

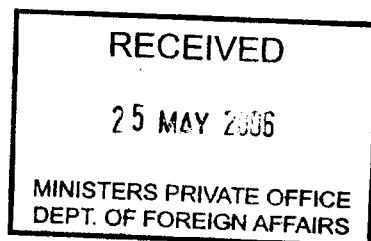
IHRC

IRISH HUMAN RIGHTS COMMISSION

Dr. Maurice Manning
President

24th May 2006

Mr Dermot Ahern TD
Minister for Foreign Affairs
Iveagh House
St Stephen's Green
Dublin 2



Dear Minister,

Thank you for your letter of 4th April 2006 in response to the Commission's letter of 21st December 2005 to An Taoiseach. The Commission welcomes your detailed response as it is anxious to engage in a dialogue with Government on what it regards as a fundamentally important issue in relation to the protection of human rights.

Regrettably, however, for reasons set out in the enclosed document, we cannot agree with your conclusion that the Government has discharged "its obligations under both the European Convention on Human Rights and the Convention Against Torture".

We are replying in some detail in order to explain why we see this as a matter of such urgency and importance and why we believe that Ireland's human rights obligations require further action by the Government. In this connection we welcome the remarks by An Taoiseach in Washington on St. Patrick's Day when he acknowledged the concern in Ireland about CIA "rendition" flights and called for greater transparency on this issue.

With best wishes,

Yours sincerely,

Maurice Manning
President



IRISH HUMAN RIGHTS COMMISSION

Irish Human Rights Commission

Response to Minister for Foreign Affairs in relation to the transfer of persons to locations where they may be subjected to torture, inhuman and degrading treatment

Background:

In our Resolution, enclosed with our letter of 21st December 2005, we set out the basis for the Commission's intervention in this matter, namely our mandate under Sections 8(a) and 8(d) of the Human Rights Commission Act, 2000, "to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights", and to make recommendations to Government about measures "to strengthen, protect and uphold human rights in the State".

We also referred to the prohibition of torture, inhuman or degrading treatment which is implicit in the Constitution and is made explicit by Article 3 of the European Convention on Human Rights and by Articles 1 and 2 of the UN Convention Against Torture. The same Convention also outlaws the expulsion or return (*refoulement*) of persons to jurisdictions where there are substantial grounds for believing that they might be in danger of being subjected to torture.

For the sake of completeness, we should also refer here to Article 16.1 of the Convention Against Torture, which states:

"Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity..."

In that context we expressed our concern at repeated and credible reports that US aircraft were being used to secretly transport prisoners to destinations where they were at risk of torture, inhuman or degrading treatment, a practice commonly described as "rendition", and that a number of the aircraft concerned had landed frequently at Irish airports, in particular at Shannon airport.

This gave rise to fears that the US aircraft landing here could be involved in the “rendition” of prisoners and that by facilitating these aircraft, we could be in breach of our obligations under the Constitution and international human rights conventions to prevent torture or inhuman or degrading treatment. With a view to ensuring that we would not be in breach of our obligations, we called upon the Government to seek the agreement of the US authorities to the inspection of aircraft suspected of involvement in this practice on their landing at any Irish airport.

In connection with this point, your letter appears to assume that we suggested seeking the agreement of the US authorities to inspection of these aircraft because we thought it was legally necessary to do so. That was not the case. We believed that the Irish authorities had and have power to inspect these aircraft. However, we suggested this as a non-confrontational way of resolving the matter, on the basis that if the aircraft concerned were not in fact involved in “rendition” – as the US authorities claimed – then they would be happy to cooperate with such a request from a friendly government whose airports were affording them facilities. If the US authorities refused to cooperate, then the Government could consider other ways of proceeding.

Developments since our Initial Letter: Subsequent Reports by the Council of Europe and Others:

After we wrote to the Government on this issue in December 2005, the Council of Europe’s then Commissioner for Human Rights, Mr. Alvaro Gil Robles, wrote to the Commission indicating his concern about the issue of “rendition” and welcoming our proposal for dealing with it. He said:

“States have a responsibility to ensure that their territory and facilities are not used for illicit purposes, especially not human rights violations and, even more particularly, for violations of Article 3 of the ECHR. In so far as so-called extraordinary rendition flights are concerned, States must be in a position, where there is doubt, to establish who is on board planes transiting via their airports, whether they are travelling freely or are detained, and if the latter, under whose authority they are being transported and for what purpose. The IHRC’s proposal that the Irish Government seek the agreement of the US authorities to inspect aircraft would certainly facilitate this”.^{1,2}

Since our letter of 21st December 2005, there have been a number of other developments which serve to underline the importance of this issue:

First, the Secretary General of the Council of Europe, Mr Terry Davis, has published a report on a questionnaire on the subject of “rendition” which he sent to all member states of the Council of Europe, using a very rarely invoked article of the European Convention on Human Rights (Article 52).²

¹ IHRC Press Release, 6th January 2006.

² Secretary General’s Report under Article 52 of the European Convention on Human Rights on the question of Secret Detention and Transport of Detainees suspected of Terrorist Acts, notably by or at the instigation of foreign agencies. SG/Inf (2006) 5.

Secondly, the Government has, as mentioned in your letter, published its detailed Reply to the questions posed by Secretary General Davis.³

Thirdly, the European Commission on Democracy through Law, the “Venice Commission”, has published an opinion on “The international legal obligations of Council of Europe member states in respect of secret detention facilities and inter-state transport of prisoners”.⁴

Fourthly, Amnesty International has published a report entitled: “Below the Radar: Secret flights to torture and disappearance”.⁵

Fifthly, a Temporary Committee of the European Parliament, investigating “the alleged use of European countries by the CIA for the transport and illegal detention of prisoners” has issued an interim report on its inquiries.⁶

We should say at this point that we welcome the clear statement in the Government’s Reply to the Secretary General of the Council of Europe that it is completely opposed to torture, ill-treatment or unacknowledged deprivation of liberty, all of which are prohibited by Irish law, and that prisoners can only be transported through Irish territory for the purposes of legally sanctioned extradition or transfer of sentenced prisoners, and then only with the consent of the Minister for Justice, Equality and Law Reform

We also welcome the confirmation that members of An Garda Síochána may at any time require the owner or operator of a civil aircraft landing at an Irish airport to produce documentation concerning the purpose of the flight and details of any passengers or materials being transported, and that Gardai may enter and inspect the aircraft under Section 49 of the Air Navigation and Transport Act, 1998.

However, drawing on the reports mentioned above, we make the following points:

(1) Evidence of Extraordinary Rendition

The Commission is concerned at the suggestion in your letter that the issue of “rendition” is largely an academic matter. In particular, your comments that: “The recent allegations of extraordinary rendition ... involve unsubstantiated claims that unidentified persons might be, or might have been, illegally transported through Irish territory en route to unspecified destinations”.

The analysis of several eminent bodies is to the contrary. The report by the Temporary Committee of the European Parliament drew upon data supplied by

³ Article 52 Request in respect of Unacknowledged Deprivation of Liberty. Reply of the Government of Ireland.

⁴ Venice Commission: Opinion on the International Legal Obligations of Council of Europe member states in respect of Secret Detention Facilities and Inter-State Transport of Prisoners. Opinion No. 363/2005; CDL-AD (2006) 009, 17th March 2006.

⁵ Amnesty International: United States of America – Below the Radar: Secret flights to torture and disappearance’, 5th April 2006.

⁶ European Parliament 2006/2027(INI)

Eurocontrol, the EU's air safety agency, that indicated there may have been as many as 1,000 unacknowledged CIA flights through or over Europe during the last five years.⁷ A number of the aircraft involved have been identified as having taken part in well-documented and notorious cases of "rendition" and the same planes have landed repeatedly at European airports on their way to or from the US detention camp at Guantanamo Bay in Cuba or locations in Egypt, Algeria, Pakistan and Afghanistan

Several reputable international human rights organisations, notably Human Rights Watch and Amnesty International, have compiled lists of civilian aircraft used in known "rendition" cases. A number of these planes have been officially investigated in European countries, and/or are known to have flown frequently to Guantanamo Bay or to Afghanistan or Middle Eastern countries where supposed terrorist suspects are known to have been tortured or ill-treated. These organisations have also compiled lists of companies by which the aircraft in question are owned or operated, and which have links with the CIA.

Senator Dick Marty, Rapporteur of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, who is conducting an investigation into "rendition" flights, has found these lists reliable enough to use them as part of his inquiry and to seek information from member states of the Council of Europe, including Ireland, as to their movements.⁸

The most recent report on aircraft believed to have been used for "rendition" flights was that published by Amnesty International on 5th April 2006. It identified a number of US companies used to charter or operate aircraft involved in "renditions" and it examined in detail flights undertaken by four aircraft between 2001 and 2005. Each of these aircraft had been involved in at least one well-known "rendition" operation. Amnesty calculated that, between, them the four planes had landed in Ireland 79 times, mostly at Shannon but once or twice at Dublin as well. A few of these landings were closely linked in time to known "rendition" flights.

In a written reply in the Dail on 4th April 2006, Minister for Transport Martin Cullen TD confirmed 48 landings by three of these aircraft (one had changed its registration details during the period).⁹ Information given in the British House of Commons also confirmed a number of landings by these aircraft at Irish airports.¹⁰ (Details of the planes identified by Amnesty and the number of recorded Irish landings are given in Appendix 1).

The involvement of the four planes cited by Amnesty in four high profile "rendition" cases was also confirmed in the report of the Temporary Committee of the European Parliament published on 24th April 2006. In addition to these planes, a substantial number of other suspected CIA aircraft were included in the list circulated by Senator

⁷ Herald Online: EU lawmakers allege numerous CIA flights, Jan Sliva (AP), 27th April 2006.

⁸ Parliamentary Assembly of Council of Europe, Committee on Legal Affairs and Human Rights: "Alleged Secret Detentions in Council of Europe member states – Information Memorandum II", Appendix II; AS/Jur (2006) 03. 22nd January 2006.

⁹ Dail Debates, 4th April 2006, Written Replies to Questions 363 and 364.

¹⁰ Adam Ingram MP, Minister of State for the Armed Forces, to Menzies Campbell MP, quoted in Press Release: by Michael Moore MP, Liberal Democrat Shadow Foreign Secretary, 7th March 2006 www.michaelmoore.org.uk

Marty and referred to above. (This list is given at Appendix II). A number of these planes have also probably landed at Shannon or other Irish airports and information about them should be available from the Irish airport authorities.

In our view, the frequency of landings at Irish airports by aircraft known to have been used for “rendition” operations and the likelihood that there may have been many other landings by planes on Senator Marty’s list, must give rise to very serious concerns that at least some of those flights may have been carrying prisoners, or have been on their way to collect prisoners, or have been returning after delivering prisoners.

“Rendition” is, of its nature, a secretive business and is carried out in a manner intended to conceal its existence, e.g. by using civilian aircraft crewed by unidentified and sometimes masked personnel to transport prisoners. This was documented in the case of *Ahmed Agiza*, who was transported from Sweden to Egypt by US special forces in December 2001. Mr *Agiza’s* case later led to a finding against Sweden by the UN Committee Against Torture.¹¹

In your letter, you say that the Government has called on anyone who has knowledge of wrongdoing in relation to suspected CIA flights to inform the Gardai. However, given the nature of the exercise as it has been documented to date, private citizens are very unlikely to have access to specific evidence, which could only be definitively obtained by inspecting the aircraft in question and examining their documentation and flight records.

As outlined below, given the gravity of the matters at stake and the absolute nature of the prohibition on torture and ill-treatment of prisoners, we believe that this situation imposes a real obligation on the Irish authorities to take pro-active steps to ensure that our airports are not used to facilitate in any way “rendition” or transfer of prisoners to locations where they might be ill-treated.

(2) Article 3 of the European Convention on Human Rights: The Positive obligation to Prevent Torture

As regards the positive obligation on all states that have ratified the European Convention on Human Rights to prevent torture, we note your comments regarding the judgment of the European Court of Human Rights in the case of *Osman v UK*.¹² That case, however, dealt with Article 2 of the European Convention on Human Rights, dealing with the right to life, as opposed to Article 3, prohibiting torture. Hence, the quotations to which you refer are not applicable and could be quite misleading in this context, drawn up as they were in the context of a very tightly constructed test set forth by the Court regarding liability for alleged threats to life.

On the other hand, your letter does not refer at all to the point which we made in our letter of 21st December regarding the positive, procedural obligation that Article 3 inevitably imposes on Contracting States to conduct an effective, official investigation

¹¹ UN Committee Against Torture: Communication No. 233/2003 – *Ahmed /Agiza v. Sweden*, CAT/c/34/D/233/2003; 24th May 2005.

¹² *Osman v. UK*, Judgment of the European Court of Human Rights, 28th October 1998.

where an individual raises an arguable claim that s/he has been seriously ill-treated by the police or other agents of the State unlawfully and in breach of Article 3.¹³

This principle necessarily requires that the State must conduct such an investigation where an arguable claim is raised that ill-treatment is being committed by third parties (including agents of a foreign state) within the jurisdiction of the receiving state. This conclusion is buttressed by the fact that Article 3 is one of the only articles of the European Convention on Human Rights which admits of no exceptions. The European Court has specifically pointed out that torture, inhuman or degrading treatment is never excusable, under any circumstances, including for the purposes of interrogating terrorist suspects.

It follows from the Court's previous rulings on this point that such a duty must apply where credible evidence exists in the public domain of a risk of torture or ill-treatment, or rendition to face such treatment, in violation of Article 3.

Diplomatic Assurances:

Your letter argues that the Government has fulfilled its obligations in relation to CIA flights and "rendition" by obtaining assurances from the US authorities that no-one has been or will be transported illegally through Irish territory.

In our letter to An Taoiseach we said that reliance on diplomatic assurances was not sufficient to fulfil our positive obligation to prevent the use of Irish airports to facilitate "rendition" with its accompanying risk of torture and ill-treatment. We supported this by referring to the decisions of the European Court of Human Rights in the leading cases of *Soering v. the UK*¹⁴ and *Chahal v. the UK*¹⁵ and the decision of the UN Committee Against Torture in the case of *Ahmed Agiza v. Sweden*.

Your letter seeks to distinguish the assurances given to the Irish Government by the US authorities from the assurances rejected as inadequate by the European Court of Human Rights in the *Soering* and *Chahal* cases. The distinction is on two grounds, namely that (a) those cases concerned known, specific individuals, and (b) the assuring states in those cases (India and the US) did not have sufficient control over the surrounding circumstances to enable them to make good their assurances. In the context of rendition, you point out that the assurances given to the Government by the US authorities are in relation to "unsubstantiated claims [about] unidentified persons", and you argue that the US authorities have full control over whether any prisoners are transported via Ireland by their personnel.

We cannot accept this analysis. Firstly, as a general point, the cases in question established the general principles that prisoners must not be deported or handed over in circumstances where there is a substantial risk that they might be tortured or ill-treated, and that diplomatic assurances which cannot be legally enforced do not suffice to meet a state's obligations in this regard. Those principles were not dependent on the precise facts of the two cases and certainly the differences to which

¹³ *Assenov v. Bulgaria*, Judgment of the European Court of Human Rights, 28th October 1998.

¹⁴ *Soering v. the UK*, Judgment of the European Court of Human Rights, 7th July 1989.

¹⁵ *Chahal v. the UK*, Judgment of the European Court of Human Rights, 15th November 1996.

you have referred are not so radical as to make the principles inapplicable to the context at hand.

Moreover, the specific reasons given for drawing a distinction between these cases and the “rendition” *issue* are unconvincing. First, it would appear that assurances would be more reliable in relation to known, identifiable individuals than in relation to unknown and therefore untraceable individuals. Moreover, the allegations about “rendition” all concern the use of unacknowledged civilian aircraft operated by the CIA or similar special forces units, and involve unidentified personnel. It is not clear that the US administration is in day to day control of all such operations and therefore in a position to give cast iron guarantees about their conduct. Indeed, even where regular US forces are concerned, the widespread ill-treatment of prisoners carried out at Abu Ghraib Prison in Iraq must raise questions about how effective such assurances could be.

In this connection, your letter did not refer to the case of *Agiza v. Sweden*, to which we had also referred. The *Agiza* case is particularly relevant to the issue of “rendition”. In that case, the UN Committee Against Torture held that assurances given to Sweden by the Egyptian government before the deportation of Mr Agiza to Egypt were not sufficient to meet Sweden’s obligations under the Convention Against Torture. The Committee laid particular stress on the lack of an adequate mechanism to enforce the assurances.

In the *Agiza* case, the complainant and another man were actually flown to Egypt by unidentified and masked US personnel in a civilian aircraft which has made a number of landings at Shannon. Prior to leaving Sweden, the prisoners were hooded, shackled and strapped to mattresses in the plane by the US personnel and the Committee Against Torture held that Mr. Agiza had been “subjected on the State party’s [Sweden’s] territory to treatment in breach of, at least, Article 16 of the Convention [Against Torture] by foreign agents but with the acquiescence of the State party’s police”.

Expert Opinion:

We are fortified in our views regarding the duty on the state to investigate allegations about “rendition”, and the inadequacy of relying on diplomatic assurances, by the conclusions drawn by expert bodies and individuals who have investigated this matter.

The Council of Europe Secretary General, Mr Terry Davis, reported on 28th February last on the responses to his questionnaire addressed to the member states. He stressed that not only does the European Convention on Human Rights impose an obligation on member states not to participate in breaches of human rights, but “respect for the Convention imposes positive obligations to ensure respect for the guaranteed rights and freedoms, including preventative measures. In other words the Convention may also be invoked through an omission to act. Not knowing is not good enough”.

Mr Davis said that the existing procedures in relation to civil aircraft were ineffective in obtaining enough information to monitor whether they were breaching the

Convention and he urged all European governments to strengthen their “control tools” as much as possible. In that connection he seemed surprised that in Ireland, “States applying for overflight permissions are not systematically requested to provide passenger lists or information about cargo, even though this would be possible”.

And finally, he said: “Mere assurances by foreign states that their agents abroad comply with international and national law are not enough. Formal guarantees and enforcement mechanisms need to be set out in agreements and national law in order to protect ECHR rights”.

In its Legal Opinion of 17-18 March 2006, the Venice Commission stressed that Council of Europe member states were under an obligation not only to prevent prisoners being tortured, but to prevent their “exposure to the risk of torture”, whether such torture eventually occurred or not. The Commission emphasised that this obligation applied to the transit of prisoners by another state as well as to direct deportation or *refoulement* by the member state in question: “[T]hey must therefore refuse to allow transit of prisoners in circumstances where there is such a risk”.

The Venice Commission did not entirely rule out reliance on assurances given by another state, but said:

“Diplomatic assurances must be legally binding on the issuing state and must be unequivocal in terms; when there is substantial evidence that a country practices or permits torture in respect of certain categories of prisoners, Council of Europe member states must refuse the assurances in cases of requests for extradition of prisoners belonging to these categories.”

The UN High Commissioner for Human Rights, Ms Louise Arbour, at a meeting with our Commission on 7th April 2006 also indicated her concern about the issue of “rendition” and suggested that diplomatic assurances should not be accepted from any country that has not ratified the Optional Protocol to the UN Convention Against Torture, which requires states to allow the Subcommittee on Prevention of the UN Committee Against Torture to visit prisons and places of detention to guard against ill-treatment of detainees. The US has not ratified the Optional Protocol.¹⁶

In summary, The European Court of Human Rights, the UN Committee Against Torture, the Venice Commission, the UN High Commissioner for Human Rights, the Council of Europe’s Commissioner for Human Rights, and the Secretary General of the Council of Europe have all made clear that diplomatic assurances which are not legally enforceable and where there is no effective mechanism in place to monitor them, are not adequate to fulfil states’ obligations under the European Convention on Human Rights and the UN Convention Against Torture.

This view was also supported by the Interim Report of the Temporary Committee of the European Parliament set up to investigate CIA “rendition” flights. It proposed

¹⁶ Ireland has not ratified the Optional Protocol either, but we have ratified the European Convention for the Prevention of Torture, Inhuman and Degrading Treatment or Punishment, which provides for periodic monitoring and visits to places of detention by the European Committee for the Prevention of Torture.

that the European Parliament should declare inadequate “the practices of certain governments that try to limit their responsibilities by asking for diplomatic assurances, a method that has proved ineffective and which does not provide for the level of protection required by the European Convention on Human Rights”.

Conclusion – The Need for Further Steps to Ensure Compliance with our International Legal Obligations:

The Commission is strongly of the view that the only form of diplomatic assurances that could meet our constitutional and international human rights obligations would be ones which were fully legally enforceable and were accompanied by an effective regime of monitoring and inspection of aircraft suspected of involvement in “rendition” of prisoners.

This requirement also applies to the transfer of prisoners to the US detention camp at Guantanamo Bay in Cuba, where a group of five UN Special Rapporteurs, headed by Manfred Nowak, the Special Rapporteur on Torture, recently came to the firm and well reasoned conclusion that the interrogation techniques authorised by the US Department of Defense were in breach of Article 16 of the Convention Against Torture and in severe cases would amount to actual torture. They added that the violence used against many of the prisoners transported to Guantanamo also amounted to torture.¹⁷

In these circumstances, transfer of prisoners to Guantanamo Bay and the conditions to which such prisoners are subjected in the course of transfer or “rendition” would all constitute prohibited acts, which should not be permitted on Irish territory. If there is a substantial risk of this occurring through the landing of CIA-chartered civil aircraft at Irish airports, Ireland has an obligation to prevent it, and in our view that obligation requires more than *just* seeking and accepting assurances.

This obligation requires at a minimum the securing of legally enforceable guarantees that would ensure the immediate release, return and compensation of anyone found to have been transported through Irish territory to any destination where s/he would be placed at risk of torture, inhuman or degrading treatment, and the putting into place of an effective regime for the monitoring and inspection of aircraft suspected of involvement in the practice of “rendition”.

It is also our view that Ireland’s legal and human rights obligations are engaged where US aircraft landing at Irish airports are not actually carrying prisoners but are on their way to collect prisoners for “rendition” to Guantanamo Bay or to third countries where they run the risk of being tortured or subjected to inhuman or degrading treatment, or where they are returning after “rendering” such prisoners.

The Government’s Reply to the Secretary General of the Council of Europe confirmed that aiding or abetting unlawful detention or ill-treatment also constitute offences. In that context we suggest that re-fuelling aircraft clearly fitted out to

¹⁷ UN Economic and Social Council, Commission on Human Rights: “Situation of Detainees at Guantanamo Bay”. Report by UN Special Rapporteurs, E/CN.4/2006/120, paragraphs 87 & 88; 15th February 2006.

transport prisoners in inhumane conditions and whose flight itinerary indicates that they are en route to pick up prisoners for "rendition" or have just "rendered" them, constitutes aiding and abetting prohibited conduct.

Once again, the only effective way of ensuring that we do not become complicit in despatching people to be tortured or ill-treated is through establishing an effective regime of monitoring and inspection.

We reiterate our suggestion that this should be done by agreement with the US authorities if possible. However, in default of agreement, we suggest that a regime of monitoring and inspection be insisted upon in any event. This regime should be applied to any of aircraft listed in Appendix One if they land at Irish airports, and also to those included on the list circulated to national delegations to the Council of Europe by Senator Dick Marty as part of his investigation.

We further suggest that the Irish authorities monitor closely the movements of any aircraft not on Senator Marty's list, but which are owned or operated by any of the companies named in the recent Amnesty Report as linked to the CIA, and which seek to use Irish airports, so that, if necessary, the proposed regime of inspection and examination of flight documents may apply to them as well.

Our fundamental concern in this matter is to try to prevent any person from being subjected to torture or inhuman or degrading treatment. A secondary concern is that Ireland should observe our international human rights obligations and that in any future investigation of "rendition" flights, it may not emerge that any prisoner was secretly and illegally transported via an Irish airport to a destination where s/he was tortured or ill-treated and that the Irish authorities made no inquiry about the nature or purpose of the flight in question and did not seek to inspect the aircraft.

Finally, we note that these suggestions are consistent with the comments made by An Taoiseach in Washington on St. Patrick's Day when he acknowledged that there was "concern [in Ireland] about extraordinary renditions and about CIA flights" and called for greater transparency on this issue.

The Commission welcomes the Taoiseach's call for greater transparency and urges the Government to promptly implement a process of monitoring and inspection of suspect aircraft in order to meet our human rights obligations.

APPENDIX I

Aircraft identified by Amnesty International as involved in specific CIA "rendition" operations

N313P A Boeing 737-7ET aircraft registered by Stevens Express Leasing Inc., then by Premier Executive Transport Services. Later re-registered as **N4476S** by Keeler and Tate Management. This plane took a German citizen called Khaled al-Masri, who was kidnapped in Macedonia, to Afghanistan in January 2004. It appears to have stopped off at Shannon en route to Macedonia. Amnesty has recorded that it landed at Shannon 23 times and at Dublin twice between 2002 and 2005. Minister for Transport Martin Cullen TD said in a written answer in the Dail recently that it had landed 14 times at Shannon.

N379P A Gulfstream V executive jet owned by Premier Executive Transport Services and later re-registered as **N8068V** and then **N44982**. This plane was nicknamed the "Guantanamo Bay Express" because of the frequency of its trips there. It was used to take Ahmed Agiza from Sweden to Egypt. Amnesty has recorded that it landed at Shannon 22 times. Minister Martin Cullen said it had landed 12 times at Shannon under the registration number **N379P** and three times as **N8068V**.

N829MG A Gulfstream III owned by Mark J. Gordon Aviation and then by S & K Aviation LLC, which re-registered it as **259SK**. This plane took Maher Amar, who had joint Canadian/Syrian citizenship from New York to Jordan in 2002, from where he was transferred to Syria where he was tortured. It has also made a lot of trips to Guantanamo Bay. Amnesty has recorded it as landing twice at Shannon. Minister Cullen gave no figures for it.

N85VM A Gulfstream IV owned by Assembly Point Aviation Inc. and operated by Richmor Aviation. Re-registered as **N227SV**. This plane was involved in transporting an Egyptian cleric called Abu Omar to Egypt after he had been kidnapped by CIA personnel in Italy in February 2003. It flew to Shannon afterwards. Amnesty has recorded it as landing 30 times at Shannon and once in Dublin. Minister Martin Cullen said it had landed 19 times at Shannon.

APPENDIX II

List of Suspected CIA Aircraft

Shortened version of list attached to letter sent by Senator Dick Marty to heads of national delegations to Parliamentary Assembly of the Council of Europe on 19th December 2005

- N85VM (re-registered as N227SV)** Gulfstream IV, owned by Assembly Point Aviation and operated by Richmor Aviation;
- N508H** Gulfstream G-1159/A, owned by Crystal Jet Aviation Inc. and operated by Richmor Aviation;
- N368CE** Boeing 737, owned by Wells Fargo Northwest and operated by Richmor Aviation/Premier Aircraft Management;
- N4042J** Beech B-200, owned and operated by Stevens Express Leasing Inc.;
- N173S** Beech B-350, owned and operated by Stevens Express Leasing Inc.;
- N4009L** Beech B-350, owned and operated by Stevens Express Leasing Inc.;
- N845S** Douglas DC3, owned and operated by Stevens Express Leasing Inc.;
- N1016M** Cessna C-208, owned and operated by Crowell Aviation Technologies Inc.;
- N157A** Beech King Air B-200C, owned by Aviation Specialities and operated by Stevens Express Leasing Inc.;
- N312ME** Beech King Air B-200C, owned and operated by Aviation Specialities;
- N58AS** Beech King Air B-200C, owned and operated by Aviation Specialities;
- N6161O** DeHavilland DHC-6, owned and operated by Aviation Specialities;
- N299AL** (?) Raytheon B-200, owned and operated by Aviation Specialities;
- N4456A** Raytheon B-200C, owned and operated by Aviation specialities;
- N4489A** Raytheon B-200C, owned and operated by Aviation Specialities;
- N5139A** Raytheon B-200C, owned and operated by Aviation Specialities;
- N5155A** Raytheon B-200C, owned and operated by Aviation specialities;
- N8068V (formerly N379P, re-registered as N44982)** Gulfstream G-V, owned by Bayard Foreign Marketing and operated by Premier Executive Transport Services Inc.;

N313P (re-registered as N4476S) Boeing 737, owned by Keeler & Tate Management Inc. and operated by Premier Executive Transport services Inc.;

N1018H Cessna TR182, owned by Tepper Aviation Inc. and operated by Devon Holding and Leasing Inc.;

N168D Casa 235, owned and operated by Devon Holding and Leasing Inc.;

N196D Casa 235, owned and operated by Devon Holding and Leasing Inc.;

N187D Casa 235, owned and operated by Devon Holding and Leasing Inc.;

N219D Casa 235, owned and operated by Devon Holding and Leasing Inc.;

N120JM Fairchild SA-227AT, owned and operated by Path Corporation;

N221SG Lear Jet 35A, owned and operated by Path Corporation;

N212CP Cessna 208B, owned and operated by Path Corporation;

N505LL DeHavilland DHC-8, owned and operated by Path Corporation;

N8183J Lockheed L-328G, owned by Rapid Air Trans Inc. and operated by Tepper Aviation;

N2189M Lockheed L-328G, owned by Rapid Air Trans Inc. and operated by Tepper Aviation;

N4557C Lockheed L-328G, owned by Rapid Air Trans Inc. and operated by Tepper Aviation;

N837DR Bell 407, owned and operated by Eastern Shore Holdings Inc.;

N219MG Bell 412, owned and operated by Eastern Shore Holdings Inc.;

N719GB Bell 412, owned and operated by Eastern Shore Holdings Inc.;

N486AE Super Puma AS322L1, owned and operated by Eastern Shore Holdings Inc.;

N588AE Super Puma AS322L1, owned and operated by Eastern Shore Holdings Inc.;

N8062Z VS M1-8-MTV-1, owned and operated by Eastern Shore Holdings Inc.;

N40414 VS M1-8-MTV-1, owned and operated by Eastern Shore Holdings Inc.;

N88ZL Boeing 707-330B, owned and operated by Lowa Ltd/Principal Air Services