.” Just so. One can hardly find a more impressive example of citizens acting in accordance with their civic duties or in pursuit of a more important cause. Teddy Roosevelt and John McCain would approve. We all should.

Alberto Mora
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Former General Counsel, Department of the Navy 2001 - 2006

In the wake of the attacks of September 11, 2001, the U.S. government ushered in a large-scale program of secret detention and torture that relied significantly on the State of North Carolina. Six days after the attacks, President George W. Bush signed a covert memorandum that authorized the Central Intelligence Agency (CIA) to seize, detain, and interrogate suspected terrorists around the world. This report investigates North Carolina's role in that illegal program.

The program made use of Department of Defense facilities, a network of CIA-controlled secret prisons or black sites in six countries, and the facilities of foreign governments. In what was called the Rendition, Detention, and Interrogation (RDI) program, the CIA abducted and imprisoned at least 119 individuals before the practice was officially ended and repudiated by Executive Order in 2009. Given that detainees were also handed over to foreign governments, and the secrecy surrounding the program, the number of affected individuals is likely far higher.

Within weeks of the RDI program's authorization, Aero Contractors, Ltd. (Aero), based in Smithfield, NC, began operating the first of two aircraft for extraordinary, or rendition. Aero, contracted by an anonymous government agency, handed over to foreign governments, and the secrecy surrounding the program, the number of affected individuals is likely far higher.

Since 2005, North Carolina anti-torture activists from across the political spectrum have protested these actions. Motivated by diverse ethical and religious beliefs as well as a firm commitment to the rule of law: activists from North Carolina Stop Torture Now have joined with the North Carolina Council of Churches and many other allies. Citizens have pressured public officials at all levels of government to investigate the state's complicity in the CIA's illegal and immoral program.

Citizen-led activism culminated in 2015 in the creation of the North Carolina Commission of Inquiry on Torture (NC CIT), a non-governmental organization dedicated to transparency and accountability regarding the state's participation in U.S. torture. The NC CIT provides the most comprehensive research to date on North Carolina's complicity in the rendition phase of the RDI program. The Senate Select Committee on Intelligence "Torture Report," a redacted Executive Summary of which was released in 2014 while the full report remains classified, focused on the rendition and interrogation of detainees who were held in CIA custody. Torture Flights demonstrates that the program depended upon both North Carolina's private citizens and public infrastructure. Further, torture flights built on the Senate's work by addressing renditions themselves as an integral component of a system to break individuals down through violent interrogations. As the report details, Aero transported at least 49 individuals, who were forcibly seized without any due process, in a manner that itself amounted to torture and cruel, inhuman or degrading treatment. Preparation for "rendition" involved physical and sometimes sexual assault, drugging, and sensory deprivation. Rendition flights were experiences of prolonged pain, dread, and terror. The whereabouts of the individuals flown by Aero, who were citizens of 16 countries and included a 16-year-old student and a pregnant woman, were not disclosed, not even to their families. They were "disappeared" for months, if not years, causing agony to them and their loved ones. Even today, the fates of eight of those rendered by Aero remain unknown.

Many of the prisoners were taken to CIA 'black sites,' where they experienced beatings, prolonged stress positions, temperature extremes, long-term isolation, various water tortures, mock execution, and sexual abuse. In the absence of international law, the CIA transported some prisoners to foreign custody where they were subject to torture and abuse. Kidnapping, torture, and secret detention occurred without respect for victims' innocence or guilt and absent any legal process for them to contest their abductions.

Survivors of the RDI program and their families continue to suffer from these experiences: Torture and prolonged detention have left lasting physical, emotional, and social injuries. This in turn harms relationships and livelihoods, which then amplifies the psychological damage. To resume meaningful and secure lives, survivors need medical, psychological and social support, guaranteed legal status, and economic opportunity. This report also carefully considers the moral and legal responsibility of North Carolina for its involvement in CIA-sponsored activities. The federal government has international law obligations under both the Convention Against Torture and the International Covenant on Civil and Political Rights not only to prevent torture, but also to provide accountability and redress for torture. It did none of these and therefore has failed to meet its international obligations. Given that the federal government has abdicated responsibility, North Carolina can and should fill the gap. Its role as home to Aero is central in the CIA rendition and torture program is beyond dispute. But instead of holding Aero accountable, the State of North Carolina and Johnston County until now have effectively endorsed its activities. This support has taken the form of hosting the company's headquarters at the Johnston County Airport and providing it with various airport and other county services. Since Aero's participation in criminal abductions was publicly revealed, the State of North Carolina has made several grants to the county airport, at least one of which was specifically used to fortify the perimeter of only Aero's corner of the facility.

The recommendations seek to increase transparency about the program and accountability for the illegal actions; provide acknowledgment, redress and reparations to its victims; and prevent the future use of torture. As the report notes, additional research is also needed on the involvement of other North Carolina private corporations and public airports in extraordinary renditions in order to complete the record of the RDI program. At the broadest level, the goal is to ensure that neither the federal government nor the state of North Carolina engage in or support torture again.

Torture Flights concludes with specific recommendations directed at federal and state officials as well as toward North Carolina citizens, whose engagement has kept the spotlight on Aero's activities and whose continued attention is needed to ensure accountability. The recommendations seek to increase transparency about the program and accountability for the illegal actions; provide acknowledgment, redress and reparations to its victims; and prevent the future use of torture. As the report notes, additional research is also needed on the involvement of other North Carolina private corporations and public airports in extraordinary renditions in order to complete the record of the RDI program. At the broadest level, the goal is to ensure that neither the federal government nor the state of North Carolina engage in or support torture again.
CHAPTER 1 - THE U.S. GOVERNMENT’S RENDITION, DETENTION, AND INTERROGATION (RDI) PROGRAM

Post-9/11, the U.S. government (USG) used “extraordinary rendition” to secretly apprehend, detain, and transfer individuals suspected of terrorism to foreign custody for interrogation and/or to CIA custody in CIA-run prisons or “black sites.” From 2002-2008, the CIA held at least 119 detainees in ten CIA prisons in six country locations in the CIA detention and interrogation program.

These unlawful renditions were conducted with the authorization, facilitation, and participation of three main actors: the U.S. government, foreign states, and private actors. The U.S. government authorized and coordinated renditions through the use of “Rendition Teams,” which included medical personnel in order to monitor individuals throughout the rendition, complete a preliminary medical examination and cavity search, administer sedatives, and provide necessary medical care. Foreign states detained individuals and provided airport tarmac where they were prepared for transfer and/or airports and airspace for rendition flights. The CIA used two separate and parallel systems to transport detainees via private aircraft, the first of which involved the use of planes owned by CIA shell companies and operated by North Carolina-based Aerco Contractors, Limited (“Aerco”), in particular N379P and N313P.

- While some information on the CIA Rendition, Detention and Interrogation program (the RDI program) has been officially acknowledged — it was the subject of a 5,700-page study by the U.S. Senate Select Committee on Intelligence (SSCI) — the redacted summary of which was released in December 2014 — much remains unknown.

- In particular, because the SSCI study does not address rendition to foreign custody for interrogation, or torture by proxy, there is no official account of those victims who were sent to foreign custody and not subsequently returned to U.S. custody. As the SSCI study is focused at the federal level, it also does not examine in detail the critical roles of states or private companies, such as Aerco.

- Outside of the United States, the role of North Carolina and private entities in the rendition and torture program — and the illegality of their actions — have been in the public eye and under some degree of legal scrutiny. Prominent inquiries in the Council of Europe and European Parliament, as well as cases before the European Court of Human Rights, have highlighted the illegality of the CIA program and exposed the use of North Carolina-based rendition aircraft. Three cases have been submitted to African and Inter-American bodies involving individuals transported on N379P and N313P.

DOMESTICALLY, however, there has been a glaring lack of accountability. Investigations in the United States have been compromised (e.g. via CIA destruction of videotapes of detainee interrogations) and limited in scope. And cases involving individuals connected to Aerco-operated flights have not proceeded in U.S. courts due to claims of “state secrets”.

CHAPTER 2 - NORTH CAROLINA’S ROLE IN TORTURE - HOSTING AERO CONTRACTORS, LTD.

- Private companies were critical to the RDI program. From 2001 until 2004, Aerco operated two aircraft owned by a series of CIA shell companies — a Gulfstream V originally numbered N379P and a T73 Boeing Business jet originally numbered N313P — on behalf of the CIA. Aerco used two airports in North Carolina for these purposes: Johnston County Airport (JNX) in Smithfield, N.C. for N379P and Kinston Regional Jetport (located in the Global TransPark, a facility run by the state Global TransPark Authority) for N313P.

- Aerco Contractors, a private company closely associated with the CIA, operated aircraft for the rendition program that were registered and re-registered to a series of dummy corporations also connected to the CIA. Aerco supplied an estimated 40-50 pilots to fly the rendition missions, as well as other personnel for maintenance and administration of the aircraft.

- Aerco transported 49 individuals to interrogations in foreign custody and/or CIA custody in “black sites.” This includes 34 of the at least 119 individuals known to have been in direct CIA custody, and at least 15 more who were rendered by the CIA to foreign custody. In the period from September 2001 to March 2004, Aerco was responsible for over 80% of identified U.S. government renditions.

- In particular, the aircraft N379P is linked to 26 rendition circuits between October 2001 and March 2004, while the aircraft N313P was used for six rendition circuits between September 2003 and March 2004.

- State officials allowed construction of a hangar purpose-built for the rendition aircraft N313P. Even after Aerco’s role in the CIA program had come to light, local and state authorities continued to lease space to the company, provide public airport services and facilities for rendition flights, and provide grants to fortify the company’s perimeter at its airport headquarters. Local and state officials also have, to date, refused to investigate allegations of complicity by Aero Contractors in kidnapping and torture.

CHAPTER 3 - OTHER NORTH CAROLINA CONNECTIONS TO POST-9/11 U.S. TORTURE

- Available evidence suggests that Blackwater employees provided security on CIA secret detainee transportation flights during a period when Blackwater was headquartered in North Carolina.

- There is an unconfirmed suggestion that Centurion Aviation Services, an aviation company based in Fayetteville, North Carolina, participated in RDI. Since the NC CIT itself is unable to ascertain all the facts, we urge the North Carolina state government to investigate.

- Personnel at Fort Bragg, also in Fayetteville, were instrumental in the repurposing of techniques designed to protect American service personnel as techniques of torture.

- Units under the Joint Special Operations Command (JSOC), headquartered at Ft. Bragg, participated in activities constituting torture.

CHAPTER 4 - WHO WERE THOSE RENDERED BY AERCO CONTRACTORS?

- The NC CIT has compiled a database on the 49 prisoners known to have been transported for the CIA by Aerco. The database includes the key facts that could be identified such as nationality, country of capture, Aerco-operated rendition aircraft, flight legs, length and places of detention, current status, whether the detainee was ever charged with a crime and/or tried, and whether he or she has received restitution from any country. In addition, the NC CIT has obtained and published narratives on the cases of 37 of the 49 Aerco-rendered individuals.

- Those harmed by the RDI program were as young as 16 and as old as 56 at the time of their renditions. They came from countries around the world. They were held in CIA black sites, DoD facilities, and foreign proxy nations’ prisons. The one female was pregnant when she was seized, tortured, and rendered. Of the 49 prisoners, 13 remain in detention at Guantanamo; some for as many as 16 years and counting.

- At least four of the 49 prisoners have died, one while in detention. Those were killed post-detention, the first in a re-capture operation after his escape, the second in a U.S. drone strike, and the third in the conflict in Yemen. None of them received any acknowledgement or apology from the U.S. government for their wrongful capture and torture before they died, nor have their families been acknowledged.

- To date, neither the U.S. government nor its private partners have acknowledged in these detainees or their families, nor to any of the RDI victims and survivors, the involuntary abduction, detention without charge or trial, and torture to which it subjected them. Nor have the U.S. government and private companies such as Aerco provided any form of financial compensation or other redress.

CHAPTER 5 - RENDITION AS TORTURE

- The practice of rendition itself was designed as an integral part of the overall CIA RDI program of creating learned helplessness by subjecting the victim to psychological and physical coercion and total lack of control. From the moment a rendition train seized an individual, the system was aimed at creating terror, pain, dread, and uncertainty. The intent of rendition was to set the psychological stage for subsequent interrogation and detention.

- Beginning well before flights took off, rendition teams operating in complete silence deprived individuals of all control: holding them and covering their ears, stripping them naked, beating them, performing forced bodily cavity searches, shacking with painful ankle and wrist restraints, diapering, forcibly inserting anal suppositories and administering involuntary sedation. Prisoners experienced several of these techniques as sexual assault, and the flights themselves as potentially leading to their deaths. These renditions constituted torture and/or cruel, inhuman or degrading treatment.

- Despite U.S. assertions to the contrary, rendering individuals to foreign custody or CIA black sites violated the U.S.’s international legal obligations. These include the prohibition on torture and the duty of non-refoulement (the requirement not to deliver captives to a country where they are liable to be abused and/or tortured).

CHAPTER 6 - ONGOING CHALLENGES FOR SURVIVORS

- Upon arrival at black sites or foreign proxy prisons, the RDI program of physical and psychological torture unfolded further. In addition to blindfolding, hooding, and physical assault, detainees were held in solitary confinement and in constant darkness, deprived of indication of time or day, subjected to temperature extremes and sleep deprivation, and exposed to painfully loud music. They were stripped naked and shackled for consecutive
days, strong from the ceiling by their arms shackled behind the back, and forced into stress positions for prolonged periods. They suffered simulated drowning and other mock executions, prolonged isolation, threats of rape, anal “feeding” cigarette burns to the body, slashing with a sharp object, and fondling of genitals.

- The horrific ensemble of rendition, secret indefinite detention, and torture scarred victims deeply, often permanently. While in detention, several detainees attempted suicide, some multiple times. Survivors of RDI suffer long-lasting, even permanent, psychological effects. These consequences include PTSD: alternating between detachment and paranoia; difficulty interacting with and connecting to people, including family; and a “phobia of hope,” or a terror of thinking about the future.

- The impact of RDI on wives, siblings, parents, and children of victims is painful, and has touched entire communities. Former detainees face enormous challenges rebuilding family relationships and reintegrating into communities, including isolation in countries far from their places of origin, ongoing surveillance, and the suspicion that accompanies disappearance and unacknowledged secret imprisonment.

- Former RDI detainees continue to have severe difficulties. Many have struggled to obtain official identification documents, maintain housing, open a bank account, or find employment.

CHAPTER 7: COSTS AND CONSEQUENCES OF THE CIA’S TERROR AND RENDITION PROGRAM

- The U.S. government’s use of torture has undercut national security and hinders its ability to counter terrorism. It produced faulty intelligence that contributed to costly military involvement, harmed counterterrorism partnerships, and energized terrorism recruitment.

- Torture and the lack of accountability for it have lowered the United States’ moral standing in the world which in the past has been used to promote human rights, international cooperation, and the rule of law. As other nations have been held partially accountable for their torture and for collaborating with the U.S. on torture and secret detention, the United States’ moral standing in the world, which in the past has been used to promote human rights, international cooperation, and the rule of law. As other nations have been held partially accountable for their torture and for collaborating with the U.S. on torture and secret detention, the United States’ moral standing in the world, which in the past has been used to promote human rights, international cooperation, and the rule of law. As other nations have been held partially accountable for their torture and for collaborating with the U.S. on torture and secret detention, the United States’ moral standing in the world, which in the past has been used to promote human rights, international cooperation, and the rule of law. As other nations have been held partially accountable for their torture and for collaborating with the U.S. on torture and secret detention, the United States’ moral standing in the world, which in the past has been used to promote human rights, international cooperation, and the rule of law.

- Tolerance of official torture has degraded our society morally and spiritually. Most faith and philosophical traditions speak against torture and call for protecting the dignity of every human being. The practice of torture by our government, and the lack of consequences for those responsible, have contributed to undermining the civilized norms of American society.

- U.S. torture has damaged the rule of law. It has interfered with efforts to hold perpetrators responsible for the violence committed against the United States on September 11, 2001 and other occasions.

- The U.S. government’s insistence on attempting to hide its torture program from public scrutiny has prevented survivors from seeking redress for the wrongs committed against them. International law obligations have been flaunted, and judicial independence weakened.

- Surprisingly little effort has been made to understand the extent to which Americans’ unusually high level of acceptance of official torture may be based on racism against Muslims. Rectifying the abuses of RDI and efforts to counteract the dehumanization that occurred must include an official acknowledgment that it was aimed at Muslims.

- North Carolina has been damaged by its facilitation of the U.S. torture program, including by making its citizens unwitting enablers of torture through the misuse of public airports.

- North Carolina has witnessed continuous citizen activism against torture since 2005. Its aim has been to persuade local, state, and federal officials to investigate North Carolina’s involvement in the RDI program, in particular the role played by Aero, and to prevent further state participation in torture. In addition to North Carolina Stop Torture Now, others with key roles have included organizations and individuals from the faith, peace, civil liberties, academic, and legal communities.

- Thousands of North Carolinians have advocated for action on the state’s role in torture to a range of authorities including local, state, and federal government officials, as well as to the United Nations and foreign governments. Citizen advocates have written letters and petitions to government officials; delivered a “people’s indictment” to executives of Aero and others; held vigils, marches, rallies and other visibility actions; conducted meetings with elected officials including governors, attorneys general, U.S.

CHAPTER 8 - NORTH CAROLINA PUBLIC OPPOSITION TO THE RDI PROGRAM, AND OFFICIALS’ RESPONSES

- North Carolina has provided the only public response to torture and rendition claims. North Carolina is one of only a few states that has responded to the unprecedented abuses by the federal government.

- North Carolina has been protective of Aero and other contractors and has failed to investigate their role in rendition. It has also failed to respond to calls for the termination of Aero’s contract.

- State officials have refused to reject torture has left North Carolina’s public discourse and policy to local elected leaders sympathetic to the RDI program. The Johnston County Commissioners have publicly and repeatedly endorsed Aero and even torture. Those Commissioners and the Johnston County Airport Authority have repeatedly refused to adopt policies prohibiting torture-related missions from their airport.

- State legislators have provided the only positive response to torture claims, and it is now over a decade old. In 2006, 12 state legislators asked the SBI Director to investigate Aero Contractors and, following the SBI’s claim of a lack of jurisdiction, 22 state legislators wrote to NC Attorney General Roy Cooper, refuting this claim and restating the call for investigation. In the 2007-08 session, legislators also introduced the related bills HB 1682, “NC No Place for Torture Act” and HB 2417. Crimes of Torture and Enforced Disappearance.”

- Official silence on the state’s involvement in torture continues in response to public records requests sent by the NC CITC to a total of seven governmental entities, four have provided no records. These are the Governor’s office, the Johnston County Commissioners, Johnston County Sheriff Bizzell, and Johnston District Attorney Susan Doyle. Records delivered by the NC Department of Justice, the Global TransPark Authority, and the Johnston County Airport Authority reveal a consistent pattern of non-response to citizens’ requests for action.

- The post-9/11 rendition, detention, and interrogation program violated the United States’ international law and treaty obligations. These obligations include the prohibition on torture and cruel, inhuman or degrading treatment or punishment, as well as the prohibition on rendition. They also include the prohibition on transfer or refoulement of individuals to situations where they may be in danger of torture (e.g. rendition to regimes that practice torture).

- Despite the clarity of the illegality, no law enforcement authority has accepted responsibility for investigating and prosecuting the crimes that originated on North Carolina’s soil. This failure to pursue justice is an important part of the persistent lack of accountability for the CIA RDI program.
RECOMMENDATIONS

RECOMMENDATIONS FOR FEDERAL GOVERNMENT

To enhance transparency and promote accountability for the RDI program:

1. Declassify the entire Senate Select Committee Report (SSCI Report) on the Detention and Interrogation Program with minimal redactions on victims’ families.
2. Conduct a thorough investigation into the CIA program of rendering individuals to foreign governments for torture (which was not covered by the SSCI report), including information regarding the chain of command and structure of the program.
3. Request that foreign governments that participated in the RDI program by receiving detainees or interrogating rendered prisoners (all of which was outside the focus of the SSCI report) provide records to help understand the scope of renditions to foreign custody who was rendered, where and how long they were held, and what was done to them.
4. Declassify and make public information about the role of Aero Contractors, Ltd. (and other North Carolina-based contractors) in the RDI program, the nature of any contracts or directives they had, and what specifically they were requested to do.
5. In all government investigations of the RDI program, including those conducted previously and going forward, make any findings public and available widely on the web, to the extent possible.
6. Declassify and make public information about the training on SERE techniques that took place at Fort Bragg, and the ways in which those trainings contributed to abuses in Guantánamo.
7. Thoroughly investigate and prosecute any acts of torture or conspiracy to commit torture that are or have been identified, including those committed by government officials and policymakers regardless of their rank and status, as required by the United States’ international law obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and ICCPR.
8. Establish a Special Inspector General for the prevention of torture with the authority to investigate across the entire federal government.
9. Strengthen laws regarding the use of private contractors, including requiring transparency in their operations (e.g., requiring that their work for the government is subject to Freedom of Information Act requests).
10. Provide guidance on the obligations of state and local authorities to assist in carrying out obligations under CAT and ICCPR.

To provide acknowledgment, redress and reparations:

1. Acknowledge and apologize for the harms that have resulted from the RDI program in a way that avoids re-traumatizing survivors and victims’ families.
2. Provide reasonable reparations for survivors of the RDI program and victims’ families for medical care and rehabilitation, language training, access to education, resettlement of family.
3. Work with countries where former detainees now reside to ensure they can access adequate medical care and are provided meaningful work opportunities.
4. Reestablish the position at the State Department responsible for detainee transfer out of Guantánamo.
5. Discontinue pressure on foreign nations that have received detainees to withhold from them, without compelling rationale, identity and travel documents.
6. Institute legal protections for anyone who blows the whistle on torture, its ineffectiveness, and its costs to national security.
7. Establish a formal mechanism by which those trainings contributed to abuses in Guantánamo, in which those trainings contributed to abuses in Guantánamo.
8. Examining and remedy perverse incentives against speaking up.
9. Institute legal protections for anyone who blows the whistle on torture.
10. Set up government-wide awards to acknowledge those who stand up to cruelty.

To provide acknowledgment, redress and reparations:

1. Acknowledge a public statement from the Governor and Attorney General that the events of rendition, disappearances and torture took place, note violations, and apologize to the survivors and victims’ families.
2. Acknowledge the role of the RDI program in the events of rendition, disappearances and torture.
3. Designate, via legislation, a day for North Carolina to renew pressure on federal and local authorities to officially acknowledge and provide appropriate redress for the RDI violations committed against them. Engage with elected officials on the State and Federal recommendations.
4. Acknowledge and provide appropriate redress for the RDI violations committed against them. Engage with elected officials on the State and Federal recommendations.
5. Support the establishment of a torture survivor center in the state for refugees and asylum seekers.
6. Explore partnerships with North Carolina universities. Red Cross and/or hospitals with programs to educate citizens on human rights and torture.

To prevent this from happening again:

1. Support the establishment of a torture survivor center in the state for refugees and asylum seekers.
2. Explore partnerships with North Carolina universities. Red Cross and/or hospitals with programs to educate citizens on human rights and torture.
3. Pass legislation strengthening North Carolina state law surrounding private contractors, using lessons learned in the above investigations. Include the following:
   a. Require private contractors to comply with all state, federal, and local laws including a prohibition on private contractors participating in inhuman or unlawful transport and treatment of detainees.
   b. Authorize suspension of support to contractors that have or are accused of violations of state, federal and international law.
   c. Require a response to reasonable requests for information on private contracts with the Federal Government.
4. Investigate and prosecute to the fullest extent allowed by law anyone who violates or neglected North Carolina law that is designed to protect against torture and abuse, including laws that criminalize kidnaping, aggravated assault, false imprisonment, and conspiracies to commit such unlawful acts.
5. If law enforcement personnel empowered to investigate fail to do so, enact in a law a specific mandate for the Attorney General to convene a grand jury for investigating and prosecuting conspiracy to kidnap for torture.
6. Conduct a financial audit of Aero Contractors, Ltd. to determine profits made from complicity in RDI.

To the period in which the RDI program was operational (2001 – 2006) and make the results available to the public.
1. Submit a formal request to the Federal Government asking for details on the role of Aero and other North Carolina based private contractors in the RDI program.
2. Pass legislation strengthening North Carolina state law surrounding private contractors, using lessons learned in the above investigations. Include the following:
   a. Require private contractors to comply with all state, federal, and local laws including a prohibition on private contractors participating in inhuman or unlawful transport and treatment of detainees.
   b. Authorize suspension of support to contractors that have or are accused of violations of state, federal and international law.
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5. If law enforcement personnel empowered to investigate fail to do so, enact in a law a specific mandate for the Attorney General to convene a grand jury for investigating and prosecuting conspiracy to kidnap for torture.
6. Conduct a financial audit of Aero Contractors, Ltd. to determine profits made from complicity in RDI.
On September 17, 2001, in the aftermath of the events of September 11, President Bush signed a classified, covert action memorandum authorizing the Central Intelligence Agency (CIA) to seize and detain suspected terrorists. By the following month, October 2001, Aero Contractors, Limited (“Aero”) had begun to operate a Gulfstream V turbojet, aircraft N379P, out of North Carolina in the United States to secretly transfer individuals suspected of terrorism between countries and jurisdictions without legal process. The program was only suspended by Executive Order 13491 in 2009. This chapter of the report provides an overview of the program, with special attention to the partnerships that made it possible.

Aero’s N379P was one of multiple airplanes used in the CIA operations. “Rendition” is an umbrella term that refers to any transfer of a person between governments. “Extraordinary rendition” is the secret and forcible transfer of an individual between States or legal jurisdictions outside of the law. Through the RDI program, the U.S. government worked with private U.S. corporations, such as Aero, and foreign agents to transfer suspected terrorists through two intertwined detention systems for coercive interrogation. The flights carried suspected terrorists either to foreign (non-U.S.) custody or to CIA custody in CIA-run secret prisons or “black sites.” The program of transferring individuals to and among these two systems for interrogations using torture is referred to in this report by the CIA’s name: the RDI program. The program developed out of the U.S. law enforcement practice of “rendition to justice” of the late 1980s and 1990s, in which “suspects were apprehended by covert CIA or FBI teams and brought to the United States or other states (usually the states having an interest in bringing the person to justice) for trial or questioning.” In the new RDI program, however, the CIA gained unprecedented authority to operate its own “black sites.” According to the Senate Select Committee on Intelligence (SSCI) inquiry into the CIA’s detention and interrogation program, the CIA held at least 19 individuals in direct CIA custody between 2002 and 2006. However, expert testimony before the North Carolina Commission of Inquiry on Torture (NC CIT) indicates that the actual number of individuals affected by the program is likely far higher. This is because of poor record keeping on the part of the CIA, the lack of research on and acknowledgment of detainees rendered to foreign custody, and knowledge of additional rendition detainees without corresponding flight paths, which indicates the existence of additional rendition aircraft. Therefore, the true number of individuals subject to the RDI program — and in particular the number, identities, and whereabouts of those rendered to foreign custody for detention or interrogation — remains unknown. What is known is that the SSCI inquiry found ‘at least 26’ of the CIA’s estimated 119 detainees were victims of mistaken identity or other errors, a tally that reflects only those determined by the CIA itself not to meet its criterion for detention. Among these 26 are individuals who were rendered on Aero-operated flights.

Torture and ill-treatment were hallmarks of rendition to both foreign government custody and CIA secret detention. The two programs entailed the abduction and disappearance of detainees and their extra-legal transfer to secret flights to undisclosed locations around the world, followed by their incommunicado detention, interrogation, torture, and abuse. Transferring individuals to foreign custody was an “integral component of the CIA program.” The U.S. government handed individuals over for coercive interrogation by intelligence agencies in countries such as Egypt and Jordan. Starting with the apprehension of Abu Zubaydah in March 2002 the U.S. government also began to render individuals to CIA-run prisons. Between 2002 and 2008, the CIA would go on to hold at least 119 individuals in ten CIA ‘black sites’ in six countries around the globe: one in Thailand, one in Poland, one in Romania, one in Lithuania, two in Guantánamo Bay, and four in Afghanistan. Because the CIA ran a “black sites” network throughout the RDI program, detainees were often transferred multiple times between these various sites, as well as to foreign custody during their detention. According to U.S. government documents, upon abducting targeted individuals, rendition teams prepared them for flight by hooding them, performing body cavity searches, applying ankle and wrist restraints, and administering sedation, all without permission or explanation. The CIA considered abduction and rendition to be integral to the interrogation process by making detainees disoriented, helpless, and afraid. The protocols of rendition discussed further in Chapters 4 and 5 of this report.
CHAPTER 1 - THE U.S. GOVERNMENT’S RENDITION, DETENTION, AND INTERROGATION (RDI) PROGRAM

OVERVIEW OF THE CIA RENDITION, DETENTION, AND INTERROGATION PROGRAM

Between 2002 and 2008, the CIA held at least 119 detainees in ten CIA prisons in six countries and transferred an unknown number of terrorism suspects to third countries for detention and interrogation. Aero Contractors, Inc., “transported 34 of the detainees that were sent to CIA prisons and nine of the individuals transferred to custody of third countries.”

Once in CIA “black sites,” individuals were tortured through so-called “enhanced interrogation techniques” (EITs), including facial slaps, waterboarding, solitary confinement, wall standing, stress positions, sleep deprivation, diapering, rectal feeding, and use of insects. Such techniques could be repetitive as they were torturous. For example, one CIA detainee, Khalid Shaikh Muhammad, was subjected to “383 applications of the waterboard” on 15 different documented occasions.

“ENHANCED INTERROGATION TECHNIQUES (EIT)

Designed by two military psychologists who sought to instill a sense of learned helplessness among detainees, in which individuals would become “passive and depressed in response to adverse or uncontrollable events.” EITs, often used in conjunction, included:

- Walling
- Sleep deprivation
- Solitary confinement
- Stress positions
- Rectal feeding
- Nudity
- Waterboarding

These brutal techniques are considered acts of torture or cruel, inhuman, or degrading treatment and are illegal under U.S. and International Law.

According to official figures, at least 39 of the at least 119 individuals in CIA custody were subject to EITs. However, the actual identities, numbers, and whereabouts of individuals in the CIA program and those subject to torture and abuse remain unknown because the CIA never conducted a comprehensive audit or developed a complete and accurate list of the individuals it had detained or subjected to its enhanced interrogation techniques.

“Nor is the scope of detainees experience fully documented, given that detainees faced ‘harsh’ confinement conditions and interrogations that were ‘brutal and far worse’ than what the CIA had officially indicated to policymakers and other government officials. Individuals rendered to foreign government custody similarly faced torture and other abuse. According to one U.S. official involved in rendering individuals to foreign governments, ‘We don’t kick the [expletive] out of them. We send them to other countries so they can kick the [expletive] out of them.’"

BEYOND THE CIA: FOREIGN GOVERNMENTS, PRIVATE ACTORS, AND U.S. AND LOCAL STATE OFFICIALS

Three main entities carried out the post-9/11 RDI program: the U.S. government, foreign governments, and private actors. Both of the interconnected systems of extraordinary rendition and CIA secret detention relied heavily on the co-operation of foreign governments that were willing to provide structural support and personnel. Reflecting the reliance of the U.S. government on these foreign partners, a Council of Europe inquiry into ‘ Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states’ described the CIA’s program as a “network that resembles a ‘spider’s web’ spun across the globe.”

Private actors were ubiquitous in the U.S. government’s post-9/11 RDI program. To design the program, the CIA contracted two psychologists, James Mitchell and John “Bruce” Jessen, to devise its interrogation tactics. Shortly after the psychologists formed a company specifically for the purpose of conducting their work with the CIA in 2005, the CIA outsourced virtually all aspects of the program.

Private aircraft companies also played a central role, primarily in the transport of individuals as well as in providing other associated logistical support. Post-9/11, the U.S. government utilized two distinct and parallel aviation systems that involved private actors to transport individuals to foreign custody and/or to CIA custody.

The first system, lasting from 2001 to 2004, involved the use of planes owned by CIA shell companies (e.g., Stevens Express Leasing, Inc.; Premier Executive Transport Services, Inc. (PETS); Rapid Air Transport, Inc.; Path Corporation; Aviation Specialties), that were responsible for ‘maintenance, providing hangars and arranging the logistical details for each flight circuit.’

The second system, in place from 2002 to 2006, also relied on private companies and was organized through a ‘prime contract’ between the CIA and DynCorp Systems and Solutions, LLC (and its corporate successor Computer Sciences Corporation (CSCI)). Through this arrangement, DynCorp/CSCI entered into agreements with aircraft brokers that in turn contracted with aircraft operating companies to supply the planes.

In the first phase of extraordinary rendition when individuals were transported to foreign custody, the use of civilian aircraft owned by shell companies and operated by private entities was critical to the covert nature of the program. It enabled ‘the CIA [to] avoid the duty to provide the information required by States...’
Despite the myriad crimes associated with the RDI program, no U.S. executive agency or any U.S. state has held accountable anyone involved in the RDI program. Domestically, efforts to ensure accountability, including for North Carolina's role in the RDI program, have been frustrated on many levels. Chapter 8 of this report examines the extensive role that North Carolinians have played in continuing to press for transparency and an end to torture.

With respect to intra-agency accountability, at the time of the program's operation, the CIA avoided, resisted, and otherwise impeded oversight of the CIA's Detention and Interrogation Program by the CIA's Office of Inspector General. While the May 2004 report by that same office contains some criticism of the CTC (Counterterrorist Center) Detention and Interrogation Program, it nonetheless concludes that there is no need for "separate investigations or administrative action." Other agency actions that impeded accountability include the CIA's destruction of tapes documenting CIA interrogation in November 2005. An investigation into the tapes' destruction ended without bringing criminal charges against participants.

With respect to Congress, on December 9, 2014, the SSCI released a redacted version of its declassified Executive Summary on the Study of the CIA's Detention and Interrogation Program but the full study, which was the product of more than five years of investigation and totals more than 6,700 pages, remains classified. Additionally, because that inquiry was focused at the federal government level, it does not examine the role of states such as North Carolina, upon whose participation the program depended.

Cases involving rendition victims — including several individuals transported on Aero-operated flights — have for the most part not proceeded in U.S. courts because the U.S. government has argued they should be dismissed on the basis of the "state secrets" privilege, in order to protect national security. When applied too broadly, this argument can prohibit accountability for illegal government actions. For example, on December 6, 2005, the American Civil Liberties Union (ACLU) filed a lawsuit against former Director of the CIA George Tenet, three private aviation companies (including Aero Contractors), and several unnamed defendants in the U.S. District Court for the Eastern District of Virginia. The suit, which was ultimately unsuccessful, concerned the rendition of Khadr El-Masri from Skopje, Macedonia to Afghanistan on N313P. On May 30, 2007, the ACLU filed another lawsuit that was also ultimately unsuccessful against Jeppesen Dataplan Inc. in U.S. District Court for the Northern District of California on behalf of three victims of the "extraordinary rendition" program. The complaint was amended August 1, 2007 to add two additional victims. All five victims had been transported on aircraft N379P and N313P.

Although the RDI program ended in 2009 and its initial legal actions have been rescinded, there remain significant information and accountability gaps regarding the program's scope, participants, and effects. Transparency and accountability for illegal and immoral components of the RDI program require
full disclosure of the role of states within the United States, the contribution of private companies to official rendition, detention, and interrogation; the routes and processes of renderings; and a full accounting of the fates of those affected. In addition, investigation of the treatment of these individuals that were rendered by the CIA to foreign custody for interrogation by allied intelligence services is still needed. The SSCI inquiry focused solely on those that were brought directly to CIA custody. Meaning that “there’s still no official account of the hundreds, perhaps thousands, of other victims of torture that the CIA is responsible for.”

This failure to provide justice for victims of the RDI program and accounting of what happened is far from inevitable. Outside of the United States, the role of North Carolina and private entities in the RDI program – and the illegality of their actions – have been in both the public eye and scrutinized by courts and other legal institutions. For example:

- High-profile inquiries in the Council of Europe and European Parliament have exposed North Carolina-based rendition aircraft. On November 7, 2006 the Parliamentary Assembly of the Council of Europe appointed an inquiry into “alleged secret detentions and unlawful inter-state transfers of detainees involving Council of European member states.” On June 2, 2006 the first report of the Council of Europe inquiry addressed rendition circuits involving N313P and N379P and identified N313P as “one of the most notorious ‘rendition’ aircraft.” On June 7, 2006 a second report of the Council of Europe inquiry discussed “CIA-linked aircraft in Romania, including N313P, N379P and N850/M.” On January 26, 2007, the European Parliament set up the Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, which addressed the role of Aero Contractors and aircraft N313P and N379P, and issued its final report on January 30, 2007.

- The European Court of Human Rights has decided five landmark cases that relate to North Carolina’s role in the RDI program. On December 13, 2012, the European Court of Human Rights delivered its judgment in Case of Al-Eisa v. The Former Yugoslav Republic of Macedonia, observing that “[t]he[se were] and hooded, and subjected to total sensory deprivation, the applicant was forcibly marched down the aisle of a Boeing 727 with the tail number N313P” at Skopje Airport in Macedonia. On July 14, 2014, the European Court of Human Rights delivered judgments in Case of Housayan (Abu Zubaydah) v. Poland that references the flight on which Zubaydah was transferred from detention in Poland on 22 September 2003 as N313P and Case of Al-Nashir v. Poland that references the flight on which Al-Nashir was transferred from detention in Poland on 6 June 2003 as N313P. On May 30, 2015, the Court delivered judgments at inter of Abu Zubaydah v. Lithuania (referencing Aero Contractors, Ltd. and Rights N313P and N313P and Case of Al Nashir v. Romania (stating in relation to X-3 case “it was also established that it had been one of the most notorious rendition aircraft used by the CIA for transportation of its prisoners.”

- Three cases have been submitted to African and Inter-American bodies involving individuals rendered on N313P and N313P. On April 9, 2008, a complaint was filed in the Inter-American Commission on Human Rights against the U.S. on behalf of Khald Ei-Maain, who was transported on aircraft N313P. On December 29, 2008, a complaint was filed in the African Commission on Human and Peoples’ Rights on behalf of Mohammed Abdullah Saleh Al-Asad against The Republic of Djibouti. The complaint includes Mr. Al-Asad’s transfer on N379P. On November 14, 2013, a complaint was filed in the Inter-American Commission on Human Rights against the United States on behalf of Binyam Mohamed, Bishir Ali-Rave, Abou El-Eksaam Britel, and Mohamed Badrishali who were transported on aircrafts N313P and N313P.

- Foreign entities (e.g. courts, political authorities) have also addressed circumstances that encompass North Carolina’s role in the RDI program. For example, on January 31, 2007, a German court issued arrest warrants for 13 people in connection with the rendition and rendition of Khald Ei-Maain, including “the four pilots” that operated N313P in May 2008, the U.K. government settled a case with, and apologized to, Abdul Hakim Belhadi and Fatima Boudchar for the circumstances regarding their rendition to Libya in 2004.

CONCLUSION

There have been serious failures and omissions of transparency and accountability with respect to the U.S.-post-9/11 program of extraordinary rendition, secret detention, and torture. The important, yet partial, official transparency that has occurred involves solely the CIA black site portion of the program. No formal accounting has occurred of rendition flights from the CIA to foreign custody for torture and unlawful detention. Nor has there been official accounting for the very significant role of private actors such as Aero Contractors in the RDI program. The lack of transparency and accountability underrules the rule of law at the state and federal level.

Publicly available information and testimony to the Commission indicate that North Carolina played a critical role in enabling the U.S. RDI program. To date, the Commission has confirmed that at least 49 individuals were rendered by North Carolina-operated planes and pilots. This chapter focuses on the role of Aero Contractors, Ltd. and the county and state entities and officials responsible for hosting the company at public airports.

Aero Contractors’ role in operating rendition aircraft on behalf of the CIA to transfer detainees to foreign custody and/or CIA custody is now well-documented. In 2005, it was first reported

When the Central Intelligence Agency wanted to grab a suspected member of Al Qaeda overseas and deliver him to interrogators in another country, an Aero Contractors plane often does the job. If agency operatives need to fly over North Carolina, they may capture a�prised prisoner a plane will depart Johnson County and stop at Dulles Airport outside Washington to pick up the CIA team on the way. According to testimony provided to the Commission, “research shows that that aircraft operated by Aero Contractors played a central role in the CIA torture program.” From 2001 until 2004, Aero Contractors operated two aircraft owned by a series of CIA shell companies—a 275 Loving business jet originally numbered N313P and a Gulfstream IV originally numbered N379P—on behalf of the CIA. Aero Contractors utilized two airports in North Carolina for these purposes. Johnston County Airport (JNX) in Smithfield, N.C. for N379P and Kinston Regional Jetport at the state-run Regional Rapidport for N313P. The individuals linked to Aero-operated rendition flights and associated rendition circuits are identified below. Also identified here and listed in the appendix are the rendition aircraft ownership and registration information, which demonstrate ownership of the aircraft by various CIA shell companies, as well as the extent to which “[t]o order to maintain the secrecy of the CIA’s torture program, a number of aircraft involved were re-registered at various times, to ensure that they were given new tail numbers.”

AERO CONTRACTORS: A “MAJOR DOMESTIC HUB OF THE CENTRAL INTELLIGENCE AGENCY’S SECRET AIR SERVICE”

Aero Contractors was formed on September 28, 1979. It is incorporated in Delaware as “a[ ]contract aviation services” business, and its filings with the North Carolina Department of State’s four corporate addresses were submitted in Smithfield, North Carolina. Its founder was Jen Blythe, “a legendary C.I.A. officer and chief pilot for Air America, the agency’s Vietnam-era air company.” Aero Contractors’ involvement in clandestine transfer of individuals pre-dated 9/11, as the company operated rendition flights in the 1990s for the U.S. government. “We are the bus drivers in the war on terror. I didn’t used to check who was in the back.”
Local and state officials in North Carolina are implicated in the activities of Aero Contractors, Ltd. These officials, for example, permitted North Carolina’s public airports to be used for rendition flights, leased space and/or allowed a hangar to be built for rendition aircraft, and refused to investigate allegations of the involvement of Aero Contractors, Ltd. in the RDI program.

In 2005, Robert Blowers, then-assistant general manager of Aero Contractors, stated that Aero Contractors had “used” two aircraft N313P and N313L “for about a year. In about 2002 or 2003” from Premier Executive Transport Services (PETS). A company that has been repeatedly identified as a CIA shell company.

A 2007 CIA Inspector General’s Report on rendition and detention of German citizen Khalid Al-Ma’at [also referred to elsewhere in the report as Khalid El-Ma’at] refers to the January 2004 rendition. It states that ‘Al-Ma’at was taken into CIA custody and transported from [redacted] aboard an Agency aircraft.’ This agency aircraft has been identified as N313P, owned by PETS and operated by Aero Contractors for the rendition of Mr Al-Ma’at from Skopje, Macedonia to Afghanistan.

The Role of Local and State Officials

Local and state officials in North Carolina are implicated in the activities of Aero Contractors, Ltd. These officials allegedly permitted North Carolina’s public airports to be used for rendition flights, leased space and/or allowed a hangar to be built for rendition aircraft, and refused to investigate allegations of the involvement of Aero Contractors, Ltd. in the RDI program.

The Johnston County Airport - The Johnston County Airport Authority began leasing airport space to Aero’s founder in 1993 under a self-renewing contract. The airport provides disaster recovery guarantees, protective fencing and access control, security, and runway services. Johnston County has provided permits for construction work and safety inspections at Aero’s premises.

Global TransPark Authority: Kinston Regional Jetport is located in the North Carolina Global TransPark’s 5200-acre multi-modal industrial park and airport near Kinston in Lenoir County, NC. The North Carolina Global TransPark Authority (GTPA) - a state agency - is “responsible for planning, building, and operating” the facility. The GTPA was chartered by former North Carolina governors from 2002-2009.

The construction of the 20,000 square foot hangar was completed in October 2004. Under the January 15, 2004 lease, Aero Contractors also received a credit against the rent for the ‘appropriate proportion’ of the $60,000 ‘up fit costs’ as described in the 2002-2006 lease agreement. GTPA purchased the hangar and accessories for Aero for $1.5 million on Oct. 3, 2007.

There is an aircraft operated by the North Carolina-based company Aero Contractors. N313P and N317P Contractors - N313P and N317P.

Aero Contractors operated a 737 Boeing Business jet registered with the Federal Aviation Administration (FAA) as N313P, a jet which ‘flew for the CIA for more than four years.’ Until June 2006, it was ‘linked to the CIA through front companies and post office boxes in the Washington, D.C. area.’ A review of Federal Aviation Administration (FAA) records and other reporting reveals numerous sales and registrations of the aircraft that would make it more difficult to trace its use.

The details of the relationship between Aero Contractors, PETS, and Keeler & Tate Management, LLC is also set out in the December 6, 2005 complaint against El-Ma’at’s lawyers for the RDI program, the aircraft operated by the “corporate successor” to PETS.

Source: Federal Aviation Administration (FAA)
CHAPTER 2 - NORTH CAROLINA’S ROLE IN TORTURE: HOSTING AERO CONTRACTORS, LTD.

INDIVIDUALS RENDERED ON AERO CONTRACTORS-OPERATED FLIGHTS

According to testimony provided to the Commission:
- Aero reportedly rendered “at least 49 individuals – and likely more,” including to interrogations in foreign custody and/or CIA custody in “black sites.” This figure is based on 32 identified circuits that are linked to 69 individual renditions (individuals were sometimes rendered more than once on Aero aircraft). Aero’s two aircraft reportedly “rendered prisoners into the CIA black site network from a number of locations around the world, including Egypt, The Gambia, Morocco, Malawi, Iraq, UAE, Jordan, Djibouti, and Macedonia.”
- Approximately one-third of the individuals in direct CIA custody during the RDI program were reportedly transported by Aero Contractors. Specifically, testimony presented to the Commission indicates Aero transported 24 out of the 79 individuals known to have been in direct CIA custody. According to this testimony, Aero Contractors aircraft were “central to the rendition of so-called High-Value Detainees (HVDs) between CIA black sites. Many HVDs were held in multiple black sites, and were rendered between them on numerous occasions.”
- The other 15 of the 49 prisoners were reportedly rendered by Aero Contractors to “proxy detention or U.S. military detention.”
- In addition, North Carolina Stop Torture Now has identified a further 77 flight circuits undertaken by the aircraft N379P and N313P between September 11, 2001 and June 10, 2005 that resemble rendition circuits (e.g., involve countries that hosted CIA ‘black sites’). The purposes of which have not yet been confirmed, including whether/which individuals were transported on these flights.
- Four of the six rendition circuits that have been linked to N313P are as follows:

<table>
<thead>
<tr>
<th>CIRCUIT DATES</th>
<th>DETAINNEES</th>
<th>LOCATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 20-25, 2003</td>
<td>High-Value Detainees</td>
<td>Afghanistan, Poland, Romania, Morocco, and Guantánamo Bay</td>
</tr>
</tbody>
</table>

Aircraft N379P has been linked to 26 rendition circuits between December 2001 and March 2004, according to the Rendition Project. The identified flights often involve renditions of more than one person, as well as “more than one rendition operation per circuit.” The Rendition Project has identified some of these rendition circuits as follows:

<table>
<thead>
<tr>
<th>CIRCUIT DATES</th>
<th>DETAINNEES</th>
<th>LOCATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 18-20, 2001</td>
<td>Ahmed Agiza, Mohamed al-Zery</td>
<td>Sweden to Egypt, Sweden to Egypt</td>
</tr>
<tr>
<td>January 9-15, 2002</td>
<td>Mohammed Saad Iqbal Madini</td>
<td>Indonesia to Egypt (via Diego Garcia)</td>
</tr>
<tr>
<td>February 6-8, 2002</td>
<td>Ali al-Hajj al-Sharqawi</td>
<td>Afghanistan to Jordan (possible)</td>
</tr>
<tr>
<td>April 8-15, 2002</td>
<td>Mohammed Saad Iqbal Madini, Mahmoud Hashi, and others</td>
<td>Egypt to Afghanistan (via Uzbekistan), Egypt to Afghanistan (via Uzbekistan)</td>
</tr>
</tbody>
</table>

The available information also points to several areas for more investigation. These include but are not limited to the potential role of North Carolina airports in the CIA’s RDI program during this period, and the knowledge of North Carolina’s public officials of the nature of Aero’s operations.

CONCLUSION

Aero Contractors’ central role in the CIA’s RDI program has been confirmed by investigative reporting, testimony before the Commission, and reports such as those by the European Parliament Temporary Committee on the “Alleged Use of European Countries by the CIA for the Transport and Illegal Detention of Prisoners.” That role would not have been possible without the use of state and local infrastructure, including Johnston County Airport and the Global TransPark in Kinston, NC. State and county officials approved upgrades to these facilities such as hangar construction and security enhancements during the period that the RDI program was operational. The available information also points to several areas for more investigation. These include but are not limited to the potential role of other North Carolina airports in the RDI program, the purposes of and passengers on other Aero-operated flights conducted during this period, and the knowledge of North Carolina’s public officials of the nature of Aero’s operations.
This chapter addresses potential and actual involvement by parties in the state of North Carolina in the United States’ post-9/11 torture program – beyond the CIA’s use of North Carolina airports for extraordinary rendition flights conducted by Aero Contractors. In addition to considering the role of other private contractors, the chapter discusses torture-related activity in which U.S. military personnel based at Fort Bragg, North Carolina, were reportedly involved.

POSSIBLE RDI ROLES FOR OTHER PRIVATE NORTH CAROLINA COMPANIES

Besides Aero Contractors, the Commission has identified Blackwater and Centurion as two NC-based private corporations whose possible connections to the RDI program deserve further investigation.

Blackwater: The security firm Blackwater was a major contractor for both the Department of Defense (DoD) and CIA during the rendition, detention, and interrogation period, while the company was based at Moyock, NC. According to the New York Times, Blackwater assisted with detainee transfers after 2001. The New York Times reported that former Blackwater employees said they provided security on CIA flights transporting detainees. According to these employees, they were “handpicked by senior Blackwater officials on several occasions to participate in secret flights transporting detainees around war zones.”

The relationship between Blackwater and the CIA was reportedly very close, in part due to Blackwater’s tendency to hire former CIA officials. For example, in 2005 Blackwater hired Enrique “Ric” Prado, former chief of operations for the CIA’s Counterterrorism Center (CTC), which ran the RDI program, and J. Cole Black, CTC’s former director. While these hires, in and of themselves, do not establish participation by Blackwater in extraordinary rendition, they do indicate a close relationship that would facilitate such participation.

Centurion: Centurion Aviation Services is an aviation company based in Fayetteville, NC. The NCCTC has received information that suggests, but does not confirm, that Centurion participated in RDI Because Centurion is a North Carolina-based company and the NCCTC itself is unable to ascertain all of the facts, the Commission urges the North Carolina state government to investigate.

According to flight logs from the Federal Aviation Administration and Eurocontrol that the NCCTC obtained, Centurion Aviation operated a two aircraft that visited locations key to the RDI program while that program was in operation. The aircraft had tail numbers N475LC and N478GS.

For example, according to the flight logs, during the period 2003-2004, N475LC was based at Blakemore, Iraq seven times, Egypt it times, Jordan once, Bucharest twice, and Bagram once. Those locations were all significant in the RDI program and were common destinations for the RDI-connected aircraft of Aero Contractors and other companies – Blakemore and Iraq as prisoner pick-up points, Egypt and Jordan as foreign proxies to which prisoners were delivered for torturous interrogations; and Bucharest and Bagram as locations of CIA dark prisons. A news account indicates that on Dec. 6, 2004, N478GS was arriving in Romania from Bagram Airport in Afghanistan when it had an accident while landing in Bucharest, destroying its wheels and a fuel tank. The news account further indicates that on board were seven American passengers who disappeared quickly after the accident, one reportedly carrying a gun. The CIA’s Romanian “black site” was functioning during this period, it operated in Bucharest from 2003 to 2005.

A European Parliament body, the Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners (TIDIP), included these two aircraft on a list “used by the CIA for ‘extraordinary renditions’” and described their numerous stopovers at Shannon Airport and other European and non-European airports.

FORT BRAGG, JOINT SPECIAL OPERATIONS COMMAND (JSOC), AND PRISONER ABUSE

Although this report is primarily focused on CIA-led abuse, programs of torture and abuse were implemented by the U.S. military as well. Of particular relevance to this report, personnel at Fort Bragg were instrumental in the development and use of abusive techniques against prisoners held post-9/11 in DoD facilities. Key personnel included the Chief of the Psychological Applications Directorate at the U.S. Army’s Special Operations Command, Col. Louise “Morgan” Banks. Col. Banks was the senior Army Survival, Evasion, Resistance and Escape (SERE) Psychologist. SERE teaches U.S. service members how to resist interrogations by “enemies that [do] not abide by the Geneva Conventions.”

Working with the Joint Personnel Recovery Agency, a military program that reintegrates American prisoners of war, Col. Banks organized a September 16, 2002 training program for military psychologists at Fort Bragg on the application of SERE techniques to individuals detained post-9/11 by the U.S. As opposed to teaching U.S. military personnel how to resist illegal and abusive techniques, the training program conspired how the techniques could be applied to overcome an individual’s resistance. The techniques included “rough handling,” walling, sleep deprivation, exploitation of phobias, threatening with dogs, subjecting to cold temperatures, and isolation of personal space by female trainers. Among the training were Dr. John Leno, an Army psychologist, and psychiatrist Paul Berney, lead members of the first Behavioral Science Consultation Team (BCT) at Guantanamo Bay.

Following the training, Drs. Leno and Berney wrote a memo proposing the use of SERE-based strategies and techniques on Guantánamo detainees. This memo formed the basis for authorization of those techniques by Secretary of Defense Rumsfeld on December 2, 2002. Psychological disorientation, intense fear, and anxiety were among the objectives of the techniques, which included prolonged isolation, removal of clothing, exposure to cold, the use of stress positions, threats of pain or death, 20-24-hour interrogations to prevent sleep and hoarding.

First applied at Guantánamo, these abusive techniques spread from there to Afghanistan and Iraq, where they came to the world’s attention in the Abu Ghraib disaster. A prime factor in this spread was adoption of the techniques by Special Forces members from Fort Bragg, North Carolina. At Camp Nama, a secretive U.S. detention facility in Baghdad, Iraq, a number of abuses were inflicted by Special Operations Forces (SOF) elite members under the joint Special Operations Command (SOCOM), which is headquartered at Fort Bragg. Personnel at Camp Nama included members of units such as SEAL Team 6, DELTA Force, and Army Rangers. According to a U.S. interrogator who served at Camp Nama and was interviewed for the Human Rights Watch report No Able, No Final, the task force was comprised of U.S. military special forces from Fort Bragg and CIA personnel, and most were highly secretive about their identities.

Detainees were brought to Camp Nama by a joint U.S.-UK special forces unit called Task Force 121. Its successor, Task Force 6-28, engaged in kidnaping, prancing and houding detainees, beating them with rifle butts, and using detainees as targets for the ‘High Five Paintball Club’. Members of two units also witnessed detainees being subjected to electric shocks and prolonged confinement in knee-valued cells.

Lt. Col. Banks’ role extended beyond the September 2002 Fort Bragg training. He was the key DoD partner to the American Psychological Association (APA) Ethics Director in a behind-the-scenes collaboration to prevent the APA from adopting a policy that would constrain psychologists’ ability to participate in DoD interrogations. At the time. DoD regulations allowed use of techniques designed to cause psychological or physical distress, in contravention of psychologist’s fundamental ethical responsibility to “do no harm.”

Col Banks also participated in a 2004 Army Inspector General investigation, which found, despite extensive evidence to the contrary, that there was no systemic abuse in Iraq, including Abu Ghraib.

CONCLUSION

North Carolina has multiple demonstrated and reported connections to the systematic use of torture after 9/11 as implemented by the CIA and also by agencies and personnel overseen by the DoD. As far as is known, the DoD and CIA programs of detainee abuse and torture were developed and administered in an organizationally separate manner. However, some detainees to whom North Carolina owes particular acknowledgment and redress were passed between and harbored by both programs. For example, Mohamedou Ould Slahi was rendered by Aero Contractors for the CIA from Jordan to Afghanistan before being rendered to Guantánamo, where he was tortured by DoD personnel. And Khalid al-Maqtari was tortured at Abu Ghraib loperated by a U.S. Army unit before being rendered by Aero Contractors for the CIA from Iraq to Afghanistan, where he was held and tortured by the CIA. As the state of North Carolina considers how to address its responsibility to victims of the RDI program, it must recognize the multi-agency history of their abuse.
The Rendition Project has tracked 32 Aero Contractors circuits linked to 69 individual transfers between the United States and foreign governments. As discussed further in Chapter 1, these transfers took place to a wide range of countries in Africa, Europe, and the Middle East.

The group of individuals had diverse backgrounds – commercial, academic, military, and civil society. Among them were philanthropists, businessmen, community leaders, soldiers, rice merchants, students, and teachers. Mamdouh Habib, a prominent academic, military, and civil society figure, was among those transferred.

Some of the 49 prisoners rendered by Aero are suspected of involvement in planning the 9/11 attacks, the USS Cole bombing, and rendition were also terrifying and degrading in and of themselves, amounting to torture.

EXPERIENCE DURING RENDITION

Testimonies about abductions and transports disclose painful experiences that were not the prelude to secret detention, violent interrogation, and torture. Abduction and rendition were also terrifying and degrading in and of themselves, amounting to psychological torture. The violent and abusive nature of extraordinary renditions is examined in further detail in Chapter 5 of this report.

EXPERIENCE IN CAPTIVITY

Detainees were rendered by Aero Contractors to countries around the world, including Afghanistan, Algeria, Egypt, Guantánamo Bay (Cuba), Iraq, Jordan, Libya, Morocco, Poland, and Yemen. Two held dual citizenship: one in Ethiopia and the United Kingdom, and the other in Italy, Jordan, Kuwait, Libya, Mauritania, Morocco, Pakistan, Palestine, Saudi Arabia, Somalia, and Yemen. Two held dual citizenship: one in Ethiopia and the United Kingdom, and the other in Kuwait and Germany. Citizenship is unknown in six cases.

In many cases, targeted individuals were kidnapped in their home countries. Others were seized when traveling abroad or through coordinated secret arrangements made between the United States and foreign governments. As discussed further in Chapter I, The Rendition Project has tracked 32 Aero Contractors circuits linked to 69 individual renditions (Aero transported some detainees more than once). Eighteen detainees were seized in Pakistan, the most frequent country of abduction, by either Pakistanis or CIA Rendition Teams. Other countries of abduction were Djibouti, Egypt, The Gambia, Georgia, Indonesia, Iraq, Jordan, Macedonia, Mauritania, Malawi, Morocco, Senegal, Sweden, Tanzania, Thailand, and the United Arab Emirates.

CIA detention, the European Court of Human Rights awarded Mr. El-Masri EUR 60,000.

Mr. El-Masri has never been charged with a crime. No has he been able to obtain appropriate medical care for his diabetes, heart condition, and other medical conditions.

He does not trust the doctors in Guantánamo and resists the protocol of being treated while shackled.

Since 2003, he has never been charged with a crime. No has he been able to obtain appropriate medical care for his diabetes, heart condition, and other medical conditions.

He does not trust the doctors in Guantánamo and resists the protocol of being treated while shackled.
The experiences of Fatima Boudchar, summarised from the University of North Carolina School of Law report on Extraordinary Rendition and Torture Victim Narratives.

Fatima Boudchar (also spelled Bouchar), the only woman in the group, was four-and-a-half months pregnant when she and her husband, Abdel Hakim Belhadj, an anti-Gaddafi activist, were abducted in Bangkok and rendered to Libya in March 2004. Boudchar, a Moroccan citizen, had married Belhadj the previous October. While she was pregnant, they suspected they were being monitored by the Libyan government and decided to seek asylum in the UK. After travelling from their home in China to Malaysia and submitting themselves to immigration authorities there. On March 7, 2004, Malaysia authorities put Boudchar and her husband on a standard commercial flight bound for London with a stop in Bangkok.

On landing in Bangkok, they were taken to a U.S.-run detention facility and immediately separated. Although her abductors knew she was pregnant, they chained her to the bed by her wrists and ankles and struck her in the abdomen. Barely able to sit or lie down on the floor, she experienced great pain, compounded by temperature extremes and a lack of food. She was kept under constant surveillance through a camera in her cell, where guards would burst in each time she moved. After several days, she was raped, from head to toe in rape and brought back to the airport.

There, the tape was cut from her body but left her in her bra. In preparation for the 12-hour rendition flight to Libya that followed, her clothes were cut off and someone pressed a finger painfully into her belly button. She received an injection and was re-taped to a stretcher from her feet to her neck.

Her head was also re-taped, this time with one eye open, and she was left that way for the entire flight, a condition she describes as excruciating—like being buried under a rock or brick. She only realized they were both being rendered upon arrival, when she heard him (‘grunting’ with pain. ‘Throughout this ordeal she was terrified that, as a result of the abuse, she would lose her baby."

On arrival in Tripoli, Boudchar, nineteen-weeks pregnant, was brought to Tajoura prison and kept blindfolded and bound for several more hours. Within four days, her interrogations began, twice per day for two to three hours at a time. A prison doctor told her that she and the baby were very weak and that her womb was too dry to allow the baby proper movement and development. She was finally released in July 2004, after nearly 14 years after their renditions. Three weeks later, on July 14, she gave birth to her son, Abdulrahim, who weighed 4 pounds (1.8 kg). To put this in context, an average baby at birth weighs about 7.5 pounds (3.5kg) .

Detainees experienced a wide range of extreme abuses. These include blindfolding, hooding, forced nudity both alone and in front of other detainees, being held in pitch-black cells without any indication of time or day, physical assault, exposure to extreme temperatures, sleep deprivation, exposure to painfully loud music, cigarette burns, being suspended by arms bound behind one’s back, having to maintain stress positions for prolonged periods of time, being shackled naked for consecutive days, simulated drowning and other forms of rape, rectal “feeding” and other forms of rape and sexual assault, including genital manipulation.

CURRENT STATUS

Of the Aero-related detainees, 23 have been released, and 14 remain in either U.S. or foreign detention (53 at Guantánamo Bay and one in Israel). The status of eight is unknown, including two rendition to the Palestine branch in Damascus, under the control of Assad’s intelligence forces and well known as the worst secret prison in Syria. Six of the 13 men still in detention at Guantánamo have been charged under the U.S. Military Commission System. Several detainees handed to other governments have had trials in courts in Egypt, Libya, Yemen and Albania, although the legitimacy of some of those trials is dubious. For example, Ahmed Agiza was found guilty of terrorism-related charges in a military tribunal in Egypt that lasted no more than six hours and denied him the opportunity to call his own witnesses or appeal the ruling. Swedish authorities conceded he was an unfair trial and, in 2012, granted him permanent residence.

Four years after CIA agents abducted Abdel Hakim Belhadj in Thailand in 2004, he was given a 15-minute trial in Libya, after which he was detained for two more years. Four of the 49 detainees are dead. One, Ibn Sheikh Al-Libi died in detention in Libya in 2009 under opaque circumstances. Libyan authorities claim he committed suicide, while other reports suggest he died from untreated tuberculosis. Another, Omar al-Faruq, was killed in Baghdad in 2006, more than a year after escaping from a CIA “black site” in Afghanistan. Hassan Ghul was killed by a targeted U.S. drone strike in October 2012 in Pakistan, six years after his rendition. Another, Ahmed Bashmilah, died in Yemen in June 2016. None of them received any form of apology from the U.S. government for their wrongful capture and rendition. Despite being returned to the U.S., only one of them, Mohamed El-Shalalal, received an out-of-court settlement from the Australian government. In 2018, nearly 14 years after their renditions, Fatima Boudchar and Abdel Hakim Belhadj received an apology from the U.K. government for their role in their ordeal. The Swedish government has compensated Ahmed Agiza and Mohamed el-Zery."

CONCLUSION

Detainees rendered on Aero-operated planes varied in background, education, profession, socio-economic status, citizenship, and experiences provided above reveals the global scope of the CIA program and Aero’s flight circuits. Regardless of age or gender, detainees experienced terror and abuse during abduction, extraordinary transportation, and secret detention.

ABU ZUBAYDAH

Abu Zubaydah was the first CIA detainee to be subjected to waterboarding. After his initial capture in Pakistan, where he suffered gunshot wounds, he was rendered to various “black sites” in Thailand, Poland, Guantanamo (twice), and Lithuania. In CIA custody, he was subjected to temperatures extremes, insufficient food, physical assault, exposure to extreme temperatures, sleep deprivation, exposure to painfully loud music, cigarette burns, being suspended by arms bound behind one’s back, having to maintain stress positions for prolonged periods of time, being shackled naked for consecutive days, simulated drowning and other forms of rape, rectal “feeding” and other forms of rape and sexual assault, including genital manipulation.

Detainees rendered on Aero-operated planes varied in background, education, profession, socio-economic status, citizenship, and experiences provided above reveals the global scope of the CIA program and Aero’s flight circuits. Regardless of age or gender, detainees experienced terror and abuse during abduction, extraordinary transportation, and secret detention.

WHO WERE THOSE RENDERED BY AERO CONTRACTORS?

The detention of Abu Zubaydah and other detainees has been widely debated. Some argue that the program was illegal and amounted to torture, while others defend its effectiveness in disrupting al-Qaeda’s operations. The program has been the subject of intense legal and political scrutiny, with allegations of human rights abuses and rendition to countries with questionable human rights records.
<table>
<thead>
<tr>
<th>NAME</th>
<th>MENTIONS OF DETENTION</th>
<th>NATIONALITY</th>
<th>COUNTRY CHARGED</th>
<th>PLACES OF DETENTION</th>
<th>CURRENT STATUS</th>
<th>TRIAL</th>
<th>RESTITUTION</th>
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<tbody>
<tr>
<td>Yunus Rahmatullah</td>
<td>10+ years</td>
<td>Pakistan</td>
<td>Iraq</td>
<td>No</td>
<td>Iraq (Camp Nama &amp; Aby Ghraib), Released - Pakistan</td>
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<td>Walid bin Attash</td>
<td>15+ years</td>
<td>Yemen</td>
<td>Pakistan</td>
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<td>Pakistan, Afghanistan (COBALT/GREY), Poland (BLUE), Detention Center</td>
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<td>Sharqawi Abdu Ali Al Hajj</td>
<td>13+ years</td>
<td>Yemen</td>
<td>Pakistan</td>
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<td>Yemen, Jordan, Afghanistan (COBALT/Bagram), Detained - Guantánamo Bay</td>
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<td>Sanad Al-Kazimi</td>
<td>14+ years</td>
<td>Yemen</td>
<td>Dubai, UAE</td>
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<td>Dubai, Afghanistan (COBALT/GREY), Detained - Guantánamo Bay</td>
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<td>Samr Al-Barq</td>
<td>15+ years</td>
<td>Palestine</td>
<td>Pakistan</td>
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<td>Saleh Hadiyah Di'ki</td>
<td>7 years, 4 months</td>
<td>Libya</td>
<td>Mauritania</td>
<td>Yes</td>
<td>Morocco, Afghanistan (COBALT/ORANGE), Detained - Libya</td>
<td>Sentenced to life. Considered a summary trial with no due process.</td>
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<td>Pacha Wazir</td>
<td>8 years</td>
<td>Afghanistan</td>
<td>UAE</td>
<td>No</td>
<td>Afghanistan (Panjshir, Bagram, &amp; 'Hotel California'), Released - Afghanistan</td>
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<td>Omar al-Faruq</td>
<td>4 years, 3 months</td>
<td>Iraq</td>
<td>Indonesia</td>
<td>Unknown</td>
<td>Afghanistan (Bagram), Deceased</td>
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<td>Mustafa Ahmad</td>
<td>15+ years</td>
<td>Saudi Arabia</td>
<td>Pakistan</td>
<td>Yes</td>
<td>Pakistan, Afghanistan (COBALT), Detained - Guantánamo Bay Detention Center</td>
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<td>Muhammad Ibrahim</td>
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<td>Samir al-Jamal</td>
<td>2 years, 9 months</td>
<td>Yemen</td>
<td>Tanzania</td>
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<td>Tanzania; Malawi; Afghanistan (Bagram), Released - Yemen</td>
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<td>Mohamedou Ould Slahi</td>
<td>15 years</td>
<td>Mauritania</td>
<td>Senegal</td>
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<td>Mauritania, Jordan, Afghanistan (Bagram), Released - Mauritania</td>
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<td>Mohamed Farag</td>
<td>2 years, 6 months</td>
<td>Yemen</td>
<td>Jordan</td>
<td>Yes</td>
<td>Jordan, Afghanistan (COBALT, likely other), Yemen</td>
<td>Deceased after release</td>
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<tr>
<td>Mohamed El-Zery</td>
<td>1 year, 10 months</td>
<td>Egypt</td>
<td>Sweden</td>
<td>No</td>
<td>Egypt, Released - Egypt</td>
<td>Yes</td>
<td>No</td>
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<td>Mamdouh Habib</td>
<td>3 years, 3 months</td>
<td>Egypt</td>
<td>Pakistan</td>
<td>Yes</td>
<td>Pakistan, Egypt, Afghanistan (Kandahar), Detained - Australia</td>
<td>No</td>
<td>Yes</td>
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<td>Laid Saidi</td>
<td>1 year, 2 months</td>
<td>Algeria</td>
<td>Tanzania</td>
<td>No</td>
<td>Tanzania, Malawi, Detained - Algeria, No</td>
<td></td>
<td>No</td>
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<tr>
<td>Aso Hawleri</td>
<td>7 years, 6 months</td>
<td>Egypt</td>
<td>Pakistan</td>
<td>Yes</td>
<td>Pakistan, Afghanistan (COBALT), Egypt, Detained - Afghanistan</td>
<td>Released</td>
<td>Yes</td>
</tr>
<tr>
<td>Ammar al-Baluchi</td>
<td>15+ years</td>
<td>Kuwait</td>
<td>Pakistan</td>
<td>No</td>
<td>Pakistan; Afghanistan (COBALT/GRAY), Morocco, Detained - Guantánamo Bay</td>
<td>Expected</td>
<td>No</td>
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<tr>
<td>Abu Zubaydah</td>
<td>16+ years</td>
<td>Saudi Arabia</td>
<td>Pakistan</td>
<td>No</td>
<td>Pakistan, Thailand, Poland, Morocco, Lithuania, Tunisia, Afghanistan (COBALT), Detained - Guantánamo Bay Detention Center</td>
<td>In 2014, the European Court of Human Rights ordered Poland to pay compensation (awaiting disbursement).</td>
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<td>Abu Yasir Al-Jazairi</td>
<td>Unknown</td>
<td>Algeria</td>
<td>Pakistan</td>
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<td>Pakistan, Afghanistan (COBALT/GRAY), Poland (BLUE), Detained - Indonesia</td>
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<td>Abd al-Rahim al-Nashiri</td>
<td>16+ years</td>
<td>Saudi Arabia</td>
<td>Dubai, UAE</td>
<td>Yes</td>
<td>UAE, Afghanistan (COBALT), Detained - Guantánamo Bay Detention Center</td>
<td>Yes</td>
<td>Charged with war crimes by US Military Commission. In 2014, the European Court of Human Rights ordered Poland to pay compensation (awaiting disbursement).</td>
</tr>
</tbody>
</table>

**TORTURE FLIGHTS - NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM**

**CHAPTER 4 - WHO WERE THOSE RENDERED BY AERO CONTRACTORS?**

**TABLE SOURCE:** SEE ENDNOTES | APPENDIX C
CHAPTER FIVE

RENDITION AS TERROR

This chapter discusses how renditions, as practiced by the CIA using Aero Contractors’ aircraft, constituted torture or cruel, inhuman or degrading treatment. Extraordinary or secret, forcible renditions were explicitly designed as integral parts of the RDI program. Their function was to instill “learned helplessness” in detainees as a prelude to their coercive interrogation.

The treatment victims experienced on these flights clearly violated federal and international law against torture and abuse. It also violated the ban on enforced disappearance as well as the non-refoulement ban. The latter prohibits transfer of individuals to situations in which they are at risk of torture and cruel, inhuman or degrading treatment or punishment, enforced disappearance, or arbitrary or proxy detention.

Furthermore, by not providing redress for rendition victims, the United States is in violation of its obligation to ensure a right to remedy under international human rights law. The U.S. government also bears responsibility for the subsequent treatment of individuals to which it rendered to foreign custody. This report considers these obligations in more detail in Chapter 9.

As testimony before the Commission emphasized, violations of binding international legal obligations occurred at all stages of the RDI program, including victims’ “initial apprehension and treatment on tarmacs of foreign airports by CIA Rendition Teams, on rendition flights, in secret detention, through interrogation using brutal tactics referred to as ‘enhanced interrogation techniques,’ and in the failure to get justice.”

RENDITION IN THE RDI PROGRAM: AN INTEGRAL PIECE, DESIGNED TO CREATE PSYCHOLOGICAL AND PHYSICAL HELPLESSNESS

As noted in Chapter 1, the first step in the RDI program was extraordinary rendition, the covert extraterritorial transfer of an individual between States or legal jurisdictions. These renditions were conducted with the authorization, facilitation, and participation of the U.S. government, foreign states, and private actors.

The U.S. government authorized and coordinated renditions through arrangements with local authorities to seize individuals and hand them over to a U.S. “Rendition Team,” which assaulted detainees both before and during flights. The team included a medical officer to monitor individuals throughout the rendition, complete a preliminary medical examination and cavity search, and administer sedatives. The presence of a medical officer raises questions about possible violations of medical ethics during renditions. This topic deserves further investigation.

In addition to simply acting as a mode of transportation, the renditions themselves were integral to the control and dehumanization of detainees. In documents from the period of the RDI program, the CIA identified rendition as a key component to interrogation on the basis that “effective interrogation is based on the concept of using both physical and psychological pressures in a comprehensive, systematic, and cumulative manner to influence [detainee] behavior, to overcome a detainee’s resistance posture.” The goal of interrogation is to create a state of learned helplessness and dependence conducive to the collection of intelligence in a predictable, reliable, and sustainable manner. Experienced military intelligence officials testified to the Commission about the flaws in this reasoning and the ineffectiveness, as well as illegality and immorality, of abusive interrogation methods.

The protocol is precise and designed to induce terror in the victim, with the horrible fear that he is about to be killed. Kassim is no exception: he [was] terrified, he [did] not understand, and [thought] maybe his life [would] end there.

THE RENDITION EXPERIENCE AND HOW IT VIOLATED THE PROHIBITION ON TORTURE

Rendition as developed by the CIA and its partners and experienced by affected individuals violates U.S. obligations to prohibit torture and cruel, inhuman or degrading treatment or punishment. This section draws on survivor testimony, official documents from the RDI program, and expert witnesses to the Commission. Together, they afford insight into the experience of being prepared for rendition, the experience on board rendition flights, of which some survivors had several, and the ongoing psychological effects of rendition.

It is important to recall the definition of torture under international law: “any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him a confession or a third person information of a confession.” Consistent with that definition, the U.S. government has acknowledged that rendition was an intentional and key component of a three-phase interrogation process -- rendition, reception and detention at the “black site,” and interrogation itself -- that began with controlling the “[Kassim’s] location” of the individual. This report thus builds on the SSCI Report, which focused on rendition and incarceration by examining the key role of rendition in the program.

Protocols of seizure and transport

The Rendition Project has compiled direct testimony of former detainees as well as information released during court proceedings by detainees testifying in European courts. Dr. Sam Raphael’s presentation of these findings before the Commission revealed a common set of protocols of seizure and transport experienced by detainees. These findings are consistent with the protocol for renditions described in CIA documents stipulating the treatment of individuals in preparation for and during their transfers discussed below.

Abduction teams operated in silence and anonymity, hiding their faces under black masks and communicating solely with hand gestures. Detainees report that abducting agents failed to disclose their authorization and refused to provide the reason for abduction, where detainees were taken, or how long they would be held.

The definition of torture under international law: “any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him a third person information of a confession.”
Mr. Slahi characterized his rendition as “the boundary between death and life.”

The experience on the flights was, in some situations, as terrifying, degrading, and painful as torture that took place in detention and was almost meaningless to delineate between the transport experiences and the detention experiences of many of the individuals.

Mr. Mohammed Qaid Slahi is a Moroccan citizen who was rendered by Aero Contractors and detained at Guantanamo Bay detention camp without charge from 2002 until his release in October 2006.

Rendition to foreign custody also infringed the international law requirement of non-refoulement. Under international law, States are prohibited from surrendering or transferring individuals to another State or another State’s authority when there are substantial grounds for believing that an individual is at risk of torture, egregious abuse, or other serious human rights violations.

The United States is bound by the obligation of non-refoulement derived from the International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). As a party to CAT, the United States is explicitly bound not to transfer to torture under article 30 as follows: “[No] State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” Under ICCPR Article 2 – in conjunction with Articles 6 (right to life) and 7 (prohibition on cruel, inhuman or degrading treatment or punishment) – the United States also has “an obligation not to extricate, deport, expel or otherwise remove a person from their territory where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant.”

Additionally, international human rights law prescribes non-refoulement to enforced disappearances as well as to proxy detention, with the Hague Declaration transferred from one State to another outside the realm of any international or national legal procedure. For the specific purpose of surreptitiously transferring or exfiltrating Guantanamo detainees, the United States, along with Libya, Qatar, and Jordan, transferred individuals to the custody of countries that had been implicated by the RDI program.

REFERENCES

Mr. el-Banna stated that he was stripped, his captors cut his clothing off, and he was restrained down from feet, torso, and chest on a stretcher while completely immobilizing him to be taken aboard an aircraft. These experiences match that of Mohammed Qaid Slahi, who testified regarding his rendition experience at the Commission hearings. Mr. Slahi detailed being prepared for his second rendition by being blindfolded, stripped of his clothes, diapered, dragged onto a plane, and finally shackled onto that plane. In addition to the fear and absence of any personal control he experienced, Mr. Slahi characterized his rendition as “the boundary between death and life.”

Detainees report that abducting agents failed to disclose their authorization and refused to provide the reason for the abduction, where detainees would be taken, or how long their detention would last. Detainees report that abducting agents failed to disclose the following techniques:

- • physical beatings
- • forcing individuals onto planes
- • physically beat them
- • forcibly sedated them
- • worn over apparent medical purpose
- • physical beatings and torture
- • without consent
- • clothed, or apparent medical purpose
- • imposed

A 2004 CIA memorandum on the treatment of detainees in a rendition situation also describes the procedures, although some of the information has been redacted: “The detainee is securely shackled and is deprived of sight and sound through the use of blindfolds, ear muffls, and hoods [REDACTED]. There is no interaction, as terrifying, degrading and painful as torture that took place in other locations. It is almost meaningless to delineate between the transport experiences and the detention experiences of many of the individuals.”

The federal statute prohibiting torture includes in its definition of severe mental pain and suffering that which results from the ‘threat of imminent death’ or from ‘the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality.” Rendition Teams appear to have violated both of these prohibitions in some cases. The violence continued after rendition flights landed at their destination. For example, Mr. el-Banna described being dragged from the plane and thrown into a waiting vehicle. He was later forcefully thrown on the ground. Regarding his post-rendition treatment, Mr. Bashmilah described, “The maltreatment I suffered during my first three months in Afghanistan had a serious impact on my mental state, which was already extremely bad following my torture in Jordan and rendition to Afghanistan. [ . . . ] I became so depressed that I tried to take my life three separate times during the first few months that I was in detention.”

The testimony of Dr. Porterfield further supports the conclusion that the renditions themselves were a form of torture and abuse, with ongoing mental injury for affected individuals. Dr. Porterfield testified that:

- individuals with multiple transports experienced these flights as highly anxiety-provoking, having been moved by airplane before to a place where they were tortured on subsequent flight presented a recapitulation of the path towards pain, humiliation and loss of bodily control. Thus, for some, the airplanes became a starting point – in fact, merely being told that they would be transported.

In other words, the abductions constituted forced disappearances. Individuals have described violent treatment upon being seized, even before being rendered on flights operated by Aero Contractors. Mohammed Bashmilah’s account of the forced removal of his clothing followed by his diaphragn, blindfolding, earphones, and forcible restraint corresponds to other detainee narratives.

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TORTURE FLIGHTS - NORTH CAROLINA'S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM  

CHAPTER 5 - RENDITION AS TORTURE

The United States’ practice of ‘extraordinary rendition’ constitutes a violation of article 3 of the Convention against Torture and article 7 of ICCPR.

The United States’ practice of ‘extraordinary rendition’ has determined that the “United States’ treatment of detainees who had been rendered on Aero-operated flights, including the treatment of Sharpey’s detainee Abdul Al Hawaj. His treatment included “continuous torture and interrogation” at the hands of the Jordanian General Intelligence Department – an agency “known to routinely violate human rights.” Al Hawaj was later rendered again to Bagam Airbase in Afghanistan which was “a location known to house horrendous torture atrocities during the Global War on Terror.” Because of its practice of refoulement, “part of a series of wrongful acts or omissions,” the U.S. government violated the prohibition on refoulement.

The U.S. government maintains legal custody over prisoners in the detention facilities in Afghanistan, Guantanamo Bay, and other sites, “DoD facilities, or foreign custody,” and any detention must be in accordance with international law. The United States is characterized by its secret detention facilities were in breach of human rights law.

RENDITION AND U.S. RESPONSIBILITY FOR THE FATE AND TREATMENT OF INDIVIDUALS TO FOREIGN CUSTODY

Under international law, the United States is also liable for the treatment of individuals after they were rendered to foreign custody. For example, in the case of El-Masri v. the Former Yugoslav Republic of Macedonia, the European Court of Human Rights noted that Macedonian authorities “actively facilitated the detention of El-Masri in Afghanistan by the United States” by handing over his data to the CIA, despite the fact that they were aware or ought to have been aware of the risk of that transfer. As a result, the Court “considers . . . that the responsibility of the respondent State is also engaged in respect of the applicant’s detention between 23 January and 28 May 2004.” The Court determined that “the principle of non-refoulement is characterized by its absolute nature without any exception.” Under international human rights law, States “must apply the principle of non-refoulement in any territory under its jurisdiction or any area under its control or authority, or on a board ship or aircraft registered in the State party.”

International law prohibiting refoulement requires that when an individual is transferred, both the transfer and any detention must be in accordance with basic procedural safeguards, including “an opportunity for effective, independent and impartial review of the decision to expel or remove” and “clear and transparent procedures with adequate judicial mechanisms for review before individuals are deported.” In the absence of such safeguards, as well as being a violation of non-refoulement, “the removal person is subjected, usually under illegally prescribed procedures amounts to an unlawful detention in violation of article 9 of the ICCPR, and raises other human rights concerns if a detainee is not given a chance to challenge the transfer.” Rendition under the CIA RDI program constituted violations of the non-refoulement obligations because no detainee was granted access to these procedural or substantive guarantees before the individual was transferred to foreign custody. Indeed, international and regional bodies have repeatedly determined the extraordinary rendition program for the United States constitutes an infringement international human rights law. For example, the U.N. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has determined that the “United States practice of ‘extraordinary rendition’ constitutes a violation of article 3 of the Convention against Torture and article 7 of ICCPR.”

The Commission heard testimony about the subsequent treatment of detainees who had been rendered on Aero-operated flights, including the treatment of Sharpey’s detainee. Abdul Al Hawaj. His treatment included “continuous torture and interrogation” at the hands of the Jordanian General Intelligence Department – an agency “known to routinely violate human rights.” Al Hawaj was later rendered again to Bagam Airbase in Afghanistan which was “a location known to host horrendous torture atrocities during the Global War on Terror.” Because of its practice of refoulement, “part of a series of wrongful acts or omissions,” the U.S. government violated the prohibition on refoulement.

CONCLUSION

Renditions conducted within the RDI program were much more than transport. They were intentionally designed to constitute the first phase of coercive interrogation and, as such, to be terrorizing and dehumanizing in and of themselves. Without any legal remedy, explanation, or recourse, detainees were subject to physical and mental pain and suffering. Detainees were deprived of their liberty and knowledge of their fates and were placed outside the protection of the law. When they transported individuals to foreign custody, where detainees faced the clear risk of torture and abuse, those who designed and operated rendition flights also violated the prohibition against refoulement. Whether the targeted individuals were rendered to CIA ‘black sites,’ DoD facilities, or foreign custody, the U.S. government maintains legal responsibility for detainees’ treatment prior to and after rendition flights, and at the site of reception.

Ongoing Challenges for Survivors

The experience of rendition and the subsequent treatment of detainees in foreign or U.S. custody have long-lasting effects on the individuals who lived through them, as well as on their families and communities. Expert testimony before the Commission indicated that “torture and terror were a severely traumatizing, destabilizing and damaging experience for the (individuals) who suffered it and these experiences of rendition and torture have left long lasting biopsychosocial consequences in the survivors.”

This chapter draws on evidence-based research on the effects of torture as well as testimony provided during the Commission’s public hearings. In addition, interviews with survivors and major media reports on the lives of both former and current detainees are useful in understanding the repercussions of the RDI program for those who suffered it.

The chapter also includes examples of current challenges and needs expressed by some of the 49 detainees rendered by Aero Contractors. Former RDI detainees and their families have identified five areas that present the most significant challenges to their resumption of meaningful and secure lives. The special needs of those who remain in detention at Guantánamo are addressed at the end of this chapter.

Priorities of Survivors of Rendition, Detention, and Interrogation

The priorities of survivors of the CIA program are

• medical, psychological, and social treatment and support
• family reunification and social re-integration
• legal status, full rights of citizenship or residency
• professional employment and access to financial institutions
• acknowledgment or accountability for their maltreatment.

Although these categories are addressed individually below, they are interconnected and overlapping, and the combination of the effects suffered by the survivors is both physical and psychological. Inability to overcome one of these challenges often exacerbates the other problems, compounding the violations of human rights. For example, enforced disappearance, rendition, and prolonged captivity cause profound psychological suffering as well as long gaps in employment, lost wages, and damaged relationships. The physical and psychological effects of torture complicate family reunification and viability of employment. Forced displacement through repatriation to a foreign country compounds psychological suffering, limits access to support services, and inhibits family reunification. These challenges may also be termed “post-torture psychosocial stressors,” as described in a study of survivors of torture in South Korea.

Physical, Psychological, and Social Challenges

Survivors of the CIA program confront ongoing physical, mental, emotional, and social challenges. Release in and of itself does not restore the individual’s psychological well-being nor reverse the physiological, psychological, and social damages incurred. The U.S. government has not provided any mental health, medical, or social services to survivors of the RDI program.

Torture harms victims physically and psychologically. Detainees and their families attest to lasting physical and mental suffering. Physical suffering results from torture and abuse, lengthy imprisonment, inadequate medical care during detention, and release without access to adequate medical care. For example, Mustafa al Hawari had to undergo reconstructive bowel surgery after forced “anal feeding.” Mohamedou Ould Slahi testified at the Commission hearings on his need for advanced medical care.

Abou Elkassim Britel “speaks little; it is clear that he has had a terrible experience. He is tense, he is always cold. He needs medical care, and a lot of attention and patience.”

CHAPTER 6 - ONGOING CHALLENGES FOR SURVIVORS

PHYSICAL, PSYCHOLOGICAL, AND SOCIAL CHALLENGES

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It’s so traumatic, he can barely speak of it. He breaks down in tears. In her testimony to the Commission, Khadija Anna Pighizzini expressed a deep inability to talk about it. ….

In her testimony the Commission, Khadija Anna Pighizzini also addressed the lasting effects of her husband’s detention and torture:

“When will we live? We both ask, each on our own. I look at him, but I do not recognize him. He gets nervous over a trifle; he cannot go out, but the house is also foreign to him. He suffers — and does not talk about it. ….

Day after day I realize that this condition will no longer leave us: continuous forgetfulness, the humiliation when objects fall from his hands as he is about to grasp them. He carries a huge weight that he cannot share.

How will we live? We both ask each on our own. I look at him, but I do not recognize him. He gets nervous over a trifle; he cannot go out, but the house is also foreign to him. He suffers — and does not talk about it. ….

We struggle to understand each other. Day after day I realize that this condition will no longer leave us: continuous forgetfulness, the humiliation when objects fall from his hands as he is about to grasp them. He carries a huge weight that he cannot share.

Jamal el-Barra reported similar, ongoing problems resulting from torture and secret detention after the CIA renditioned him to an Afghan ‘Black site’ in 2003. ‘I’ve lost the ability to focus and to remember. I could put this phone down here and then forget where I put it. Previously my memory was excellent … I also have nightmares. My wife knows this best. I wake up scared, lost and sweating. In those moments, I’m completely lost. If I want to remember those situations. My back is in pain. I can’t stand for more than 10 minutes. I’m taking pills. Sometimes I can’t sleep because I get extremely worried.’

‘I believe it clinically originated in the specific experience of the torture interrogation — the repeated experiences of questioning, coupled with bodily pain and humiliation of the sense of self-autonomy combined to make these men terrified of conversations about their future because it brought them back to previous states of dependence on someone with total bodily control over them.” This has led some individuals to literally plead not to be made to think about the future. This was some of the most disturbing clinical symptomatology I had ever witnessed.”
PROFESSIONAL AND APOLOGY

One of the most urgent challenges survivors face is acknowledgment of how to support themselves and their families.684 The lack of an official record of the program and the experiences of each captive, including whether the individual was ever charged with a crime, have varied effects. Even detainees never charged with a crime are stigmatized, labeled terrorists, and struggle to explain gaps in their employment history. The challenge of economic stability may be further compounded by the long gap many detainees faced between their primary breadwinner and by considerable debts incurred through legal fees. Re-entry to the labor market after many years of absence may require remedial professional training, higher education, or both. Given the physical and mental harm caused by torture and other degrading treatment, few survivors are able to maintain a job without ongoing psychological and social support, let alone to advance their careers.685 Survivors often require flexible jobs and employers who are willing to provide them with sufficient time off to address psychological effects of their experience and who understand their possible physical limitations. Jobs that may be flexible are rarely sufficiently well-paying to meet survivors’ needs.

NEED FOR ACKNOWLEDGMENT AND APOLOGY

Survivors face the dual challenges of having to account for their missing years — to extended family, friends, colleagues, potential employers, or the government authorities — without receiving official documentation of their experience and suffering. The failure by the U.S. to acknowledge that it subjected specific individuals to rendition, secret detention, and torture has profound and lasting negative consequences for survivors.

The Senate Report found that 26 RDI prisoners were either described in the CIA’s own documents as mistakenly detained or were effectively treated as such by being given money upon release, no RDI survivor has received an official apology. Many have requested one. Mohammed Bashmilah, whose 19 months of solitary confinement in two CIA “black sites” drove him to multiple suicide attempts, asked his attorney in 2014 if the Senate Report meant he might receive an apology or compensation. Neither was forthcoming, and Mr. Bashmilah, who was living in Yemen, was killed in the conflict there in 2016.686 Thus an apology to him is no longer possible, but his widow still seeks “truth, admission of wrongdoing, and an apology for what the U.S. government did to Mohammed and his family.”687

Abu Ekkasim Britel has also spoken of his desire for an apology: “The wrong has been done, sadly. What I can ask now is for some form of separation so that I can have a fresh start and try to forget, even if it won’t be easy.” 688 I want an apology. It is only fair to say that someone who has done something wrong must apologize.689

Some survivors are wary of any contact with the US government for fear of recapture or of further stigmatization for having been a CIA target. For others, however, official documentation and the transparency it would afford, along with acknowledgment of wrongdoing, would be a necessary first step toward addressing the harms they suffered and continue to suffer.

CHALLENGES FACED BY THOSE STILL IN DETENTION

Detainees whom the U.S. government continues to hold in Guantánamo Bay suffer from their own set of challenges. Many of those challenges, especially the psychological ones, are compounded by the individuals’ prolonged and indefinite detention (often without charge) and their deterioration from confinement and torture. For example, detainees express great frustration with the difficulty of opening a bank account, which, as noted above, likely requires a residential address and an official ID document or in gaining access to credit.

CONCLUSION

Survivors of the CIA’s RDI program face ongoing challenges at many levels. Release, the first step away from abuse, constitutes neither physical nor psychological rehabilitation, nor does it compromise any hope of recovery from severe trauma. For survivors of the CIA RDI program who remain detained indefinitely at Guantánamo, rehabilitation services are inadequate and lacking in many respects. Indeed, according to CVT, rehabilitation cannot occur while indefinite detention persists. At minimum, survivors must be given a sense of control over key aspects of their lives, have their sense of safety restored, be offered trusted and consistent human connections, and be treated by skilled and experienced providers.690 In many ways, CVT has argued, Guantánamo “is the antithesis of these basic requirements.

The military is in complete control over all aspects of detainees’ lives. The men remain held captive — indefinitely, with all the attendant health consequences — by the government responsible (directly or indirectly) for their torture; and in a setting both replete with common triggers of PTSD symptoms and one that will forever be synonymous with torture. According to former Guantánamo medical personnel, trust is essentially nonexistent. That is not surprising given the role that some psychologists and psychiatrists played in the design and implementation of abuses detainees suffered.691

Moreover, like other challenges discussed above, the effects of indefinite detention are not limited to survivors themselves. When a loved one is indefinitely detained, families are separated; parents, spouses, and children cannot see their relatives — and with all the attendant degradation of multiple aspects of health. These include:692

• pathological levels of stress that have damaging effects on the core physiologic functions of the immune and cardiovascular systems as well as on the central nervous system
• depression and suicide
• post-traumatic stress disorder (PTSD)
• enduring personality changes and permanent estrangement from family and community that compromise any hope of the detainee regaining a normal life following release

Of course, these effects are worse for detainees who were tortured or similarly harm were subjected to indefinite detention. “Lacking any control, and having no sense of what will happen next, re-stimulates the kinds of experiences [survivors] suffered.”693

Indeed, according to CVT, the uncertainty and unpredictability of indefinite detention is so extreme and the loss of control over detainees’ lives so complete, that “it seriously harms healthy individuals, independent of other aspects or conditions of detention.” Indeed, “medico-legal examinations have documented indefinite detention leading to profound depression and vegetative symptoms, with all the attendant degradation of multiple aspects of health.” These include:694

• severe and chronic anxiety and dread

fhttps://www.ncctorturereport.org/ongoing-challenges-for-survivors}
Beyond the obvious costs to the victims, the RDI program imposed painful costs on the State of North Carolina and on the nation. The federal government’s use of torture undercut national security in numerous and profound ways. It undermined the United States’ moral standing in the world, which is critical to promoting international cooperation and the rule of law. Among other costs, the program produced faulty intelligence; eroded key counterterrorism partnerships; turned terrorists into martyrs, and led to inflicting rather than critically needed cooperation, amongst the nation’s intelligence agencies. The use of torture continues to impede ongoing efforts to prosecute those responsible for the 9/11 attacks and other heinous acts. In addition to tortured retaliation, information from torture damages perpetrators and their communities including, in this case, the State of North Carolina. This chapter addresses each of those costs in turn.

YIELDED FAULTY INTELLIGENCE

Torture produces information that may be inaccurate, unhelpful, and even misleading for intelligence-gathering purposes. In contrast to torture, efforts to make the torture stop, the individual being harmed may say anything, including what the interrogator appears to want to hear, whether or not it is accurate. This is illustrated repeatedly by CIA documents quoted in numerous places in the declassified summary of the SSCI Report. For example, [Hamdali] said he merely gave answers that were similar to what he was being asked and what he inferred the interrogator or debriefer wanted, and when the pressure subsided or he was told that the information he gave was okay. [Hamdali] knew that he had provided the answer that was being sought.89

Traditional interrogation techniques are most likely to achieve the disclosure of useful and accurate information: building rapport, taking advantage of the captive’s desire for normal human interaction, demonstrating awareness of and respect for the subject’s culture, background, and motivations, and showing awareness of possible evidence of criminal activity by the suspect.88

The use of torture in the RDI program led intelligence officials to chase false leads and reach faulty conclusions.89 Perhaps the most infamous example with long-lasting consequences was bin Shehhi al-Libi’s testimony, obtained under torture and later recanted. His false testimony concerning Iraq’s weapons of mass destruction and regarding al-Qaeda resulted in Secretary of State Colin Powell’s false claims in front of the United Nations that helped propel the U.S. to war in Iraq. “A year later al-Libi retracted his statement. The US Defense Intelligence Agency (DIA) later opined that al-Libi’s information was not correct and that he had made the confession either under duress or to get better treatment.”88

The SSCI Report provides extensive analysis of the claim that information the U.S. learned from torture was useful in pursuing terrorists. Among 20 examples of purported RDI counterterrorism successes examined, the SSCI Report found that in some there was no relationship between the cited successes and information acquired from tortured detainees, while in all of the remaining cases the information acquired from tortured detainees was already available to the intelligence community from other sources, or was acquired from detainees prior to the use of torture.88 Regarding the interrogation of Abd al-Rahim al-Nashiri, recently released cables indicate that “the waterboarding and other brutal treatment of Mr. Nashiri produced little or no new intelligence about existing plots or imminent attacks.”90 As Al Soufan, a former FBI interrogator with extensive experience questioning members of al-Qaeda, testified to the Senate Judiciary Committee, the so-called “enhanced interrogation techniques” are ineffective and unreliable. Soufan explained that traditional interrogation techniques are most likely to achieve the disclosure of useful and accurate information: building rapport, taking advantage of the captive’s desire for normal human interaction, demonstrating awareness of and respect for the subject’s culture, background, and motivations, and showing awareness of possible evidence of criminal activity by the suspect.88

Using physical or mental torture undermines all of these dynamics of successful interrogation. Steven Kleinman, U.S. Air Force Colonel and expert in interrogation, human intelligence, and survival and resistance training, testified to the CCITT that unethical interrogation methods have “uniformly concluded that torture is an ineffective means of gaining reliable information.” Kleinman detailed the ways in which torture, first, undermines and corrupts memory and, second, diminishes cooperation by the person who experiences it. Core attributes of torture, such as infliction of fear and pain and manipulation of the body’s circadian rhythms, impede accurate recall. Interrogations that feature “leading and loaded questions” can “permanently alter memory.” Moreover, coercive interrogation techniques that aim to break the subject’s will by producing delirium, dependence upon the interrogator, and dread of what else might happen may make the subject feel helpless, however, they also increase his or her antagonism toward the interrogator. Kleinman emphasized that extensive empirical research and field validation studies demonstrate that rapport-based, information-gathering methods are dramatically and consistently superior in addition to accurate and comprehensive information.89

The Commission is aware that some former CIA officials and government officials have disputed the conclusions of the SSCI Report.88 Given this crucial discrepancy, it is essential for the public to have access to the full 6,700-page investigative report, which remains classified.

HARMED COUNTERTERRORISM PARTNERSHIPS

As information regarding the torture program came to light, international partners withdrew their cooperation with the United States in a variety of contexts. Key allies refused to extradite individuals suspected of terrorism to the U.S. after they became aware of practices in the torture program.88 Diplomats spent their time defending the U.S. practices rather than pursuing proactive policies designed to address ongoing threats.88 International partnerships were strained on various fronts. Britain released detainees of interest in Iraq because it did not have facilities to detain them, and it feared the U.S. would not respect the captives’ fundamental human rights.88 The Netherlands delayed sending troops to Afghanistan from 2003 to 2006 in part because of concerns with the United States’ use of torture.88 Australian, Canadian, British, and New Zealand military lawyers approached Alberto Mora, then General Counsel to the U.S. Navy, and warned him in 2005 that their cooperation with the U.S. on the whole range of war on terror activities would decline if the U.S. continued to engage in torture.88 These concerns undoubtedly made U.S. efforts to suppress terrorism more difficult.

ENERGIZED TERRORIST RECRUITMENT

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Our team of researchers at the Carr Center for Human Rights Policy at the Harvard Kennedy School [. . .] has found that Washington’s use of torture greatly damaged national security. It incited extremism in the Middle East, hindered cooperation with U.S. allies, exposed Americans to legal repercussions, undermined U.S. diplomacy, and offered a convenient justification for other governments to commit human rights abuses.

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EXACERBATED TENSIONS BETWEEN AGENCIES AND DAMAGED INSTITUTIONS

According to the SSCI Report, the RDI program hindered the national security missions of the FBI State Department, and the Office of the Director of National Intelligence (ODNI). To maintain sole control over the RDI program, the CIA restricted information sharing, provided inaccurate information, and prevented these agencies from getting access to detainees.88 Of particular concern, the initiation of the torture program led to a split between the FBI and CIA, with FBI agents often being excluded from or unwilling to participate in abuse perpetrated by...
COSTS AND CONSEQUENCES OF THE CIA’S TORTURE AND RENDITION PROGRAM

CHAPTER 7

In cases such as the 9/11 attacks and other acts

The CIA’s secret overseas prison network, the

and 2015. All four cases were dismissed

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The use of torture in the RDI program

The continued legal effort to evade accountability for the use of torture and to prohibit foreign torture victims to seek civil redress in federal courts has weakened the rule of law, drained the crime of torture of its gravity, and diminished judicial independence.

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The use of torture in the RDI program has made it difficult to prosecute those involved in the 9/11 attacks and other acts of terrorism, creates enormous challenges for prosecutors and defense counsel alike, and continues to hamstring efforts to obtain justice for the victims of terrorism.

As recently declassified and released transcripts of arguments in Guantánamo Bay’s death penalty military commission cases reveal, “When the public and accused terrorists aren’t allowed to listen, the legal arguments are often about the CIA’s secret overseas programs and the Guantanamo Bay’s detention and how now outlawed Bush-era interrogation methods might affect future justice.”

The use of torture was so clearly illegal and indefensible that when sued over it, the U.S. government had its defenses by resorting to a distortion of the ‘state secrets’ doctrine: by stretching the doctrine far beyond its original purpose; the government claimed immunity for itself and private defendants on the grounds that a judicial proceeding would compromise national security by forcing the revelation of state secrets. Such a self-serving approach further eroded the credibility of the U.S. claimed adherence to human rights and the rule of law. The Commission heard testimony from ACLU attorney Steven Watt, who summarized four cases brought by victims and survivors of the RDI program in U.S. courts between 2004

The use of torture reveals a more complex pathology amid imperial retreat or defeat, involving as it does an ineptitude of victims who carry out the violent and inhumane actions. Torture is widely considered immoral on religious, philosophical, and humanitarian grounds. Most faith and philosophical traditions speak against the practice of torture by calling for protection of the dignity and life of every human being. Torture dishonors that sanctity and dignity, and therefore is deemed morally and spiritually

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COSTS AND CONSEQUENCES OF THE CIA’S TORTURE AND RENDITION PROGRAM

The continued legal effort to evade accountability for the use of torture and to prohibit foreign torture victims to seek civil redress in federal courts has weakened the rule of law, drained the crime of torture of its gravity, and diminished judicial independence.

To testifying before the Commission on behalf of his client, Ammar al-Baluchi, U.S. Col. Sterling Thomas noted the “locations of Mr. al-Baluchi’s torture and identity of his torturers (beyond the understanding that they were affiliated with the CIA) are considered to be classified information by the United States government. Even defense counsel holding Top Secret security clearances, including myself, are barred from accessing that information.”

The use of torture in the RDI program has made it difficult to prosecute those involved in the 9/11 attacks and other acts of terrorism, creates enormous challenges for prosecutors and defense counsel alike, and continues to hamstring efforts to obtain justice for the victims of terrorism. The fact that so much information through torture cannot be used in court.

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Torture and the prohibition on the use of evidence obtained from torture has significantly interfered with efforts to hold individuals responsible for the atrocities committed against the United States on September 11, 2001 and other terrorist acts.

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The secret renditions also led to direct

Torture and the prohibition on the use of evidence obtained from torture has significantly interfered with efforts to hold individuals responsible for the atrocities committed against the United States on September 11, 2001 and other terrorist acts. In regular legal proceedings, information obtained from suspects through torture cannot be used in court. The fact that such information was obtained by torture has mired the Guantánamo trials in discovery battles.

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The use of torture in the RDI program has made it difficult to prosecute those involved in the 9/11 attacks and other acts of terrorism, creates enormous challenges for prosecutors and defense counsel alike, and continues to hamstring efforts to obtain justice for the victims of terrorism. The fact that so much information through torture cannot be used in court.

The continued legal effort to evade accountability for the use of torture and to prohibit foreign torture victims to seek civil redress in federal courts has weakened the rule of law, drained the crime of torture of its gravity, and diminished judicial independence.

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The CIA’s secret rendition and torture program substantially damaged the reputation of the United States, its national security, and its democracy. These negative effects are ongoing, and are unlikely to be repaired without a thorough, public accounting for what occurred; substantial criminal and financial punishments for the persons responsible for carrying out the torture program; which are required as matters of state, federal, and international law; and appropriate redress for the individuals who suffered rendition and torture without due process of law. The lack of accountability increases the likelihood of the use of torture as U.S. policy in the future. It also weakens the ability of the United States to convince other governments not to torture.

Furthermore, because the RDI program relied so heavily on North Carolina’s infrastructure and public and private actors, the abuses of the program also damaged the reputation of the state and made its citizens unwittingly complicit in violations of human rights.

Abdel Hakim Belhaj and Fatima Boudchar, who, after torture by the CIA in Thailand, were rendered abroad the Kistina-based B131P aircraft to Libya and handed over to security agents of Muammar Gaddafi, the dictator opposed by Belhaj’s (see Chapter 6). Further, the U.K. Parliament’s Intelligence and Security Committee (ISC) has found that U.K. intelligence agencies partnered with the U.S. to commit various acts of rendition and torture in Guantánamo, Iraq, and Afghanistan. The findings identify 128 incidents of mistreatment reported by foreign intelligence officers and 53 incidents witnessed by British intelligence officers. According to Dominic Grieve, the committee chairman, the “U.K. tolerated actions, and took others, that we regard as inexcusable.” He also claimed the U.K. government has been hesitant in fully cooperating with the ISC inquiry, and this had undermined the work of the committee. Prime Minister May prevented the committee from requesting evidence from four intelligence officers who had pertinent information concerning the incidents.

**Damage to North Carolina**

The RDI program relied heavily on North Carolina’s public infrastructure, military installations, and private corporations. As such, the program damaged the State of North Carolina and implicated its citizens in torture and other human rights violations. The failure to account fully for North Carolina’s role in the RDI program extends those damages to the two applicants’ rights committed on its territory.

More recently, the ECHR ruled that Lithuania and Romania violated the rights of two al-Qaeda terror suspects by allowing the CIA to torture them and ordered that both countries pay monetary damages to the two, both of whom remain detained at Guantánamo.

In the U.K. progress has been made, although full accountability has yet to be achieved. Prime Minister Theresa May recently apologized for the U.K.’s wrongdoing in the case of two Libyans, State of North Carolina should fulfill its obligations to both its citizens and the rule of law.

**Conclusion**

The CIA’s secret rendition and torture program substantially damaged the reputation of the United States, its national security, and its democracy. These negative effects are ongoing, and are unlikely to be repaired without a thorough, public accounting for what occurred; substantial criminal and financial punishments for the persons responsible for carrying out the torture program; which are required as matters of state, federal, and international law; and appropriate redress for the individuals who suffered rendition and torture without due process of law. The lack of accountability increases the likelihood of the use of torture as U.S. policy in the future. It also weakens the ability of the United States to convince other governments not to torture.

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Since 2005, members of the public in North Carolina, largely led by North Carolina Stop Torture Now (NCSTN) and various allies, "have worked [...] to expose and end North Carolina's central role in the ongoing U.S. torture program." NCSTN is a grassroots coalition of individuals representing [...] a diversity of faith, human rights, peace, veteran, and student groups across the state. From the beginning, this opposition has been motivated by the belief that torture is immoral. Participants from across the political spectrum have ground their abhorrence of torture in a variety of strong conscientious, religious, and ethical beliefs.

Through a wide range of actions, citizens have mounted persistent and vigorous public challenges for over 12 years to North Carolina's role in the RDI program. They have directed requests for action to officials at the local, state, federal, and international levels. Yet government responses range from failure to respond to requests for information to refusal to investigate or issue apologies, instead, local and state authorities have subjected local activists to monitoring and arrest.

No judicial, legislative, or executive official at the state or local level has taken seriously the duty to investigate whether egregious crimes, including conspiracies to kidnap and commit torture, have occurred within North Carolina's jurisdiction. This remains the case even though there is now ample evidence of the state's involvement in the CIA torture and rendition program.

PUBLIC CHALLENGES TO NORTH CAROLINA'S ROLE IN THE RDI PROGRAM

For over a decade, torture opponents repeatedly engaged with elected officials and staff, including governors, attorneys general, U.S. Congress members, and state legislators, to challenge the role of North Carolina in facilitating the RDI program. Demands for government transparency have been paramount. At the federal level, for example, in April 2009 NCSTN called on the Obama administration to publicly disclose "how U.S. torture policies were formulated, how these policies were implemented and executed, the scope of the practices [the numbers affected and the breadth of the torture], the fate of the victims, and other relevant information." Advocates, including the North Carolina Council of Churches, also demanded transparency in August 2009, when they delivered a letter to U.S. Senator Richard Burr that was signed by more than 190 faith leaders from across North Carolina, among whom were 18 heads of judicialities or denominations.

Activists have made repeated requests for a legislative remedy at both the state and federal level (e.g., a Commission of Inquiry). At the state level, anti-torture groups have made frequent requests for investigation and an end to North Carolina's role in the RDI program as well as for a demonstrated commitment to prevent future such abuses. These requests have gone to prior Governors (Easley and Perdue), former Attorney General Cooper, the State Bureau of Investigation (SBI), the Global TransPark Authority (GTPA), and individual state legislators. For example, in September 2006, the N.C. Council of Churches sent letters to state officials requesting investigation of Aero Contractors. In March 2007, a press conference at the N.C. General Assembly announced a "letter from 75 non-profit organizations requesting an investigation of Aero, delivered to Governor Easley. Attorney General Cooper, SBI Director Pendergraft, U.S. Attorney for Eastern District of N.C. George Holding, Johnston County Board of Commissioners, [GTPA] Board members, and N.C. General Assembly members." Within weeks, on May 2, 2007, NCSTN and allies provided documentation of Aero's "involvement in rendition to torture" to Attorney General Cooper's office.

State-level pressure continued: On July 2, 2009, NCSTN and N.C. Council of Churches members, as well as Johnston County residents, met with then-Governor Beverly Perdue's staff members "to encourage the Governor to end North Carolina's extraconstitutional role in the extraordinary rendition program and investigate Aero's role in it." On January 19, 2012, NCSTN and allies delivered copies of a 70-page dossier on Aero's alleged role in rendition flights, prepared by University of North Carolina law school faculty members and students on behalf of anti-torture activists, to "officals from the governor's office and state attorney general, who accepted them politely but did make promises." And in April 2014, activists gathered at the N.C. Department of Justice to demand then-Attorney General Cooper of his "special obligation to investigate the North Carolina links to enforced disappearances: secret detention and torture the report is nearly certain to document." Concern has been expressed with special persistence at the county level. Since 2006, NCSTN and allies have repeatedly met with the Johnston County Board of Commissioners (the Board) to address the implications of Aero Contractors operating rendition aircraft out of the Johnston County Airport in Smithfield, N.C. For example, according to Allyson Carson's testimony to the North Carolina Commission of Inquiry on Torture (NC CITI) in response, the Board "took no action except to promise to raise the issue with the Governor's Office."
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Conducted by the CIA in May 2002. The Board refused to provide the apology requested by Ms. Pighizzini.

March 5, 2018
NCSTN organized 26 individuals to attend a meeting of the Johnston County Commissioners to present “new evidence about the magnitude of Aero Contractors’ role in the CIA’s rendition program,” which included testimony that was offered during the NC CIT hearings. In response, the Commissioners asked what laws were broken at their airport; said there was no direct evidence linking their airport to the 49 renditions presented, and said they deal with local matters, not federal. After the meeting, NCSTN sent further information to them, including flight logs that evidenced the rendition routes that included departures from, and landings in, Johnston County Airport and Kinston Regional Airport.

April 28, 2018
Jeff Carver, the Chair of the Board, met with NCSTN activists and allies to respond to issues raised at the March 5, 2018 meeting, explaining that he would not ask Sheriff Bizzell and District Attorney Doyle to take action; he would not contact North Carolina Attorney General Stein or Governor Cooper to request an investigation; and that he “will not support a policy that says anything negative about Aero.”

May 7, 2018
Anti-torture citizens attended a Board meeting at which the commissioners “disputed that there is evidence linking Aero to torture” and “respond[ed] negatively to [...] requests for information and investigation of Aero and an anti-torture flight policy for their airport.”

North Carolinians have also expressed opposition at the international level to the role of North Carolina in the RDI program, with requests for information and investigation of cases connected to Aero. For example, in August 2007, NCSTN joined Action by Christians Against Torture-Germany in sending letters to

Chancellor Merkel, then-U.S. Secretary of State Condoleezza Rice, and then-U.S. Attorney General Alberto Gonzales. The letters urged further action on arrest warrants issued by the Munich public prosecutor as part of an investigation into the Khadr El-Maati case. At the level of the United Nations, the University of North Carolina Human Rights Policy Lab called upon the U.N. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a full and independent investigation of the case of Abu al-Kamal Britel. As a result, eight U.N. mandate holders sent a letter to several governments, including the U.S. requesting information regarding Mr. Britel’s case. Specifically, they inquired about any steps taken to establish inquiries to identify and hold responsible public officials accountable, and to provide reparations, rehabilitation, and compensation to victims of the RDI program.

NATURE OF PUBLIC OPPOSITION IN NORTH CAROLINA TO THE RDI PROGRAM

Local actors expressed concerns about the lack of government accountability and the impact of U.S. torture on survivors in a myriad of ways, including through:

Visibility actions
In November 2005, NCSTN delivered a “people’s indictment” to the headquarters of Aero in Smithfield, N.C., and subsequently continued further visibility actions such as vigils, marches, and rallies. For example, in January 2014, at an event organized by NCSTN, the N.C. Council of Churches, Quaker House, Veterans for Peace, people carried signs outside Senator Burr’s office urging him “to support the release of a critical report on the use of torture on terrorism suspects.” Also, NCSTN adopted the highway fronting Aero’s property and cleaned up the roadside for four years as a way to remind Johnston County motorists and residents that the road to a clean community conscience must travel through a thorough investigation of the airport’s link to the immoral, illegal and ineffective U.S. program of enforced disappearance, secret detention and torture.

Activities of religious witness
Members of congregations across North Carolina have held educational discussions, signed letters and delivered petitions to elected officials, and displayed banners. Motivated by faith and moral conviction, persistent anti-torture witness has been carried out by Baptists, Catholics, Episcopalians, Jews, Methodists, Muslims, Presbyterians, Quakers, and Unitarians.

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Commissioner Allen Mims said, “I feel<br> Report, “ Chair Tony Braswell called Aero “a<br> the CIA do it that way than put a terrorist<br> had helped the CIA in its pursuit of<br> an upstanding local corporate citizen.<br> 2012, Commissioner Allen Mims told<br> activities. For example, in February<br> Commissioners have repeatedly<br> monitoring of local anti-torture advocates<br> program have consisted of refusals<br> Refusal – AND NON-RESPONSES – TO PUBLIC OPPOSITION TO TORTURE IN NORTH CAROLINA<br> Official responses to public opposition to North Carolina’s role in the RDI program have consisted of refusals to respond to public records requests, monitoring of local anti-torture advocates rather than investigation of the program, and failure to pass relevant state legislation. This approach has largely left North Carolina’s official public discourse about torture and the RDI program to those sympathetic to the state’s role in the RDI program.<br> In particular, the Johnston County Commissioners have repeatedly and publicly defended Aero and its activities. For example, in February 2012, Commissioner Allen Mims told the Washington Post that Aero had been an “upstanding local corporate citizen.” Mims suggested that he would not be “able to locate any public records in our possession that were responsive to your May 26th request re Aero Contractors.”<br> At the federal level, information requests are also blocked. For example, in response to a letter from a group of U.N. mandate holders requesting information on “the alleged detention and torture” of Mr. Betiol, the U.S. Representative to the U.N. Human Rights Council responded that the U.S. government was “unable to provide any additional information responsive to your inquiry.”<br> On yet other occasions, officials have refused to engage meaningfully with members of the public. For example, in 2007, the legal counsel for the GTPA explained in an email chain with its Communications Manager and Executive Director that the GTPA did not have to respond that it was “unable to locate any public records in our possession that were responsive to your May 26th request re Aero Contractors.”<br> According to the 9/11 Commission, the U.S. government did not engage meaningfully with the 9/11 Commission’s request for information on “the alleged detention and torture” of Mr. Betiol, the U.S. Representative to the U.N. Human Rights Council responded that the U.S. government was “unable to provide any additional information responsive to your inquiry.”<br> National public officials have refused to respond to public records requests from citizens of North Carolina for an apology to victims of the RDI program.<br> Instead of investigating Aero Contractors, an agency known to have been used for rendition, state officials have monitored and impeded advocates.<br> For example, state officials have been substantially non-responsive to public records requests. The NCCT sent public records requests to seven entities in May 2007 and out of these, only Attorney General Josh Stein’s office, the GTPA, and the Johnston County Airport Authority have provided records. Sheriff Bizzell has not responded, the Johnston County Commissioners responded that they “plan to “review and respond as soon as possible,” the Johnston County District Attorney’s Office responded that “there are no records in the custody and control of the Johnston County District Attorney’s Office that would be responsive to your request,” and Governor Cooper’s office “interact with or debate things” with NCSTN. Indeed earlier – in May 2006 – NCSTN representatives had attended the GTPA’s annual board meeting and raised “the issue of Aero Contractors” involvement in kidnapping and torture” and requested “an explanation from the department of Justice and ask for a full and transparent investigation of Aero Contractors,” and concluding with “the rule of law at a minimum.” The status of the investigation as referred to the FBI is not publicly known.<br> National public officials have refused to respond to requests from citizens of North Carolina for an apology to victims of the RDI program. For example, in November 2006, a petition with more than 1,000 signatures calling on President Obama to acknowledge the mistreatment of Abu Elkassim Betiol and provide an official apology was emailed to the National Security Council of the White House. The response, in January 2017, was “that the signatures and the call for an apology had been logged, but that no action would be taken.”<br> Legislative efforts to address North Carolina’s role in the RDI program have similarly stalled. These include N.C. House Bill 1682, the “N.C. No Place For Torture Act” (introduced in the N.C. House of Representatives on April 18, 2007) which would have created “the<br> FEDERAL TORTURE ACT - 18.U.S.C. 2340A<br> OFFICE OF THE UNITED STATES ATTORNEYS<br> Section 2340A of Title 18, United States Code, prohibits torture committed by public officials under color of law against persons within the public official’s custody or control. Torture is defined to include acts specifically intended to inflict severe physical or mental pain or suffering. […] The statute applies only to acts of torture committed outside the United States. There is federal extraterritorial jurisdiction over such acts whenever the perpetrator is a national of the United States or the alleged offender is found within the United States, irrespective of the nationality of the victim or the alleged offender.”
There is strong concern about possible continued clandestine use of Aero and the Johnston County Airport, among other infrastructure in the state, for missions involving torture or other grave human rights violations.

convened as recommended by the North Carolina Sentencing Policy Advisory Commission. However, the bill “was never brought to a vote.”

Instead of investigating Aero’s contractors, or apologizing to victims, state officials have monitored and impeded advocates. During the November 2005 delivery of “citizens’ indictments” to Aero executives, county commissioners and airport officials, 16 NCSTN members were arrested for trespass; they were subsequently convicted in January 2006. When activists attempted to deliver “citizens’ arrests” of “three Aero pilots indicted in Germany for their participation in the kidnapping, extrajudicial detention and transport of Khaled El-Masri” on April 9, 2007, eight activists were arrested, three of whom were subsequently convicted of criminal trespass on May 10, 2007.

Further, when NCSTN requested an investigation of Aero, GTFA Executive Director Darlene Waddell instead accused NCSTN of “attempts to undertaker work at the Global TransPark.”

In January 2012, upon learning that advocates planned to deliver a report of the UNC School of Law Human Rights Policy Lab to representatives of the Governor and Attorney General, the Raleigh Police Department notified NCSTN of an internal memo on NCSTN and its members for the SBI to consult with the Johnston County Sheriff’s Department and the Smithfield Police Department.

CONCLUSION

Since 2005, North Carolinians of different religious, political and racial backgrounds have called upon local and state officials to investigate the state’s role in rendition to torture. Some state and federal legislators have responded positively but the state of North Carolina has failed to check the use of its facilities for grave human rights abuses. The silence of the Attorney General’s office and four successive governors has meant that the only official voice on the matter is that of the Johnston County Commissioners, some of whom have repeatedly defended Aero and even torture in public. There is strong concern about possible continued clandestine use of Aero and the Johnston County Airport, among other infrastructure in the state, for missions involving torture or other grave human rights violations.

Lack of authority for investigation and criminal prosecution

It appears that the crimes of rendition to torture in which Aero is involved could be prosecuted in federal court under the federal Torture Act (18.U.S.C. 2340A), or to torture in which Aero is involved could only be handled in state court.

However, staff of both Attorney General Cooper and Attorney General Stein have told NC Stop Torture Now members that the law does not give the Attorney General original jurisdiction with respect to Aero’s activities at the Johnston County Airport or the Kinston Global TransPark. It was precisely this obstacle that led state legislators to introduce HB 3828 (which became HB 2417), which would have provided the Attorney General authority to investigate the ongoing crimes allegedly being committed by Aero personnel.

Yet during the two sessions in which the bill was considered and despite citizens’ requests (see above), the N.C. Department of Justice failed to support this expansion of the Attorney General’s investigative authority, even though it has supported such expansions in other matters.

As has been observed, the problem appears to lie in the availability of legal remedies than in manifesting political will. And as further discussed in Chapter 9, the Commission believes that there is already a basis for prosecution under current state law.

Concerns about challenging a Federal government policy

State officials appear reluctant to criticize federal government actions. But the state could deal with Aero’s criminal activities as violations by a public contractor registered to do business in North Carolina, rather than as a federal policy outside the state’s purview.

In fact, as the Commission’s public records request has revealed, when state legislators asked the SBI to investigate Aero, the response drafted by Attorney General Cooper’s general counsel — and not ultimately used — suggested considering Aero’s role in rendition flights as a case of corruption by a government contractor.

Moreover, the apparent unwillingness to critique the federal government is a selective one. Attorney General Cooper made it a priority to tackle public corruption at all levels of government.

Upon a valid request, the SBI conducts investigations into government officials misconduct, including residues by U.S. Congresspersons and local officials. For example, one category of misconduct is the misuse of prisoners or inmates.

Concern about political costs

It is possible that state officials have been reluctant to speak out because they fear political costs to their other priorities. However, if North Carolina’s Governor and Attorney General took steps to prevent renewed use of their state by federal agencies for torture-related activities, they would likely receive support from a broad array of organizations and individuals, including faith communities and military veterans, both powerful constituencies in North Carolina.

The government’s decision to engage in extraordinary rendition and torture was accompanied by a series of legal memoranda, including the now infamous (and withdrawn) “Torture Memos” of August 2002 prepared by the Office of Legal Counsel of the Department of Justice. Those and other memoranda concluded that the Geneva Conventions did not apply to al-Qaeda and the Talibah, that torture only occurs when it is intended to inflict “physical pain . . . equivalent in intensity to the pain accompanying serious physical injury such as organ failure, impairment

The United States’ rendition and torture program violated international law, federal law, and the laws of North Carolina. This chapter summarizes the laws governing torture and the seizure and transportation of people for the purpose of using torture as an interrogation tool. In doing so, it outlines areas of legal liability and responsibility for the State of North Carolina.

In its initial report to the U.N. Committee Against Torture, the U.S. government recognized that such understanding does not “exempt any state or local officials from the [CAT’s] requirements regarding the prohibition, prevention, and punishment of torture.”

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U.S. obligations under international law comprise a series of complementary protections under international human rights, humanitarian, refugee, and criminal law. These obligations derive both from treaties that the United States has ratified, as well as from customary international law, meaning norms that are binding on all nations although not necessarily always codified in law.

The U.S. is a party to a number of the key international human rights treaties, including particularly for the purposes of assessing the illegality of the RDI program, the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). According to both international and domestic laws, when the U.S. ratifies human rights treaties, ratification binds state and local authorities, consistent with their various competences, in addition to the federal government. U.S. federalism, as well as the U.S. government’s declaration that these treaties are not self-executing—meaning they need implementing legislation to be directly enforced in U.S. courts—does not affect U.S. obligations under international law, but can affect how they get domestically implemented and judicially enforced.

When the U.S. government ratified the ICCPR and CAT, it also indicated that its consent was subject to the understanding that these treaties “shall be implemented by the United States Government to the extent that it exercises legislative and judicial

**TORTURE FLIGHTS · NORTH CAROLINA'S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM**

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**CHAPTER 9 · NORTH CAROLINA’S OBLIGATIONS UNDER DOMESTIC AND INTERNATIONAL LAW, ET AL.**

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TORTURE FLIGHTS - NORTH CAROLINA'S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

TORTURE MEMOS, TRAININGS OF INTERROGATORS, AND THE RDI PROGRAM

The U.S. government is bound by the prohibition on torture and cruel, inhuman or degrading treatment or punishment under CAT, as well as Article 7 of the ICCPR. The prohibition of torture has also been universally recognized as a norm of customary international law. The absolute nature of the prohibition renders irrelevant any discussion of the efficacy of conditions of confinement or interrogation tactics as “[t]he absolute ban on torture means that from a legal perspective there is simply no room for discussions about whether torture does or does not work.”

Interrogation and conditions of confinement during the RDI program

United States. For example, what happened to individuals at all stages in the program — including in the lead up to rendition flights including their initial apprehension and treatment on tarmacs of foreign airports by CIA rendition teams, on rendition flights, in secret detention and through interrogation using brutal tactics referred to as EITs, and the Failure to get justice — engages international law obligations that bind the United States and was in clear violation of human rights treaties.

The RDI program violated multiple human rights. This section focuses specifically on how interrogation techniques, conditions of confinement, and the incommunicado nature of detention in the CIA’s “black sites” — as well as in foreign custody — violated international law’s prohibition on torture, prohibitions on cruel, inhuman, or degrading treatment or punishment, and prohibitions on enforced disappearances.

INTERROGATION, CONFINEMENT, AND THE PROHIBITION ON TORTURE AND CRIPEL, INHUMAN OR DEGRADING TREATMENTS OR PUNISHMENT

With regard to conditions of confinement, detainees in one prison were “kept in complete darkness and constantly shackled with loud noise or music and only a bucket to use for human waste.” Conditions at this facility were such that one senior CIA officer described the “black site” as itself an enhanced interrogation technique.

International human rights bodies have condemned the U.S. interrogation techniques

full and well thought out international law requirements in CAT including protecting both the “physical and mental integrity of individual[s]” as they are taken into custody by the U.S. government’s relevant reservations and understandings to these treaties i.e., its reservations to the meaning of cruel, inhuman, and degrading treatment in the ICCPR and CAT, as well as its understanding on the definition of torture in CAT. Government documents describing the interrogation process, accounts of individuals in the RDI program, and the inquiries of the Senate Select Committee on Intelligence reveal that the interrogation and conditions of confinement in CIA’s “black sites” amounted to illegal severe pain or suffering, either physical, mental, or in many cases both. For example, detainees in CIA’s “black sites” were subjected to “rectal rehydration” and “rectal feeding” and put in ice water baths. Detainees received either direct death threats or threats of harm to their family members, including threats to harm the children of a detainee, threats to sexually abuse the mother of a detainee, and a threat to “cut [a detainee’s] mother’s throat.”

International human rights bodies have condemned the U.S. interrogation techniques, calling on the government as early as 2006 to “resist any interrogation technique, including methods involving sexual humiliation, ‘waterboarding’, short shackling and using dogs to induce fear.” They also concluded that torture or cruel, inhuman or degrading treatment or punishment, in all of its place of detention under its de facto effective control, in order to comply with its obligations under the Convention. The European Court of Human Rights also concluded that interrogation techniques used against detainees in CIA’s “black sites” comprise human rights violations. For example, in the Case of Al-Nashiri v. Poland the Court stated that regarding “al-Nashiri’s allegations of ‘combined’ particular interrogation techniques were utilized,” both the interrogations and various aspects of detention, “set out in an organized and systematized manner, on the basis of a formalized, clinical procedure, setting out a ‘wide range of legally sanctioned techniques’ that were ‘intended to elicit information or confessions or to obtain intelligence from captured terrorist suspects.’” On this basis, the Court found that the treatment to which Abdul Rahman Al-Nashiri was subjected “amounted to torture within the meaning of Article 3 of the Convention.”
TORTURE FLIGHTS: NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM
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CHAPTER 9 - NORTH CAROLINA’S OBLIGATIONS UNDER DOMESTIC AND INTERNATIONAL LAW, ET AL.

This failure of the U.S. government authorities at all levels to investigate and prosecute allegations of human rights violations in the RDI program — including allegations of abuses faced by those rendered to foreign custody — is itself a breach of its binding obligations under human rights treaties.

THE UNITED STATES ATTORNEYS

FEDERAL LAW & THE RDI PROGRAM

INVESTIGATION AND PROSECUTION OF TORTURE-RELATED CRIMES UNDER FEDERAL LAW

Both United States Attorneys (the chief federal prosecutors in the various judicial districts and specialized attorneys of the U.S. Department of Justice) have the responsibility to investigate crimes falling under their jurisdictions. Under 28 U.S.C. § 547, United States Attorneys have a duty to prosecute offenses against the United States, that “carries with it the authority necessary to perform this duty.” According to the United States Attorney Manual, “[t]he United States Attorney as the chief federal law enforcement officer in his district, is authorized to request the appropriate federal investigative agency to investigate alleged or suspected violations of federal law.” This plenary authority within each district is exercised under the supervison and direction of the Attorney General.

The authority, discretionary power, and responsibilities of the United States Attorney with relation to criminal matters include: (a) investigating suspected or alleged offenses against the United States; (b) causing investigations to be conducted by appropriate federal law enforcement agencies; (c) declining to prosecute; (d) authorizing prosecutions; (e) determining the manner of prosecuting and deciding trial-related questions; and (f) dismissing prosecutions.

In addition, the Human Rights and Special Prosecutions Section of the Criminal Division of the U.S. Department of Justice is charged with “investigating and, where appropriate, prosecuting” cases against human rights violators and other international criminals. This includes individuals who have violated federal criminal laws, including laws prohibiting torture and war crimes. The principal statutes under which this Section operates are the Extradition Torture Law; the War Crimes Act, 18 U.S.C. § 2441, and 18 U.S.C. §§ 2340-2340A (the “Torture Act”), which is discussed in what follows.

Nevertheless, there can be no dispute that the conduct described in the Report that was carried out by U.S. nationals under the U.S. Rendition, Detention & Interrogation program between 2001 and 2006 violated the Torture Act.

FEDERAL OFFENSES IMPlicated BY THE U.S. RENDITION, DETENTION AND INTERROGATION PROGRAM

The Torture Act

By far, the broadest federal authority to prosecute human rights violations outside the United States is the Torture Act, which implements United States’ obligations under CAT. The Act criminalizes the commission of torture and other cruel and inhuman treatment, the attempt to commit such acts, and conspiracy to commit such acts. It applies to acts of torture and other cruel and inhuman treatment committed outside the United States by a U.S. national or by an offender who is physically present in the United States and therefore subject to its jurisdiction, without regard to the nationality of the offender or the victim.

Torture is defined under the Act as “an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.” “Severe mental or physical pain or suffering” means:

(a) the intentional infliction or threatened infliction of severe physical or mental pain or suffering;

(b) the administration or application, or threatened administration or application of any other procedures or other substances calculated to disrupt profoundly the senses or

(c) a substantial risk of death;

(d) extreme physical pain;

The conditions referred to in subsection (a) are that the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States.

(a) OFFENSE

Whatever, whether inside or outside the United States, commits a war crime, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

(b) CIRCUMSTANCES

The circumstances referred to in subsection (a) are that the person committing such war crime or the victim of such war crime was a member of the Armed Forces of the United States or a national of the United States.

(c) COMMON ARTICLE 3 VIOLATIONS

(1) PROHIBITED CONDUCT

In subsection (c)(3), the term “grave breach of common Article 3” means any conduct (or conduct conspiring or committing a breach of common Article 3) of the international conventions done at Geneva August 12, 1949, as follows:

(A) Torture —

The act of a person who commits, conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

(B) Cruel or inhuman treatment

The act of a person who commits, conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

(2) Definitions

In the case of an offense under subsection (a) by reason of subsection (c)(3), the term “serious physical pain or suffering” shall be applied for purposes of paragraphs (b)(1) and (b)(2) as meaning bodily injury that involves —

(i) a substantial risk of death;

(ii) extreme physical pain;
CONSPIRACY UNDER NORTH CAROLINA LAW

A threshold question under North Carolina law is whether the state has territorial jurisdiction to prosecute any of the criminal conduct carried out under the RDI Program, which occurred outside the state. Generally, North Carolina has jurisdiction to prosecute a member of a conspiracy if any of the co-conspirators commit an overt act in North Carolina in furtherance of the conspiracy, even if the conspiracy was formed outside the state (State v. Deakleford). This is the broadest and clearest possible basis for criminal liability in North Carolina for acts that take place outside the state. In addition, however, North Carolina has the jurisdiction to prosecute a co-conspirator in North Carolina for acts that take place outside the state.

The evidence of accomplice liability does not have to be substantial. A person may be charged with conspiracy if the person associated with the criminal venture. The level of participation may be of relatively slight moment. A person does not take evidence to satisfy the facilitation element once the person’s knowledge of the unlawful purpose is established.

If the government establishes that the individual was an accomplice to a federal offense, he or she is treated as a principal and is punished accordingly.

Special Aircraft Jurisdiction of the United States

The special aircraft jurisdiction of the United States allows the federal government to prosecuted certain criminal offenses that take place aboard a ‘civil aircraft used in the United States’ or any aircraft used in the RDI Program. The Act went into effect on November 972. It seems likely that a conspiracy was formed between those who regularly provided and operated aircraft used in the RDI Program between 2001 and 2006 violated the Torture Act.

It seems likely that a conspiracy was formed between those who regularly provided and operated aircraft used in the RDI Program and those responsible for the kidnapping and torture that was carried out under the program.

Conspirators and Accomplices

Federal law also provides a basis for prosecuting conspirators and accomplices. Conspiracy requires proof that the individual charged entered an agreement with others to engage in unlawful conduct. The government must also prove an overt act associated with the conspiracy in furtherance of the agreement. This requirement can be satisfied by virtually any act committed by a co-conspirator, including bringing fuel to North Carolina for one of the aircraft used to ferry passengers. From the evidence developed before the Commission, it seems likely that a conspiracy was formed between those who regularly provided and operated aircraft used in the RDI Program and those responsible for the kidnapping and torture that was carried out under the program.

A person charged with a conspiracy may also be convicted of other substantive crimes committed by the group, including torture and kidnapping. The defendant can be convicted for the offense that he or she personally commits, for participation in the crime as an accomplice, and under the federal Pinkerton Rule. Under that rule, a person charged with a criminal conspiracy may also be liable for the substantive offenses committed by co-conspirators, whether or not he or she assisted in their commission for even know about them.

The federal government can also prosecute accomplices who aid and abet or attempt to aid and abet principals to a crime. The government must prove that the defendant associated with the criminal venture, purposefully participated in the criminal activity, and sought by his or her actions to make the venture successful.

The evidence of accomplice liability does not have to be substantial. A person may be charged with conspiracy if the person associated with the criminal venture. The level of participation may be of relatively slight moment. A person does not take evidence to satisfy the facilitation element once the person’s knowledge of the unlawful purpose is established.

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Special Aircraft Jurisdiction of the United States

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North Carolina has the jurisdiction to prosecute a member of a conspiracy in this state if any of the co-conspirators commit an overt act in North Carolina in furtherance of the conspiracy, even if the conspiracy was formed outside the state. This is the broadest and clearest possible basis for criminal liability in North Carolina for acts that take place outside the state. In addition, however, North Carolina has the jurisdiction to prosecute a co-conspirator in North Carolina for acts that take place outside the state.

The state of North Carolina has an obligation to do at least one of these things: report Aero’s conduct to the federal government for investigation (under CAT and ICCPR); conduct its own investigation of the unlawful conduct and refer the results to the federal government to prosecute; prosecute under state law, in cases where the conduct also violates state law and prosecution is warranted.

CONCLUSION

It is clear that the RDI program was a scheme that violated numerous international, federal, and state laws. Further, it is clear that unlawful missions began in North Carolina’s own backyard, utilizing the facilities of taxpayer-supported public airports, aided and abetted by the acts and agreements of North Carolina residents. Yet despite the clarity of the illegality, no law enforcement authority has accepted responsibility for investigating and prosecuting the crimes that originated on North Carolina’s soil. This failure to pursue justice is an important part of the persistent lack of accountability for the CIA RDI program. In order to fulfill the obligations of their offices, federal and state prosecutors and state and local law enforcement agencies should fully investigate and prosecute crimes covertly committed in North Carolina in the name of the people of this nation.
REPORT CONCLUSION

The Commission recognizes the continuing harm visited by the United States on the 49 detainees who, with North Carolina’s assistance, were subjected to extraordinary rendition, kidnapping, unlawful detention, and torture. We recognize the aggravated harm that flows from the fact that our government has neither acknowledged injuring them nor offered any reparations. We further recognize that the injury was not only to these 49 individuals, but also to their families and communities. We deeply regret that local, state, and federal agencies of the United States have ignored both the law and our moral obligation to take responsibility.

The CIA rendered some people — a number we can’t yet determine — to foreign custody in Syria, Jordan, Morocco, Egypt, and perhaps other states to be tortured. To date, a full accounting of this program remains inappropriately hidden by our government.

The CIA used Aero contractors to deliver detainees to foreign countries for torture, a violation of federal law. Our public infrastructure has been subverted to support a program that violates international law, independent of any state or local authority. We found the State of North Carolina repeatedly informed state authorities that it was beginning a new program, a program that they had no knowledge of. This was contrary to our federal law. Our public infrastructure has been subverted to support a program that violates international law, independent of any state or local authority.

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ENDNOTES

CHAPTER 1 - THE U.S. GOVERNMENT’S RENDITION, DETENTION, AND INTERROGATION (RDI) PROGRAM

1. United States Committee on Intern. Relations, Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program, at para. 76; see also id. at para. 42.
2. See, e.g., Page 788, infra. McFarland also notes that the CIA’s rendition program began in 2001.
3. See, e.g., Page 789, infra.
4. See, e.g., Page 790, infra. At Johnston Antal, an attorney at WilmerHale who represented the CIA in the litigation.
5. See, e.g., Page 791, infra.
6. See, e.g., Page 792, infra.
7. See, e.g., Page 793, infra. Antal noted that the government had never argued that the program had been lawful.
8. See, e.g., Page 794, infra. The government also argued that the program was lawful because it was consistent with the law of nations.
9. See, e.g., Page 795, infra. The government also argued that the program was lawful because it was consistent with the law of nations.
10. See, e.g., Page 796, infra.
11. See, e.g., Page 797, infra.
12. See, e.g., Page 798, infra.
14. See, e.g., Page 800, infra.

ENDNOTES

CHAPTER 2 - NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

1. See, e.g., Page 801, supra.
2. See, e.g., Page 802, supra.
3. See, e.g., Page 803, supra.
4. See, e.g., Page 804, supra.
5. See, e.g., Page 805, supra.
6. See, e.g., Page 806, supra.
7. See, e.g., Page 807, supra.
8. See, e.g., Page 808, supra.

ENDNOTES
Blackwater was founded by Erik Prince in 1997, and was renamed Xe in 2009 and then to Blackwater Inc. in 2010.

The CIA was concerned about its information management system, which had been used to track rendition flights since 2001. The system was unable to support the CIA's needs for tracking the flights and was a potential source of exposure to intelligence. The CIA was looking for a new system to replace it.

The CIA was using a search engine to search for the rendition flights, but it was not able to find the flights it was looking for. The CIA was also interested in tracking the flights and the people involved in them.

The CIA was using a system to track the flights, but it was not able to find the flights it was looking for. The CIA was also interested in tracking the flights and the people involved in them.

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CHAPTER 5 - RENDITION & TORTURE

The U.S. secret that was unknown obligations do not apply when the Flight Assistance

Chapter 6 - Ongoing Challenges for Survivors

The United States feared that an international tribunal would impose sanctions if

Endnotes

ENDNOTES

CHAPTER 7 - COSTS AND CONSEQUENCES OF THE CIA'S TORTURE PROGRAM

The CIA's techniques were used in the so-called 'black sites' in the Middle East, Europe, and Asia, where prisoners were held in unprecedented conditions, including solitary confinement and sensory deprivation.

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Endnotes

ENDNOTES
CHAPTER 3 - NORTH CAROLINA’S OBLIGATIONS UNDER INTERNATIONAL AND DOMESTIC LAW: THE BARRIERS TO INVESTIGATION AND THE NEED FOR ACCOUNTABILITY

ENDNOTES

ENDNOTES
Below the Radar: Secret Flights to Torture and “Disappearance,” at 23, http://www.amnesty.eu/en/news/statements-reports/eu/torture/usa-below-the-radar-secret-flights-to-torture-and-disappearance-0168/#.W44C5ehKi-4. “Flight records show that the plane flew from Skopje to Kabul, touching down in Baghdad, on 24 January 2004, the day Khaled el-Masri was transferred from Macedonia to Afghanistan. Both planes had previously been registered by Stevens Express Leasing and both continued to identify Stevens Express as their operator in 2003 and 2004. Stevens Express has no fixed address in Tennessee, but a flight path suggests it currently has an office in Atlanta. Stevens Express Leasing is in turn incorporated by the same lawyer listed as the official representative of Devon Holding, another company identified with rendition flights. Stevens Express, as we learned, is just one of many companies involved in the rendition business. In November 2004, in London and New York, Management re-registered the two companies with no other details available and no evidence that they had taken over the activities transferred to Regard Foreign Marketing. A company whose current corporate officer, Leonard Bayard, cannot be found in any public record. 


A8 FAA Documents for N313P.


A10 FAA Documents for N313P.


A12 FAA Documents for N313P.

A13 Amnesty International, USA: Below the Radar: Secret flights to Torture and “Disappearance,” at 34. See also favA, temporary committee on alleged use of European countries by the CIA for the transport and illegal detention of prisoners, at 6.

A14 FAA Documents for N313P.

A15 Id.

A16 Id.

A17 Id.


A19 Id.

A20 Id.

A21 Id.


A23 Priest, Jet is an Open Secret in Terror War.

A24 Id.

A25 N379P-N8068V-N44982, The Rendition Project; favA, temporary committee on alleged use of European countries by the CIA for the transport and illegal detention of prisoners, at 2. “Two days later the Premier Executive got rid of the aircraft and sold it to Bayard Foreign Marketing, a company whose named corporate officer, Leonard Bayard, has never been found in any public register.” At 2.

A26 Id.

Acknowledgments

The North Carolina Commission of Inquiry on Torture thanks those listed below for their contribution to the Commission’s work:

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Center for the Victims of Torture
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The North Carolina Commission of Inquiry on Torture
APPENDIX

Aero Contractors, Ltd. operated a 737 business jet registered with the Federal Aviation Administration (FAA) as N313P, a jet which “flew for the CIA for more than four years.” A review of FAA records and other reporting reveals numerous sales and registrations of the aircraft that would make it more difficult to trace its use. The shifting ownership and registration information is outlined below.

In terms of the plane’s ownership, FAA records show that on November 30, 2001, Aero Contractors requested of the FAA that the U.S. registration number of N313P that it had reserved be relinquished to the owner of the aircraft, “PETS.” FAA records and other reporting indicate that:

- On December 20, 2001, PETS purchased the aircraft.
- On November 10, 2004, PETS sold the aircraft to Keeler & Tate Management, LLC.
- On December 20, 2001, Aero Contractors, Ltd. operated a 737 Boeing Business Jet N313P-N4476S-N720MM.
- In 1998, PETS “ordered a new Gulfstream V ... during the RDI program from October 2001 onward.”
- On November 10, 2004, PETS sold the aircraft to Keeler & Tate Management, LLC.
- It was then re-registered again in January 2006 as N126CH.

FAA records show the aircraft was:

- Registered as N313P on May 1, 2002 on application by FETS on December 20, 2000.
- Registered as N379P on May 1, 2002 on application by Premier Executive Transport Services.
- Registered as N4476S on December 1, 2004 on application by Keeler & Tate Management.
- Registered as N720MM on August 24, 2006 on application by MGM Mirage Aircraft Holdings.

On November 30, 2016, MGM Resorts Aircraft Holdings, LLC sold the plane to Embraer Executive Aircraft, Inc. The plane was on the market again in April 2017.

Aero Contractors also operated a Gulfstream V aircraft registered with the FAA as N379P and then subsequently re-registered as N8068V, N44982, and N126CH.

APPENDIX C

The NCCIT Detainee Spreadsheet was sourced from the following (available online):


c) The Rendition Project.

The following documents are available online at ncitorturereport.org:


c) Extraordinary Rendition and Torture Victim Narratives. UNC School of Law Human Rights Policy Lab December 2017.

NCCIT held a public hearing in Raleigh, N.C. on November 30th and December 1st, 2017. Here are photos of Commissioners, staff and witnesses.

Alberto Mora, former Navy General Counsel

NCCIT Executive Director Catherine Read and consultant Jess Porta.

Members of the commission listening to testimony

Johnston County resident Allyson Caison

Col. Steve Kleinman, former interrogator

Lt. Col. Sterling Thomas, Guantánamo military counsel

Prof. Juan Mendez, former UN Special Rapporteur on Torture

Mohamedou Ould Slahi, former Guantánamo detainee