

To: The Hon. Mr Justice Kinlen  
The Inspector of Prisons and Places of Detention  
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From: Edward Horgan, spokesperson, Peace Activist Group, Shannon Airport

Re: **Complaint that persons, including prisoners, have suffered ‘Unacknowledged Deprivation of Liberty’ at Shannon airport, and request that the Inspector of Prisons, should inspect the prison or detention facilities, particularly US CIA and military aircraft, that have been using Shannon airport for the purposes of extraordinary rendition of prisoners for torture since 2001, and up to the present time.**

Dear Mr Justice Kinlen,

I enclose a copy of the Reply of the Irish Government to the Article 52 Request, by the Council of Europe, in respect of ‘Unacknowledged Deprivation of Liberty’, for your attention. I refer you to Para III, A, Involvement by Action, (page 15) and subparagraphs 1 and 2 Detention Facilities in Ireland (page 16) in particular.

I wish to inform you that information has come to my attention that Shannon airport has been used as a place of detention, and a place of “unacknowledged Deprivation of Liberty” between late 2001 and the present time, and that Shannon airport may still be being used as a place of detention under the so-called extraordinary rendition for torture programme operated by the US government and its agents, with the active assistance of the Irish Government and its agents.

This, therefore, is a formal request to you, in your capacity as Inspector of Prisons, that you take whatever steps are necessary to investigate these matters, and to take whatever steps that are necessary to ensure that Shannon airport, or any other parts of Irish territory or airspace, are not used for the purposes of “Unacknowledged Deprivation of Liberty”, or rendition for torture, and any other such unlawful, or unauthorised or improper imprisonment.

I note from your 2005 Report that your terms of reference include the following: “To - (a) Inspect and report, as the Inspector considers appropriate, to the Minister on prisons and places of detention under the aegis of the Department of Justice, Equality and Law Reform.”

Since the Department of Justice, Equality and Law Reform has direct responsibility for all acknowledged prisons in the Republic of Ireland, and has direct responsibility for ensuring that no unacknowledged prisons exist within the state, and since there is now mounting evidence that our Government is, and has been, aware that Shannon is being used as a place of imprisonment by agents of the US Government, then by default, aircraft being used to deprive individuals of their liberty at Shannon airport must be presumed to fall under the aegis of the Department of Justice, Equality and

Law Reform and therefore within the remit of the Inspector of Prisons. This conclusion is reinforced by the fact that CIA and US military aircraft at Shannon airport have been under regular Garda and Irish Defence Force protection since at least January 2003, and therefore fully within the control and protection and authority of the Republic of Ireland State.

I note from the Irish Government's Reply to the Council of Europe enquiries, that the Government states that the Irish Prison Visiting Committees and the Inspector of Prisons did not receive any complaints concerning unlawful detention of prisoners in Ireland. My concerns are that, first of all, if prisoners are being unlawfully and secretly denied their freedom, (and my information is that they are normally gagged, blindfolded, and chained, and possibly drugged, within the US aircraft at Shannon airport) then it is most unlikely that they will have an opportunity to make any complaints either to you as Inspector of Prisons or to any of the prison visiting committees. I do not believe that any prison visiting committee has visited any prisoners or any place of detention at Shannon airport.

Secondly, as Inspector of Prisons I presume that it is part of your remit and your responsibility to ensure that prisoners are not unlawfully and secretly denied their freedom anywhere within the state of Ireland, and to investigate any reports or suggestions that prisoners may be or may have been secretly held while on or passing through Irish territory.

I need an urgent response to these matters for the purpose of providing information to the European Union Parliamentary Enquiry into Torture Rendition,<sup>1</sup> and specifically to the following questions:

1. Are you aware of the public controversy that has been discussed in virtually all sections of the Irish media, and the international media, concerning the rendition of prisoners for torture through European Airports including Shannon airport?
2. If not, how do you explain why you have not been so aware?
3. If you are aware of the extraordinary rendition programme what steps did you take to investigate the unlawful imprisonment of individuals at Shannon airport?
4. If you took no steps to investigate these matters, why not?
5. What steps do you intend to take in the future to investigate these matters, and to prevent any future such unlawful imprisonment?

I enclose also a copy of the submission by four peace activists to the Oireachtas Joint Committee on Foreign Affairs on 20 December 2005, and a copy of our interim submission to the Irish Human Rights Commission, dated 20 March 06 for your information.

I note that your 2005 Report contains the following statements:

“The Visiting Committees insofar as they have any power have been neutered and the Inspector of Prisons is specifically forbidden to act on any complaint by any prisoner.”

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<sup>1</sup> I have been requested by the special committee of the European Parliament investigating extraordinary rendition to make a formal presentation to this committee on 20 April 2006.

“The Oireachtas should (a) Restore visiting committees and not only greatly restore their original powers but grant them additional powers. ... There is a prisoners' Ombudsman in England, Scotland and, since February of this year, in Northern Ireland. It is something we should certainly emulate rather than the present tendency to reduce and ignore external supervision.”

Given the above, and since the Irish Government's reply to the Council of Europe cites your office and the Prison Visiting Committees in support of its stance that no 'Unacknowledged Deprivation of Liberty' has occurred in Ireland, I would appreciate your view on these matters.

I repeat my request that you as Inspector of Prisons to take immediate steps to investigate whether prisoners or any other persons have been deprived of their liberty at Shannon airport or elsewhere in Ireland under the so-called extraordinary rendition for torture programme, or under any similar such scheme, authorised or unauthorised.

I need this information for the purpose of informing the special investigations being carried out by the European Parliament and by the Council of Europe, and I need an urgent response to this communication by Friday 7<sup>th</sup> April at the latest.

Edward Horgan,  
Charnwood, Newtown, Castletroy, Limerick.

Date: 23 March 2006