

Complaint by Tim Hourigan about US Aircraft at Shannon airport
http://naih.pair.com/users/indymed/newswire.php?story_id=67865&print_page=true,

Activists lodge complaint about Guantanamo Bay Express
clare | anti-war | feature Friday December 10, 2004 16:43 by Tim
Gardai asked to investigate torture jet

Secret Deals and Treaties?

The scale and significance of US military use of Shannon airport has taken on a new dimension with the revelations that Shannon has become part of the illegal movement and torture of prisoners, and the airport's increasing level of use by US military and civil leaders. This begs the question, has the Irish Government done a secret deal with the United States, granting US citizens immunity from arrest and prosecution under the jurisdiction of the International Criminal Court?

I am making these allegations in all seriousness and with genuine concern. I have no intention of wasting police time. I am making serious allegations about serious and worrying crimes. I state and I believe that serious crimes have occurred and are ongoing at the present time. I believe these crimes to include:

*Aiding and abetting TORTURE and unlawful detention (a crime against humanity) by means of facilitating unlawful landing at Shannon airport of an aircraft known to be used in the transport of people taken without charge or trial to a place of torture and unlawful detention for an indefinite period of time.

These words were found in the complaint that four members of MAMA lodged with the Gardai on 2nd October 2004. Over the next two months, regular planespotter and indy reporter Tim Hourigan communicated with the Gardai - the details are within.

In other Shannon news, Dick Cheney graced the airport with a visit and attempts were made to muddy the trail with Jets, Jet Companies and Handling companies changing names and owners.

The following statement was handed in to Shannon Garda Station on the evening of Saturday 2nd October 2004 by four concerned citizens, including myself.

STATEMENT

Statement of :

Of:

Tel. No:

Occupation: :

Date of Birth :

Taken On

At (place):

By (Name, rank, regd. no. and station)

I hereby declare that this statement is true to the best of my knowledge and belief and that I make it knowing that if it is tendered in evidence I will be liable to prosecution if I state in it anything which I know to be false or do not believe to be true.

Report of Criminal Activity taking place at Shannon Airport, Shannon, Co. Clare.

I am making these allegations in all seriousness and with genuine concern. I have no intention of wasting police time. I am making serious allegations about serious and worrying crimes. I state and I believe that serious crimes have occurred and are ongoing at the present time. I believe these crimes to include:

*Aiding and abetting TORTURE and unlawful detention (a crime against humanity) by means of facilitating unlawful landing at Shannon airport of an aircraft known to be used in the transport of people taken without charge or trial to a place of torture and unlawful detention for an indefinite period of time.

Following the report of a Swedish Airport Police Inspector (Paul Forrell) and others into the arrest and torture of two men taken from Sweden, and our own investigations, the following facts were revealed.

The men were transported to their place of torture on a Gulfstream V jet registered as N379P, which bore no identifying marks other than N379P

The jet was owned by Premier Executive Transport Services Inc, who confirmed by telephone that it was their aircraft and that it was on long term loan to the US Government.

That US agents were on the aircraft.

That the two men were imprisoned and tortured using electricity, were not allowed access to medicine, or a fair trial. In fact after 34 months of such imprisonment, one was released without charge.

That the same aircraft was involved in a similar abduction in Karachi and is suspected to have been involved in many others.

Hundreds of people who were not already in police custody were taken in similar situations, approximately 600 - 700 of whom ended up in Guantanamo Bay Cuba.

The aircraft is normally based in Dulles Airport, Washington D.C. USA. It would pass through our airspace either going out to snatch people or to bring them across the Atlantic to Guantanamo Bay.

The same aircraft has been seen at Shannon Airport on a number of occasions, being refuelled and attended to by FBO, a handling company based at Shannon airport.

It is not known what is on the aircraft during any of these landings, as the parties involved have declined to comment and have not been subjected to inspection by the authorities.

Under the Criminal Justice (United Nations Convention Against Torture) Act, 2000, S5(1) any person suspected of committing, aiding, or abetting torture (whether alleged to have taken place in this state or not) can be imprisoned for life upon conviction. According to Article 2(2) of the CAT, 'no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.' Article 2(3) of the CAT states that 'an order from a superior officer or a public authority may not be invoked as a justification of torture.'

According to Article 6(1) of CAT, 'upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present, shall take him into custody or take other legal measures to ensure his presence.'

I urge the Garda Siochana to immediately investigate this situation. Under the Air Transport and Navigation Act, the Garda Siochana have the power to inspect these aircraft, even if they simply wish to check that the contents match what is declared in the manifest.

The records of FBO Shannon and Aer Rianta should also be obtained to determine how many times, and on what dates this aircraft was at Shannon.

Again, I repeat, these are serious allegations of serious crimes. They have affected the rule of law in this country, and the upholding of critical human rights and human rights legislation.

I would expect that the Garda Siochana will make every effort to pursue an URGENT CRIMINAL investigation of these matters.

I believe that it is relevant to four of the Key Service Concerns of the Garda Siochana

- ~ Guarding the security of the State
- ~ Investigating and detecting criminal offences
- ~ Preventing criminal offences
- ~ Safeguarding human rights and dignity

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SIGNED.....

WITNESSED (Name, Rank, Regd. No.).....

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END=====

The following call took place on Wednesday 3rd November 2004 between 19:20 and 19:34

I was just leaving Java's on Catherine Street, Limerick, with Eoin Dubsy, when my mobile phone rang.

"Hello Tim, how are you? It's Detective Sgt Michael Houlihan here. What are you up to?"

"Well, I'm having a nice walk in town Detective"

"That's good, I'm just looking into something here, as a hardworking public servant, same as yourself..."

"What can I do for you Detective?"

"Well Tim, you made a complaint about a plane, registration N379P, that you say is involved in torture, and bringing prisoners around"

"Yes, that's right."

"You say that this plane is involved in torture, and that it was in Shannon on January 18th 2003, that it's been in Sweden and other places, but do you have any hard evidence that the plane was carrying prisoners?"

"This plane is documented to be used for this, it's leased to the US Department of Defence..."

"-Yes, but do you have any direct evidence that it was carrying prisoners when it was at Shannon"

"There's plenty of grounds to suspect that it was the case"

"Yes, but you make allegations that it was, and you don't have any direct evidence that it was carrying prisoners at that time."

"I never said I had direct evidence"

"well let me read over your statement"

"Well, wait detective,-it's quite a long document and would take a while to read in its entirety, and I'm not sure how long my mobile battery will last, what is it th-"

"well I'll read this part ..."

[quotes]

"I believe these crimes to include:

*Aiding and abetting TORTURE and unlawful detention (a crime against humanity) by means of facilitating unlawful landing at Shannon airport of an aircraft known to be used in the transport of people taken without charge or trial to a place of torture and unlawful detention for an indefinite period of time.. - and aren't those allegations?

"They're not assertions of fact. It says that I believe that this is going on, and I believe it because this IS the same plane, and this plane WAS involved in torture"

"and that's not a claim? Some would say so"

"That says that I believe this to be the case, and I do believe it. It doesn't purport to be hard evidence. It's reasonable grounds."

"-I agree it's reasonable grounds Tim... but I don't have any direct evidence"

"Have you SOUGHT the evidence? "

"Of course I have Tim, ah, now. We investigate these things. I have spoken to people at the airport about this".

"I'm sure detective, that as an officer of the law you would be able to contact Airport Police Inspector Forrell at Bromma Airport in Sweden, and he could tell you what the plane was doing there. It's the same plane inspector and it's used for these missions. I still haven't dropped out a copy of the video to you, I must do that..."

"What the plane does in other places is not part of the remit of my investigation Tim. I'm only looking at what was at Shannon on Jan 18, 2003."

"And if any vehicle, a car even that you knew to be used by criminals came through Shannon, wouldn't you take into account what they do elsewhere when you investigate?"

"Now Tim, I'm asking you if you have any direct evidence about this plane on January 18th 2003, it has been in Shannon on a number of occasions but hasn't been in Shannon in about two years now..."

"Well detective, you know very well how much trouble I would be in if I tried to directly collect evidence at the airport"

"Ah, now..."

"And I reported my suspicions, and my reasonable grounds to you, and it's not for a private citizen to solve these things. I'd expect you to seek that out"

"But do you have direct evidence?"

"I've never claimed to have direct evidence. If I had it, you would now have it"

"But would you not put that in writing Tim?"

"No, I wouldn't put it in writing Detective. I have nothing to retract from my statement, I haven't claimed to have direct evidence, so I don't need to say I don't have it, and in any case, that may change in the future"

"I hope you understand Tim that I HAVE to ring you about this."

"Yes"

"Anyway, are you expecting many at the demonstration on Saturday?"

"I don't know"

" Will you be there yourself?"

"I will of course"

"Well, I'll see you at it and we'll have a little chat about this"

"I'll see you on Saturday then"

"Okay, See you then. Goodbye Detective, thanks for your call"

[hangs up]

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I was confused as to why Det Houlihan had been so insistent about getting me to make a statement that we had no direct evidence.

I rang Ed, and found out that Ed was scheduled to be on Prime Time the following night with Willie O'Dea discussing this very topic.

In my mind I pictured Groucho on TV. "now, now I must say... I must say that the Gardee at Shannon have investigated this and there is no evidence and even the people who made the complaint have since retracted it"

Det Houlihan rang the three other complainants as well, none of whom fell for his trap. "I nothing to add to my statement at this time Detective" was the answer from all three.

the next day Prime Time pulled the piece, citing the death of Yasser Arafat as the reason.

The following week, they were due to run the piece again, and Ed and I even met the RTE truck at Shannon, but again the piece was cancelled. in the RTE studio, Mark Little made a passing reference to the Guantanamo Bay Express, but there was no Ed, and no Willie O'Dea, just two apologists for the war, a short pre-recorded piece from Ciaran O'Reilly and a short link up with Dennis Halliday, who was repeatedly interrupted.

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2 weeks later, when some new information reached me, I sent a letter to Det. Houlihan

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Detective Houlihan
c/o Shannon Garda Station
Shannon
Co. Clare

Wednesday 17th November 2004.

RE: complaint of activities linked to torture

Enclosed:

Photo of Jet N8068V (ex N379P)
Current FAA register entry for N379P
Current FAA registry entry for N8068V
Extract of US Dept of Defense listing for DESC contracts
Photograph of N313P

Detective Houlihan,
Following your phone call to my mobile some days back, I had expected to see you, as arranged, at the demonstration at Shannon last Saturday (Nov 13th).

I was disappointed not to meet you there as you said that you wanted to meet with me to discuss my complaint. I called to Shannon Garda Station last night, and spoke to your colleague, Garda Flannery, who told me that you would not be at work until Friday evening.

I have some new information regarding the aircraft previously referred to as N379P. I checked the US Federal Aviation Authority records recently and the registration is no longer assigned (to any aircraft). I have an older copy somewhere, from before it was deleted from the FAA registry. I shall forward it to you when I find it.

Through the efforts of myself and others, I have learned the new registration of the aircraft. It is currently registered as N8068V. You can confirm this yourself, no doubt, by checking FAA records.

As you probably know, aircraft registration, like car registrations can be changed, but the manufacturer's serial number or chassis number does not. In this case, the jet in question is number 581 of the aircraft of this type.

I have included a photograph of the aircraft with this new registration, the records attached to it indicate the serial number, the new registration and indeed, the old registration.

I believe that the paint scheme on the plane is exactly the same as it was when seen in Shannon as N379P.

You may have been working under the firm belief that this aircraft has not been in Ireland since Jan 2003. Indeed, Minister Cullen has stated publicly that N379P has not been in Ireland since then.

It occurs to me now, that the change of registration was done to throw us all off the scent, and that steps should be taken to see if the aircraft has been in Ireland as N8068V. It would be rather remiss of us to overlook the possibility that torture may be ongoing through Shannon simply because the registration number of the aircraft was changed.

I have also obtained an extract of a document which seems to be from the US Dept of Defence database. It lists the aircraft's owners (Premier Executive Transport Services Inc) as customers of the Defense Energy Support Center.

I have included a copy of this for your perusal.

My efforts to investigate the company PETS Inc would indicate that its registered office in Dedham is in fact the office of a law firm specialising in real estate, and I have been informed that PETS Inc is in fact incorporated in Delaware, a state known for lax company laws regarding disclosure of information. Given these facts, it is very likely that PETS is a shell company consisting of very little more than two names and a Delaware registration. They're unusually anonymous for a company that operates aircraft.

You should probably keep a look out for their other aircraft N313P (picture enclosed)

I also believe that I may be able to obtain a copy of the aircraft flight logs which should be of help in this investigation. I already have reason to believe that the aircraft was at RAF Northolt just prior to its stop at Shannon on Jan 18 2003, and we may be able to track it back even further.

If I manage to obtain these records I will forward them immediately to you. Please let me know if you manage to obtain them yourself beforehand, or have done already, as it would save me copying the entire log, which may cost quite a bit.

I trust that you will look into these matters thoroughly.

Regards,

Tim Hourigan
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Friday 19th Nov 2004. 20:50

I rang the direct line for Shannon Garda Station (061-361212). Having sent a registered letter to Detective Houlihan the previous day. I knew that he started his shift at 6pm, and so he should have had almost 3 hours in which to read it.

"Good evening Shannon Garda Station"

"Hello, Could I speak to Detective Houlihan please?"

"What's it about?"

"I sent him some documents and I want to make sure that he got them"

"Okay, I'll transfer you to his office"

[rings for 30 seconds, no answer, reverts to front desk, they put me through to another office.]

"Hello"

"Hello, can I speak to detective Houlihan please"

"This is him speaking"

"Ah, detective Houlihan, I was just wondering if you received the documents I sent you"

"Is this Tim? Yes, Tim. I received them. ..."

"That's good"

"...they're not much use though. They don't prove that there were prisoners on board the plane. They suggest that the reg has changed..."

"They PROVE that the reg has changed. They're FAA records, you can verify them..."

"Yes, but what I'm looking for is evidence that there were prisoners on board the plane..."

"And I'm sure that you will seek that out detective."

"But we don't have that evidence. I've made enquiries at the airport..."

"Fresh enquiries? Regarding the new reg, N8068V?"

"Yes, I've made enquiries"

"Well, I'm sure it will take them a while to check through all their records to let you know if it has been in under the new reg."

"Yes, Tim, but what I keep getting to is that you have no direct evidence that the plane was carrying prisoners"

"You've said that a number of times detective. But you now have the opportunity to check for yourself."

"How's that"

"By boarding the aircraft when it comes in"

"I don't have any evidence of prisoners on the plane one year ago or three years ago."

You seem to have been operating under the assumption that this plane has not been in since Jan 18 last year, and I know Minster Cullen has said that. What you have now, is the possibility that the aircraft has, or may come in under the registration N8068V"

"And how would I have evidence?"

"Well you can simply board it and see what's onboard"

"we're talking about if it lands in future?"

"yes, detective. I didn't limit my complaint to the past or to one landing. My complaint is that this has happened in the past, and may go on in the future. You have the new registration, and the plane may come in as N8068V"

"But I still don't have direct evidence"

"I have every confidence that you will seek it out, and I am trying to obtain evidence myself, and when I get it, I will pass it on to you immediately"

"But I don't have any now"

"If I did have it, you'd have it. And you can be sure that if I get any more evidence, that you will get it"

"OK, Tim"

"Okay detective."

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Unhappy with this attitude, and after finding out more information, I sent a further letter.
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Detective Houlihan
c/o Shannon Garda Station
Shannon
Co. Clare

Wednesday 24th November 2004.

RE: complaint of activities linked to torture

Enclosed:

-English Translation of Swedish documentary by Kalla Fakta of TV4, Sweden
-Copy of Shannon aircraft movements (August 2004) record from Aviation Society of Ireland website.

Detective Houlihan,

I was thinking about the conversations that we have had regarding the aircraft previously known as N379P and now known as N8068V (also known colloquially as the "Guantánamo Bay Express")

And I am rather disturbed at your apparent reluctance to investigate this matter fully.

- The complaint is of a very serious and urgent nature. It doesn't at anytime state the torture occurs in Ireland, but it is certain the

torturers pass through Shannon airport, and may well on some occasions be bringing victims through Shannon to Guantánamo Bay, Cuba. In some cases however, it would seem that the plane brings the torturers from the US to another location to perform the torture there. I have been reading reports of the aircraft bringing US agents from Washington to Cairo to interrogate suspects there. In one case, it is believed that the man died during the interrogation. The perpetrators are just as guilty of torture whether they pass through here with the victim, or pass through here without him after torturing him.

- The Criminal Justice (UN Convention Against Torture) Act 2000 does not require the torture to be occurring in Ireland. It requires the state, and basically YOU as a member of An Garda Síochána, to seize anyone in Ireland who you have reason to suspect of involvement in torture ANYWHERE. Unlike most laws you operate under, pieces of International Law have wider jurisdiction, and the UN CAT, as incorporated into Irish Law does allow, (in fact compel) you to act where people here are involved, or suspected of being involved in such serious crimes elsewhere.

I would like to know if you have sought the relevant records from the Airport and associated businesses and people (e.g. FBO) regarding not only the aircraft landing as N379P, but also any incident of the aircraft landing as N8068V.

I have been told today that records indicate that the aircraft HAS landed at Shannon at least twice this year, on January 20th 2004, and on March 6th 2004. I would like to know if you have made any effort to obtain information on this.

It has also come to my notice that N313P, the other aircraft, mentioned in my previous letter, along with a photograph of it, is recorded as having landed at Shannon this year. This aircraft, which has been tracked to some of the same locations and military bases as N379P/N8068V should also be investigated by the Garda Síochána.

You should read carefully the enclosed translation of the Swedish documentary series Kalla Fakta (Cold Facts). They have done a few episodes on this topic.

The translation script was sent to me today by Fredrik Laurin, one of the researchers for the programme. The English translations are available on the TV4 website at <http://www.tv4.se/kallafakta>.

It is also possible to watch these episodes on the internet on the same website.

The most recent broadcast was Monday, 22 November 2004. It interviews Robert Baer, a former CIA agent who gives us his informed opinion of the activities surrounding this aircraft. There are also interesting contributions from American investigative journalist, Seymour Hersh, on the military unit operating the aircraft as well as the researchers from Kalla Fakta itself. (see highlighted sections on pages 3, 4, 5, 10, 11, 12, 13, 15)

I'm sure it's not beyond your capacity to obtain a copy of the video from Swedish Television, or perhaps the Swedish Police, who probably have a copy of it.

If I manage to get a copy I will forward it to you.

In particular I would like to draw your attention to the following, from page 12 of the translation.

Robert Baer, former CIA agent.

- "There is a rule inside the CIA that if you want a good interrogation and you want good information you send the suspect to Jordan, if you want them to be killed or tortured to death, you send them either to Egypt or Syria, never see them again"

and on page 5, I would direct you to the paragraph reading :

"January 10th 2002: A man in chains and with a hood over his head is taken out onto the strictly guarded runway of the Halim airport in central Jakarta. Muhammad Iqbal is taken into custody by disguised men and taken aboard as the plane takes off for Egypt. A few days later the plane N379P returns from Cairo to the US. According to rumours in the intelligence communities in the west, Iqbal died during interrogations in Egypt"

On page 12, I would direct you to the following quotes from the former British Ambassador to Uzbekistan.

"The CIA does have a fairly large presence in Tashkent... N379P has for the last two years also landed in Uzbekistan on several locations. All in all there have been at least seven trips with the city of Tashkent as the destination"

and the highlighted area describing the prevalence of torture involving rape, electrocution and boiling.

I remind you that Section 2 of the Criminal Justice (United Nations Convention Against Torture) Act 2000 states -

Offence of torture.

2.-(1) A public official, whatever his or her nationality, who carries out an act of torture on a person, whether within or outside the State, shall be guilty of the offence of torture.

- (2) A person, whatever his or her nationality, other than a public official, who carries out an act of torture on another person, whether within or outside the State, at the instigation of, or with the consent or acquiescence of, a public official shall be guilty of the offence of torture.

The Act explicitly makes the torture an offence regardless of whether committed in this State or not. Therefore, the remit of your investigation must include acts done in other countries by agents using this

aircraft.

Furthermore, Section 3 makes it clear that

A person, whatever his or her nationality, whether within or outside the State, who-

(a) attempts to commit or conspires to commit the offence of torture, or

(b) does an act with the intent to obstruct or impede the arrest or prosecution of another person, including a person who is a public official, in relation to the offence of torture,

shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.

Therefore, you have pretty strong authority to demand information to assist in your investigation of this case.

The schedule of the Act, states that

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

In relation to your powers and obligation to detain people involved in such crimes, the Act is very clear. You will note the phrase "SHALL take him into custody" rather than "MAY take him into custody"

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

Therefore, it is clearly NOT necessary for the torture to occur in this State in order for you to investigate this complaint, or indeed arrest

any of the people complicit in these crimes. While I would gladly hand over to you any photographs of CIA agents torturing people at Shannon that came into my possession, it is clearly not necessary, for the purposes of the aforementioned act, that the torture occurs in Shannon or that the victim be transported through Shannon to the place of torture.

I trust that you will let me know how my complaint is progressing, and that you will contact me if I can be of any further assistance in this matter.

Regards,

Tim Hourigan

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I had a phone call a few days later from Det Houlihan, who was not in a good mood. He told me that if I was unhappy with his investigation that i should raise the matter with his superiors. - he invited me to do this several times.

I told him that I had no interest in making complaints about him to his boss (who is, after all, one of the people conveying orders from above NOT to inspect the aircraft)

He told me that he had not sent a file to the DPP.

When I asked Detective Houlihan whether or not he had made any effort to investigate instances of the plane had landed at Shannon under the new registration he said "I'm not prepared to tell you that"

Inspector Tom Kennedy, when contacted by local journalists today, would only say that queries had been passed on to the relevant government departments (who apparently get to take precedence over an official gardai investigation?)

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http://www.indymedia.ie/users/indymed/newswire.php?story_id=67865

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