

**ADDITIONAL SUBMISSION ON BEHALF OF THE APPLICANT**

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**I. INTRODUCTION**

1. This submission seeks to bring to the court's attention further information that has come to light concerning the rendition flights into and out of Lithuania, which consolidates and supplements information contained in the main application of 27 October 2011 (No.46454/11).
2. We kindly request the Court to consider it as supplementing or substituting (in case of discrepancy) information contained in paragraphs 51-59 (section on Abu Zubaydah's transfer to Lithuania) and 84-85 (section on Transfer by extraordinary rendition out of Lithuania) of the factual part of the main application.
3. The supplemental submission presents new evidence, which emerged as a result of the investigation by the NGO Reprieve. The second part of the submission provides additional evidence as to how the applicant was brought from Morocco to Lithuania, and the third part provides evidence as to how his transfer from Lithuania to secret detention in Afghanistan was achieved. The evidence presented supports, but does not alter, the core contentions of fact and law set out in the application, which are not therefore revisited here.

**II. TRANSFER OF ABU ZUBAYDAH INTO LITHUANIA: TRIPS CONTRACTED BY COMPUTER SCIENCES CORPORATION IN FEBRUARY 2005 CONNECTING MOROCCO AND LITHUANIA**

4. On 15-19 February 2005, two planes (N787WH and N724CL), arranged by Computer Science Corporation (hereinafter, CSC), travelled from the USA to Lithuania via Morocco and back to the USA. No other flights of CIA-related aircraft have so far come to light connecting the three countries during or around this period. This is a key fact, since sources indicate that the applicant was moved from Morocco to Lithuania in early 2005 (see para. 52 of the main application).

**(1) The flight of Boeing 737 registered as N787WH, operated by Victory Aviation Florida, on 15-19 February 2005**

5. Data from the Federal Aviation Authority [A.1] and EuroControl [A.2] shows N787WH's progress from the USA to Morocco, Romania, Lithuania and back. It indicates the following complete route: Baltimore (KBWI) – Santa Maria, Azores (LPAZ) – Salzburg (LOWS) – Malaga (LEMG) – Rabat (GMME) – Constanta / Bucharest (LRCK / LRBS) – Palanga (EYPA) – Copenhagen (EKCH) – Gander (CYQX) – Baltimore (KBWI).
6. Departing from Florida (FLL), it flew to Baltimore Washington International (BWI) on 14 February 2005. On 15 February 2005 it went from Baltimore Washington International to Santa Maria, Azores (LPAZ). It then filed a flight plan to Munich (EDDM) but was impeded by snow and went instead to Salzburg (LOWS). An aviation newsletter (“Planes International – Flughafen Salzburg”) references its arrival in Salzburg (“Statt nach München kam die B737-200 N787WH nach SZG”) [A.4].
7. On 17 February the aircraft left Salzburg in the afternoon and headed to Malaga (LEMG), where it paused until the middle of the night. It then left Malaga in the early hours of 18 February, arriving in Rabat, Morocco (GMME) around 02:40. After just over two hours in Morocco it proceeded to Romania, filing a flight plan into Constanta (LRCK) – although its flight plan for the next leg of the trip was filed not out of Constanta but out of Bucharest Baneasa (LRBS) [A.2]. It left Romania in the afternoon of 18 February and filed a false flight plan into Gothenburg, Sweden [A.9-10]. Its true destination, however, was Palanga, Lithuania, where it arrived, according to an invoice for “State Charge for Air and Terminal Navigations Services – Palanga”, at 18:09 [A.11].
8. EuroControl and Palanga airport records both indicate that it left Palanga shortly afterwards, at 19:30, bound for Copenhagen [A.2, A.11]. The plane paused overnight in Copenhagen, then continued to Gander, Canada (CYQX). Information released by the Federal Aviation Authority shows that it then returned to Baltimore International (KBWI/BWI) and finally to its home base in Florida (FLL) [A.1].
9. N787WH's flight was contracted by CSC under subcontract S1007312, task order 20, at an estimated cost of \$399,140 (37.6 flying hours at \$8,500 per hour, plus \$79,540 of “mission specific costs”) [A.12-13].
10. Although the Lithuanian parliamentary inquiry cited N787WH's flight from Bucharest to Palanga on 18 February, neither this inquiry nor any comment by Lithuanian prosecutors referred to the plane having gone to Morocco.

**(2) The flight of Boeing 727 registered as N724CL, on 15-18 February 2005**

11. The data from the Federal Aviation Authority [A.1] and EuroControl [A.2] shows that N724CL followed a similar route to N787WH. Its full route was: Van Nuys (KVNY) – Baltimore (KBWI) – Santa Maria, Azores (LPAZ) – Gran Canaria

(GCLP) – Rabat (GMME) – Amman (OJAM) – Vilnius (EYVI) – Keflavik (BIKF) – Goose Bay (CYYR) – Baltimore (KBWI) – Van Nuys (KVNY)

12. Both planes travelled from the USA to Morocco; their paths then diverged, as N787WH went on to Romania and N724CL to Amman, Jordan. Both planes then reconverged on Lithuania, arriving within 24 hours of each other, before returning to the USA.
13. Flying from the USA via Azores and the Canary Islands, it had arrived in Rabat just before 02:00 on 17 Feb., and left just after 03:00. It paused in Amman, then arrived in Vilnius around 18:15 GMT the same day. After 90 minutes it left Vilnius for Keflavik in Iceland, then returned to the USA via Canada.
14. This flight was contracted by CSC under the next consecutive invoice number to the flight of N787WH (LT050602-21520) and as part of the same subcontract (S1007312) [A.27-28], task order 21 [A.27-28]. CSC paid \$432,419.60 [A.29] for this trip.
15. The presence in Lithuania of N724CL was not mentioned by the Lithuanian parliamentary inquiry.

### **III. TRANSFER OF ABU ZUBAYDAH FROM LITHUANIA: TRIPS CONTRACTED BY COMPUTER SCIENCES CORPORATION IN MARCH 2006 CONNECTING LITHUANIA AND AFGHANISTAN**

16. According to public sources, the Lithuanian prison site was closed in the first half of 2006, and its occupants transferred either to Afghanistan or other countries [A.26].
17. The Lithuanian parliamentary inquiry noted that a Boeing 737 registered N733MA arrived in Palanga on 25 March 2006, coming from Porto, and that it returned to Porto; no further information about it was provided, other than the facts that “no customs inspection was carried out” and the border guard provided “no records of the landing and inspection of this aircraft”.
18. Based on analysis of flight plan data released by PANSAT and EuroControl, it is clear that rather than returning to Porto as recorded by officials at Palanga airport [A.14-15], N733MA continued to Cairo [A.16], where it made a connection with another Boeing 737, registered as N740EH. N740EH then proceeded to Kabul. Both planes were chartered by Computer Sciences Corporation (CSC) and operated by Miami Air International, Florida.
19. Data provided by EuroControl indicates the following full routes for the two aircraft:

N733MA, 23-27 March 2006: Philadelphia (KPHL) – Porto (LPPR) – Palanga (EYPA) – Cairo (HECA) – Iraklion (LGIR) – Keflavik (BIKF)

N740EH, 23-28 March 2006: Wilmington (KILG) – Marrakesh (GMMX) – Cairo (HECA) – Kabul (OAKB) – Amman (OJAI) – Iraklion (LGIR) – Keflavik (BIKF)

20. Data provided by EuroControl shows that N740EH flew from New Castle, Delaware (KILG) to Marrakesh (GMMX) on 23 March [A.17]. There is no record of its subsequent movements until 26 March.
21. In the meantime, N733MA, having left Philadelphia International (KPHL) passed through Porto (LPPR), then filed a flight plan to Helsinki (EFHK) on the afternoon of 25 March [A.17]. Finnish records show that it never arrived in Helsinki, however [A.19]; instead, it went to Palanga (EYPA), touching down at 22:25 local time, 13 minutes ahead of schedule (in close proximity to its scheduled arrival time of 20:38 GMT) [A.17]. It paused for 90 minutes in Palanga. Records from EuroControl and the Polish Air Navigation Authority both show that on leaving Palanga it went not to Porto, as the Lithuanian parliamentary inquiry was informed, but to Cairo (HECA) [A.16, A.17]. Its scheduled arrival time in Cairo was 02:19 GMT on 26 March.
22. Data provided by EuroControl shows that while N733MA was making its way to Palanga, N740EH was on the way to Cairo. Although records do not show when it arrived in Cairo, or from where, they do indicate that it left Cairo shortly after N733MA arrived there – at 02:45 GMT on 26 March – and that it went from Cairo to Kabul (OAKB), with an arrival time in Kabul of 08:32 [A.18].
23. N740EH then returned westwards from Kabul, pausing briefly in Amman (OJAI) before making a longer stop in Iraklion (LGIR). It arrived in Iraklion around 23:07 on 26 March. N733MA had also flown to Iraklion direct from Cairo and was waiting there, having arrived at 04:59 the same day. Both planes left Iraklion for Keflavik (BIKF) – N733MA on the morning of 27 March, and N740EH on the morning of 28 March [A.18].
24. Both trips were included on one invoice (LT050602-0666, subcontract S1008117, task 66, 30 March 2006) [A.22]. The planes were incorrectly designated, however, with similar but distinct tailnumbers: “N740MA” (41.9 flying hours) and “N739MA” (35.1 flying hours), each charged at \$9,500 per hour totalling \$731,500 for both aircraft. No routes are given on the invoice, although it notes that overnight stops were made in Porto and Marrakesh as well as two locations in the USA.
25. Documents relating to the planning of these two trips (false plan from Bucharest to Sweden [A.9-10], false record of return to Porto [A.14-15], coded flight schedule [A.23]) suggest complex attempts to disguise the fact that the purpose of the trips was to provide a connection between Lithuania and Afghanistan, as well as both planes’ destinations were kept secret up to the last minute [A.23]. By

using two planes, each one of which only completed half the route, CSC's contractors could ensure that no single plane's flight plans revealed the ultimate origin and destination of the flight.

### List of the attachments

- A.1. Extract from data provided by Federal Aviation Authority to Access Info Europe and Reprieve, 30 Nov. 2011, showing filed routes of N787WH in February 2005.
- A.2. Extract from data provided by EuroControl to the European Parliament's LIBE Committee, May 2012, showing filed routes of N787WH in February 2005.
- A.3-8. Aviation Newsletter, "Planes International - Flughafen Salzburg", citing the arrival of N787WH in Salzburg rather than in Munich.
- A.9-10. Extract from data released by Polish Air Navigation Services Agency to Helsinki Foundation for Human Rights, Warsaw (4 July 2011), showing false route filed from Bucharest to Gothenburg.
- A.11. Invoice for "State Charge for Air and Terminal Navigations Services - Palanga" giving arrival and departure times and routes of N787WH into and out of Palanga.
- A.12-13. Subcontract Task Order Modification from CSC for N787WH between 15 and 18 February 2005 (Prime Contract number: classified; subcontract: S1007312; task order: 20).
- A.14-15. Letter from Palanga Airport authorities to Lithuanian Civil Aviation Authority, 14 Dec. 2009, citing arrival of N733MA from Porto and its falsely recorded return to Porto.
- A.16. Extract from data released by Polish Air Navigation Services Agency to Helsinki Foundation for Human Rights, Warsaw (4 July 2011), showing N733MA's true route from Palanga to Cairo.
- A.17-18. Extract from data provided by EuroControl to the European Parliament's LIBE Committee, May 2012, showing filed routes of N733MA and N740EH in March 2006.
- A.19-21. Article from Helsingin Sanomat, 4 November 2011, noting false flight plan filed by N733MA from Porto to Helsinki.
- A.22. Invoice to CSC for several planes, including "N740MA" and "N739MA" (in fact referring to trip carried out by N740EH and N733MA).
- A.23. "Schedule B" showing partially disguised trip planning for two planes in March 2006, correlating with trips performed by N740EH and N733MA.
- A.24-26. Associated Press Article, 8 Dec. 2011, citing closure of Lithuanian CIA prison in the first half of 2006 and transfer of detainees to Kabul.
- A.27-28. Subcontract Task Order Modification from CSC for N724CL between 15 and 19 February 2005 (Prime Contract number: classified; subcontract: S1007312; task order: 21).
- A.29. Invoice to CSC for N724CL.