

CHAPTER 1

UNREDACTING CIA TORTURE

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Much has been written about the CIA torture programme, and its broad contours are now well understood. Referred to by the CIA as the Rendition, Detention and Interrogation (RDI) programme, it ran from September 2001 until January 2009, and formed a central plank of the Bush administration's 'War on Terror'. It was global in scope, and shocking in its depravity, representing one of the most profoundly disturbing episodes of recent US and allied foreign policy. The programme resulted in multiple violations of domestic and international law, encompassing a global network of kidnap operations, indefinite secret detention at numerous locations, and the systematic use of brutal interrogation techniques which clearly amounted to torture.

As part of the programme, scores of terror suspects were swept up by the CIA in the months and years after 9/11, with capture operations taking place across Europe, Africa, the Caucasus, the Middle East, and Central, South and Southeast Asia. Foreign security forces often played a role in the capture, either jointly with the CIA or acting on the basis of US and allied intelligence. Prisoners were held for days or weeks in foreign custody, and were often interrogated under torture. CIA officials were present during many of these interrogations. For example, Majid al-Maghrebi (#91) was held in Pakistani custody for several weeks before his transfer to a CIA prison in Afghanistan. Throughout this period, he was interrogated and tortured repeatedly, including many times via electric shocks until he lost consciousness, as well as beatings (including with a leather whip) and the use of stress positions and positional torture (including tying him to a frame and 'stretching' him). He could hear the screams of others being tortured at the facility, as well as their pleas for mercy: 'I can still hear the voice of one of the guys in my head asking them to stop, saying blood was coming out of his mouth.'¹ Likewise, Mohamed Bashmilah (#89) was tortured repeatedly while in Jordanian custody:

Soon after seeing my mother and wife, some guards came and took me from my cell to a large hall in the same building, known as the Yard, where several guards were waiting in a circle holding canes. The guards surrounded me and commanded me to run around in circles. When I became too fatigued to run any further they beat me with their canes. When I could no longer withstand the pain of being beaten by the canes I collapsed into the middle of the circle. The guards in the Yard tried to demean

me by ordering me to imitate animals. They forced me to imitate a donkey's bray and the antics of dogs. After torturing me in the Yard the guards then took me to another room and suspended me upside down, from the ceiling.²

After this period of initial detention, prisoners were transferred to CIA custody, either formally or otherwise. At this stage, most were rendered – transferred between states outside of the law – to secret detention at one of a number of facilities around the globe. Some of these facilities were themselves secret; others were acknowledged to exist but yet held some prisoners 'off the books'. A number were owned and run by another foreign security service – in particular, those in Afghanistan, Egypt, Jordan and Morocco – while others were operated by the US Department of Defense (DoD) in Iraq and Afghanistan.

The CIA itself built and operated at least ten of its own secret prisons. Four of these so-called 'black sites' were located in Afghanistan, with others in Thailand, Poland, Romania, Lithuania and within the grounds of the US naval base at Guantánamo Bay. At least two others, one in Morocco and a second site in Lithuania, were built but never used. Agreements were also reached with two further countries to establish black sites on their territory, although these plans were not enacted.³

CIA detentions and interrogations also took place at a number of informal 'safe houses' and ad hoc locations. Khaled el-Masri (#97), for example, was held by the CIA for 23 days in January 2004, in a hotel room in Skopje, Macedonia, before being rendered to an Afghan-run prison in Kabul.⁴ Both CIA records and prisoner testimony make clear that there was an evolving network of secret detention sites in Afghanistan and, as we detail in Chapter 2, the CIA made extensive use of Afghan-run facilities and safe houses to hold detainees before, during and after their time in the official black sites.

The black sites and other prisons did not exist in isolation from one other. They formed, rather, a network of secret detention facilities which operated across four continents, with individual sites operating for varying periods within the overall programme. Rendition aircraft – civilian aircraft operated by or on behalf of the CIA – flew hundreds of flights to connect the sites, and were used to transfer prisoners, interrogators and other US officials between prisons. These flights were undertaken in secret, and where they carried CIA prisoners they entailed multiple violations of international law. This was the case, not least, given the treatment to which they were subjected. Prisoners were drugged, shackled, hooded and strapped to stretchers by rendition teams dressed entirely in black and communicating only in sign language. Some were placed in coffins during the flight; others were beaten repeatedly during their transfer. This procedure was designed, in the words of one memo, to create 'significant apprehension in the [detainee] because of the enormity and suddenness of the change in the environment, the uncertainty about what will happen next, and the potential dread [they] might have of US custody.'⁵

After riding in the car with these guards for about twenty or twenty-five minutes, we arrived at an airport, where I was assaulted and experienced very humiliating, painful and terrifying treatment. I was pulled roughly out of the car. I was lifted off the ground

and my blindfold was ripped off. I saw about five black-clad individuals whose faces were concealed by balaclavas. They tore off all of my clothing. One shoved a finger into my rectum. They photographed me naked. Then they put a diaper on me and... plugged my ears with cotton, placed headphones and a hood over my head, and securely taped the hood. They chained my hands, waist, and feet. I was blind, deaf, and could barely walk. I was in severe pain and felt deeply humiliated and weak... After experiencing this terrible treatment, I half-walked and was half-carried onto a waiting plane by people holding me on both sides. I was forced to lie on my back on the floor, and then was strapped down around my legs and waist... The position they put me in was very painful. I could not shift my position as I could barely move because of the straps. I have a back injury from before my detention, and I asked to be allowed to change positions to alleviate the pain but the guards did nothing. I even tried using English, pleading 'Help me, help me please!' but no one did anything.⁶

Mohammed al-Asad (#92)

Some men were rendered multiple times. For example, the CIA's first formal prisoner, Abu Zubaydah (#1), was rendered at least seven times during his four-and-a-half years of secret CIA detention: from Pakistan to Thailand, then to Poland, Guantánamo Bay, Morocco, Lithuania, Afghanistan and finally to US military detention at Guantánamo Bay (where he remains).

Prisoners were held secretly within the programme for months or years on end, always incommunicado (without access to legal representation or other contact with the outside world). All were held in continuous solitary confinement, under conditions designed explicitly to dehumanise and exert control, and which in themselves clearly amounted to cruel, inhuman and degrading treatment.

Conditions at some of the sites were dungeon-like, with prisoners held in either complete darkness or constant light, and subjected to continual loud noise, harsh temperatures and a number of 'conditioning techniques' designed, in the words of one CIA memo, to reduce them 'to a baseline, dependent state.' These required 'little to no physical interaction between the detainee and the interrogator,' and were important 'to demonstrate to the [prisoner] that he has no control over basic human needs.'⁷ Such techniques, which were applied throughout an individual's detention, and were separate from the interrogations under torture, included sustained nudity, sleep deprivation through vertical shackling, diapering, and dietary manipulation.

Many were also subjected to multiple and sustained forms of torture, either during interrogation sessions or as part of a generalised regime of detention. This torture was brutal. Men were subjected, variously, to drowning to the point of unconsciousness, repeated beatings, the use of ice baths and hoses to induce hypothermia, sleep deprivation for more than a week at a time, painful stress positions for months at a time, prolonged confinement in extremely small boxes, and sexual assault by forced feeding through the rectum. Others were subjected to mock execution, electro-torture, genital mutilation, mock burials, rape, and stress positions so severe that, in one case, observers were concerned that the prisoner's arms would dislocate from his

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6. SUBJECT WAS LED TO THE SMALL BOX AND WAS SHUT IN AT 1349 HOURS. THE SMALL BOX WAS MOVED BACK TO ITS ORIGINAL LOCATION BY THE SECURITY TEAM SEVERAL MINUTES LATER. AT 1412 HOURS SUBJECT COULD BE HEARD SOBBING, WHICH CONTINUED FOR SOME TIME. AT 1424 HOURS, SUBJECT WAS HEARD MURMURING A PRAYER, MAKING AN APPEAL TO GOD. (NOTE: INTERESTINGLY SUBJECT WAS HEARD USING THE WORD "RABBI" AS OPPOSED TO THE WORD "ALLAH". GENERALLY SPEAKING THE WORD RABBI IS TYPICALLY BUT NOT EXCLUSIVELY USED BY CHRISTIANS IN THE ARAB WORLD. IT IS ALSO USED BY MOSLEMS IN SOME CASES. END OF NOTE.) DURING THE PRAYER . SUBJECT WAS HEARD SAYING THAT HE HAD NOTHING AND ASKING GOD TO HELP HIM REMEMBER ANYTHING ELSE.

SUBJECT WAS REMOVED FROM THE SMALL BOX AT 1515 HOURS BY THE SECURITY TEAM, AND SEATED IN THE CORNER, HOODED, UNTIL THE NEXT SESSION BEGAN.

7. AT 1756 HOURS, THE SECURITY TEAM AND INTERROGATORS ENTERED THE ROOM. THE SMALL BOX WAS AGAIN MOVED OUT OF THE WAY, AND THE WATER TABLE WHEELED IN. SUBJECT'S HOOD WAS REMOVED, AND HE WAS HELPED TO HIS FEET. WHEN ASKED IF HE WAS OK, SUBJECT REPLIED THAT HE WAS COLD. THE WATER TABLE SUPPORT COLLAR WAS PLACED AROUND HIS NECK AND HEAD.

HE WAS TOLD TO GET ON TO THE WATER TABLE. HE WAS LED TO THE WATER TABLE, AND CLIMBED ON TO IT SLOWLY, TREMBLING AND SHAKING. HIS BREATHING BECAME VISIBLY MORE RAPID. HE FRANTICALLY PLEADED WITH INTERROGATORS WHILE THEY WERE STRAPPING HIM ON TO THE BOARD, SAYING HE HAD GIVEN EVERYTHING HE KNEW.

INTERROGATORS APPLIED THE WATER TREATMENT (1803).

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shoulders.⁸ Suspects detained in these prisons were subjected to an interrogation regime designed, in the words of one interrogator, to take them 'to the verge of death and back again.'⁹

The psychological impact of extended secret detention in isolation from human contact, sensory deprivation, stress positioning and interrogation under torture, was extreme. Many detainees became suicidal, and used blankets, toothbrushes and other objects to harm themselves. Others rammed their heads against their cell walls in an attempt to lose consciousness. Men experienced severe hallucinations and paranoia, and many have continued to suffer significant post-traumatic stress.

I became so hopeless and helpless that I decided to end my life. I stockpiled painkillers given to me by medics over the weeks of my detention to ease the pain in my right hand, and I attempted to swallow them and overdose. However, before I was able to swallow them, guards entered my cell and stopped me.... I still suffer the excruciating physical and mental effects of my time in the Darkness and the interrogators' abusive treatment of me. My whole body still aches, my upper and lower back especially. I regularly suffer crippling flashbacks and nightmares. They're a constant reminder of that place and the terrible things that were done to me there.¹⁰

Suleiman Abdullah (#48)

THE COMMITTEE STUDY

Many new details of the CIA's torture programme emerged in December 2014, with the partial publication of the Senate Select Committee on Intelligence (SSCI) 'Committee Study of the Central Intelligence Agency's Detention and Interrogation Program' (hereafter, the Committee Study). The SSCI is tasked with 'oversee[ing] and mak[ing] continuing studies of the intelligence activities and programs of the United States Government', and in this context completed a three-year review of the torture programme between March 2009 and December 2012. The Study represents a mammoth effort, and is without doubt the most comprehensive review of CIA torture ever likely to be conducted. The full report, which remains classified, has over 6,700 pages and 38,000 footnotes, and is drawn from extensive and unprecedented access to classified CIA records. More than six million pages of material were reviewed, including 'cable traffic, reports, memoranda, intelligence products, records of interviews conducted of CIA personnel by the CIA's Office of the Inspector General and other CIA entities, as well as internal email and other communications.'¹¹ Over three volumes, the Study covers the history of the programme from its inception to its termination, along with a review of each of those known to have been held by the CIA. It describes the agreements in place with foreign governments for the operation of the secret prisons, as well as the ways in which the CIA misrepresented the effectiveness of its use of torture to gather intelligence.¹²

The Committee Study provided new insights into the scope, scale and nature of the programme. For the first time, an official list of CIA detainees was published, with 119 names provided in an appendix to the report.¹³ Many of these prisoners had never before been identified by investigators. There were new details of the treatment to which these men were subjected, with 'overwhelming and incontrovertible' evidence of the use of torture, as well as 'conditions of confinement and the use of authorized and unauthorized interrogation and conditioning techniques [that] were cruel, inhuman, and degrading.'¹⁴

CIA records cited by the Study showed that torture was used immediately after the arrival of prisoners at a site, rather than as part of a measured escalation of interrogation methods (as the CIA had claimed). The Study also concluded that black site staff and interrogators were poorly trained, and subjected prisoners to improvised torture methods without authorisation. Meanwhile, the development and deployment of the authorised torture techniques was described as being largely the work of two contract psychologists, named elsewhere as James Mitchell and Bruce Jessen, who had no experience as interrogators but who made millions of dollars via their contract with the CIA.

Despite the global press interest and political reaction which accompanied the release of the Study, the published summary provides only a partial account of the use of secret detention, rendition and torture by the CIA and its allies in the 'War on Terror'. This is so in a number of ways. The overall scope of the report is limited: there is no discussion of the rendition branch of the programme, and the aircraft and companies which took part in this are not mentioned at all. Individuals being transferred by the CIA to foreign governments or the US military were explicitly excluded from the Committee's investigation, as was an accounting of the fate and whereabouts of these men and the involvement by the CIA in their interrogation.¹⁵ These are significant omissions, given that many detainees were moved into and out of formal CIA custody throughout their time in secret detention, and given that the CIA continued to have access to detainees held in foreign and US military custody.

The Committee Study, as published, also provides little or no information on most of the CIA's prisoners. Chapters within the Study provide detailed analysis of the cable traffic relating to a small number of interrogations under torture: Abu Zubaydah (#1) between 4-23 August 2002; Abd al-Rahim al-Nashiri (#26) between 5 December 2002 – 27 January 2003; Ramzi bin al-Shibh (#41) between 11-28 February 2003; and Khaled Sheikh Mohammed (#45) between 6-24 March 2003.¹⁶ While there is an excruciating level of detail in these case studies, they neither account for these detainees' entire period of secret CIA detention,¹⁷ nor encompass the vast majority of those held within the programme. More than 50 of the 119 prisoners are not discussed at all in the Study, remaining simply names on a list, while a further 20 are mentioned only once or twice in passing. With the exception of the four men above, the executive summary refers to most of the prisoners in a haphazard, inconsistent and fragmentary fashion, with information about each prisoner often buried at multiple locations in the report, and often only in the footnotes.

Despite the fact that the programme operated within the context of significant international cooperation, the Committee Study also fails to address in any detail the role played by other

governments, and by partner intelligence and security agencies. This absence is perhaps most glaring in the case of those countries which hosted the CIA's black sites, but is also significant in cases where other countries provided material and intelligence support for capture and rendition operations, or for interrogations under torture. In this sense, no case was more significant than UK support for the programme, and the absence of all mention of British involvement in the Committee Study is striking.¹⁸

Perhaps most significantly, some of the most important information in the Committee Study is hidden from public view, either through the use of pseudonyms in place of real names or through the redaction of text (where particular words are blacked out, [REDACTED]). Without exception, the names and locations of each black site, the countries that hosted (or negotiated the hosting of) these sites, and the names of CIA personnel working at the sites are hidden behind pseudonyms. Even at the point where the classified Study was presented to the full Committee, the names of those countries which hosted black sites had been replaced with a letter, so that they were referred to throughout as 'Country A', 'Country B', and so on. Likewise, each black site was given a colour, and described as 'DETENTION SITE BLACK', 'DETENTION SITE BLUE', and so on. During the subsequent declassification process to prepare the Study for public consumption, the CIA and White House added another level of opacity, replacing some specific dates with more general time frames, redacting specific locations, and redacting all pseudonyms for black site hosts (thus, 'Country A' has become 'Country [REDACTED]'). In addition, the locational data for each of the hundreds of cables from CIA stations, which are cited throughout the report, were redacted to conceal where the abuses took place.

There are thousands of redactions, and numerous pseudonyms, scattered throughout the report, relating to the geographic locations of CIA detention and torture, the identities of the torturers, the dates of particular renditions and detentions, and the active involvement of other countries. In essence, the declassification process was designed to ensure that the abuses described at some length in the report can be tied to neither specific individuals, specific times, nor specific jurisdictions. This has significant implications for a full understanding of the programme, and for attempts to achieve some measure of justice for the abuses which took place.

MOVING BEYOND THE COMMITTEE STUDY

Launched in December 2014, our investigation aims to address many of the Committee Study's limitations, and to fill in many of the remaining gaps in the public understanding of how the CIA torture programme operated. This effort, which has taken years of investigative research to collate, analyse and triangulate a huge amount of data relating to CIA torture, has enabled us to build a picture of the programme from the ground up. By tracking each individual prisoner as they were rendered between secret detention sites; tracking the use of each facility over time (including location, layout, conditions of confinement, and operational dates); tracking the CIA aircraft involved in the torture programme as they travelled the globe; and tracking the companies

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enhanced techniques commensurate with [KSM's] level of resistance, until he indicates initial cooperation."⁴⁵⁰ On March [REDACTED], 2003, the day of KSM's arrival at DETENTION SITE BLUE, the on-site medical officer described the use of the waterboard on KSM as inevitable:

"[T]he team here apparently looks to use the water board in two different contexts. One is as a tool of regression and control in which it is used up front and aggressively. The second is to vet information on an as needed basis. Given the various pressures from home vs what is happening on the ground, I think the team's expectation is that [KSM] will [be] getting treatment somewhere in between. I don't think they believe that it will be possible to entirely avoid the water board given the high and immediate threat to US and allied interests. It is an interesting dynamic because they are well aware of the toll it will take on the team vs. the detainee. The requirements coming from home are really unbelievable in terms of breadth and detail."⁴⁵¹

(TS//[REDACTED]//NF) Meanwhile, OMS completed draft guidelines on the use of the CIA's enhanced interrogation techniques, specifically addressing the waterboard interrogation technique. These guidelines were sent to the medical personnel at the detention site. The guidelines included a warning that the risk of the waterboard was "directly related to number of exposures and may well accelerate as exposures increase," that concerns about cumulative effects would emerge after three to five days, and that there should be an upper limit on the total number of waterboard exposures, "perhaps 20 in a week." CIA records indicate that, as of the day of KSM's arrival at DETENTION SITE BLUE, the interrogation team had not reviewed the draft OMS guidelines.⁴⁵²

(TS//[REDACTED]//NF) KSM arrived at DETENTION SITE BLUE at approximately 6:00 PM local time on March [REDACTED], 2003, and was immediately stripped and placed in the standing sleep deprivation position.⁴⁵³ At 6:38 PM, after the medical and psychological personnel who had traveled with KSM from DETENTION SITE COBALT cleared KSM for the CIA's enhanced interrogation techniques, the detention site requested CIA Headquarters' approval to begin the interrogation process.⁴⁵⁴ The detention site received the approvals at 7:18 PM,⁴⁵⁵ at which point the interrogators began using the CIA's enhanced interrogation techniques on KSM.⁴⁵⁶

(TS//[REDACTED]//NF) Between March [REDACTED], 2003, and March 9, 2003, contractors SWIGERT and DUNBAR, and a CIA interrogator, [REDACTED], used the CIA's enhanced interrogation techniques against KSM, including nudity, standing sleep deprivation, the attention

⁴⁵⁰ [REDACTED] 10654 (030904Z MAR 03); DIRECTOR [REDACTED] (041444Z MAR 03). The initial approval was for SWIGERT and CIA interrogator [REDACTED]. The authorization was extended to DUNBAR on March [REDACTED], 2003. DIRECTOR [REDACTED].

⁴⁵¹ Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED]; subject: Technique; date: March [REDACTED], 2003, at 3:51:09 AM.

⁴⁵² Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED]; subject: Re: Technique; date: March [REDACTED], 2003, at 3:22:45 PM.

⁴⁵³ [REDACTED] 10711 [REDACTED]

⁴⁵⁴ [REDACTED] 10705 [REDACTED]

⁴⁵⁵ DIRECTOR [REDACTED] [REDACTED]

⁴⁵⁶ [REDACTED] 10711 [REDACTED]

~~TOP SECRET~~ [REDACTED] ~~//NOFORN~~

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and countries involved in enabling the programme to operate, we can present a far richer picture of how CIA rendition, secret detention and torture played out on the ground.

Our data comes from a number of key sources. First, we have brought together the findings of previous investigations by a number of journalists, lawyers, NGOs and parliamentary bodies, especially where these have significantly advanced the factual narrative in relation to CIA torture. We have also collated first-hand accounts from former CIA prisoners, some of which have been published as witness statements in court cases in the United States and elsewhere;¹⁹ others of which have been gathered by international organisations, human rights investigators or journalists.²⁰ We bring together this testimony for the first time, providing multiple, harrowing accounts of the torture endured.

Then, they took me to a room and hung me by my hand to an iron shackle where my toes hardly touched the ground. They removed the mask away from my face and left me hanging from one hand, naked, thirsty, and hungry. I regained my breath after they removed the mask but soon enough I began feeling tired from being hung, hungry, and thirsty. All my weight was hung from the iron shackle until my hand was about to be cut off and the blood was going down to my feet. All my body parts were shaking because of cut off blood circulation and my pulled and beaten body began hurting all over and my head, nose and mouth started bleeding. Although I was not able to see anything due to the darkness, I was able to smell and taste the blood that was falling down my throat.²¹

Ahmed Rabbani (#25)

We have also made use of hundreds of formerly-classified US Government documents, most of which have been declassified in response to Freedom of Information Act (FOIA) litigation or other lawsuits. Significant tranches of documents include those relating to US military detentions of former CIA prisoners at Guantánamo Bay, including the transcripts from the Combatant Status Review Tribunals (CSRTs) and the Administrative Review Boards (ARBs), and the Joint Task Force Guantánamo (JTF-GTMO) Detainee Assessments, all of which are hosted by The New York Times.²² They also include material released to the American Civil Liberties Union through FOIA litigation and through discovery in legal proceedings;²³ and material released to investigative journalist Jason Leopold following the publication of the Committee Study.²⁴

In addition we have comprehensively deconstructed the Committee Study, extracting each of the thousands of pieces of data scattered throughout its pages and connecting each where possible to particular individuals, locations and dates. We have also been able to ‘unredact’, in a literal sense, many of the Study’s redactions. This is due to our identification of a number of important – if apparently unremarkable – features of the report’s formatting and typography. Armed with this knowledge, it becomes possible to propose likely values underlying specific redactions, especially where these clearly hide the name of a calendar month, a particular date, or a particular location. Where our proposed underlying text has strong confirmation from an independent source, and where there is an exact overlay with the redaction, there is a very strong indication that we have identified the correct value.

UNREDACTING THE COMMITTEE STUDY: FORMATTING AND TYPOGRAPHICAL CHARACTERISTICS

Identifying the following characteristics of the Committee Study text has been crucial to our process of unredacting:

- ➔ the report is written in Times New Roman, at 12pt (with footnotes in 10pt);
- ➔ the report is 'flushed left' (aligned along the left margin), meaning that there are equal spaces between each word (unlike with justified text);
- ➔ Times New Roman is a proportional font, meaning that the width of each character is variable (so 'w' is wider than 'j');
- ➔ Despite Times New Roman being proportional, its figures are monospaced (so '1' has the same width as '8'). This means that, where a redaction clearly hides just figures (e.g., the date), we cannot identify the value, but we can identify the number of figures (single or double digit). It also means that, where it is clear that a redaction hides both figures and letters, and we know the number of figures, we can identify the length of the accompanying word (this is useful for unredacting cable references – see below);
- ➔ the report uses a standardised date format: 'month date, year' (e.g., 'February 23, 2004');
- ➔ redactions are applied to individual words or sentence fragments, with the redaction always coterminous with the word(s). There are no large block redactions applied to whole paragraphs.

Lastly, we have collated large amounts of data relating to the companies and aircraft involved in the torture programme. This includes contracting and billing documentation passed between companies, registration and leasing documentation for particular aircraft, and flight data. 'Flight data' is our term for information that provides geolocational data on specific aircraft at specific times. In many cases, this data was sourced initially through the work of other investigators, and we are indebted to a number of organisations and individuals for agreeing to share their findings with us.²⁵ Our own investigation has also secured the release of significant tranches of data.²⁶ Overall, these come from a large number of sources, including Eurocontrol (a pan-European, intergovernmental air traffic management organisation), the US Federal Aviation Administration (FAA), a number of national civil aviation, border guard and airport authorities across Europe, the findings of parliamentary investigations at a national level, hotel records, eyewitness accounts, and documentation secured from within the CIA torture program.

Collecting this data was only the first step. Our ability to generate significant new findings in relation to the CIA torture programme has come as a result of building datasets which allow analysis along multiple vectors, as well as subsequent triangulation between these datasets. We discuss these next.

CIA FLIGHTS DATABASE

Our CIA Flights Database is the world's largest and most comprehensive public database relating to aircraft associated with the CIA torture programme. Compiled over a number of years, and first released in May 2013,²⁷ our database incorporates flight data from a number of authoritative sources. This enables us to track the movements of individual aircraft between airports on particular dates. It is the collation of this data into one database, and the subsequent analysis, which has enabled us to generate significant new findings in relation to the rendition of CIA detainees. This is particularly true given that each individual dataset within the database contains only partial records of an aircraft's movement, and it is only by linking individual flights into 'flight circuits' (a series of discrete flights – from A to B, from B to C, and so on – which connect together to form an overall global trip) that it has been possible to track rendition aircraft as they transited from airport to airport. Each record in the database represents one flight by a specific aircraft between two airports. Aircraft are identified in the data by their registration numbers (often referred to as their tail numbers), and circuits are built by ordering records by this number, and then by date, to establish a chronological account of each aircraft's movements.

Collecting this data, and matching across hundreds of individual flight records to produce meaningful flight circuits, has been time-consuming and challenging. This is true not least because of the sheer number of different sources in the database, as well as the different formats which the raw data has taken. These include exchanges of messages or digital data between a number of different actors around the world on the Aeronautical Fixed Telecommunication Network (AFTN) or the Société Internationale de Télécommunications Aéronautiques (SITA) Network;²⁸ extracts from air traffic management systems used by air traffic authorities (each with varying fields); lists or tables generated specifically for the purpose of answering FOIA requests; take-off and landing records generated by individual airports; itineraries listed in corporate invoices; pilot logs; hotel records; and service provision invoices by companies operating at particular airports. This data – which cumulatively consists of tens of thousands of individual data points – has had to be converted to a standardised format to enable cross-dataset analysis to take place.

Formed in this way, the database contains over 15,000 records, relating to over 11,000 flights.²⁹ A version of our CIA Flights Database can be accessed on The Rendition Project website (www.therenditionproject.org.uk), which allows users to search flight records for themselves. Around 200 aircraft are listed in the database. Not all of these aircraft were involved in the torture programme, although all of them have been suggested as such in the past.³⁰ As a further caveat, even where certain aircraft clearly undertook rendition operations (transferring prisoners between facilities), not all flights by these aircraft are rendition flights. Many rendition planes were private charter aircraft, and the CIA was one of a number of clients. Even where a flight took place by or on behalf of the CIA, this could have been for a number of operational reasons, to do with both the torture programme (e.g. ferrying staff and supplies between black sites) and other intelligence activities.

PVM SĄSKAITA - FAKTŪRA

Serija ONPZ Nr. 500029

N787WH

VICTORY AIR TRANSPORT

STATE ENTERPRISE "ORO
NAVIGACIJA"

Liepojos pientas 1, 00169 Palanga

registracija

MS Nr. LT83 70440 60000765292 AB "Vilniaus bankas"

AB "Vilniaus bankas" - kodas 70400

PVM kodas LT100604610 Įmonės kodas 152621237

CBVILT2X Vilniaus bankas

Gedimino pr. 60, LT - 70440 Vilnius, Lithuania

Account of beneficiary: 60001166081

Mokėtojas: UAB "Orlaivių aptarnavimo agentūra"

Liepojos pl. 1, LT-00169 Palangos

PVM kodas LT 252007610 / VĮ 125200764

VALSTYBINĖ RINKLIAVA UŽ ORO IR ORO UOSTO NAVIGACIJĄ STATE CHARGE FOR AIR AND TERMINAL NAVIGATIONS SERVICES ORO UOSTAS / AIRPORT - PALANGA

| | | | |
|--|----------------------------------|--------------------------------------|--------|
| Reiso/ Flight Nr. | N787WH / N787WH | Orlaivio tipas / Aircraft type: | B737 |
| Maks. pakilimo masė / MTOM | 57.2 | Orlaivio numeris / Aircraft reg. Nr: | N787WH |
| Apmokėjimo rūšis / Method of Payment | Pavedimu/invoice | | |
| Skrydžio tikslas / Flight purpose | CARTERINIS/NON-SCHEDULED GENERAL | | |
| Registracijos šalis / State of registry | UNITED STATES OF AMERICA | | |
| Maršrutas / Route | LRBS - EYPA - EKCH | | |
| Nusileidimo (data/laikas) / Landing (date/time) | 2005.02.18 | 18:09 | |
| Pakilimo (data/laikas) / Departure (date/time) | 2005.02.18 | 19:30 | |
| Įėjimo ir išėjimo į / iš LR oro (erdvės taškai) / FIR entrance / exit points | BOKSU / | TIRIN | |
| Skryžių taisyklės / Flight rules | IFR / | IFR | |
| Ortodrominis atstumas / Orthodromic distance | 208 km | | |
| Oro navigacija / Air navigation | 488,4 LT | 141,45 EUR | |
| Oro uosto navigacija / Terminal navigation | 578 LT | 167,4 EUR | |
| PVM / VAT 0% | 0 LT | 0 EUR | |
| Iš viso / Total | 1066,4 LT | 308,85 EUR | |

Suma žodžiais: Vienas tūkstantis šešesdešimt šeši Lt. keturiasdešimt ct.

Pastaba / Note Paslauga apmokestinta taikant 0 pvm tarifą pagal LR PVM įstatymo 43str.4d.

Instruktorius (parašas) / Briefing officer (signature) Pavardė / Name

Orlaivio piloto ar naudotojo parašas / Pilot or operator of aircraft (signature) Pavardė / Name

Vidmantas Virbickas

Pavardė / Name



Liepojos pl. 1, LT-00169 Palanga
Tel. (8 460) 48 810, faks. (8 460) 48 485, el. paštas info@ans.lt

ORO NAVIGACIJA PALANGOS S 370 460 48485

Dec 2009 9:48

Identifying rendition operations from within this data thus requires triangulation with other data sources, specifically those which establish the movements of prisoners into, out of, and between secret detention facilities.³¹ These are collated in our CIA Prisoner Database.

CIA PRISONER DATABASE

Our CIA Prisoner Database provides a summary of our analysis of the 119 CIA prisoners named in the Committee Study, and sets out what is currently known about their nationalities; where and when each prisoner was captured; the duration of pre-CIA custody (before they were transferred to the CIA's secret prison network); the duration of CIA detention; where they were held; and what happened to each prisoner after their time in CIA detention. We have established this information through a careful reading of prisoner testimony, declassified documents, and other forms of reporting. Our deconstruction of the Committee Study, including an analysis of its redactions, has proved especially fruitful here, as has our analysis of the CIA cables which underpin the Study's work (see below). A version of the CIA Prisoner Database is available on The Rendition Project website, and can be filtered and ordered to allow for independent analysis of the data.

We have been able to establish a range of dates within which we know each prisoner was transferred into and out of CIA custody. This has been important for tracking the fate and whereabouts of individuals, and was made possible through a detailed analysis of the information provided in the Committee Study triangulated with information gleaned from other sources. Of particular importance has been our analysis of Appendix 2 to the Study. This provides an official list of CIA detainees, ordered chronologically according to their entry date into the programme, along with the date of custody and the number of days each spent in CIA detention. However, key information in this list, including dates and periods of detention, are partially redacted, meaning that it is not possible to easily determine these without our techniques for unredacting.

I. Appendix 2: CIA Detainees from 2002 – 2008

| # | CIA Detainees | Date of Custody | Days in CIA Custody | |
|----|---|-----------------|---------------------|---|
| 1 | Abu Zubaydah | [REDACTED] 2002 | 1,61 | TS [REDACTED] NF KEY Bold Text: Detainees in bold text were subjected to the CIA's enhanced interrogation techniques. <i>Italics Text:</i> Detainees in italics have not been previously acknowledged by the CIA to the SSCI. #: Detainee number on main detainee spreadsheet, based on date of CIA custody. Number is based on a designation made by the Committee, not the CIA. Note on Redaction: The last digit of days in CIA custody is redacted. |
| 2 | Zakariya | [REDACTED] 2002 | 37 | |
| 3 | Jamal Eldin Boudraa | [REDACTED] 2002 | 63 | |
| 4 | Abbar al-Hawari, aka Abu Sufiyan | [REDACTED] 2002 | 37 | |
| 5 | Hassan Muhammad Abu Bakr Qa'id | [REDACTED] 2002 | 52 | |
| 6 | Ridha Ahmad Najar, aka Najjar | [REDACTED] 2002 | 70 | |
| 7 | Ayub Marshid Ali Salih | [REDACTED] 2002 | 3 | |
| 8 | Bashir Nasir Ali al-Marwalah | [REDACTED] 2002 | 3 | |
| 9 | Ha'il Aziz Ahmad al-Mithali | [REDACTED] 2002 | 3 | |
| 10 | Hassan bin Attash | [REDACTED] 2002 | 12 | |
| 11 | Musab Umar Ali al-Mudwani | [REDACTED] 2002 | 3 | SOURCE INFORMATION CIA Fax to SSCI Committee Staff, entitled, "15 June Request for Excel Spreadsheet," June 17, 2009. DTS #2009-2529. CIA detainee charts provided to the Committee on April 27, 2007. Document in Committee Records entitled, "Briefing Charts provided to committee members from CIA Director Michael Hayden at the closed Hearing on April 12, 2007, concerning EITs used with CIA detainees, and a list of techniques." DTS #2007-1594. CIA operational cables and other records produced for the Committee's Study of the CIA's Detention and Interrogation Program. |
| 12 | Said Saleh Said, aka Said Salih Said | [REDACTED] 2002 | 3 | |
| 13 | Shawqi Awad | [REDACTED] 2002 | 3 | |
| 14 | Umar Faruq, aka Abu al-Faruq al-Kuwaiti | [REDACTED] 2002 | 41 | |
| 15 | Abd al-Salam al-Hilal | [REDACTED] 2002 | 59 | |
| 16 | Karim, aka Asaf Sar Jan | [REDACTED] 2002 | 6 | |
| 17 | Akbar Zakaria, aka Zakaria Zeineddin | [REDACTED] 2002 | 5 | |
| 18 | Rafiq bin Bashir bin Halul al-Hami | [REDACTED] 2002 | 5 | |
| 19 | Tawfiq Nasir Awad al Bihani | [REDACTED] 2002 | 5 | |
| 20 | Lutfi al-Arabi al-Gharisi | [REDACTED] 2002 | 38 | |
| 21 | Dr. Hikmat Naft Shaukat | [REDACTED] 2002 | 7 | |
| 22 | Yaqub al-Baluchi aka Abu Talha | [REDACTED] 2002 | 8 | |
| 23 | Abd al-Rahim Ghulam Rabbani | [REDACTED] 2002 | 55 | |
| 24 | Gul Rahman | [REDACTED] 2002 | 1 | |
| 25 | Ghulam Rabbani aka Abu Badr | [REDACTED] 2002 | 55 | |
| 26 | Abd al-Rahim al-Nashiri | [REDACTED] 2002 | 1,39 | |
| 27 | Haji Ghalgi | [REDACTED] 2002 | 19 | |
| 28 | Nazar Ali | [REDACTED] 2002 | 3 | |
| 29 | Juma Gul | [REDACTED] 2002 | 9 | |
| 30 | Wafi bin Ali aka Abdullah | [REDACTED] 2002 | 8 | |
| 31 | Adel | [REDACTED] 2002 | 6 | |
| 32 | Qari Mohib Ur Rehman | [REDACTED] 2002 | 6 | |
| 33 | Shah Wali Khan | [REDACTED] 2002 | 2 | |
| 34 | Hayatullah Haqqani | [REDACTED] 2002 | 8 | |
| 35 | Bisher al-Rawi | [REDACTED] 2002 | 1 | |

ANALYSIS OF APPENDIX 2: REVEALING THE IN/OUT DATES FOR CIA PRISONERS

The following characteristics of Appendix 2 have allowed us to unredact the entry and exit dates for each prisoner:

- ➔ The text in the appendix is Times New Roman, 8pt.
- ➔ The month and date of custody is redacted, although the year is not.
- ➔ Given the principles already outlined (relating to the proportional characteristics of the font used, the monospaced figures and the standardised date formats) it is possible to suggest values underlying each redaction. These will be in a range, given that 'April 10, 2004' is the same length as 'April 30, 2004' and all values in between, although different from 'April 3, 2004' and also different from all other possible month values.
- ➔ These ranges can be further narrowed given the fact that each prisoner appears on the table in the order in which they entered CIA custody. Thus, the earliest in-date for prisoner #3 can be no earlier than the earliest in-date for prisoner #2, while the latest in-date can be no later than prisoner #4.
- ➔ The number of days in CIA detention have the final digit redacted. For example, Abu Zubaydah was held by the CIA for 1,59█ days. This provides a range (1590-1599 days).
- ➔ The exit dates are therefore also a range, derived from the entry range and the custody range. For example, a prisoner brought into the programme 'February █, 2003', and held for 62█ days, would have left the programme at some point between 22 October 2004 (10 February 2003 + 620 days) and 18 November 2004 (28 February 2003 + 629 days).

Other data, such as prisoner testimony, flight records, or individual CIA cables (see below), can be used to further narrow these date ranges, often to a specific day. In turn, this has a knock-on effect with other dates for that prisoner, and with the dates for surrounding prisoners (given the chronological relationship between individuals on the list). At the time of writing, we have been able to establish the dates of entry into the CIA prison network to an accuracy of a week or less for 70 of the 119 prisoners, and to between a week and a month for a further 46. In fact, our initial investigation into this data brought to light inaccuracies in the original Appendix of the Committee Study, and the SSCI published a corrected version as a result of our work.³²

CIA CABLE DATABASE

Our analysis of redactions in the Committee Study has enabled us to identify the location from which many of the CIA station cables were sent. Cable traffic between CIA Headquarters and individual stations form the primary evidential material in the Committee Study, with thousands of individual references throughout. Importantly, it is the cables from the stations back to Headquarters which provide the detailed accounts of prisoner transfers, detentions and torture, and identifying the location of these provides a crucial window into the programme as a whole.

Cable references in the Committee Study have three parts. First, there is the locational data, which we call the 'originator ID', identifying the site from where the cable was sent. Cables from the US mainland have this identifier shown (e.g., HEADQUARTERS, WASHINGTON, ALEC), but those of all cables from field stations are redacted. Second, there is what we call the 'cable ID'. This is a unique identifier for each cable, and tends to be 4-6 figures in length. In this case, cable IDs from the US are all redacted, whereas those of cables from field stations are not. Third, cables have a date-time stamp, in the format '(ddhhmmZ MTH yy)'. 'Z' here stands for 'Zulu time' (Greenwich Mean Time, GMT). For example, a cable with date-time stamp (040952Z SEP 04) would have been sent at 09:52 GMT on 4 September 2004. Most cable references in the Committee Study have their date-time stamp unredacted, although some are redacted in part or in full.

Understanding the format of these cables is important. Each cable is used in the Study to support particular factual claims, and collecting this data enables us to identify which cable(s) refer to which event. For example, cable '[REDACTED] 3240 (231839Z SEP 04)' documents the rape of Majid Khan (#58) on 23 September 2004, where his "'lunch tray", consisting of hummus, pasta with sauce, nuts and raisins, was "pureed" and rectally infused.'³³ Other cables document the severe psychological toll exacted on Khan over the following nine months, through his sustained secret detention and torture.

CIA CABLES DOCUMENTING MAJID KHAN'S DETERIORATING MENTAL HEALTH

| | | |
|------------|-----------------------|---|
| [REDACTED] | 3694 (301800Z NOV 04) | attempts to cut his wrists |
| [REDACTED] | 3724 (031723Z DEC 04) | attempts to chew into arm at inner elbow |
| [REDACTED] | 3835 (260659Z DEC 04) | attempts to cut vein in top of his foot |
| [REDACTED] | 4242 (191550Z MAR 05) | attempts to cut his wrists |
| [REDACTED] | 4250 (221213Z MAR 05) | attempts to cut his wrists |
| [REDACTED] | 4614 (071358Z JUN 05) | attempts to cut skin at elbow with filed toothbrush |

Crucially, the redacted originator IDs are of different lengths, depending on the field stations from which they came. Thus, all cables from the black site referred to in the Study as DETENTION SITE GREEN have originator IDs of the same length as each other, and this length is different to the IDs of cables from DETENTION SITE BLUE. With this observation as a starting point, we have measured the length of redacted originator IDs for each of the hundreds of cables referenced in the Study. This has enabled us to build our CIA Cable Database. Here, each record relates to one reference of one cable in the Committee Study, and has a number of fields: the length of the redacted originator ID; the (unredacted) cable ID; the (mainly unredacted) date-time stamp; the location of the cable reference in the Study; and the content which the cable supports as a footnote.

Once this dataset was built, we could order chronologically all cables with the same length of originator ID. When this happens, the cable IDs are also ordered sequentially, confirming the coherence of each cable series. Using this approach, we have built a number of cable series, and connected these to particular locations (through triangulation with other data concerning the location of where particular events took place).³⁴

Thus, for example, we have a series of cables relating to DETENTION SITE GREEN, beginning with cable 10005 (sent 23:16 on 9 April 2002) and ending with cable 11357 (sent 12:42 on 2 December 2002). Likewise, our DETENTION SITE BLUE series begins with cable 10006 (sent 09:02 on 7 December 2002) and ends with cable 12825 (sent on 13 September 2003).

In turn, in those cases where individual cables have their date-time stamp redacted, their location in a particular cable series allows us to propose minimum and maximum date-times.

CABLE ANALYSIS: UNREDACTING THE DATE-TIME STAMPS

- **DETENTION SITE BLUE** 10985 (242351Z MAR 03)
- **DETENTION SITE BLUE** 10990 [REDACTED]
- **DETENTION SITE BLUE** 10999 (260835Z MAR 03)

Cable 10990 was clearly sent by officials at DETENTION SITE BLUE at some point between 23:51 on 24 March 2003 and 08:35 on 26 March 2003. This is an important observation, given that the cable documented the request by the black site officials to Headquarters to torture Abu Yasir al-Jaza'iri (#47). This both confirms al-Jaza'iri's presence in DETENTION SITE BLUE during March 2003, and suggests the time that he was transferred to the site (given that torture requests tended to be sent immediately prior to, or immediately after, a prisoner's arrival at a black site).³⁵

In this way, our series allow us to provide locational data for particular events and detainees. For example, all of the cables referenced above in relation to Majid Khan fit into the Afghanistan series, suggesting that he was held in the country during this abuse. Indeed, an analysis of all

cables referring to Khan reveal that those sent between 5 March – 24 May 2003 fit into the Pakistan series, and those sent from 27 May 2003 to 7 June 2005 fit into the Afghanistan series, suggesting the locations of his detentions, the date on which he was captured by Pakistani forces, and the later date on which he was transferred to CIA custody.

Likewise, as another example, our analysis of CIA cables relating to Abd al-Rahim al-Nashiri provides a far more detailed account of his time in CIA custody than that published in the Committee Study.

CABLE ANALYSIS AND AL-NASHIRI'S LOCATIONS

The following specific cables are the first and last in each series which document al-Nashiri's presence at particular black sites, thus confirming the dates and locations during his period of secret CIA detention. Possible values for the redacted dates in the first two cables can be suggested according to their place in the relevant cable series, as well as through triangulation with flight data and other documents (see below).

- **Afghanistan** 29768 ([REDACTED] NOV 02)
- **DETENTION SITE GREEN** 11293 ([REDACTED] NOV 02)
- **DETENTION SITE GREEN** 11357 (021242Z DEC 02)
- **DETENTION SITE BLUE** 10030 (111541Z DEC 02)
- **DETENTION SITE BLUE** 11701 (191640Z MAY 03)
- **Morocco** 1756 (190800Z SEP 03)
- **Guantánamo** 1091 (031835Z NOV 03)
- **Guantánamo** 1630 (271440Z MAR 04)
- **DETENTION SITE BLACK** 1202 (231644Z MAR 04)
- **DETENTION SITE BLACK** 3051 (301235Z SEP 05)
- **DETENTION SITE VIOLET** 3910 (241852Z JAN 06)
- **DETENTION SITE BROWN** 1029 (291750Z JUN 06)
- **DETENTION SITE BROWN** 1242 (050744Z SEP 06)

This analysis is powerful, especially when other findings confirm the locations of the black sites (see below). This allows us to independently confirm that al-Nashiri was held at black sites in Afghanistan, Thailand, Poland, Morocco, Guantánamo Bay, Romania, Lithuania and Afghanistan again, as well as identify the dates on which he was in each country.

Our analysis of the cables in the Committee Study has been powerful, and we reference individual cables throughout this report to provide evidence of the location and time of events. We have also published a version of our CIA Cable Database on The Rendition Project website, and this can be used to identify exactly where each cable is referenced in the Committee Study.

TRIANGULATION

Our account of the torture programme has been built up through multiple triangulation of a range of sources. For example, analysis of the redactions in the Committee Study can often reveal the date of an individual's transfer to CIA custody, while the CIA Cable Database can reveal the location to which he was first brought. This can be matched with flight data, which might confirm a flight into the black site location by a known CIA rendition aircraft on the date in question. Billing documentation can confirm that the flight was undertaken pursuant to the overall contract with the CIA, and provide confirmation of where the prisoner was before transfer to CIA custody. With the entry date for that prisoner confirmed, the range of possible exit dates is narrowed (as are the entry date ranges for other prisoners, given the chronological relationship between individuals' entry into the programme). This can then often be matched with witness testimony by the prisoner, or information in declassified documents, which independently confirms a particular exit date. Again, flight data on that date may include a flight by a known CIA rendition aircraft, leaving from a known black site location, suggesting that this was the individual's final detention location while in CIA custody.

The power of this method of triangulation is best illustrated in the context of specific case studies, and we include discussion of two of these at the end of this chapter to show the detailed cross-analysis which underpins our findings. The rest of the chapter outlines some of our broader findings in relation to CIA black sites, rendition operations and secret detentions.

LOCATING THE BLACK SITES

Although the Committee Study disguises the location of the CIA's black sites through the use of pseudonyms, our investigation provides robust evidential confirmation of the countries which hosted these facilities, as well as their periods of operation.

CIA BLACK SITE LOCATIONS AND OPERATIONAL PERIODS (FROM/TO)

| | | | |
|-----------------------|----------------|----------------|----------------|
| DETENTION SITE GREEN | Thailand | March 2002 | December 2002 |
| DETENTION SITE COBALT | Afghanistan | September 2002 | April 2004 |
| DETENTION SITE BLUE | Poland | December 2002 | September 2003 |
| DETENTION SITE GRAY | Afghanistan | January 2003 | December 2003 |
| DETENTION SITE BLACK | Romania | September 2003 | November 2005 |
| DETENTION SITE INDIGO | Guantánamo Bay | September 2003 | April 2004 |
| DETENTION SITE MAROON | Guantánamo Bay | September 2003 | April 2004 |
| DETENTION SITE ORANGE | Afghanistan | April 2004 | September 2006 |
| DETENTION SITE VIOLET | Lithuania | February 2005 | March 2006 |
| DETENTION SITE BROWN | Afghanistan | March 2006 | March 2008 |

These findings are made possible through the triangulation of all our datasets, but in particular by reading the Committee Study alongside an analysis of our CIA Flights Database. For example, the Study makes multiple references to specific renditions to and from DETENTION SITE BLUE, each of which can be matched with corresponding flights into and out of the Szymany airport in north-eastern Poland. This is significant, given that previous investigations, as well as the European Court of Human Rights (ECtHR), have found that this airport serviced a CIA black site outside the village of Stare Kiejkuty, in the lakes region of north-eastern Poland.³⁶

The Committee Study makes passing reference to Abd al-Rahim al-Nashiri and Abu Zubaydah's rendition from DETENTION SITE GREEN to DETENTION SITE BLUE in December 2002, and this will have taken place on or before the torture of al-Nashiri at DETENTION SITE BLUE, which the Study notes began on 5 December.³⁷ This stated transfer is matched with the flight by aircraft N63MU from Bangkok, Thailand to Szymany, landing on 5 December (**Circuit 15**). Likewise, the Study's documentation of Ramzi bin al-Shibh's rendition from foreign custody to DETENTION SITE BLUE, between 1-9 February 2003,³⁸ matches with a flight by aircraft N379P from Rabat, Morocco to Szymany on 8 February (**Circuit 17**). Lastly, Khaled Sheikh Mohammed's rendition from DETENTION SITE COBALT to DETENTION SITE BLUE in March 2003, at some point on or

after 6 March and by the time of his torture on 8 March at the latest,³⁹ matches with a flight by aircraft N379P from Kabul, Afghanistan to Szymany on 7 March (**Circuit 19**).

Although this is just one form of triangulation possible from our data, these matches alone provide powerful confirmation of the location of DETENTION SITE BLUE. And, in turn, they help to confirm the location of other sites: DETENTION SITE GREEN as a CIA black site in Thailand; DETENTION SITE COBALT as a CIA black site in Afghanistan; and Morocco as a site of secret detention by a foreign government on behalf of the CIA.

The locations of the CIA black sites and facilities run by foreign governments have long been suggested by investigators, often on the back of excellent reporting by a number of journalists.⁴⁰ Our findings, derived independently from our analysis of the Committee Study and other declassified documents, prisoner testimony and flight data, puts this matter beyond any doubt. We are clear that these are now established as factually true; a matter in which, in the context of black sites in Poland, Romania and Lithuania, the ECtHR agrees. With detailed reference to our findings and submissions, the Court's two separate rulings in May 2018 concerning Romania and Lithuania stated that, in both cases, 'the applicant's allegations [regarding the location of his secret detention are] sufficiently convincing and, having regard to the above evidence from various sources corroborating his version, finds it established beyond reasonable doubt' that the black site existed in the country.⁴¹

HOST COUNTRY COMPLICITY

It is clear that the countries hosting CIA black sites were both aware of the rendition operations and secret detentions taking place on their soil, and were active participants in the programme. The Committee Study confirms that 'the political leaders of host countries were generally informed of [the sites'] existence,' with the CIA paying millions of dollars in cash to foreign government officials, and local CIA stations providing 'wish lists' of financial assistance to partner agencies.⁴² The Thai site, for example, was run 'with the foreign host government's knowledge and approval,'⁴³ although local officials acquiesced to its continued operation through 2002 only after continued lobbying by the CIA Station Chief.⁴⁴ Likewise, Moroccan officials were involved in surveying potential locations for a black site during 2003, and agreed on two separate occasions to hold CIA prisoners in their own facilities while the site was under construction. Although the CIA facility was never made operational, and Morocco ultimately rescinded its support for the programme, it is clear that elements of the political leadership in the country were aware of the cooperation, and provided approval of the construction of the black site.⁴⁵

Investigations into the black sites in Poland, Romania and Lithuania have uncovered much of the detail relating to host government involvement, and, given the effort to which these governments have gone to deny their knowledge and culpability, it is worth describing this in some detail. Having spoken with 'multiple well-placed sources in the governments and intelligence services of several countries, including the United States, Poland and Romania,' the Council of

Europe's early investigation into secret detention and rendition in Europe concluded that 'the key arrangements for CIA clandestine operations in Europe were secured on a bilateral level.' Such agreements existed with respect to individual capture operations, and also for more enduring forms of cooperation, including infrastructure, material support and operational security. In countries where black sites operated, the CIA 'brokered "operating agreements"... to hold its high-value detainees in secret detention facilities.' Under these agreements, host governments 'agreed to provide the premises in which these facilities were established, the highest degrees of physical security and secrecy, and steadfast guarantees of non-interference.'⁴⁶

Although the ECtHR did not have sight of any bilateral agreement between the CIA and Polish authorities, it found it 'inconceivable that the rendition aircraft could have crossed Polish airspace, landed at and departed from a Polish airport and that the CIA could have occupied the premises in Poland without some kind of pre-existing arrangement.'⁴⁷ The Committee Study also recounts how Polish officials became uneasy about the detention site in early 2003, refusing to accept a transfer flight in March until 'the US ambassador intervened with [Poland's] political leadership.'⁴⁸

The CIA appears to have chosen Romania to host a black site given, at least in part, the close existing intelligence and security relationship afforded as part of the broader 'War on Terror'.⁴⁹ Several high-level Romanian government officials knew about and authorised the secret detention operations, including President Ion Iliescu, President Traian Băsescu, Presidential Advisor on National Security Ioan Talpeş, Minister of National Defence Ioan Paşcu and the Head of Directorate for Military Intelligence Sergiu Medar. Such high-level knowledge was not shared widely, with information kept from the heads of the civilian intelligence services.⁵⁰

The CIA entered into an agreement with the Romanian authorities to host a black site in **mid-October** 2002.⁵¹ By **January** 2003 the local CIA station had been asked to consider ways to demonstrate to the Romanian government 'that we deeply appreciate the cooperation and support' for the black site,⁵² and in **April** 2003 the station provided an **8** million dollar suggestion.⁵³ By **May** 2003 Headquarters had provided millions more than suggested, and by the fall of 2003 it had received its first **five** prisoners.⁵⁴

Accounts of these agreements have been confirmed by some of the high-level Romanian officials involved. Speaking in 2015, former President Ion Iliescu admitted that 'our US allies asked us for a site' towards the end of 2002, and that he had approved this in principle as 'a gesture of courtesy ahead of our accession to NATO.' The details were taken care of by Ioan Talpeş, who has confirmed this independently.⁵⁵ According to Talpeş, he had discussions with the CIA from 2003 regarding 'a more intense cooperation' where the CIA could carry out its own activities in certain locations, and told Iliescu in 2003 and 2004 that the CIA was operating in Romania. This involved the detention of individuals in 'one or two locations in Romania.'⁵⁶ Specifically, Talpeş has admitted to having given permission to lease a government building to the CIA, and that this building was in Bucharest. He was aware of the risks inherent in such an arrangement, and 'explicitly told the CIA representatives that Romania did not want to know anything about the activities on these premises.'⁵⁷

The leasing of this building to the CIA has been confirmed by ‘Witness Z’, in testimony to the Romanian prosecutor (in the context of the government’s criminal investigation). This official has acknowledged that the CIA ‘asked the Romanian authorities to offer some locations, on Romanian territory, to be used for actions of combating international terrorist threats’, and that one location was offered: an office building in Bucharest. Furthermore, ‘we insisted, and it was agreed, that in all those locations the Romanian State should have no participation and all activities were to be undertaken exclusively by the American partners under their exclusive responsibility.’⁵⁸

It appears that the desire for non-interference in CIA operations was mutual, although Romanian officials were key in providing security. The Council of Europe found that ‘the manner of protection requested by the CIA was for Romanian military intelligence officers on the ground to create an area or “zone” in which the CIA’s physical security and secrecy would be impenetrably protected, even from perceived intrusion by their counterparts in the Romanian services.’⁵⁹

Although Romanian officials have all denied knowledge of the activities taking place at the secret detention site, the Committee Study makes clear that, at some point after **xx September 2004**, Romanian officials were briefed by the US Ambassador and the local CIA Station Chief regarding the programme. The use of torture by the CIA was clearly described in the presentation, which sought to bolster support for the programme amongst Romanian officials.⁶⁰

Although the Romanian government has always denied the existence of a secret prison on its territory, and has claimed that allegations are without merit,⁶¹ the ECtHR ruled that it had been established beyond reasonable doubt that Romania both ‘knew of the nature and purpose of the CIA’s activities on its territory’, and also ‘cooperated in the preparation and execution’ of the rendition and detention program.⁶²

In Lithuania, meanwhile, the CIA obtained the approval of the political leadership before constructing the black sites. One Lithuanian official was described as ‘shocked’, but nevertheless approved the plan. The CIA offered \$1m+ to its partners to ‘show appreciation’ for their support, with money transferred through the development of ‘complex mechanisms’ (presumably to hide the payment).⁶³ Indeed, the Lithuanian Parliament’s Committee on National Security and Defence (CNSD) found that the State Security Department (SSD) accounting of funds used to implement the project was ‘inappropriate’.⁶⁴ Lithuanian officials also explicitly approved the plan to construct the final black site, after an initial ‘holding cell’ was deemed insufficient to hold multiple detainees, and asked for updates as works progressed.⁶⁵

Although the Committee Study redacts the names and posts of those in Lithuania who knew and approved of the site, other investigations have shone light on this. President Rolandas Paksas testified to the CNSD that the CIA had requested permission in 2003 to bring detainees into the country, and SSD Director General Mečys Laurinkus confirmed that he had informed Paksas about this possibility. Although the President denied permission for the use of Lithuanian territory, it appears that he was not asked about the expanded site (Project No. 2), which eventually held prisoners. However, SSD officials at the highest level, including Laurinkus, SSD Director General Arvydas Pocius and SSD Deputy Director General Dainius Dabašinskas had knowledge of the construction of the black site. In turn, Pocius has testified that President Valdas Adamkus

[REDACTED] [REDACTED] [REDACTED]

OUT-TELEGRAM

[REDACTED]

[REDACTED]

Date: 8 November 2002

[REDACTED]

[REDACTED]

[REDACTED]

SUBJECT: Individuals Travelling to Gambia

THIS INFORMATION HAS BEEN COMMUNICATED TO THE RECIPIENT GOVERNMENT IN CONFIDENCE AND SHALL NOT BE RELEASED WITHOUT THE AGREEMENT OF THE BRITISH GOVERNMENT.

1. Further to [REDACTED] dated 1 November and our telephone conversation today.
2. We are able to confirm that the three individuals associated with the prominent spiritual cleric Omar OTHMAN@ Abu QATADA who were arrested at Gatwick on 1 November have today boarded Sierra National Airlines Flight LJ054 to Banjul, Gambia. The flight was due to depart from the UK at 1230 but the departure was delayed until 1310.

3. The three individuals checked-in at the airport using the following variations of their names:

JAMIL ABDUL LATIF IYLAN (28/5/62)
BISHR QALID (23/12/67)
ABDALLAH GHAZI (18/9/62)

4. Regards.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

was ‘adequately informed of the project’, while Dabašinskas was clear that the project ‘had been blessed by the top officials of the State.’⁶⁶

SSD involvement on the ground was extensive. From 2002 onwards, the SSD led the way in adapting the initial ‘holding cell’ (so-called Project No. 1), ‘taking account of the requests and conditions’ set out by the CIA. From 2004, the SSD worked with the CIA to buy and equip the facility eventually used as a black site (Project No. 2). SSD had ‘unrestricted access to all the premises of the facility’, and in theory accompanied CIA officials at all times. However, in practice the SSD did not control the movements of the CIA, did not monitor activities, and did not have full awareness of operations at the site.⁶⁷ The CNSD found that ‘the layout of the building, its enclosed nature and protection of the perimeter as well as the sporadic presence of the SSD staff in the premises allowed for actions to be taken by officers of the partners without being monitored by the SSD, and also allowed them to use the infrastructure at their discretion.’⁶⁸

BRITISH COMPLICITY

As we have described at some length elsewhere, our research has enabled us to establish beyond reasonable doubt that Britain was deeply and directly involved in post-9/11 prisoner abuse, including as part of the CIA’s torture programme. This is true despite a consistent narrative emanating from government officials that Britain neither uses, condones nor facilitates torture or other cruel, inhuman or degrading treatment and punishment. Such denials are untenable. We have argued that it is possible to identify a peculiarly British approach to torture in the ‘War on Terror’, which is particularly well-suited to sustaining this narrative of denial. As part of this, UK officials have had to operate within a set of constraints – a rhetorical, legal and policy ‘scaffold’ that has enabled them to demonstrate at least procedural adherence to human rights norms and legal commitments. On the ground, the UK intelligence and security agencies have been guided by a very particular approach, driven by two fundamental principles: avoiding the formal legal custody of prisoners; and the avoiding direct involvement in the abuse of prisoners. However, participation in detention, rendition and interrogation operations formally operated by partners, regardless of whether or not abuse was known to be taking place (or where it was common sense to assume that abuse would take place), was deemed legitimate by British intelligence and security officials. Adhering to these principles ensured that the UK could remain full counterterrorism partners of the US and other allies, while at the same time insulating itself from allegations of abuse.⁶⁹

Our analysis of the evidentiary material now in the public domain suggests that the UK has been implicated in abuse on a number of levels. First, British intelligence and security agencies worked hand-in-glove with counterterrorism partners, including the CIA, to identify and apprehend suspects and disappear them into secret detention where torture was endemic. The British role in this context was either to supply the intelligence needed for the apprehension, or to take part in capture operations as formal secondary partners, ensuring that they were not directly responsible for prisoners. In the case of Bisher al-Rawi (#35) and Jamil el-Banna (#36), for

example, the passing of UK intelligence to the CIA regarding the men's whereabouts was central to their capture, rendition to Afghanistan, and secret CIA detention before transfer to US military custody. Crucially, documents show that both men had been detained in the UK in early November 2002, several days before their disappearance, with MI5 providing to the CIA details of the men's detention and their travel plans to The Gambia.⁷⁰

British involvement was widespread. The UK Parliament's Intelligence and Security Committee (ISC) found that, in at least three cases, British intelligence paid, or offered to pay, for rendition operations, all of which they found 'amounts to simple outsourcing of action which they knew they were not allowed to undertake themselves.'⁷¹ In at least 28 other cases, these agencies 'suggested, helped to plan, or agreed to, a rendition operation proposed by others,' while in 22 cases they 'enabled renditions to go ahead by providing intelligence (for example, on the location of the individual).'⁷² Although ministerial approval was granted in a number of these cases, this was not always sought. And regardless, many of these renditions were to countries where the risk of torture or other mistreatment was significant.⁷³

Although none of the official inquiries into Britain's role in abuses have published full details of specific cases, documents obtained by Human Rights Watch from a government building in Tripoli in September 2011, in the immediate aftermath of the fall of the Gaddafi regime, provide compelling evidence of British involvement in a number of these operations.⁷⁴ In one such operation, Sami al-Saadi and his family, including his four children, were rendered from Hong Kong to Libya in March 2004. One memo from the CIA to its Libyan counterpart, dated 23 March 2004, was clear that they were 'aware that your service had been cooperating with the British to effect [al-Saadi's] removal to Tripoli', and offered to step in to 'render [him] and his family into your custody.'⁷⁵ Once in Libya, al-Saadi was detained for six years, during which time he was subjected to beatings with ropes and sticks, as well as electric shocks to the neck, chest and arms.⁷⁶

In a similar operation, Abdel Hakim Belhadj (also known as Abu Abdullah al-Sadiq) was rendered with his wife, Fatima Boudchar (who was pregnant at the time), from Malaysia to Libya **(Circuit 40)**. MI6 were aware of their initial detention in Malaysia, and took an active role in organising their rendition back to Libya.⁷⁷ This involved passing the intelligence to the CIA, which subsequently took the lead.⁷⁸ That Britain played a key role in the operation was confirmed by a memo from Mark Allen, then Director of Counterterrorism at MI6. Sent to his counterpart in Libya, Musa Kusa, the memo explicitly congratulates Kusa on the 'safe arrival' of Belhadj and discusses securing direct British access to the detainee's interrogations: 'Most importantly, I congratulate you on the safe arrival of Abu Abd Allah Sadiq [Belhadj]. This was the least we could do for you and for Libya to demonstrate the remarkable relationship we have built over the years. I am so glad. I was grateful to you for helping the officer we sent out last week. Abu 'Abd Allah's information on the situation in this country is of urgent importance to us. Amusingly, we got a request from the Americans to channel requests for information from Abu 'Abd Allah through the Americans. I have no intention of doing any such thing. The intelligence on Abu 'Abd Allah was British. I know I did not pay for the air cargo. But I feel I have the right to deal with you direct on this and am very grateful for the help you are giving us.'⁷⁹

Once suspects were in secret detention, British intelligence and security agencies were, in many cases, intimately involved in the torture that took place, either by participating in the interrogations, by providing the intelligence that formed the basis of the torture, or by receiving intelligence gained through torture. The ISC found that, in at least 232 cases, UK officials supplied questions or intelligence to partners after they knew, or suspected, that mistreatment of the detainees in question was taking place. Binyam Mohamed (#95), for example, was tortured in Moroccan detention on the basis of intelligence and questions supplied by British agencies.⁸⁰ In a further 198 cases, British intelligence received information from partners when it was known, or suspected, that such intelligence came from interrogations under torture. The agencies clearly knew of the existence of CIA black sites, with internal memos referencing “‘black” facilities’ and ‘other centres where the chances of complaint from allied representatives are slight.’ Regardless, intelligence and questions continued to be passed to the CIA, including in the case of Khaled Sheikh Mohammed during his detention and torture at the Polish site, and Abu Zubaydah during his detention and torture in Thailand.⁸¹ In the latter case, British police have, in March 2019, opened an investigation into possible violations of UK law as a result of this cooperation.⁸²

The role played by the UK in the CIA torture programme is also highlighted by the degree to which British territory was used by CIA aircraft as refuelling stops while undertaking rendition operations. Collation and analysis of flight data associated with CIA rendition aircraft, and the correlation of this with data concerning prisoner transfers, has allowed us to establish that UK involvement in the rendition programme was much more extensive than previously thought.⁸³ British territory was central to the rendition of at least 28 prisoners between secret prisons, some of whom were subjected to torture. These include the two prisoners acknowledged to have passed through Diego Garcia in 2002,⁸⁴ who we have established as likely being Mohammed Saad Iqbal Madni (January 2002) and Umar Faruq (#14, September 2002). Likewise, mainland UK was used to facilitate the rendition of so-called ‘high value detainees’ to secret detention in Poland, including Abu Zubaydah, Abd al-Rahim al-Nashiri, Ramzi bin al-Shibh and Khaled Sheikh Mohammed, all of whom were tortured at the site. Others were taken to CIA black sites in Afghanistan, Romania and Lithuania. Still more were rendered to proxy detention in Egypt, Jordan or Morocco on aircraft that used UK territory as a staging post.

RENDITION OPERATIONS USING UK TERRITORY FOR REFUELLING

| | | | |
|---|---|----------------|------------|
| Jamil Qasim Saeed Mohammed | Pakistan to Jordan | October 2001 | Circuit 1 |
| Mohamed el-Zery, Ahmed Agiza | Sweden to Egypt | December 2001 | Circuit 2 |
| Mohammed Saad Iqbal Madni | Indonesia to Egypt (via Diego Garcia) | January 2002 | Circuit 3 |
| Ali al-Hajj al-Sharqawi (#93) | Pakistan to Jordan | February 2002 | Circuit 4 |
| Umar Faruq (#14) | Indonesia to Egypt (via Diego Garcia) | September 2002 | Circuit 9 |
| Pacha Wazir (#38) | UAE to Morocco | October 2002 | Circuit 11 |
| Abd al-Rahim al-Nashiri (#26) | UAE to Afghanistan | November 2002 | Circuit 13 |
| Abu Zubaydah (#1), Abd al-Rahim al-Nashiri (#26) | Thailand to Poland | December 2002 | Circuit 15 |
| Ramzi bin al-Shibh (#41), Ibn Sheikh al-Libi (#42) | Morocco to Poland, Egypt to Afghanistan | February 2003 | Circuit 17 |
| Khaled Sheikh Mohammed (#45) | Afghanistan to Poland | March 2003 | Circuit 19 |
| Zubair (#62) | Thailand to Afghanistan | June 2003 | Circuit 24 |
| Hiwa Rashul (#64), Saifullah Paracha | Iraq to Afghanistan, Thailand to Afghanistan | July 2003 | Circuit 25 |
| Asadallah (#43) | Afghanistan to Egypt | July 2003 | Circuit 26 |

| | | | |
|--|--|----------------|------------|
| Samr al-Barq (#67), Ammar al-Baluchi (#55) | Afghanistan to Poland | July 2003 | Circuit 27 |
| Sanad al-Kazimi (#74) | UAE to Afghanistan | August 2003 | Circuit 29 |
| Salah Qaru (#75) | Jordan to Afghanistan | September 2003 | Circuit 30 |
| Laid Saidi (#57) | Afghanistan to Tunisia | June 2004 | Circuit 46 |
| Janat Gul (#110) | Afghanistan to Romania | July 2004 | Circuit 48 |
| Muhammad Ibrahim (#99) | Romania to Jordan or Afghanistan | October 2004 | Circuit 52 |
| Abu Faraj al-Libi (#114), Abu Munthir al-Magrebi (#115) | Afghanistan to Romania, Tunisia to Romania | May 2005 | Circuit 57 |
| Khaled Sheikh Mohammed (#45), Abd al-Rahim al-Nashiri (#26) | Romania to Lithuania | October 2005 | Circuit 58 |

THE CIA RENDITION NETWORK

There were two branches to the rendition component of the CIA torture programme. The first comprised aircraft that were owned by the CIA via a shifting array of shell companies. The Agency is thought to have had at least 26 aircraft in its direct service, with at least 10 purchased since 2001.⁸⁵ Registered owners of these aircraft existed only on paper as a front for the CIA. They were occasionally dissolved, with the aircraft 'sold' to other shell companies and often reregistered with new tail numbers to cover their tracks. Meanwhile, the aircraft themselves were operated by a set of real companies, responsible for maintenance, providing hangers and arranging the logistical details for particular operations. Many of these operating companies, such as Aero Contractors, Pegasus Technologies and Tepper Aviation, have long existed as an air arm of the CIA.⁸⁶

Although past investigations have suggested that many of these aircraft and companies were involved in rendition operations,⁸⁷ we are less clear that this is the case. Indeed, we have been able to confirm the clear involvement of just two CIA-owned aircraft in rendition operations. Both were operated by Aero Contractors: a Gulfstream V jet with registration number N379P

(later reregistered as N8068V, and then again as N44982), and a Boeing 737 with registration number N313P (later reregistered as N4476S). They were essentially government assets, with one declassified file referring to the latter as an 'Agency aircraft'.⁸⁸ While engaging in rendition operations, N379P was owned on paper by Premier Executive Transport Services, and N313P was owned by Stevens Express Leasing. Both were shell companies, and the pilots and crew flying the two aircraft operated under cover, using passports with false names.⁸⁹

These two aircraft – N379P and N313P – account for the majority of rendition operations we have identified, especially during the first years of the CIA torture programme. Between September 2001 and March 2004, over 80% of the operations (68 out of 82) took place on board one of these two aircraft, involving at least 48 different prisoners.⁹⁰

A second branch of rendition aircraft, which operated alongside (and to some extent later than) those aircraft owned by CIA shell companies, comprised a number of aircraft run by commercial on-demand charter aircraft operators. In these cases, the US government was just one client, and the companies provided the planes, pilots, crew and all other logistical requirements (so-called 'wet leasing'). Documents secured from within this contracting network, including quotes, invoices, billing reconciliations, subcontracts and subcontract task order modifications, have enabled us to build an intricate picture of this outsourced element of the torture programme.

The documents identify two successive prime contractors, DynCorp Systems and Solutions, LLC (DynCorp) and Computer Sciences Corporation (CSC), which were operating under a 'prime contract' with the CIA.⁹¹ These companies undertook to organise flight operations on behalf of the US government, and subcontracted this task to two brokering companies: Capital Aviation and SportsFlight Air (SFA). In turn, these brokers contracted with more than a dozen aircraft operating companies to secure the services of particular aircraft and the logistics required to mount global, multiday trips.⁹² Operating companies included FirstFlight Management, Airborne, Richmor Aviation, Prime Jet, Premier Aircraft Management, Kookaburra Air, International Group, Clay Lacy Aviation, Victory Aviation, Aircastle, Jet Alliance, Colt, US Aviation and Integrity Jet Charter.

The CIA's use of these operating companies expanded over time. In June 2002, DynCorp entered into a contract with Capital Aviation designated as LT050602,⁹³ while SportsFlight entered into a contingent agreement with Richmor Aviation to provide one plane, registered N85VM, for services as required by DynCorp. Richmor was to supply the aircraft 'as required', with a guarantee of 250 hours' work over the duration of the initial contract. Richmor was responsible for maintaining the aircraft, paying for fuel and the salaries of the pilots and crew. In return, it would be paid \$5,000 per hour for flying to and from Washington, and \$4,900 per hour for all other flight times. If extra crew were needed, they would be charged at \$800 per person per day.⁹⁴

Both these initial contracts were for a six-month term. At the end of this term, the government indicated that it wished to diversify its range of aircraft operators, with the result that the initial relationship between DynCorp, Capital and SFA continued on an ad hoc but non-exclusive basis, while other operating companies and aircraft became involved as necessary. In 2003, DynCorp was taken over by CSC,⁹⁵ and in 2004 CSC formalised the pre-existing pattern of business with a new contract, S1007312, stipulated to run from August 2004 to July 2005.⁹⁶ This new contract



Capital Aviation, Inc.

SINGLE ENTITY AIRCRAFT CHARTER AGREEMENT NO: LT050602

Page 1 of 2

Name of Charterer: DynCorp Systems & Solutions, LLC Tel: (703) 461-2171
Principal Office: 6101 Stevenson Avenue Fax: (703) 461-2405
Alexandria, Virginia 22304

The following with addendum constitutes the charter contract:

Charter Contract

Capital Aviation, Inc. as Aircraft Supplier for DynCorp Systems & Solutions, LLC

Aircraft Operator: Richmor Aviation, Inc.
Aircraft: Gulfstream IV
Crew: As approved
Configuration: 10 passenger seats
Registration: N85VM
Date: April 23, 2002 - October 31, 2002
Schedule: As required with a guaranteed payment of 250 hours during contract period April 23, 2002 to October 31, 2002 and an option for an additional 50 hours. Additional options shall be exercised on a month to month basis. These 50 hour lease options will begin at the completion of the 6 month base period or after the initial 250 hours have been flown, whichever occurs first.
Charter Price: As outlined in Appendix "A"

Backup aircraft Gulfstream IV, N917W, operated by North American Air Charter, Inc. will be substituted at the same rates in the event N85VM is unavailable for any reason.

The charter price is based on performing the flights during the agreed period of time only, and the flights are subject to obtaining the necessary traffic rights/governmental approvals/overflight permits. Aircraft operator agrees that the flights are subject to be operated under a letter of public convenience.

Capital Aviation, Inc. will not be held responsible for any delays caused by strikes, civil strife, weather, acts of God, or unforeseen mechanical delays.

Aircraft operator will maintain liability insurance in the amount of \$200,000,000 USD and will operate the aircraft in accordance with FAR 91 and all applicable Federal, State, and Local ordinances as defined by the U.S. Department of Transportation and the U.S. Federal Aviation Administration and under the provisions dictated under the letter of Public Convenience as provided.

CAI INITIALS

FWE

CHARTERER INITIALS

MP

was between CSC and SFA (dba Capital), although in June 2005 SFA was removed from the paperwork and the contract was reassigned simply to Capital, while CSC executed a new contract with SFA in August 2005 to run through to July 2006. The new contract was designated S1008117. Under the terms of these two contracts, S1007312 and S1008117, SFA and Capital offered specific numbered task orders to operating companies to carry out specific trips. Invoices for missions carried out under these contracts continued to bear the original contract designation of LT050602, however, demonstrating that they related to a single overarching pattern of business.

Analysis of documents relating to these business relationships, including the tracing of these contract numbers through the paperwork, has been crucial to enabling us to identify over 60 aircraft operating under the same prime contract with the CIA. Triangulation with other data allows us to confirm that 16 of these aircraft were involved in specific rendition operations. Individual operations by these aircraft can be traced back, using invoicing and contractual reference numbers, to the network and thereby to the government, lending further weight to connections we assert. Full details of our findings in this regard can be found in Appendix 2.

RENDITION AIRCRAFT OPERATING PURSUANT TO THE CIA'S CONTRACT WITH DYNCORP/CSC

| | | |
|---------------|-----------------------|------------------------------|
| N85VM | Gulfstream IV | 14 prisoners rendered |
| N63MU | Gulfstream IV | 10 prisoners rendered |
| N1HC | Gulfstream V | 5 prisoners rendered |
| N308AB | Gulfstream IV | 5 prisoners rendered |
| N248AB | Gulfstream IV | 4 prisoners rendered |
| N368CE | Boeing 733 | 4 prisoners rendered |
| N733MA | Boeing 738 | 4 prisoners rendered |
| N740EH | Boeing 738 | 4 prisoners rendered |
| N787WH | Boeing 737 | 4 prisoners rendered |
| N17ND | Gulfstream III | 3 prisoners rendered |
| N740JA | Gulfstream IV | 2 prisoners rendered |

| | | |
|---------------|---------------------------|-----------------------------|
| N982RK | Gulfstream III | 2 prisoners rendered |
| N288KA | Gulfstream III | 1 prisoner rendered |
| N450DR | Dassault Falcon 50 | 1 prisoner rendered |
| N614RD | Gulfstream IV | 1 prisoner rendered |
| N724CL | Boeing 721 | 1 prisoner rendered |
| N789DK | Gulfstream IV | 1 prisoner rendered |

CIA rendition aircraft flew as civilian planes, rather than military or government, thus allowing them the freedom to navigate airspace and airport landings without formal permission from the states involved.⁹⁷ Importantly, however, while on rendition operations individual aircraft would often invoke their connection to the US government in order to expedite their landings at particular airports. For example, the Gulfstream IV jet with registration N85VM often carried 'letters of public convenience', on paper issued with Department of State letterheads, declaring that it was 'operating under contract with the US government... as Global Support to US Embassies worldwide.'⁹⁸ These letters of convenience appear to have always been signed by 'Terry A. Hogan', although variations in the signature at the bottom of each letter suggest that they were actually signed by more than one person.⁹⁹

Other companies involved in facilitating rendition operations (carried out by both branches) include 'trip planners', such as Jeppesen Dataplan, Baseops, and Universal Weather and Aviation (UWA). These companies were responsible for ensuring that the required flight plans were filed, overflight and landing authorisations received and hotel reservations booked.

Analysis of our flight data has enabled us to identify hundreds of circuits by CIA-owned or CIA-contracted aircraft which involved landings at one or more black site locations during their period of operation, at locations hosting US military detention facilities, or in countries known to have received or provided prisoners rendered by the CIA. These circuits are *prima facie* suspicious. Further traces in the data can alert us to the existence of the particular footprint of rendition operations. These traces are varied, and include landings at unusual times of the day, landings at identifiable 'rest and relaxation' points after leaving a black site location, and landings as part of a documented contract which also encompasses proven rendition operations.

'Special status' designations in pre-flight and in-flight communications between aircraft and air traffic authorities were often used during rendition operations to ensure the prioritisation of particular flights above others. These included the designation of flights as 'STS/STATE', indicating that a flight is 'specifically required by the State Authorities, e.g., military or civil registered

aircraft used in military, customs and police services,' and 'STS/ATFMEXEMPT', which indicates that flights are 'specifically authorised by the relevant national authority to be exempted from flow regulations.'¹⁰⁰ In addition, false flight plans were often filed to disguise the landings at black site locations. These can be identified where flight plans list one destination, but where ground records confirm the actual landing at an airport (often in a different country) near to a black site.

FILING FALSE FLIGHT PLANS: CASE STUDY

On 18 February 2005, the trip planning company Baseops filed a flight plan for a Boeing 737 with registration number N787WH. This notified the relevant air traffic authorities that the aircraft was due to fly between Bucharest, Romania and Gothenburg, Sweden.¹⁰¹

However, documents at our disposal, including data from the Lithuanian Civil Aviation Administration and airport documents from Palanga, confirm that the aircraft did not fly to Sweden, but instead landed in Palanga, Lithuania.¹⁰² This is important, given that it connects two black site locations, Romania and Lithuania, at a key moment in the torture programme's evolution: the exact time that the Lithuanian site was opened and received its first prisoners.¹⁰³

In addition, billing documents, including a 'subcontract task order modification' between SFA and CSC, situate this flight within the context of the renditions programme, and explain the submission of false flight plans by Baseops.¹⁰⁴

Landings at black site locations were clearly facilitated by the host governments. In the case of the European black sites, the ECtHR has found that the authorities 'knowingly assisted' in disguising CIA rendition aircraft, and that the use of false flight plans 'required active cooperation on the part of the host countries through which the planes travelled. In addition to granting the CIA rendition aircraft overflight permissions, the national authorities navigated the planes through the country's airspace to undeclared destinations in contravention of international aviation regulations and issued false landing permits.'¹⁰⁵

In Poland, there was clearly a special procedure for the landing of CIA rendition flights at Szymany. The airport manager has given a detailed description of this procedure, which has been confirmed by a range of airport employees, civil servants, security guards, and Border Guard and military intelligence officials.¹⁰⁶

...regarding the flights, we termed them special flights, as none of the procedures followed in the case of other aircraft, such as civil aircraft, were complied with.

As to the landings, we were under the impression that they involved changeover of intelligence personnel. The airport manager received information concerning these flights directly from Border Guard Headquarters, and the army was informed about the landings at the same time. Two staff from the army unit at Lipowiec were on duty at the Szymany airport at the time. Events unfolded as follows. Border Guard Headquarters telephoned me about the planned landing and at the same

time, I received the same information from one of the staff on duty at the airport... normal practice was for the Border Guard and the Customs Service to be informed of civil aircraft landings. When these particular aircraft landed, however, the Customs Service was not informed, at the request of the Border Guard, who said they would make all the arrangements themselves. Prior to the landings two high-ranking Border Guard officers would always appear, a captain or someone of higher rank.... After they landed, these aircraft generally parked at the end of the runway, so that the airport workers could not really see what was going on. The Border Guard would always drive up to the aircraft and return a few minutes later. Vehicles bearing the Kiejuty army unit's registration would then drive up to the aircraft. It was not possible to tell if anyone did or did not leave the aircraft and enter these vehicles, as this could not be observed from the airport office which is located about halfway along the runway. An ambulance was in attendance at one of these landings, but nobody knew why that was there either. The ambulance travelled behind the vehicles with tinted windows... It was not possible for anyone to see what was happening around the aircraft because the aircraft always parked in such a way that the entrance doors faced towards the wood, so nothing could be seen. No airport workers drove up to the aircraft, only the Border Guard. It was not even possible to see what was happening from the top of the control tower.¹⁰⁷

Ms M.P., director, Szymany Airport

In the context of Romania, several witness statements given to the prosecutor during the criminal inquiry made clear that special procedures existed. For example, 'Witness Z' claimed that 'from about 2003 onwards several contacts [relating to CIA flights] had taken place' and 'resulted in concrete agreements that made possible the operation of the special American flights on Romanian territory, in different conditions than those provided for by international customs. It should be understood that those flights had a special character and they were not under an obligation to obey the usual rules imposed on civil flights.'¹⁰⁸ Other witnesses have testified to night-time landings announced as 'special flights', with staff asked not to approach the planes.¹⁰⁹

Similar provisions were established during rendition flights landing in Lithuania. Planes were not subject to normal customs or border guard control. State Border Guard Service (SBGS) officers were prevented from carrying out inspections, and classified letters were sent to the SBGS on at least two occasions enabling SSD and CIA officials free rein at the airports.¹¹⁰

Although none of the witnesses admitted to seeing prisoners embark or disembark these flights, the ECtHR has ultimately found it 'implausible that the transportation of prisoners on land from the planes to the CIA detention site could, for all practical purposes, have been effected without at least the minimum assistance of the host country's authorities, if only to secure the area near and around the landed planes and provide the conditions for the secret and safe transfer of passengers.'¹¹¹

Our investigation has also uncovered a further diversionary technique deployed by CIA

aircraft undertaking rendition operations: the use of two aircraft to link two prison sites, meeting for a 'cargo switch' on the runway of a third country. Thus, one aircraft would fly from black site destination A to a third-country runway, where it would meet a second aircraft which had not visited anywhere suspicious. Both aircraft would be on the ground together for less than an hour, while prisoners were transferred between the aircraft, before the first aircraft left for home and the second aircraft flew its cargo to black site destination B. As a result, flight records document no single flight linking the black sites, making it more difficult to identify potential rendition operations.

THE 'CARGO SWITCH': CASE STUDY

Our flight data shows that two known rendition aircraft – N308AB and N787WH – met on the ground in Tirana, Albania, between 22:38 and 23:35 on 5 October 2005. While Albania is not known to have hosted a black site, and individually the flight circuits do not appear particularly suspicious, N308AB had just come from Bucharest, while N787WH flew onward to Vilnius. The black site locations in Romania and Lithuania were thereby connected.

Furthermore, flight data shows that the first aircraft, N308AB, was operated by Prime Jet, known for its involvement in other rendition operations. One email set out the itinerary for the aircraft, specifying the flight from Romania to Albania, where it was to 'drop all PAX [passengers]'.¹¹² A 'preliminary requirements' document from CSC situates the operation within the overall contract, and stated that two passengers were to be picked up in Romania, and also confirmed that all passengers were to be dropped in Albania. Customs help was to be denied.¹¹³ Further billing documents for this circuit include invoices from SFA to CSC,¹¹⁴ and 'subcontract task order modifications' between SFA and CSC.¹¹⁵

Data also shows that the second aircraft, N787WH, was operated by Victory Aviation, with Baseops International filing the flight plans, including false plans to disguise the landing in Lithuania.¹¹⁶ The true flight, from Albania to Lithuania on 6 October 2005, was in fact confirmed by records seen by a Lithuanian Parliament investigation, which noted that the landing was 'unscheduled', and that customs officials 'were prevented from inspecting the aircraft.' According to one customs officer 'civil aviation officers prevented the SBGS officer from approaching the aircraft.... A car drove away from the aircraft and left the territory of the airport border control point. Upon contacting the civil aviation officers, it was explained that the heads of the SBGS had been informed of the landing... The letter from the SSD marked as 'CLASSIFIED'... was received by the SBGS on 7 October 2005, i.e., post factum.¹¹⁷ Data from the Lithuanian Civil Aviation Administration,¹¹⁸ and airport documents from Vilnius,¹¹⁹ also confirm the landing.

Analysis of flight data and subsidiary contracting paperwork can suggest the existence of particular rendition operations. However, it is the triangulation of this data with other information – locations and known operating periods of black sites, and known dates and locations of capture

here is a copy of the preliminary requirements.

| Arrive | Location | Depart | Comments |
|--------------------|--|--------------------|-----------------------|
| 10/03 | A/C Home Base: ABE <i>TES</i> | | 5 PAX |
| | TBD | | TECH |
| 2200Z / 4 Oct 2005 | LZIB / Slovakia | 1840Z - 5 Oct 2005 | RON UTC+1 |
| 2000Z - 5 Oct 2005 | LRCK / Romania | 2100Z - 5 Oct 2005 | PU 2 PAX UTC+2 |
| 2202Z - 5 Oct 2005 | LATI / Albania | 2300Z - 5 Oct 2005 | Drop All PAX UTC+2 |
| | TBD | | TECH/RON |
| | TBD | | |

Crew: Must have 3 pilots, NO Flight Attendants.

At least a G-IV performance with 10 PAX capability.

No customs help

File Flight Plan from East Coast to RON/LZIB

Have crew make hotel arrangements for all PAX they are carrying

Cannot TECH/RON in these locations unless asked for:

Denmark, Egypt, Finland, France, Germany, Ireland, Italy, Jordan, Morocco, Romania, Spain, Sweden, Romania, Uzbekistan, or the UK, England, Wales, Scotland, and Crown Colonies/Territories unless specifically asked for by me or the on board mission coordinator.

or transfer operations involving particular prisoners – which allows us to make clear statements of fact regarding individual rendition operations by the aircraft involved.

With this in mind, our investigation has confirmed 62 separate rendition operations by CIA aircraft, involving over 120 individual renditions. The evidence to support our claims is outlined in Appendix 2, where we have provided detailed profiles for each of the 62 circuits. These profiles lay out the flight data we have accumulated, and the ways in which we have been able to match it with individual prisoner movements. Although we are not able to paint a complete picture of CIA rendition, this is without doubt the fullest account to date of the rendition of prisoners between black sites and foreign government detention facilities by the CIA. It also provides the clearest picture to date of the regular involvement of other countries, playing – wittingly or otherwise – a key logistical role in the programme by facilitating the refuelling of aircraft as they made their way to and from the rendition operations.

COUNTRIES PLAYING A KEY LOGISTICAL ROLE IN THE RENDITION NETWORK

| Country | No. Circuit | Circuits (see Appendix 2) |
|--|-------------|---|
| United Kingdom (incl. Diego Garcia) | 21 | 1, 2, 3, 4, 9, 11, 13, 15, 17, 19, 24, 25, 26, 27, 29, 30, 46, 48, 52, 57, 58 |
| Germany | 16 | 1, 5, 7, 8, 14, 16, 18, 20, 21, 22, 23, 27, 30, 33, 36, 57 |
| Portugal | 10 | 1, 7, 9, 22, 23, 29, 32, 34, 56, 60 |
| United Arab Emirates | 13 | 4, 7, 11, 13, 15, 28, 29, 33, 49, 50, 52, 61, 62 |
| Uzbekistan | 13 | 5, 6, 14, 16, 17, 19, 20, 23, 26, 27, 29, 31, 56 |
| Ireland | 17 | 6, 8, 9, 10, 13, 18, 28, 35, 37, 38, 40, 41, 45, 47, 51, 58, 62 |
| Cyprus | 10 | 17, 37, 38, 40, 45, 46, 47, 48, 53, 57 |
| Czech Republic | 12 | 19, 20, 26, 31, 32, 36, 38, 45, 48, 50, 51, 52 |
| Spain | 9 | 35, 37, 39, 40, 44, 46, 47, 49, 55 |
| Iceland | 7 | 45, 53, 54, 57, 58, 59, 60 |
| Canada | 6 | 46, 48, 49, 54, 55, 58 |

Of the more than 120 individual renditions we have identified, 20 were transfers to foreign custody, either of those who were never held by the CIA or of those who were later moved into the black site programme. 35 renditions were transfers into CIA custody, generally from foreign custody in the location where they had been captured, or to which they had been previously rendered. A further 42 renditions were transfers between CIA black sites, with prisoners shuttled between secret prisons as they opened and closed. 20 renditions were of prisoners being moved out of CIA custody, either for release or continued detention in foreign or US military custody. Our data also includes the rendition of four prisoners to US military custody by CIA aircraft, even though those men were never held by the CIA.

TRACKING CIA PRISONERS

We have compiled a list of more than 200 individuals reported to have been captured, rendered or detained by the CIA.¹²⁰ 119 of these prisoners are confirmed officially in the Committee Study as having been held in formal CIA custody in one or more of its black sites. However, this figure is highly likely to be an undercount, given poor recordkeeping by the CIA, especially at the Dark Prison in Afghanistan (referred to in the Committee Study as DETENTION SITE COBALT). It is also necessarily incomplete, given that the CIA was clearly deeply involved in the rendition, secret detention and torture of many prisoners who did not come formally under its authority.

In some cases, CIA prisoners have testified to being held in black sites alongside others who appear not to be listed in the Committee Study.¹²¹ In other cases, prisoners were held in facilities in Afghanistan or Pakistan which were run by the local intelligence services but where the CIA clearly had access. For example, four Guantánamo Bay detainees, transferred from Bagram in May 2003, were captured in Iran in late 2001 or early 2002 and transferred to Afghan custody in early 2002. Testimony by one of these men, Wesam al-Deemawi, places all four men in the same facility during 2002, where the guards were Afghan but the interrogators were American.¹²² None of these men appear on the list of formal CIA prisoners, although others held at the same facilities in 2002 did later come within the CIA programme.¹²³ Reporting collated by NGOs has identified a further 19 individuals as being detained in Pakistan or Afghanistan with some form of CIA involvement, none of whom seem to appear in the Committee Study.¹²⁴ Whether that is due to poor recordkeeping, or the fact that these men never came under formal custody of the CIA, is unknown.

The 119 men listed in the Committee Study do not include those rendered by the CIA directly to US military custody in Afghanistan, or directly to foreign government custody. These numbers are not insignificant: we have identified five men rendered by the CIA directly to US military custody at Bagram Airbase, and compiled reports of more than 50 men rendered by the CIA to foreign custody (again, where the CIA continued to have access for interrogations). This includes at least 14 men rendered to Jordan, nine to Libya, eight to Egypt, eight to Syria and seven to Morocco.¹²⁵ This number is a lower-end figure, and the true number of renditions to foreign

custody will undoubtedly be higher. For example, it is now clear that British intelligence were actively involved in, or had contemporaneous knowledge of, up to 76 rendition operations.¹²⁶ Indeed, as early as January 2002 at least one partner service, reported to be Egypt, had received at least 29 prisoners.¹²⁷

Other reports have suggested that up to a dozen prisoners were rendered by the CIA out of Iraq in the months after the US invasion and occupation,¹²⁸ and the Department of Justice (DoJ) authorised at least some of these on an individual basis, writing that such men were not 'protected persons' under the Geneva Conventions.¹²⁹ It is also clear that the CIA held 'ghost detainees' in DoD-run facilities in Iraq. One inquiry into detention operations in the country, for example, found that 'various detention facilities... routinely held persons brought to them by Other Government Agencies (OGAs) [i.e., the CIA] without accounting for them, knowing their identities or even the reason for their detention.'¹³⁰ Some of these were former CIA prisoners. Hiwa Rashul (#64), for example, was rendered from DoD control to the CIA in Afghanistan in July 2003 (**Circuit 25**), before the DoJ ruled that he was in fact a 'protected person' under the Conventions. He was rendered back to Iraq in October 2003 (**Circuit 32**), but at this point was kept away from the International Committee of the Red Cross (ICRC), with one classified military order directing guards to keep Rashul 'segregated and isolated from the remainder of the detainee population. Under no circumstances will his presence be made known to the detainee population... Only military personnel and debriefers will have access to the detainee... Knowledge of the presence of this detainee will be strictly limited on a need-to-know basis.'¹³¹ Secretary of Defense Donald Rumsfeld later acknowledged that he had authorised the secret detention of Rashul: 'We were asked [by the CIA] to not immediately register the individual. And we did that... The decision was made that it would be appropriate not to for a period. And he wasn't lost in the system. They've known where he was, and that he was there in Iraq, for this period of time.'¹³²

With regards to the 119 men who are documented as coming under formal CIA custody within the torture programme, our investigation has established the clearest picture yet of their nationalities, capture locations, detention periods and locations, and fate and whereabouts after their time in CIA custody.

Our investigation has established the nationalities of 78 of the 119 formal CIA detainees, which included 18 Yemenis, 8 Libyans, 9 Afghans, 6 Pakistanis, 5 Algerians and 5 Iraqis. Others came from Egypt, Ethiopia, Jordan, Palestine, Kuwait, Malaysia, Saudi Arabia, Somalia, Syria, Tanzania, and Tunisia. Although most of the capture operations we know about took place in Pakistan, at least 18 different countries across the world were involved, including those in Africa (Djibouti, Egypt, The Gambia, Mauritania, Somalia, Tanzania, Tunisia, South Africa), Europe (Macedonia, Georgia, Turkey), the Middle East (Iran, Iraq, Jordan, UAE), Central/South Asia (Afghanistan, Pakistan) and Southeast Asia (Indonesia, Thailand).

Most prisoners were held by foreign governments before their formal transfer into CIA custody, although – as we have discussed – the CIA often had access to the men during this period. In 23 cases, prisoners were held for between a week and a month, and in 16 cases between a month and a year. Three men – Ibn Sheikh al-Libi (#42), Binyam Mohamed (#95) and Ali al-Hajj

al-Sharqawi (#93) – were held for more than a year before formal transfer to the CIA.

Once in CIA custody, just ten of the 119 prisoners were held for less than a month, with a further 30 held for 30-99 days. The majority, 79, were held for more than three months, with 47 being held for more than a year. 24 were held for two years or more, while 13 were held for more than three years.¹³³ Almost all men – 104 – appear to have been held exclusively in Afghanistan, with only a small number held in other black sites. Overall, 102 prisoners were in CIA black sites in Afghanistan between September 2002 and May 2004, and 42 after that time (of course, some were held in the country across both periods). At least 19 prisoners were held in Afghan-run facilities or informal ‘safe houses’ in the country, although it appears that only one – Khaled el-Masri (#97) – was held exclusively outside of the official black sites. Of those held outside Afghanistan, we have identified two detainees held in Thailand, eight in Poland, five in Guantánamo Bay, twelve in Romania, four in Lithuania, five in Morocco and two in Jordan. These figures only relate to the period of official CIA custody, and do not include detention locations before or after this time. Further details of those held at each site are provided in Chapter 2.

After their time in CIA secret detention, and with the exception of Gul Rahman (#24), who was killed while in a black site in Afghanistan, prisoners were released or transferred to either foreign government or US military custody. We have established that 38 prisoners were transferred to US military custody at Bagram Airbase, and it appears that these were often in groups. Thus, six men were moved in October 2002, six men in December 2002, five in November 2003, and 18 in May 2004. This last transfer came as the CIA moved to downsize the programme, after the ICRC had sent notice of its awareness of the use of secret detention in Afghanistan.

22 of those transferred to Bagram were later moved to Guantánamo Bay, on board four separate military aircraft and alongside other (non-CIA) prisoners who were being transferred to the island base. The first of these transfers took place on 28 October 2002, and included six Yemeni prisoners who had been captured together in Karachi in September 2002 and held for around one month by the CIA in Afghanistan. The second transfer took place on 7 February 2003, and included Jamil el-Banna and Bisher al-Rawi, who had been captured in December 2002 after a tip-off from British intelligence. The third transfer took place on 9 May 2003, and included two of the first CIA prisoners, captured in Georgia in April 2002: Zakariya (#2) and Abbar al-Hawari (#4). The final transfer took place on 19 September 2004, and included eight former CIA prisoners, all of whom had been transferred to US military custody at Bagram in May 2004. Among this group were Hassan bin Attash (#10), the two Rabbani brothers, and Binyam Mohamed (#95). Nine of those transferred to Guantánamo Bay remain there, as of May 2019, while the others were released at various points between 2007-2017.

Of the other 16 men sent to Bagram, four escaped in July 2005: Hassan Abu Bakr Qa'id (#5), Umar Faruq (#14), Muhammad al-Qahtani (#60) and Abdullah Ashami (#71). A further nine were ultimately released, including Ghairat Bahir (#37), Muhammad al-Bakri (#39) and Suleiman Abdullah (#48), although in some cases (such as Lutfi al-Gharisi, #20) this was more than a decade after leaving CIA custody. We have yet to establish the fate and whereabouts of three of those sent to Bagram.

A further 16 so-called 'High-Value Detainees' were transferred directly to Guantánamo Bay from CIA custody, including 14 in one go in September 2006. This group included the CIA's first (and longest-held) prisoner, Abu Zubaydah (#1), as well as the five men since charged with involvement in the 11 September attacks: Khaled Sheikh Mohammed (#45), Ramzi bin al-Shibh (#41), Mustafa al-Hawsawi (#46), Ammar al-Baluchi (#55) and Walid bin Attash (#56). Others include Abd al-Rahim al-Nashiri (#26), Majid Khan (#58), Zubair (#62), Lillie (#72), Hambali (#73), Gouled Dourad (#102), Ahmed Ghailani (#111) and Abu Faraj al-Libi (#114). All remained detained at Guantánamo Bay as of May 2019, except for Ghailani (who is detained in a US federal prison).

22 men were rendered to foreign custody for continued detention, and were often held for years before eventual release. This included six men rendered to Libya, four to Yemen, three to Jordan and two to Egypt. We have also established that at least 13 prisoners were released directly from the programme, or after a very short period of post-CIA detention, while two were moved to US military custody in Iraq: Hiwa Rashul (#64) and Abu Ja'far al-Iraqi (#117). We have been unable to ascertain the fate and whereabouts of 27 individuals after their time in the CIA programme.

Appendix 1 contains detailed profiles of each of these men, providing the most comprehensive public account to date of the identity, fate and whereabouts of the CIA's secret prisoners. Our CIA Prisoner Database, available on The Rendition Project website (www.therenditionproject.org.uk) can also be used to analyse our data regarding these men.

CASE STUDIES

THE SECRET DETENTION OF ABD AL-RAHIM AL-NASHIRI, 2002

According to the Committee Study, Abd al-Rahim al-Nashiri 'was captured in the United Arab Emirates in mid-October 2002. He provided information while in the custody of a foreign government... and was then rendered by the CIA to DETENTION SITE COBALT in Country ■ on November ■, 2002, where he was held for ■ days before being transferred to DETENTION SITE GREEN on November ■ 2002. At DETENTION SITE GREEN, al-Nashiri was interrogated using the CIA's enhanced interrogation techniques, including being subjected to the waterboard at least three times. In December 2002, when DETENTION SITE GREEN was closed, al-Nashiri and Abu Zubaydah were rendered to DETENTION SITE BLUE.¹³⁴

The first redaction here is one letter (the pseudonym representing the host country of the black site DETENTION SITE COBALT); the second redaction is a double-digit figure; the third is clearly a word for a number (e.g., 'two'); the last is another double-digit figure. An analysis of the redactions, alongside triangulation with a number of other sources, allows us to confirm the location of the sites involved:

- ➔ billing documents confirm a flight by rendition aircraft N85VM from Dubai to Afghanistan at some point 8-12 November 2002;¹³⁵
- ➔ a CIA cable from DETENTION SITE COBALT, which is dated no later than 18 November 2002, documents al-Nashiri's rendition to the site;¹³⁶
- ➔ the word 'five' gives the exact fit with the third redaction in the above passage;
- ➔ another declassified CIA document establishes that al-Nashiri was rendered to the same site as Abu Zubaydah on 15 November 2002;¹³⁷
- ➔ flight data indicates that known rendition aircraft N379P was in Uzbekistan/Afghanistan on 13 November 2002 and in Kuala Lumpur, Malaysia on 16 November 2002, suggesting that it undertook a rendition operation between Afghanistan and Southeast Asia (**Circuit 14**);
- ➔ a declassified CIA document confirms that his torture at the new site continued until 4 December 2002;¹³⁸
- ➔ Billing documents confirm a flight by rendition aircraft N63MU from Bangkok, Thailand to Szymany, Poland, 4-5 December 2002;¹³⁹
- ➔ Although the aircraft filed a flight plan to Vienna, Austria, landing records at Szymany confirm the landing of N63MU at Szymany. The owner of the aircraft's registered company has also admitted that it landed at Szymany.¹⁴⁰
- ➔ CIA records cited by the Committee Study make it clear that al-Nashiri was tortured at DETENTION SITE BLUE from 5-8 December 2002.¹⁴¹



Capital Aviation, Inc.

INVOICE

SINGLE ENTITY AIRCRAFT CHARTER AGREEMENT NO. LT050602

Please Remit To: Capital Aviation, Inc.
12110 Sunset Hills Road
Suite 450
Reston, VA 20190

DynCorp Systems & Solutions, LLC
6101 Stevenson Avenue
Alexandria, Virginia 22304

SUBCONTRACT: K2-5-0008
INVOICE DATE: January 7, 2003
INVOICE NUMBER: LT050602-1203
AIRCRAFT: Gulfstream IV - N63MU

Hours Remaining On Contract Following Trip #23: 84.2 hrs.

TRIP NO. 24: December 3rd through 6th, 2002

Washington, Dulles (IAD) - Anchorage (ANC)
Anchorage (ANC) - Osaka (RJBB)
Osaka (RJBB) - Bangkok (VTBD)
Bangkok (VTBD) - Minhad Ab (OMDM)
Minhad Ab (OMDM) - Szcztyno (EPSY)
Szcztyno (EPSY) - Warsaw (EPWA)
Warsaw (EPWA) - London (EGGW)
London (EGGW) - Washington, Dulles (IAD)

Total Flight Time: 52.3 hrs.

Hours Remaining on Contract: 31.9 hrs.

Trip No. 24 Additional Costs:

| | |
|---|-----------|
| Position of Aircraft: | 6,000.00 |
| Additional Crew Labor & Holiday Premium: | |
| 2 crew members @ 6 days @ \$800.00 per day: | 9,600.00 |
| Crew Airfare Logistics and Additional Mission Services (Client-directed): | 11,220.47 |
| Crew Expenses: | |
| 6 RON's @ \$162.00 (JTR Anchorage, AK) @ 2 Crew members: | 1,944.00 |
| 1 RON @ \$336.00 (JTR London, UK) @ 4 Crew members: | 1,344.00 |
| Int'l Handling fees: | 19,760.00 |
| Landing Fees: | 2,683.60 |
| Catering: | 2,221.36 |

BALANCE DUE UPON RECEIPT:

\$54,773.83

12110 Sunset Hills Road • Suite 450 • Reston, Virginia 20190
Toll Free: 800.815.1276 • Tel: 703.715.2935 • Fax: 703.723.9847 • E-mail: capavia@aol.com

INVOICE FROM CAPITAL AVIATION TO DYNACORP, PURSUANT TO CONTRACT LT050602, FOR
RENDITION OPERATION BETWEEN BLACK SITES IN THAILAND AND POLAND (CIRCUIT 15)

On the basis of this evidence, it is possible to confirm that DETENTION SITE COBALT was in Afghanistan, DETENTION SITE GREEN was in Thailand and DETENTION SITE BLUE was in Poland (each of these locations are further confirmed multiple times by undertaking the same process of triangulation in other cases).

It is also possible to confirm that al-Nashiri was:

- ➔ held in Emirati custody until 10 November 2002;
- ➔ rendered to Afghanistan on board known rendition aircraft N85VM on 10 November;
- ➔ held at DETENTION SITE COBALT (which prisoners referred to as the Dark Prison) from 10-15 November 2002 (where his wrists were tied to a bar in the ceiling, and he was kept naked in a painful position with his feet just touching the floor);¹⁴²
- ➔ rendered from Afghanistan to Thailand on 15 November 2002, likely on board known rendition aircraft N379P;
- ➔ held in Thailand (DETENTION SITE GREEN) alongside Abu Zubaydah until 4 December 2002 (where he was kept naked and shackled, subjected to the waterboard, and threatened with sodomy, and with the arrest and rape of his family);¹⁴³
- ➔ rendered to Poland on 4-5 December 2002, alongside Abu Zubaydah and on board known rendition aircraft N63MU;
- ➔ held in Poland (DETENTION SITE BLUE) from 5 December 2002 (where he was subjected to sustained torture, including extreme stress positions, mock execution and threats with a power drill).¹⁴⁴

THE SECRET DETENTION OF KHALED SHEIKH MOHAMMED, 2005-2006

The Committee Study states that Khaled Sheikh Mohammed 'was transferred [from DETENTION SITE BLACK] to DETENTION SITE [REDACTED] on [REDACTED], 2005, to DETENTION SITE BROWN on March [REDACTED], 2006, and to US military detention at Guantánamo Bay, Cuba, on September 5, 2006.'¹⁴⁵

The first redaction here is the pseudonym for the black site (a word, in capital letters); the second redaction is the name of a month; the third redaction is a single-digit figure; the last is a double-digit figure. An analysis of the redactions, alongside triangulation with a number of other sources, allows us to confirm the location of the sites involved:

- ➔ the only black site pseudonym which fits the first redaction is 'VIOLET';
- ➔ the only month name which fits the second redaction is 'October';

- Mohammed's transfer from DETENTION SITE BLACK to DETENTION SITE VIOLET was 1-9 October 2005 (a redaction of a single digit for the date);
- Eurocontrol flight data shows a flight by rendition aircraft N308AB from Bucharest, Romania to Tirana, Albania, on 5 October 2005. The aircraft filed a false flight plan to disguise its landing in Bucharest, and was on the ground at Tirana from 22:38 to 01:08.
- billing documents confirm the flight between Romania and Albania, with two passengers to be picked up in Romania and all to be dropped in Albania. Customs help was to be denied;¹⁴⁶
- flight data from Eurocontrol, the FAA and the Icelandic aviation authority (ISAVIA) also log a second known rendition aircraft, N787WH, flying from Reykjavík, Iceland and landing in Tirana on 5 October 2005.¹⁴⁷ It was on the ground until 23:35, meaning that both aircraft were together for around an hour;
- Eurocontrol and ATC data document a flight by N787WH from Tirana to Tallinn, Estonia,¹⁴⁸ although data from the Lithuanian Civil Aviation Administration and airport documents confirm that the aircraft in fact landed at Vilnius, Lithuania;¹⁴⁹
- an investigation by the Lithuanian Parliament confirmed that N787WH landed at Vilnius on 6 October 2005, that the flight was 'unscheduled', and that customs officials 'were prevented from inspecting the aircraft.' According to one customs officer 'civil aviation officers prevented the SBGS officer from approaching the aircraft.... A car drove away from the aircraft and left the territory of the airport border control point. Upon contacting the civil aviation officers, it was explained that the heads of the SBGS had been informed of the landing... The letter from the SSD marked as 'CLASSIFIED'... was received by the SBGS on 7 October 2005, i.e., post factum.¹⁵⁰
- CIA cables from DETENTION SITE VIOLET document Mohammed's presence at the site in December 2005;¹⁵¹
- the Committee Study confirms that DETENTION SITE VIOLET was closed in [REDACTED] 2006, with all remaining detainees transferred to DETENTION SITE BROWN.¹⁵² The only month name which fits this redaction is 'March';
- Mohammed's transfer to DETENTION SITE BROWN took place 10-31 March 2006 (double digit redaction);
- Eurocontrol flight data shows a flight by rendition aircraft N733MA from Porto, Portugal to Helsinki, Finland on 25 March 2006, although the Lithuanian Parliament investigation confirmed that it in fact landed in Palanga, Lithuania, and that no customs inspections were carried out, pursuant to a request from the SSD;¹⁵³

- ➔ Witnesses in the Lithuanian prosecutor's investigation confirmed the loading of a number of coffin-sized boxes onto an aircraft on 25 March 2006;¹⁵⁴
- ➔ Eurocontrol and ATC data further confirms that N733MA landed in Cairo, Egypt, and was on the ground from 02:19 to 03:45 on 26 March 2006;¹⁵⁵
- ➔ Eurocontrol data also logs rendition aircraft N740EH on the ground at Cairo until 02:45 on 26 March 2006, meaning that both aircraft were together for around half an hour;
- ➔ this data then tracks N740EH flying from Cairo to Kabul, Afghanistan.

On the basis of this evidence, it is possible to confirm that DETENTION SITE BLACK was in Romania, DETENTION SITE VIOLET was in Lithuania and DETENTION SITE BROWN was in Afghanistan (each of these locations are further confirmed multiple times by undertaking the same process of triangulation in other cases).

It is also possible to confirm that Mohammed was:

- ➔ Held in Romania until 5 October 2005;
- ➔ rendered from Romania to Lithuania on board two rendition aircraft (N308AB and N787WH) which met in Albania, likely alongside al-Nashiri, on 5-6 October 2005;
- ➔ held in Lithuania, alongside al-Nashiri, Abu Zubaydah, Mustafa al-Hawsawi (#46) and maybe others, until 25 March 2006;
- ➔ rendered from Lithuania to Afghanistan, on board two rendition aircraft (N733MA and N740EH) which met in Cairo, alongside the other detainees held in Lithuania, on 25-26 March 2006;
- ➔ held in Afghanistan until 5 September 2006, at which point he was rendered for a final time to DoD custody at Guantánamo Bay (where he remains).

Endnotes

1. Human Rights Watch, Delivered Into Enemy Hands: US-Led Abuse and Rendition of Opponents to Gaddafi's Libya, September 2012, pp. 61-62.
2. Binyam Mohamed et al v. Jeppesen Dataplan, Declaration of Mohamed Farag Ahmad Bashmilah, 5 December 2007, para 27-29.
3. SSCI, Committee Study, 9 December 2014 (redacted), pp. 154-155; CIA (OIG), Report of Audit: CIA-Controlled Detention Facilities Operated Under the 17 September 2001 Memorandum of Notification, 2005-0017-AS, 14 June 2006 (redacted), p. 6.
4. Khaled el-Masri v. George Tenet et al., Declaration of Khaled el-Masri, 6 April 2006, para 14-23.
5. CIA, Background Paper on CIA's Combined Use of Interrogation Techniques, sent as fax to Dan Levin, DoJ (OLC), 30 December 2004 (redacted), p. 2.
6. Mohammed al-Asad v. Djibouti, Declaration of Mohammed Abdullah Saleh al-Asad, 15 January 2011, para 32-40.
7. CIA, Background Paper on CIA's Combined Use of Interrogation Techniques, sent as fax to Dan Levin, DoJ (OLC), 30 December 2004 (redacted), pp. 4-5.
8. CIA (OIG), Special Review: Counterterrorism Detention and Interrogation Activities (September 2001 - October 2003), 2003-7123-IG, 7 May 2004 (redacted), p. 44.
9. ICRC, Report on the Treatment of Fourteen 'High Value Detainees' in CIA Custody, February 2007, p. 17.
10. Salim v. Mitchell, Declaration of Suleiman Abdullah Salim, 22 May 2017, para 17-18.
11. SSCI, Report of the Senate Committee on Intelligence: 3 January 2013 – 5 January 2015, report 114-8, 31 March 2015, p. 11.
12. SSCI, Committee Study, 9 December 2014 (redacted), pp. 8-9.
13. SSCI, Committee Study Appendix 2: CIA Detainees from 2002-2008, 6 February 2015 (redacted and corrected).
14. SSCI, Committee Study, 9 December 2014 (redacted), foreword, p. 4.
15. Ibid., p. 9.
16. Ibid., pp. 40-45, 67-72, 78-80, 84-93.
17. As an example, the Study's extensive discussion of Abu Zubaydah's torture during August 2002 is to be considered in light of the fact that he was held in secret by the CIA for more than four and a years, in at least seven different countries. Little detail of his remaining time in the programme is provided in the Study.
18. Indeed, it is now clear that from 2009 onwards, UK government officials made regular representation to the SSCI to ensure that mentions of the UK were redacted from the report. See, for example: Rowena Mason, UK Ministers Met Senate Committee During Torture Inquiry, Papers Reveal, The Guardian, 12 December 2014; FCO, Letter to Reprieve: Freedom of Information Act 2000 Request Ref: 0672-14, 1 August 2014.
19. See, for example: Binyam Mohamed et al v. Jeppesen Dataplan, Declaration of Bisher al-Rawi, 10 December 2007; Binyam Mohamed et al v. Jeppesen Dataplan, Declaration of Mohamed Farag Ahmad Bashmilah, 5 December 2007; Mohammed al-Asad v. Djibouti, Declaration of Mohammed Abdullah Saleh al-Asad, 15 January 2011; Salim v. Mitchell, Declaration of Suleiman Abdullah Salim, 22 May 2017.
20. For example: United Nations, Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism, 19 February 2010; ICRC, Report on the Treatment of Fourteen 'High Value Detainees' in CIA Custody, February 2007; Human Rights Watch, Delivered Into Enemy Hands: US-Led Abuse and Rendition of Opponents to Gaddafi's Libya, September 2012; Human Rights Watch, Ghost Prisoner: Two Years in Secret CIA Detention, February 2007; Craig S. Smith and Souad Mekhennet, Algerian Tells of Dark Term in US Hands, The New York Times, 7 July 2006; Clara Gutteridge, How the US Rendered, Tortured and Discarded One Innocent Man, The Nation, 27 June 2012.
21. Ahmed Rabbani, Letter to Guantánamo Bay Interagency Review Taskforce, 1 May 2009, para 27.
22. The Guantánamo Docket, The New York Times.
23. See, for example: 2015 Torture FOIA, American Civil Liberties Union.
24. See, for example: Leopold CIA Interrogation Documents.
25. Other investigations which have tracked aircraft associated with the torture program include those undertaken by teams at the Council of

- Europe, European Parliament, North Carolina Stop Torture Now, the Center for Human Rights and Global Justice, Open Society Justice Initiative, Helsinki Foundation for Human Rights, Amnesty International, Human Rights Watch, as well as journalists such as Stephen Grey.
26. Much of this came through our work at (or in partnership with) Reprieve. See, for example, Reprieve and Access Info Europe, Rendition on Record, 15 December 2011; FCO, Freedom of Information Response, 0630-13, 25 October 2013. Our collaboration with the European Parliament's LIBE committee in 2012-13 was also key to a significant body of disclosures.
 27. Ian Cobain and James Ball, New Light Shed on US Government's Extraordinary Rendition Programme, The Guardian, 22 May 2013.
 28. For more on data from these communication systems, in the context of CIA rendition, see: Center for Human Rights and Global Justice, Data String Analysis Submitted as Evidence of Polish Involvement in US Extraordinary Rendition and Secret Detention Program, 9 March 2010; PACE, Committee on Legal Affairs and Human Rights, Secret Detentions and Illegal Transfers of Detainees Involving Council of Europe Member States: Second Report, 11 June 2007, p. 36.
 29. In many cases, individual flights are recorded by more than one data source.
 30. There are various reasons why an aircraft may have been included in a data-gathering exercise, but the fact of inclusion is not in itself indicative that a plane was involved.
 31. For more on the need for triangulation rather than narrow quantitative analysis of the flight data, see: Ruth Blakeley and Sam Raphael, Human Rights Fact-Finding and the CIA's Rendition, Detention and Interrogation Programme: A Response to Cordell, International Area Studies Review, vol. 21, no. 2, 2018.
 32. Crofton Black, Exclusive: US Senate Intelligence Committee Corrects CIA Torture Report After Bureau Probe, The Bureau of Investigative Journalism, 13 February 2015.
 33. SSCI, Committee Study, 9 December 2014 (redacted), p. 115.
 34. Of course, our database does not include every cable from every field station; just those referenced by the Committee Study. So while the series are coherent, they are incomplete.
 35. Indeed, through triangulation with flight data we have established that he was on board the rendition flight from Afghanistan to Poland on 25 March 2003.
 36. See, for example: Parliamentary Assembly of the Council of Europe, Committee on Legal Affairs and Human Rights, Secret Detentions and Illegal Transfers of Detainees Involving Council of Europe Member States: Second Report, 11 June 2007, pp. 36-40; ECtHR, Judgment: Abu Zubaydah v. Poland, 24 July 2014, para 419.
 37. SSCI, Committee Study, 9 December 2014 (redacted), p. 67.
 38. Ibid., pp. 75-76.
 39. Ibid., pp. 83-84.
 40. See, for example: Dana Priest, CIA Holds Terror Suspects in Secret Prisons, The Washington Post, 2 November 2005; Matthew Cole and Brian Ross, Exclusive: CIA Secret 'Torture' Prison Found at Fancy Horseback Riding Academy, ABC News, 18 November 2009.
 41. ECtHR, Judgment: Al Nashiri v. Romania, 31 May 2018, para 527; ECtHR, Judgment: Abu Zubaydah v. Lithuania, 31 May 2018, para 532.
 42. SSCI, Committee Study, 9 December 2014 (redacted), findings and conclusions, pp. 7, 16-17.
 43. CIA (OIG), Special Review: Counterterrorism Detention and Interrogation Activities (September 2001 - October 2003), 2003-7123-IG, 7 May 2004 (redacted), p. 33.
 44. SSCI, Committee Study, 9 December 2014 (redacted), p. 24.
 45. Ibid., pp. 139-142.
 46. Council of Europe, Secret Detentions and Illegal Transfers of Detainees Involving Council of Europe Member States: Second Report, 11 June 2007, para 112-119.
 47. ECtHR, Judgment: Al Nashiri v. Poland, 24 July 2014, para 423-428; ECtHR, Judgment: Abu Zubaydah v. Poland, 24 July 2014, para 425-430.
 48. SSCI, Committee Study, 9 December 2014 (redacted), p. 74.
 49. Council of Europe, Secret Detentions and Illegal Transfers of Detainees Involving Council of Europe Member States: Second Report, 11 June 2007, para 128, 142-153.
 50. Ibid., para 211-216.
 51. SSCI, Committee Study, 9 December 2014 (redacted), p. 97.
 52. Ibid., p. 97.
 53. CIA, cable 5759, **April** 2003. Cited in: SSCI, Committee Study, 9 December 2014 (redacted), p. 97.
 54. CIA, HEADQUARTERS, cable, **May** 2003; SSCI, Committee Study, 9 December 2014 (redacted), p. 97.
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