



Reprive  
PO Box 52742  
London  
EC4P 4WS

Tel: 020 7353 4640

Fax: 020 7353 4641

Email: [info@reprive.org.uk](mailto:info@reprive.org.uk)

Website: [www.reprive.org.uk](http://www.reprive.org.uk)

**ENFORCED DISAPPEARANCE, ILLEGAL  
INTERSTATE TRANSFER, AND OTHER  
HUMAN RIGHTS ABUSES INVOLVING THE  
UK OVERSEAS TERRITORIES**

## **NOTE ON REPRIEVE**

Reprieve is a UK charity fighting for the lives of people facing the death penalty and human rights violations in the context of the ‘war on terror.’ The organisation was founded by Clive Stafford Smith in 1999. All Reprieve’s work is framed by an international human rights perspective.

## **NOTE ON SUBMISSION**

*Reprieve’s* submission to the Foreign Affairs Select Committee’s inquiry into the Overseas Territories focuses on the protection of human rights in Diego Garcia and Turks and Caicos.

## CONTENTS

Overview of the renditions system	p4
Detentions in Diego Garcia	p5
<i>Recommendations</i>	p18
Turks and Caicos	p23
<i>Recommendations</i>	p28
Appendix	p30

## OVERVIEW OF THE RENDITIONS “SYSTEM”

Of late, the term “rendition” has been used to describe the kidnapping and transportation of terrorist suspects by the US and their allies, without legal procedure, for indefinite detention, interrogation and torture.

“Post 9/11” rendition involves at least the following three elements:

- i. Apprehension – This can be ad-hoc, i.e. involving no semblance of a legal process, or it can resemble a legal process;
- ii. Transfer – This can be entirely ad-ho and without process, for example on a CIA plane, or it can involve elements of process, for example a “deportation” without the victim being given the chance to adequately challenge his transfer.
- iii. End point – This is normally some form of incommunicado or semi-incommunicado US detention, proxy detention by a third-party state, or some form of joint detention.

“Rendition” and “secret detention” together amount to the crime against humanity of “enforced disappearance,”<sup>1</sup> and usually involve other serious abuses of rights, for example torture and inhuman and degrading treatment, prolonged incommunicado detention and absence of access to due process.

President George W. Bush admitted in September 2006 that the CIA operated a secret network of ‘black sites’ in which terrorist suspects were held and subjected to what he described as ‘alternative procedures.’<sup>2</sup> According to the United States Congress, up to 14,000 people may have been victims of rendition and secret detention since 2001.<sup>3</sup>

---

<sup>1</sup> According to the UN Human Rights Committee:  
*“The practice of enforced disappearance of persons infringes upon an entire range of human rights embodied in the Universal Declaration of Human Rights and set out in both International Covenants on Human Rights as well as in other major international human rights instruments.”*

<http://www.unhchr.ch/html/menu6/2/fs6.htm#rig>

<sup>2</sup> 06.09.06 Transcript of a Background Briefing by a Senior Administration Official and a Senior Intelligence Official on the Transfer of CIA Detainees to the Department of Defence’s Guantanamo Bay Detention Facility, The White House Conference Centre Briefing Room

<sup>3</sup> *Congressional Quarterly*, August 2006

On 6 September 2006, President George Bush announced that “The secret prisons are now empty.”

This is not the case: in the past 6 months alone, Reprieve and other human rights organisations have uncovered over 200 new cases of rendition and secret detention.<sup>4</sup>

## **DIEGO GARCIA**

### **BACKGROUND**

Diego Garcia is the largest and only inhabited island in the Chagos Archipelago, in the Indian Ocean. After Mauritian independence in March 1968, the Archipelago was retained as a UK Colony and renamed the British Indian Ocean Territory (BIOT).<sup>5</sup>

The island of Diego Garcia is home to a military base operated for the “joint defence purposes” of the US and the UK,<sup>6</sup> and was used as a major military staging post in the invasions of Afghanistan and Iraq. The relationship between the UK and US with regard to Diego Garcia is governed by a series of agreements known as the ‘Exchange of Notes.’<sup>7</sup>

Diego Garcia has been the subject of repeated, credible and concurrent claims that the island has played a major role in the US system of renditions and secret detention.<sup>8</sup>

---

<sup>4</sup> See ‘Off the Record’, a recent report by *Reprieve* and leading human rights groups documenting ‘ghost prisoners’ known to have been in US custody but who have since ‘disappeared.’  
<http://www.reprieve.org.uk/documents/OFFTHERECORDFINAL.pdf>

<sup>5</sup> As part of the militarization of the island beginning in the late 1960s and continuing until the present day, the local Chagos islanders were expelled from the archipelago. After a lengthy court battle, on May 23 2007 the UK Court of Appeal held that the Chagossians have the right to return to any island in the archipelago *except* Diego Garcia.

<sup>6</sup> In the early 1960s, the US and the UK entered negotiations for the use of Diego Garcia as a joint military facility, finalised in December 1966 with the entry into force of the Exchange of Notes between the UK and US. The Exchange of Notes has effect until 30 December 2036, unless either Government elects to terminate and end the agreement in 2016.<sup>6</sup>

<sup>7</sup> See Appendix 1 for details of the Exchange of Notes

<sup>8</sup> Including: British Territory Must Not Be Used for Torture Letter to Prime Minister Tony Blair from Human Rights Watch, December 28, 2002 [www.hrw.org/press/2002/12/uk1230ltr.html](http://www.hrw.org/press/2002/12/uk1230ltr.html)  
Letter to Jack Straw, From Peter Carter QC, Bar Human Rights Committee, 19 November 2003  
<http://www.barhumanrights.org.uk/pdfs/Jack%20Straw%20DG.pdf>  
Ending secret detentions, Human Rights First, June 2004  
[http://www.humanrightsfirst.org/us\\_law/PDF/EndingSecretDetentions\\_web.pdf](http://www.humanrightsfirst.org/us_law/PDF/EndingSecretDetentions_web.pdf)

The UK government is therefore potentially systematically complicit in the most serious crimes against humanity of disappearance, torture and prolonged incommunicado detention. The UK's failure to conduct a prompt, independent and effective inquiry into these claims is a further clear breach of its duties under international and domestic law.<sup>9</sup>

This submission brings together the information currently available to researchers, and points to further questions to be answered. This submission constitutes sufficient notice to the UK government that it must conduct an independent and effective inquiry into these serious allegations.<sup>10</sup>

## SUMMARY OF AVAILABLE EVIDENCE

### I. Publicly available statements by officials and institutions, expressly linking Diego Garcia to the U.S. Secret Detention Programme

US Military General Barry McCaffrey has now stated twice on US National Public Radio that Diego Garcia has been used by the United States to hold prisoners in the "War on Terror":

---

"Rendition" and secret detention: A global system of human rights violations, Amnesty International, 1 January 2006 <http://web.amnesty.org/library/index/engpol300032006>  
Council of Europe Report: Reprieve Calls for Immediate Investigation of Secret Prison on British Island of Diego Garcia Reprieve, 8 June 2007, [http://www.reprieve.org.uk/Council\\_of\\_Europe\\_Report\\_Diego\\_Garcia\\_08.06.07.htm](http://www.reprieve.org.uk/Council_of_Europe_Report_Diego_Garcia_08.06.07.htm)  
U.S. Decries Abuse but Defends Interrogations, 'Stress and Duress' Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities, *By Dana Priest and Barton Gellman*, Washington Post, December 26, 2002 <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&contentId=A37943-2002Dec25>  
The Terrorist Talks, *By Simon Elegant/Kuala Lumpur* – Time, Monday, Oct. 13, 2003  
'Records shows Diego Garcia linked to alleged torture flights,' Richard Norton-Taylor, Guardian, 4 January 2007 [http://www.guardian.co.uk/uk\\_news/story/0,,1982192,00.html](http://www.guardian.co.uk/uk_news/story/0,,1982192,00.html)  
"UK Provided base for rendition flights, says European inquiry" Independent, Robert Verkaick, 9 June 2007 <http://news.independent.co.uk/europe/article2636183.ece>  
Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report Committee on Legal Affairs and Human Rights, Council of Europe, 7 June 2007 [http://www.bernan.com/images/PDF/EMarty\\_20070608\\_NoEmbargo.pdf](http://www.bernan.com/images/PDF/EMarty_20070608_NoEmbargo.pdf)  
<http://www.time.com/time/magazine/article/0,9171,1005867,00.html> US Suspected of Keeping Secret Prisoners on Warships: UN Official, Agence France-Presse Wednesday 29 June 2005 [http://www.truthout.org/docs\\_2005/062905Z.shtml](http://www.truthout.org/docs_2005/062905Z.shtml) Go to Original  
'Our dirty little torture secret', Stephen Grey, Sunday Times, October 22 2006 <http://www.timesonline.co.uk/article/0,,2092-2415275.html>  
'Guantanamo transcripts paint portraits of detainees, but much remains cloudy', Andrew Selsky, Associated Press, 15 April 2006 [http://www.ap.org/FOI/foi\\_031506c.html](http://www.ap.org/FOI/foi_031506c.html)

<sup>9</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Arts 12 and 13, 26 June 1987.

<sup>10</sup> Meeting the minimum standards set out in statute and case-law, and outlined further below.

- i. In an interview with Deborah Norville for MSNBC Tonight on May 6, 2004 General McCaffrey, a retired United States Army General, stated:

“We’re probably holding around 3,000 people, you know, Bagram Air Field, Diego Garcia, Guantanamo, 16 camps throughout Iraq.”<sup>11</sup>

- ii. On 5 December 2006, General McCaffrey again referred to Diego Garcia in interview with Robert Siegel on NPR, when speaking about suspected terrorists, saying:

‘They’re behind bars, they’re dead, they’re apprehended. We’ve got them on Diego Garcia, in Bagram Airfield, in Guantanamo.’<sup>12</sup>

Senator Dick Marty, Rapporteur for the Council of Europe’s investigation into illegal inter-state transfers involving Council of Europe member states, has made strong statements regarding allegations of rendition involving Diego Garcia, and the related obligations of the UK government to investigate the matter.

- iii. The Council of Europe’s June 2007 report stated:

‘We have received concurring confirmations that United States agencies have used the island territory of Diego Garcia, which is the international legal responsibility of the United Kingdom, in the “processing” of high-value detainees. It is true that the UK Government has readily accepted “assurances” from US authorities to the contrary, without ever independently or transparently inquiring into

---

<sup>11</sup> 21488-21509 04/05/07 MSNBC “Deborah Norville Tonight for May 6” at 21493  
<http://www.msnbc.msn.com/id/4924989>

<sup>12</sup> 06.12.05 McCaffrey on NPR

the allegations itself, or accounting to the public in a sufficiently thorough manner.<sup>13</sup>

## II. Prisoners credibly reported to have been held on Diego Garcia

As well as statements alleging that Diego Garcia forms a crucial part of the US global “renditions system”, there have been numerous allegations and reports that specific prisoners have been held on the island.

Those prisoners credibly<sup>14</sup> alleged to have been held on Diego Garcia are:

- i. Hambali aka Riduan Isamuddin<sup>15</sup>
- ii. Abu Zubaydah<sup>16</sup>
- iii. Khalid Shaikh Mohammed<sup>17</sup>

All three of these men are now being held as “high value detainees” (HVDs) in Guantanamo Bay.<sup>18</sup> It has been admitted by the US government that prisoners in its HVD programme have been subjected to “enhanced interrogation techniques,” including water-boarding, sleep deprivation, and sensory deprivation, in the context of prolonged incommunicado detention.<sup>19</sup>

---

<sup>13</sup> Council of Europe Report June 2008, (p17, pt 70)

<sup>14</sup> By “credibly”, we mean that each of these prisoners is reported, by more than one source and including an inter-governmental organisation as well as either or both media and NGO reports, to have been held on Diego Garcia. In addition the US has admitted to holding at least 8 prisoners, including John Walker Lindh onboard USS Bataan., which is believed to have been operating in the vicinity of Diego Garcia at some point. See:

<http://www.globalsecurity.org/military/library/news/2002/01/mil-020116-usia01.htm>

<sup>15</sup> 12049-12066 *Ending Secret Detentions* Report by Human Rights First, June 2004

[http://www.humanrightsfirst.org/us\\_law/PDF/EndingSecretDetentions\\_web.pdf](http://www.humanrightsfirst.org/us_law/PDF/EndingSecretDetentions_web.pdf), accessed 26/4/07

<sup>16</sup> 12067-12071 Knox, Paul, *War on terror ignites battle over course of U.S. justice*, The Globe and Mail, 5/9/02, <http://foi.missouri.edu/terrorandcivillib/waronterror.html> accessed: 26/4/07

<sup>17</sup> 12072-12073 Selsky, Andrew, *Guantanamo transcripts paint portraits of detainees, but much remains cloudy*, Associated Press, 3/4/06,

<http://www.globalsecurity.org/org/news/2006/060403-gtmo-transcripts.htm>, accessed 26/4/07

<sup>18</sup> 06.09.06 Transcript of: BACKGROUND BRIEFING BY A SENIOR ADMINISTRATION OFFICIAL AND A SENIOR INTELLIGENCE OFFICIAL ON THE TRANSFER OF CIA DETAINEES TO THE DEPARTMENT OF DEFENSE'S GUANTANAMO BAY DETENTION FACILITY; The White House Conference Center Briefing Room; 06.09.07 Detainee Biographies from the Office of the Director of National Intelligence.

<sup>19</sup> 05.11.18 “CIA’s Harsh Interrogation Techniques Described”, Brian Ross and Richard Esposito, ABC News; 05.11.19 “CIA Reveals Enhanced Interrogation Techniques Used in Secret Jails Abroad” Brian Ross and Richar Esposito, The Huffington Post.

The US government argues that these and similar techniques do not amount to torture on their interpretation of US obligations under international law. The significant operational difference for the US and the UK in relation to enforceable definitions of torture for each state was expressed by Justice Collins in the UK High Court:

“Unfortunately, it appears that the United States has a somewhat different view as to what constitutes torture in this country and to what is applied by Strasbourg under the European Convention on Human Rights, and I suspect to what is applied by the international body in relation to the Convention Against Torture.”<sup>20</sup>

The Council of Europe has described “enhanced interrogation techniques” as “essentially a euphemism for some kind of torture,”<sup>21</sup> and it is clear that under the various instruments binding the UK in this respect, the interrogation regime admitted by the US as having been applied to the above prisoners, would amount to torture or cruel, inhuman and degrading treatment for the purposes of interpreting UK responsibility for events at Diego Garcia.

As recently as October 2007, former US president Jimmy Carter stated that:

“The United States tortures people in violation of international law...I don’t think it, I know it.”<sup>22</sup>

### **Possible detention facilities on and around Diego Garcia**

Allegations of detention involving Diego Garcia have focused on the possibility that prisoners have been held in conditions including: a facility on the island, on ships moored within the three-mile territorial waters limit and

---

<sup>20</sup> Per Mr Justice Collins in *Al-Rawi V UK* (Preliminary hearings 16 February 2006) para 4 of transcript

<sup>21</sup> 7 June 2007, Council of Europe Parliamentary Assembly Committee on Legal Affairs; Secret detentions and illegal transfers of detainees involving Council of Europe member states: Second report; Rapporteur: Mr Dick Marty, Switzerland, ALDE; introductory remarks at para 2

<sup>22</sup> 07.10.10 *Carter says U.S. tortures prisoners*, CNN: <http://www.cnn.com/2007/POLITICS/10/10/carter.torture/>

on ships serviced/supported or commanded from the island base that may be operating outside of the three-mile territorial limit.

i. Prison facilities on the island of Diego Garcia

There is a prison on Diego Garcia. It is both documented and admitted that construction work has taken place in relation to prison facilities on the island, the last construction work believed to have been ordered in December 2001 (see below).

In 1984, the US General Accounting Office undertook a review on construction work carried out by several private contractors on Diego Garcia between 1981 and 1984. The GAO Report to the Secretary of Defense<sup>23</sup> lists the following two items:

- "Detention facility" (completed 3 months late, Dec. 1983)
- "Internal security/dog kennel" (also built in 1983, though not by any contractor but by "Naval Construction Force").

Jack Straw, responding to a question from Sir Menzies Campbell on 21 June 2004 regarding 'what facilities exist on Diego Garcia for holding human beings against their will' stated that:

“In exercise of powers conferred on him by the Prisons Ordinance 1981 of the British Indian Ocean Territory, the Commissioner for the Territory has declared certain specified premises in Diego Garcia to be a prison. This was done by orders made in February 1986 (which replaced an earlier order made in July 1982), July 1993 and December 2001.”<sup>24</sup>

In December 2001, in the context of NATO Status of Forces Agreements for the support of the US in its war in Afghanistan, the US was negotiating secret

---

<sup>23</sup> GAO/NSIAD-84-62, dated 23 May 1984) is available on-line under <http://archive.gao.gov/d5t1/124211.pdf>

<sup>24</sup> Hansard, Column 1222W, 21st June 2004

multilateral and bilateral agreements with NATO member states for support in its fledgling system of interstate transfers for the interrogation of terror suspects.<sup>25</sup> At this time, Poland and Romania too were also “modifying” existing prison facilities on military bases that were to be leased to the United States. Repeated and persistent allegations from numerous quarters centre for over two years have centred on the claims that these countries hosted sites that were used by the US to hold prisoners in the “high value detainee programme.”<sup>26</sup>

## ii. Amphibious assault ships

Prisoners may have been held on one of the many U.S amphibious assault ships in the waters surrounding Diego Garcia. In June 2005 the UN's special rapporteur on terrorism spoke of "very, very serious" allegations that the United States is secretly detaining terrorism suspects in various locations around the world, notably aboard prison ships in the Indian Ocean region.<sup>27</sup>

It is possible that the UK government believes itself absolved from responsibility for events on boats or other vehicles moored or otherwise operating outside the three-mile territorial limit of BIOT jurisdiction surrounding Diego Garcia. This is not the case – the UK is clearly obliged in law to investigate allegations regarding vessels moored outside the three-mile limit, if those vessels were commanded from or otherwise supported by, the island of Diego Garcia.<sup>28</sup>

Ships believed by Reprieve to particularly require further investigation are:

---

<sup>25</sup> 7 June 2007, Council of Europe Parliamentary Assembly Committee on Legal Affairs; Secret detentions and illegal transfers of detainees involving Council of Europe member states: Second report; Rapporteur: Mr Dick Marty, Switzerland, ALDE; at Para 84-105

<sup>26</sup> 7 June 2007, Council of Europe Parliamentary Assembly Committee on Legal Affairs; Secret detentions and illegal transfers of detainees involving Council of Europe member states: Second report; Rapporteur: Mr Dick Marty, Switzerland, ALDE; at paras 112-122  
<sup>27</sup> <http://news.bbc.co.uk/2/hi/americas/4632087.stm>

<sup>28</sup> 03. 11.19 Letter to the Rt. Hon. Jack Straw MP, Secretary of State for Commonwealth Affairs, from Peter Carter QC, Chair, Bar Human Rights Committee to former Foreign Secretary Jack Straw MP, pointing out that there is a 3 mile territorial limit of BIOT jurisdiction around Diego Garcia, but that the UK would still be obliged to investigate allegations regarding such vessels.

## The USS Bataan

The USS Bataan is known to have been used as a floating prison, and to have been in the Indian Ocean near Diego Garcia at some point. Sheikh al-Libi is amongst those believed to have been held at one point on the amphibious assault ship the USS Bataan.<sup>29</sup> A prisoner released from Guantanamo described another prisoner's account of his detention on an amphibious assault ship to a Reprieve researcher:

**“One of my fellow prisoners in Guantanamo was at sea on an American ship with about 50 others before coming to Guantanamo...he was in the cage next to me. He told me that there were about 50 other people on the ship. They were all closed off in the bottom of the ship. The prisoner commented to me that it was like something you see on television. The people detained on the ship were beaten even more severely than in Guantanamo.”**

## The USNS Stockham



The USNS Stockham was deployed to Diego Garcia in July 2001 and has since been used in support of the ‘war on terror.’

*Figure 1 USNS Stockham en route to Diego Garcia<sup>30</sup>*

---

<sup>29</sup>The United States’ “Disappeared” The CIA’s Long-Term “Ghost Detainees”, Human Rights Watch Briefing, October 2004, at

<http://www.hrw.org/backgrounders/usa/us1004/7.htm>

<sup>30</sup> USNS Gunnery Sgt. Fred W. Stockham is the second of three Maritime Prepositioning Force (Enhanced) ships to deliver to MSC. Here is an aerial view of the stern ramp as the ship rounds the Cape of Good Hope in Africa on her way to Diego Garcia in the Indian Ocean.

<http://www.msc.navy.mil/annualreport/2001/pm3.htm>

Vice Adm. Brewer, commander of Military Sealift Command (MSC) from August 2001, to his retirement in early 2006, described the ship as follows:

“That ship is off doing some real good stuff that we can't talk about.”

Between March and July 2004 MSC modified the USNS Stockham with additional capabilities to support the ‘global war on terrorism,’ including a 54-foot flight deck, a commercial-type aviation fuel system, a medical module, communications upgrades and watercraft.<sup>31</sup>

### **Other ships**

Other ships stationed at or near to Diego Garcia which warrant investigation with regard to possible secret detention facilities, include:

- USNS Watson
- USNS Watkins
- USNS Sisler
- USNS Charlton
- USNS Pomeroy
- MV PFC William B. Baugh
- MV 1st Lt. Alex Bonnyman
- MV Pvt. Franklin J. Phillips
- USNS Red Cloud
- USNS Soderman
- USNS Dahl
- MV CPL Louis J. Hauge JR.
- MV PFC James Anderson Jr.
- USS Peleliu

### **III. Suspicious flights**

The UK government must make public all military, state and civilian aircraft records involving Diego Garcia. One example of a suspicious flight is that of known rendition plane N379P, which landed in Diego Garcia on 13 September 2002. It was next logged in Rabat, close to Temara detention centre, a well-known destination for extraordinary rendition. N379P visited the alleged detention sites in Poland and Romania on numerous occasions,

---

<sup>31</sup>See Global Security for further information  
<http://www.globalsecurity.org/military/systems/ship/afsb.htm>

and is believed to have been used for the renditions of Reprieve client Binyam Mohamed, and other prisoners including Khalid El-Masri, Ahmed Agiza and Mohammed Al-Zeri. The company providing logistical support for N379P in these operations – a subsidiary of Boeing called Jeppesen Dataplan – is the subject of litigation in the U.S. by ACLU, Reprieve, and New York University Centre for Global Justice. The Council of Europe alleges in its June 2007 report that Jeppesen systematically covered up the true routes of rendition planes, including, specifically, some routes of N379P.

### **Duty to Inspect Aircraft**

Reprieve submits that the UK is under a positive duty to inspect *all* civilian, military and state aircraft landing at Diego Garcia, transiting through Diego Garcia or through BIOT aircraft, or landing on or transiting through any boats connected in any way to Diego Garcia.<sup>32</sup>

Note that the 1976 Exchange of Notes, between the U.K Government and the U.S Government requires that the UK keep these records, stating in paragraph 3 that:

*"The US Commanding Officer and the Officer in Charge of the United Kingdom Service element shall inform each other of intended movements of ships and aircraft"*

---

<sup>32</sup> Exchange of Notes between the UK and US in relation to BIOT; Convention on International Civil Aviation, Article 4; read with CAT art 12 and 13 and/or ECHR art 5; consistent with interpretation of Venice Commission: European Commission for Democracy Through Law (Venice Commission) - the Council of Europe's constitutional advisory body, *Opinion on the International Legal Obligations of Council of Europe Member States In Respect of Secret Detention Facilities and Interstate Transport of Prisoner, 17th March*: ([http://www.venice.coe.int/docs/2006/CDL-AD\(2006\)009-e.asp?PrintVersion=True&L=E](http://www.venice.coe.int/docs/2006/CDL-AD(2006)009-e.asp?PrintVersion=True&L=E)):

## UK GOVERNMENT RESPONSES AND REPONSIBILITY

Since 2004, the UK government has issued repeated denials and claims to lack of knowledge, repeatedly referring to US “assurances” that no prisoners have been held on or passed through Diego Garcia. For example in June 2004, Jack Straw stated:

‘The United States authorities have repeatedly assured us that no detainees have at any time passed in transit through Diego Garcia or its territorial waters or have disembarked there and that the allegations to that effect are totally without foundation. The Government are satisfied that their assurances are correct.’<sup>33</sup>

In its inquiry into UK involvement in renditions of July 2007, the UK Intelligence and Security Committee exclusively referred to assurances by the US government, simply stating:

“... the U.S. has given firm assurances that at no time have there been any detainees on Diego Garcia. Neither have they transited through the territorial seas or airspace surrounding Diego Garcia. These assurances were last given during talks between U.S. and UK officials in October 2006.”<sup>34</sup>

Given the extent of credible evidence now available, including admissions by the US Administration itself, it is not a contentious claim that the US does engage in a policy of rendition and incommunicado detention.<sup>35</sup> Neither is it equivocal that prisoners have been subjected by the US and their proxy gaolers to treatment that is illegal under the regimes binding the UK and

---

<sup>33</sup> House of Commons Hansard text *21 Jun 2004 : Column 1222W*  
[http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040621/text/40621w13.htm#40621w13.html\\_wqn9](http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040621/text/40621w13.htm#40621w13.html_wqn9)

<sup>34</sup> July 2007; Intelligence and Security Committee – Rendition – para 197  
[http://www.cabinetoffice.gov.uk/upload/assets/www.cabinetoffice.gov.uk/publications/intelligence/20070725\\_isc\\_final.pdf](http://www.cabinetoffice.gov.uk/upload/assets/www.cabinetoffice.gov.uk/publications/intelligence/20070725_isc_final.pdf)

<sup>35</sup> 06.09.06 Transcript of President Bush’s Speech, available at: *President Discusses Creation of Military Commissions to Try Suspected Terrorists*;  
<http://www.whitehouse.gov/news/releases/2006/09/20060906-3.html>

Europe.<sup>36</sup> These facts, combined with credible evidence and persisting claims that BIOT territory is deeply implicated in the US renditions system, mean that relying on assurances from the US government in this context is not sufficient for the UK to discharge its duty to investigate torture or credible allegations of torture. The Intelligence and Security Committee Inquiry of July 2007 is therefore insufficient to meet the standard required for investigations in the context of Diego Garcia.

This is especially the case given that since 2004, US Defence Department officials themselves have claimed not to know whether prisoners have been held on or near Diego Garcia: At a Defence Department Operational Update Briefing on 14 July 2004, Principal Deputy Assistant Secretary of Defence Laurence Di Rita stated in response to the question of whether there are detainees at Diego Garcia:

“I don’t know. I simply don’t know.”<sup>37</sup>

In light of the mounting evidence and long absence of a sufficient official investigation into the allegations of UK involvement in extrajudicial transfer, kidnapping, disappearance and torture at Diego Garcia, the UK is now under a clear legal duty to conduct an effective and independent official investigation into the above allegations that named individuals have been held for torture on or near or directly involving BIOT territory at Diego Garcia.<sup>38</sup>

Specifically, the UK must:

- Investigate Reprieve’s formal claims that a prison facility for an unknown number of prisoners has and may still exist on Diego

---

<sup>36</sup> See for example: 07.10.04 *Secret U.S. Endorsement of Severe Interrogations*, Scott Shane, David Johnston & James Risen, NY TIMES, at A1; and 07.10.04 *Congress Seeks Justice Dept. Documents on Interrogation*, Scott Shane & David Johnston, NY TIMES.

<sup>37</sup> Available at [www.globalsecurity.org/military/library/news/2004/mil-040714-dod01.htm](http://www.globalsecurity.org/military/library/news/2004/mil-040714-dod01.htm)

<sup>38</sup> If the ECHR applies, then see *Ribitsch v Austria*, ECtHR, Judgement 4 December 1995; *Aksoy v Turkey*, ECtHR, Judgement 18 December 1996; In any case, a wider duty also exists under the Convention Against Torture, requiring state party signatories to the Convention to of their own initiative carry out investigations of torture, even if there has been no formal complaint (see Arts 12 and 13 of the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment).

Garcia, and or on boats near and/or connected to Diego Garcia, with implied (even if tacit) support from the UK government.

- Investigate Reprieve's formal claims that Khalid Sheikh Mohammed, Abu Zubaydah and Hambali have been subject to torture, cruel, inhuman and degrading treatment, and prolonged incommunicado detention on or with the material support of resources from British Indian Ocean Territory at Diego Garcia.<sup>39</sup>

That investigation must be:

- Effective and independent;<sup>40</sup>
- Capable of leading to the identification and punishment of those responsible;<sup>41</sup>

And:

- Include the taking of witness statements;<sup>42</sup>
- Include the gathering of forensic evidence.<sup>43</sup>

---

<sup>39</sup> *Assenov and Others V Bulgaria* ECtHR, Judgement 28 October 1998; *Aksoy v Turkey* ECtHR, Judgement 18 December 1996; *Kurt v Turkey* ECtHR, Judgement of 8 July 1999; *Akdeniz and Others V Turkey*, ECtHR, Judgement 31 May 2001

<sup>40</sup> *Assenov and Others V Bulgaria* ECtHR, Judgement 28 October 1998; *Aksoy v Turkey* ECtHR, Judgement 18 December 1996; *Kurt v Turkey* ECtHR, Judgement of 8 July 1999; *Akdeniz and Others V Turkey*, ECtHR, Judgement 31 May 2001

<sup>41</sup> *Ribitsch v Austria*, ECtHR, Judgement 4 December 1995; *Aksoy v Turkey*, ECtHR, Judgement 18 December 1996; In addition, there is a persuasive judgement of the Inter-American Court of Human Rights, which found that the failure to amount an investigation can be a violation of the right to be protected against torture and inhuman treatment (*Velasquez Rodriguez Case*, Judgement 29 July 1988, Inter-Am. Ct HR Series C, No.4)

<sup>42</sup> *Ribitsch v Austria*, ECtHR, Judgement 4 December 1995; *Aksoy v Turkey*, ECtHR, Judgement 18 December 1996

<sup>43</sup> *Ribitsch v Austria*, ECtHR, Judgement 4 December 1995; *Aksoy v Turkey*, ECtHR, Judgement 18 December 1996

**RECOMMENDATIONS FOR IMMEDIATE ACTION  
BY THE FASC**

- Interview General Barry McCaffrey and Vice Adm. David L. Brewer III with regard to the use of Diego Garcia and ships connected to Diego Garcia, for the imprisonment and or transit of suspected terrorists;
- Interview Senator Dick Marty of the Council of Europe, regarding his statements on the use of Diego Garcia for the “processing of “high value detainees;”
- Seek access to, or some way other way of adequately interviewing, Guantanamo Bay prisoners Hambali, Abu Zubaydah and Khalid Sheikh Mohammed to clarify the facts of their alleged detention on or near Diego Garcia;
- Seek clarification from the US and any other relevant governments as to the location, activities and purpose since September 2001, of all amphibious assault ships named in this submission, in particular the USS Peleliu, the USS Bataan and the USNS Stockham;
- Seek clarification from the US and any other relevant governments as to whether the USS Peleliu, the USS Bataan, the USNS Stockham and any other amphibious assault ship named in this submission with a connection to Diego Garcia, has at any time been used for the purposes of holding or transiting detainees, and if so, then ascertain who was held, when were they held, and in what conditions they were held in.
- Seek clarification from the UK government regarding the nature and full details of the “modifications made to detention facilities” in December 2001, and the reason for such modifications.

- Seek clarification from the UK government as to why it was necessary to refurbish a prison facility on Diego Garcia in December 2001, when the UK government has otherwise submitted to the United Nations Committee for Human Rights that the island is uninhabited for the purposes of the International Convention on Civil and Political Rights;
- Ensure that the UK government fulfils its obligations under the International Convention on Civil and Political Rights (ICCPR), and submits a detailed report to the UN Human Rights Committee in relation to its fulfilment or not of its duties under the ICCPR, by the end of 2007.
- Obtain and make public all bilateral and other agreements made between the UK and the US and any other government, in particular those made under the cover of the NATO Status of Forces Agreement framework, regarding the use of the UK overseas territories including BIOT, for any purposes involving terrorist suspects;
- Obtain and make public satisfactory answers and records<sup>44</sup> from the UK government, without recourse to reliance on “assurances” from the US government, in relation to the following:
  - Communications<sup>45</sup> between the U.K. and any foreign government relating to the apprehension, transfer, detention and interrogation of persons to, through or in any part of British Indian Ocean Territory (BIOT), covering the period from September 11 2001 to the present.

---

<sup>44</sup> The term “records” includes all reports, statements, examinations, memoranda, correspondence (including electronic mail) designs, maps, photographs, microfilms, computer tapes or disks, rules, regulations, codes, handbooks, manuals, maps or guidelines.

<sup>45</sup> The term “communication” means the giving, receiving, transmitting, or exchanging of information, including, but not limited to, any and all written, printed, telephonic, electronic, and in-person conversations by and with any person, and/or talk, gestures, or documents which memorialize or refer to any communications.

- Records and communications internal to the U.K. government and agencies relating to the apprehension, transfer, detention<sup>46</sup> and interrogation of persons to, through or in any part of British Indian Ocean Territory (BIOT), covering the period from September 11 2001 to the present.
- The transfer or reception of intelligence by one or more U.K. agencies or government officials<sup>47</sup> to or from one or more foreign agencies or officials,<sup>48</sup> in connection with the apprehension or detention or transfer of a person detained or apprehended in, or transferred through, BIOT territory.
- The transfer or reception of intelligence internally between U.K. agencies and/or government officials, in connection with the apprehension or detention or transfer of a person detained or apprehended in, or transferred through, BIOT territory.
- Any records relating to any communication/s or agreement/s made between the U.K. and any foreign government or agency regarding the possible or actual use of any part of BIOT, including islands other than Diego Garcia and any U.K. territorial waters and any boats registered in any jurisdiction and located in any U.K. territorial waters, and any planes passing through that territory or its airspace, for the purpose of detaining people.
- Any records relating to any internal communication/s or agreement/s made between any U.K. government departments or agencies regarding the possible or actual use of any part of BIOT, including islands other than Diego Garcia and any U.K. territorial waters and any boats registered in any jurisdiction and located in any U.K. territorial waters, and any planes passing through that territory or its airspace, for the purpose of detaining people.

---

<sup>46</sup> The term “detainee” means any person deprived of their liberty by one or more individuals or agencies who is prevented by any means from leaving the place in which he or she is being held. The term “detention” means depriving any person of their liberty such that they are prevented by any means from leaving the place in which they are held. The term “place of detention” means any place or facility in which a detainee is kept, regardless of whether it is officially recognised as a place of detention.

<sup>47</sup> The term “U.K. government official” includes any U.K. government employee, and any person providing service to any agency of the United States government on a contractual basis, regardless of his or her ability to speak or make decisions on behalf of the U.K. government.

<sup>48</sup> The term “foreign government official” includes any foreign government employee, and any person providing service to any agency of a foreign government on a contractual basis, regardless of his or her ability to speak or make decisions on behalf of that foreign government.

- Any records relating to any communication/s or agreement/s made between the U.K. and any foreign government, regarding one or more foreign government agencies having control, direction, or administration of a subdivision, portion, or “cell” of a place of detention in BIOT territory, including islands other than Diego Garcia and any U.K. territorial waters and any boats registered in any jurisdiction and located in any U.K. territorial waters.
- Any records relating to any internal communication/s or agreement/s made between any U.K. government departments or agencies, regarding one or more foreign government agencies having control, direction, or administration of a subdivision, portion, or “cell” of a place of detention in BIOT territory, including islands other than Diego Garcia and any U.K. territorial waters and any boats registered in any jurisdiction and located in any U.K. territorial waters.
- Any records relating to any communication/s between or agreement/s made between the U.K. and any foreign government regarding the use of any part of BIOT, including islands other than Diego Garcia and any U.K. territorial waters and any boats registered in any jurisdiction and located in any U.K. territorial waters, for the construction of any detention facility on that territory or the entry to BIOT waters of any vessel hosting a detention facility or the entry to or passing through territory or airspace of any aircraft hosting a detention facility.
- Any records relating to any internal communication/s between or agreement/s made between any U.K. government departments or agencies regarding the use of any part of BIOT, including islands other than Diego Garcia and any U.K. territorial waters and any boats registered in any jurisdiction and located in any U.K. territorial waters, for the construction of any detention facility on that territory or the entry to BIOT waters of any vessel hosting a detention facility or the entry to or passing through territory or airspace of any aircraft hosting a detention facility.
- Any records relating to any communication/s between or agreement/s made between the U.K. and any foreign government

regarding the use of any part of BIOT, including islands other than Diego Garcia and any U.K. territorial waters and any boats registered in any jurisdiction and located in any U.K. territorial waters, for the adaptation of any existing site (including any vessel located in, or otherwise supported from, BIOT) on that territory for use as a detention facility.

- Any records relating to any internal communication/s between or agreement/s made between any U.K. government departments or agencies regarding the use of any part of BIOT, including islands other than Diego Garcia and any U.K. territorial waters and any boats registered in any jurisdiction and located in any U.K. territorial waters, for the adaptation of any existing site (including any vessel located in, or otherwise supported from, BIOT) on that territory for use as a detention facility.

## **TURKS AND CAICOS**

The Turks and Caicos are a British Overseas Territory consisting of two groups of tropical islands in the West Indies.

Reprieve has documented numerous stopovers of rendition planes in the Turks and Caicos, en-route to or from known sites of US extrajudicial detention, particularly Guantanamo Bay.

Reprieve submits that the UK government is now under a clear duty to investigate any possible complicity in rendition and torture – unwitting or not- of the UK government in allowing its territory to be used for refuelling or other purposes in the course of a rendition operation, and to act to prevent any complicity in the future.

The UK government is also under a duty to monitor all suspicious flights and retain and make available full passenger and other records of those flights, for distribution to international law enforcement agencies including the Interpol database of false and stolen passports. The UK government must fully co-operate with the authorities of other sovereign states, including Germany and Italy, to ensure the prompt arrest of any individuals entering its territory, who are subject to an Interpol arrest warrant for their involvement in kidnap and illegal rendition.

### **SUMMARY OF AVAILABLE EVIDENCE**

#### **Stopovers en-route to or from Guantanamo Bay**

Reprieve has documented a high number of suspicious stopovers in the Turks and Caicos, between 2001-2005, including 23 stopovers by four well-known

rendition planes which were en route to or from Guantanamo Bay and other locations associated with extraordinary rendition.<sup>49</sup>

Associated aircraft include tail-numbers N379P (N8068V), otherwise known as the “Guantanamo Bay Express,” N313P, N85VM and N829MG.

Each of these planes has been associated with numerous renditions, and over thirty individuals associated with at least two of the planes have been indicted in Germany and Italy for their role in the renditions of Khaled El-Masri and Abu Omar.<sup>50</sup>

N379P (N8068V) was used for the renditions of British residents and Reprieve clients Binyam Mohamed, Bisher Al-Rawi and Jamil El-Banna, Italian citizen Abu Elkassim Britel, Yemeni citizen Mohammed Bashmillah, and Egyptian citizens Mohammed Al-Zeri and Ahmed Agiza from Sweden to Egypt.<sup>51</sup>

N313P was used for the rendition of Binyam Mohamed from Morocco to Afghanistan, and German citizen Khaled El-Masri from Macedonia to Afghanistan.<sup>52</sup> This plane has made numerous suspicious stopovers in Eastern Europe, and is alleged by Human Rights Watch to have been used for the transfer of “high value detainees” from Afghanistan to Poland in 2003.<sup>53</sup>

Eight individuals believed to crew this plane, and associated with the rendition of German citizen Khaled El-Masri from Macedonia to Afghanistan

---

<sup>49</sup> For further information, see Appendix 3

<sup>50</sup> 07.01.31 *Germany Issues CIA Arrest Orders*, BBC News Online; 05.12.13 *CIA abduction claims 'credible'*, BBC News Online

<sup>51</sup> *Al-Zeri v Sweden*, Un Human Rights Committee 88<sup>th</sup> Session, Communication Number 1416/2005, 6 November 2006; *Binyam Mohamed, Abou Elkassim Britel, Ahmed Agiza, Bisher Al-Rawi, Mohammed Bashmilla, v Jeppesen Dataplan Inc.* in the United States District of Northern California, Civil Action number CO72778

<sup>52</sup> 07.06.07 Council of Europe Parliamentary Assembly Committee on Legal Affairs and Human Rights; Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states, first report, at 3.9

<sup>53</sup> 07.06.07 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 at 183.

have been indicted by a German prosecutor, and Interpol warrants issued for their arrest.<sup>54</sup> It is incumbent upon the British authorities to ensure that these individuals are arrested should they enter the British territory of Turks and Caicos, and that they do not enter UK territory with impunity.

N829MG was used for the rendition of Canadian citizen Maher Arar to Syria via Jordan. Maher Arar has been awarded considerable damages by the Canadian courts,<sup>55</sup> but his kidnappers have still not been brought to justice.<sup>56</sup> The British authorities should seek clarification from the United States and Canada as to the names of these individuals, and ensure that should they enter the Turks and Caicos, they are detained for questioning on their role in the kidnap and transfer to torture of Maher Arar.

N85VM is the most frequent visitor to the Turks and Caicos, appearing in almost half of documented rendition circuits. N85VM was used for the rendition of Abu Omar from Ramstein to Cairo.<sup>57</sup> Over twenty individuals have been convicted in absentia in an Italian court, for their involvement in the rendition of Abu Omar.<sup>58</sup> Interpol arrest warrants have been issued for these men.<sup>59</sup> It is incumbent upon the British authorities to ensure that they are arrested should they enter the British territory of Turks and Caicos, and to ensure that they may not enter UK territory with impunity.

It is probable that these planes were directly involved in many more rendition operations than the above.

---

<sup>54</sup> 07.01.31 *Germany Issues CIA Arrest Orders*, BBC News Online

55 Report of the Events Relating to Maher Arar: Analysis and Recommendations  
Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar

<sup>56</sup> 04.01.23 Canadian sues US over deportation BBC News Online

<sup>57</sup> For further information on each of the above planes, please see Appendix X – X.

<sup>58</sup> 05.12.13 CIA abduction claims 'credible', BBC News Online, Italian court issues arrest warrant for CIA agents, Telegraph, 24 December 2005,  
<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/12/24/wcia24.xml>

<sup>59</sup> See NY Times June 26, 2005

<http://www.nytimes.com/2005/06/26/international/europe/26milan.html?pagewanted=print>

Given the nature of the flight circuits involving Turks and Caicos, the facts of associated rendition operations may directly implicate the UK, and certainly invoke a duty to take adequate action to prevent this occurring again.

### **Case-studies**

Reprieve has documented other suspicious flight circuits involving the Turks and Caicos, including the case-studies below:

#### **Suspicious flight circuit 1**

On 6 March 2004, N8068V (formerly known as N379P), took off from Washington Dulles, flying via Shannon to Djibouti, then onto Kabul, Rabat and Guantanamo Bay before arriving at Providenciales, Turks and Caicos on 12 March 2004. Djibouti, Kabul and Rabat are all locations heavily and credibly associated with rendition and secret detention, and Guantanamo Bay was at that time the site of both a US military detention centre and a secret CIA facility.<sup>60</sup> Reprieve believes that this may have been the rendition flight for “high level” Guantanamo prisoner Goulad Hassan Dourad, being taken from Djibouti to Kabul.<sup>61</sup>

#### **Suspicious flight circuit 2**

Flight logs indicate that on 26 December 2003, N313P flew from Washington to Guantanamo Bay via Providenciales, Turks and Caicos, arriving in

---

<sup>60</sup> See for example 07.06.07 Council of Europe Committee on Legal Affairs and Human Rights; Secret detentions and illegal transfers of detainees involving Council of Europe member states: First report, for an analysis of the roles of Kabul and Rabat in the “global renditions spiders web”. Regarding Djibouti, Yemeni citizen Muhammad al-Assad was arrested on 26 December 2003 in Dar es Salaam, Tanzania. He was taken to Djibouti where he was held for around two weeks, and interrogated by English-speaking westerners who told him they were from the F.B.I. See 06.04.05 Below the radar: Secret flights to torture and ‘disappearance’, Amnesty International, 5at 1.7 <http://web.amnesty.org/library/Index/ENGAMR510512006>; for information about the CIA facility at Guantanamo Bay, see 04.12.17 At Guantanamo, a Prison Within a Prison, Dana Priest and Scott Higham, Washington Post, <http://www.washingtonpost.com/wp-dyn/articles/A5918-2004Dec16.html>

<sup>61</sup> 20419-20490 AI “USA: Justice at last or more of the same? Detentions and trials after Hamdan v Rumsfeld” at 20467; and 25053-25066 06/09/07 “Detainee biographies from the office of the director of national intelligence”: According to his detainee biography, “Following Gouled’s arrest, AIAI terrorists on 19 March 2004 tried unsuccessfully to kidnap a German aid worker and murdered a Kenyan contract employee in Hargeysa.”

Guantanamo Bay on 27 December 2003. The plane left Guantanamo Bay the following day for the military airport of Sale/Rabat, an airport known to service the notorious Tamara detention centre in Morocco. After stops in other locations associated with secret detention such as Jordan and Pakistan, the plane returned to Washington via Shannon. In 2003, prisoners in Guantanamo Bay were regularly being transferred out of Guantanamo Bay to locations around the world with no records or judicial oversight of their transfer. The character of this rendition circuit combined with the history of the plane and the context described, gives rise to a presumption that this plane was engaged in a complex rendition operation when it stopped in Turks and Caicos, and the British government must fully investigate the matter.<sup>62</sup>

### **Suspicious flight 3**

On 20 September 2003, N313P left Washington Dulles for Szczytno Szymany in Poland. Szczytno is the airport that serviced the detention facility of Stare Kierkuty, where “high value detainees” such as Khalid Sheikh Mohammed were allegedly being held during that period.<sup>63</sup> The plane was next logged in Kabul on 22 September 2003, flying via Sale military airport in Morocco to Guantanamo and arriving there on 24 September 2004. At that time, over twenty CIA ghost detention facilities are believed to have been operating in Kabul, and Sale airport in Morocco is known to service the notorious Temara detention facility, located between Casablanca and Rabat. On 25 September N313P flew back to Dulles via Providenciales. The character of this rendition circuit combined with the history of the plane and the context described, gives rise to a presumption that this plane was en-route home from a complex rendition operation<sup>64</sup> when it stopped in Turks and Caicos, and the British government must fully investigate the matter.

---

<sup>62</sup> For further information as to the “anatomy of a rendition” and an analysis of the components of a “rendition circuit”, please see 06.06.07 Council of Europe Committee on Legal Affairs and Human Rights; Secret detentions and illegal transfers of detainees involving Council of Europe member states: First report at 2.3

<sup>63</sup> 06.06.07 Council of Europe Committee on Legal Affairs and Human Rights; Secret detentions and illegal transfers of detainees involving Council of Europe member states: First report; 07.06.07 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; and media reports too numerous to cite.

<sup>64</sup> See for example 06.06.07 Council of Europe Committee on Legal Affairs and Human Rights; Secret detentions and illegal transfers of detainees involving Council of Europe member states: First report at 2.5

### **Further suspicious flights**

Flight logs indicate that rendition planes regularly stopped at Turks and Caicos for three to four days in the midst of rendition operations, often before returning to Guantanamo Bay or Washington Dulles. Examples include N85VM leaving Guantanamo Bay on 4 January 2004, and returning to Guantanamo four days later, on 9 January 2004. It has already been well-documented in the media that Palma de Mallorca in Spain was used for “R ‘n’ R” destination for rendition crews after conducting rendition operations, and as a location where logistical meetings could take place in relation to specific operations.<sup>65</sup> A Spanish judicial inquiry is currently investigating this matter. The pattern of stops in the Turks and Caicos suggest that these islands may also have been used for, among other purposes, “recuperation” and for hosting logistical meetings. The UK government must act to clarify the purpose and content of all stops of these planes in the Turks and Caicos, and act to ensure that the Turks and Caicos are not used to service or otherwise support rendition, incommunicado detention and torture.

---

<sup>65</sup> For an explanation of the different elements in the global renditions network, see For further information as to the “anatomy of a rendition” and an analysis of the components of a “rendition circuit”, please see 06.06.07 Council of Europe Committee on Legal Affairs and Human Rights; Secret detentions and illegal transfers of detainees involving Council of Europe member states: First report at 2.3. For reports of the role of Palma de Mallorca, see 06.11.15 Andrew Manreas, *La investigación halla en los vuelos de la CIA decenas de ocupantes con estatus diplomático*, in El País, Palma de Mallorca, 15 November 2005. Matias Valles, journalist with Diario de Mallorca also testified before the European Parliament Temporary Committee *Testimony* on 20 April 2006. Valles researched 42 names he had obtained from the records of a hotel in Mallorca where the passengers of the N313P plane stayed. Many proved to be “false identities”, seemingly created using the names of characters from Hollywood movies such as *Bladerunner* and *Alien*.

## RECOMMENDATIONS FOR IMMEDIATE ACTION BY THE FASC

- Ensure that the UK government fulfils its obligations under international and domestic law, and commences a prompt and effective inquiry into the role of Turks and Caicos for rendition operations.<sup>66</sup>
- Seek clarification from the UK government on all flights documented in this submission, and any relevant agreements or communications made between the UK and foreign government/s, and relevant communications between UK government agencies.
- Ensure that the British government takes effective measures to ensure that all suspicious flights, in particular those en-route to or from Guantanamo Bay, are searched, and/or their operators must guarantee that these planes are not being used and will not be used at any point for purposes involving breaches of human rights, including transferring and/or detaining an individual against their will.
- Ensure that the British government takes effective measures to comply with its obligations under numerous international treaties and to respect the sovereignty of other states, by ensuring and that all passenger manifests are made available to international law enforcement agencies, in particular Interpol.
- Ensure that the British government co-operates with the German, Italian and Canadian governments, by appraising the authorities in Turks and Caicos of the names – both false and real – of those individuals indicted by the German and Italian courts for their role in the renditions of Abu Omar and Khaled El-Masri, and those individuals implicated in the rendition of Canadian citizen Maher Arar.

---

<sup>66</sup> The legal obligation to investigate has been explored above in the parts of the submission relating to Diego Garcia. Reprieve submits that the same duty to investigate, and the same standards of investigation are required from the UK, in relation to the function of Turks and Caicos in the US rendition system.

## APPENDIX 1

### THE EXCHANGE OF NOTES

In the early 1960s, the US and the UK entered negotiations for the use of Diego Garcia as a joint military facility.<sup>67</sup> The US-UK negotiations were finalised in December 1966 with the entry into force of the *Exchange of Notes Between the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America Concerning the Availability of Certain Indian Ocean Islands for Defence Purposes* (*Exchange of Notes 1966*).<sup>68</sup> The *Exchange of Notes 1966* provides that the islands of the Chagos Archipelago shall be available to both Governments for defence purposes<sup>69</sup> and available to the US without charge.<sup>70</sup>

“Defence purposes” was understood to require that the islands would be uninhabited.<sup>71</sup> **The *Exchange of Notes 1966* expressly contemplates that**

---

<sup>67</sup> *Chagos Islanders v The Attorney General, Her Majesty’s British Indian Ocean Territory Commissioner* [2003] EWHC 2222 (QB) (unreported, 9 October 2003), per Ouseley J, ¶14; “The Chagos Islands: A sordid tale” *BBC News* (3 November, 2000) at <http://news.bbc.co.uk>; *The Economist* (11-17 November 2000) Vol 357, No 8196, 37. Other examples of US use of foreign islands for military purposes include: Virgin Islands; American Samoa; Guam; Marshall Islands: Ediberto Román “Membership Denied: An Outsider’s Story of Subordination and Subjugation under US Colonialism” in Berta Esperanza Hernández-Truyol (ed) (2002) *Moral Imperialism: A Critical Anthology*, New York University Press: New York, 276-279.

<sup>68</sup> “United Kingdom of Great Britain and Northern Ireland: Availability of Certain Indian Ocean Islands for Defense Purposes: Agreement Effected by Exchange of Notes” (signed and entered into force 30 December 1966) 18 *United States Treaty Series* 28. An exchange of notes has the juridical effect of a treaty and is binding at international law: John Westlake (1910) *International Law; Part I: Peace*, University Press: Cambridge, 292; Pearce Higgins (ed) (1924) *A Treatise on International Law by William Edward Hall (8th ed)*, Clarendon Press: Oxford, 384; JL Weinstein, “Exchange of Notes” (1952) 29 *British Yearbook of International Law* 205, 216, 223-226; Georg Schwarzenberger (1967) *A Manual of International Law (5th ed)*, Stevens & Sons: London, 154; DP O’Connell (1970) *International Law: Volume One (2nd ed)*, Stevens & Sons: London, 201. An exchange of notes was treated as a binding agreement in *Fisheries Jurisdiction Case (Federal Republic of Germany v Iceland) (Jurisdiction)* (1973) *ICJ Reports* 49. An exchange of letters was treated as a binding agreement in *Case Concerning the Arbitral Award of 31 July 1989 (Guinea-Bissau v Senegal) (Judgment)* (1991) *ICJ Reports* 53.

<sup>69</sup> Article 2, *Exchange of Notes 1966*, above note 17.

<sup>70</sup> Article 4, *Exchange of Notes 1966*, above note 17. There have been various allegations that the UK was “bribed”, either by a lump sum payment or a bargain on a Polaris Missile System (see: Jawatkar (1982), 17, above note 6; “Diego Garcia” *United Trades and Labour Council*, at <http://www.utlc.org.au/Resources/International/diegogarcia.htm>; “Diego Garcia: Exiles Still Barred” *CBS News: 60 Minutes* (13 June 2003), at <http://www.cbsnews.com/stories/2003/06/12/60minutes/main558378.shtml>). However, the UK Government denies this: UK Hansard, Commons Written Answers, 11 March 2003, Column 158W (Mike O’Brien, Secretary of State for Foreign and Commonwealth Affairs).

<sup>71</sup> *Chagos Islanders* (2003), per Ouseley J, 15, 288, 293, above note 15.

**the islands “shall remain available to meet the possible defence needs of the two Governments for an indefinitely long period”** and provides that the agreement will initially last 50 years.<sup>72</sup>

In 1972, the US and UK Governments entered a second agreement, which approved the US construction of a limited naval communications facility.<sup>73</sup> Further, it provided that access to Diego Garcia would be restricted to US and UK defence forces, Government authorities, contractor personnel and scientific parties.<sup>74</sup> **Significantly, it forbade access to any other person without prior consultation between the two Governments.**<sup>75</sup>

A third agreement was concluded in 1976, which replaces the *Exchange of Notes 1972*, and accords the US the right to develop the limited naval communications facility into a “support facility”.<sup>76</sup> The *Exchange of Notes 1976* retains the restrictions on access provisions of the *Exchange of Notes 1972*.<sup>77</sup>

Before the Exchange of Notes 1966 was signed, the UK facilitated the establishment of the base by separating the Chagos Archipelago from the Colony of Mauritius. The separation was prompted by the concern that an independent Mauritius with sovereignty over the Archipelago might disallow, or interfere with, the proposed military activities.<sup>78</sup> Mauritius was granted independence on 12 March 1968, while the Archipelago was retained as a UK Colony and renamed the British Indian Ocean Territory (BIOT) by the

---

<sup>72</sup> Article 11, *Exchange of Notes 1966*, above note 17.

<sup>73</sup> Article 1(a), “Exchange of Notes Dated 24 October 1972 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America Concerning a Limited United States Communications Facility on Diego Garcia” (signed and entered into force 24 October 1972) 23 *United States Treaty Series* 3087 (*Exchange of Notes 1972*).

<sup>74</sup> Article 3(a), *Exchange of Notes 1972*, above note 25.

<sup>75</sup> Article 3(a), *Exchange of Notes 1972*, above note 25.

<sup>76</sup> Article 1(a), Article 21, “United Kingdom of Great Britain and Northern Ireland: Naval Support Facility on Diego Garcia: Agreement Effected by Exchange of Notes” (signed and entered into force 25 February 1976) 27 *United States Treaty Series* 315 (*Exchange of Notes 1976*). A fourth agreement was concluded in 1982, which addressed various environmental concerns in the Archipelago but did not otherwise alter the obligations of the Parties: “Supplemental Arrangement Relating to the Agreement of February 25, 1976” (signed and entered into force 13 December 1982) 34 *United States Treaty Series* 4553 (*Exchange of Notes 1982*). The *Exchange of Notes 1966, 1972, 1976* and 1982 will together be referred to as “*Exchange of Notes*”.

<sup>77</sup> Article 4(a), *Exchange of Notes 1976*, above note 28.

<sup>78</sup> *Chagos Islanders* (2003), per Ouseley J, ¶15, above note 15.

BIOT Order (1965) (UK).<sup>79</sup> The BIOT Order granted the Commissioner of the Territory the power to make laws for the peace, order and good government of the Territory.<sup>80</sup> This power was used to pass the BIOT Immigration Ordinance (1971) (UK), which made it unlawful for any person to enter or remain in the Territory without a permit, and gave the Commissioner power to direct any person who was unlawfully present to be permanently removed from the Territory.<sup>81</sup> The purported effect of the BIOT Immigration Ordinance was to give domestic authority to the UK to compulsorily expel the Chagossian population from the Archipelago and forbid their return.

---

<sup>79</sup> Section 3, *British Indian Ocean Territory Order* (1965) (UK). Also see: “Banishment Order on British Citizens Invalid” *The Times* (10 November 2000), at <http://www.thetimes.co.uk>; “Diego Garcia History”, at <http://www.nctsdg.navy.mil/history.html>; “Diego Garcia”, at <http://www.globalsecurity.org/military/facility/diego-garcia.htm>.

<sup>80</sup> Section 11(1), *British Indian Ocean Territory Order* (1965) (UK).

<sup>81</sup> Sections 5, 9, 10, *British Indian Ocean Territory Immigration Ordinance* (1971) (UK).

## APPENDIX 2

### FLIGHT LOG OF N379P ENTERING DIEGO GARCIA

Serial No.	Date	Dept Airport (ADEP)	ADEP place	Dest. Airport (ADES)	ADES place	Date time - take off	Date time - landing
N379P	11/9/2002	JNX	JOHNSTON COUNTY AIRP.	IAD	WASHINGTON DULLES	x	x
N379P	11/9/2002	IAD	WASHINGTON DULLES	LGAV	VENIZELOS	x	x
N379P	12/09/2002	KIAD	WASHINGTON	LGAV	ATHINAI	12, 00:16	09:05
N379P	13/09/2002	LGAV	ATHINAI	FJDG	DIEGO GARCIA	13, 08:12	17:14
N379P	14/09/2002	GMME	RABAT/SALE	LPPR	PORTO	14, 21:40	22:57
N379P	15/09/2002	HECA	CAIRO	GMME	RABAT/SALE	15, 15:17	20:10
N379P	17/09/2002	LPPR	PORTO	OAKB	KABUL	17, 04:47	12:02
N379P	17/09/2002	OAKB	KABUL	OJAI	AMMAN	17, 13:45	18:37
N379P	17/09/2002	OJAI	AMMAN/QUEEN ALIA	GMME	RABAT/SALE	17, 18:23	01:22
N379P	18/9/2002	GMME	RABAT/SALE	EINN	SHANNON	x	x
N379P	19/09/2002	EINN	SHANNON	KIAD	WASHINGTON	19, 10:01	15:57

## APPENDIX 3

### FLIGHT CIRCUITS RELATING TO TURKS AND CAICOS

ID	DATE	DEP CODE	DEP AIRPORT	ARRIV CODE	ARRIV AIRPORT	DATE TAKE OFF	DATE ARRIVE
N8068V	6/3/2004	IAD	DULLES	EINN	SHANNON	3/6/04 6:27 PM	3/7/04 12:08 AM
N8068V	7/3/2004	EINN	SHANNON	HDAM	AMBOULI/MILITARY	07, 01:15	08:18
N8068V	8/3/2004	HDAM	AMBOULI/MILITARY	OAKB	KABUL INTL	08, 19:15	01:40
N8068V	11/03/2004	GMME	RABAT	MUGM	GUANTANAMO	11, 22:03	06:15
N8068V	12/3/2004	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	3/12/04 7:44 AM	3/12/04 8:17 AM
N8068V	13/3/2004	MBPV	PROVIDENCIALES	IAD	WASHINGTON DULLES	3/13/04 2:54 PM	3/13/04 5:33 PM

N85VM	26/11/2003	FRG	REPUBLIC	MBPV	PROVIDENCIALES	11/26/03 2:29 PM	11/26/03 5:32 PM
N85VM	29/11/2003	MBPV	PROVIDENCIALES	FRG	REPUBLIC	11/29/03 10:23 PM	11/30/03 1:14 AM
N85VM	3/12/2003	SFB	ORLANDO SANFORD INTL.	MUGM	GUANTANAMO	12/3/03 4:25 PM	12/3/03 6:10 PM
N85VM	3/12/2003	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	12/3/03 6:49 PM	12/3/03 7:23 PM
N85VM	4/12/2003	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	12/4/03 3:20 PM	12/4/03 4:06 PM
N85VM	4/12/2003	MUGM	GUANTANAMO	SFB	ORLANDO SANFORD INTL.	12/4/03 5:29 PM	12/4/03 7:22 PM
N85VM	15/12/2003	IAD	WASHINGTON DULLES	EINN	SHANNON	12/15/03 9:03 PM	12/16/03 3:12 AM
N85VM	5/1/2004	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	1/5/04 1:31 PM	1/5/04 4:26 PM
N85VM	5/1/2004	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	1/5/04 5:03 PM	1/5/04 5:42 PM
N85VM	9/1/2004	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	1/9/04 3:26 PM	1/9/04 4:10 PM
N85VM	9/1/2004	MUGM	GUANTANAMO	IAD	WASHINGTON DULLES	1/9/04 5:36 PM	1/9/04 8:31 PM
N85VM	14/1/2004	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	1/14/04 12:55 PM	1/14/04 3:54 PM
N85VM	15/1/2004	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	1/15/04 4:21 PM	1/15/04 5:02 PM
N85VM	15/1/2004	MUGM	GUANTANAMO	IAD	WASHINGTON DULLES	1/15/04 7:53 PM	1/15/04 11:01 PM
N85VM	9/2/2004	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	2/9/04 12:52 PM	2/9/04 4:02 PM
N85VM	9/2/2004	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	2/9/04 4:40 PM	2/9/04 5:19 PM
N85VM	13/2/2004	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	2/13/04 3:29 PM	2/13/04 4:13 PM
N85VM	13/2/2004	MUGM	GUANTANAMO	IAD	WASHINGTON DULLES	2/13/04 4:59 PM	2/13/04 7:44 PM
N85VM	11/3/2004	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	3/11/04 4:30 PM	3/11/04 7:32 PM
N85VM	11/3/2004	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	3/11/04 8:01 PM	3/11/04 8:42 PM
N85VM	12/3/2004	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	3/12/04 12:34 PM	3/12/04 1:17 PM
N85VM	12/3/2004	MUGM	GUANTANAMO	IAD	WASHINGTON DULLES	3/12/04 1:55 PM	3/12/04 4:43 PM
N829MG	17/3/2001	MCO	ORLANDO INTL.	MBPV	PROVIDENCIALES	3/17/01 3:04 PM	3/17/01 4:34 PM
N829MG	17/3/2001	MBPV	PROVIDENCIALES	FXE	EXECUTIVE AIRPORT	3/17/01 5:46 PM	3/17/01 7:14 PM
N829MG	29/3/2001	FXE	EXECUTIVE AIRPORT	MWCR	OWEN ROBERTS INTL.	3/29/01 6:49 PM	3/29/01 8:59 PM
N829MG	30/3/2001	MWCR	OWEN ROBERTS INTL.	MYNN	NASSAU INTL.	3/31/01 12:24 AM	3/31/01 12:45 AM
N829MG	31/3/2001	MYNN	NASSAU INTL.	FLL	HOLLYWOOD INTL.	3/31/01 1:50 AM	3/31/01 2:33 AM
N829MG	7/7/2002	FXE	EXECUTIVE AIRPORT	MBPV	PROVIDENCIALES	7/7/02 11:11 PM	7/8/02 12:33 AM
N829MG	8/7/2002	MBPV	PROVIDENCIALES	FLL	HOLLYWOOD INTL.	7/8/02 1:00 AM	7/8/02 2:23 AM
N829MG	25/12/2003	FXE	EXECUTIVE AIRPORT	CYUL	PIERRE-ELLIOTT-TRUDEAU	12/25/03 2:15 PM	12/25/03 5:03 PM
N829MG	25/12/2003	CYUL	PIERRE-ELLIOTT- TRUDEAU	TLPC	VIGIE	12/25/03 6:33 PM	12/25/03 11:21 PM
N829MG	26/12/2003	MBPV	PROVIDENCIALES	FXE	EXECUTIVE AIRPORT	12/26/03 8:07 PM	12/26/03 9:42 PM
N829MG	26/12/2003	TLPC	HEWANORRA WESTCHESTER COUNTY	HPN	WESTCHESTER COUNTY	12/26/03 10:15 AM	12/26/03 2:54 PM
N829MG	26/12/2003	HPN	HEWANORRA WESTCHESTER COUNTY	MBPV	PROVIDENCIALES	12/26/03 4:34 PM	12/26/03 7:32 PM

N829MG	27/11/2003	MYNN	NASSAU INTL.	FLL	HOLLYWOOD INTL.	11/27/03 4:45 AM	11/27/03 5:17 AM
N829MG	29/11/2003	TNCM	PRINCESS JULIANA INTL	FXE	EXECUTIVE AIRPORT	11/29/03 7:12 PM	11/29/03 9:54 PM
N829MG	29/11/2003	FXE	EXECUTIVE AIRPORT	TNCM	PRINCESS JULIANA INTL	11/29/03 3:36 PM	11/29/03 6:00 PM
N829MG	15/12/2003	FXE	EXECUTIVE AIRPORT	MBPV	PROVIDENCIALES	12/15/03 1:36 PM	12/15/03 2:49 PM
N829MG	18/12/2003	MUGM	GUANTANAMO	FLL	HOLLYWOOD INTL.	12/18/03 9:10 PM	12/18/03 10:52 PM
N829MG	18/12/2003	FLL	HOLLYWOOD INTL.	MUGM	GUANTANAMO	12/18/03 6:53 PM	12/18/03 8:28 PM
N829MG	25/12/2003	FXE	EXECUTIVE AIRPORT	CYUL	PIERRE-ELLIOTT-TRUDEAU	12/25/03 2:15 PM	12/25/03 5:03 PM
N829MG	25/12/2003	CYUL	PIERRE-ELLIOTT- TRUDEAU	TLPC	VIGIE	12/25/03 6:33 PM	12/25/03 11:21 PM
N829MG	26/12/2003	MBPV	PROVIDENCIALES	FXE	EXECUTIVE AIRPORT	12/26/03 8:07 PM	12/26/03 9:42 PM
N829MG	26/12/2003	TLPC	HEWANORRA	HPN	WESTCHESTER COUNTY	12/26/03 10:15 AM	12/26/03 2:54 PM
N829MG	26/12/2003	HPN	WESTCHESTER COUNTY	MBPV	PROVIDENCIALES	12/26/03 4:34 PM	12/26/03 7:32 PM
N829MG	27/12/2003	IAD	WASHINGTON DULLES	TXKF	BERMUDA NAVAL AIR STATION, KINDLEY FIELD - MIL.	12/27/03 9:42 PM	12/27/03 11:26 PM
N313P	26/12/2003	IAD	WASHINGTON DULLES	MBPV	PROVIDENCIALES	12/26/03 6:19 PM	12/26/03 8:56 PM
N313P	27/12/2003	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	12/27/03 10:31 PM	12/27/03 11:15 PM
N313P	28/12/2003	MUGM	GUANTANAMO	GMME	SALE'/MILITARY	12/28/03 1:31 AM	12/28/03 9:13 AM
N313P	28/12/2003	GMME	SALE'/MILITARY	OJAM	AMMAN / MARKA		
N313P	28/12/2003	OJAM	AMMAN / MARKA	OPRN	ISLAMABAD	28, 19:15	23:43
N313P	29/12/2003	OJAM	AMMAN / MARKA	OPRN	ISLAMABAD		
N313P	30/12/2003	OMDB	DUBAI INTL.	EINN	SHANNON	12/30/03 6:35 AM	12/30/03 2:02 PM
N313P	30/12/2003	EINN	SHANNON	IAD	WASHINGTON DULLES	12/30/03 2:40 PM	12/30/03 11:09 PM
N8068V	9/4/2004	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	4/9/04 10:57 AM	4/9/04 1:48 PM
N8068V	9/4/2004	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	4/9/04 2:32 PM	4/9/04 3:22 PM
N8068V	9/4/2004	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	4/9/04 6:25 PM	4/9/04 7:11 PM
N8068V	9/4/2004	MBPV	PROVIDENCIALES JACKSONVILLE INTL.	JAX	JACKSONVILLE INTL.	4/9/04 9:27 PM	4/9/04 11:42 PM
N8068V	10/4/2004	JAX	WASHINGTON DULLES	IAD	WASHINGTON DULLES		
N85VM	20/11/2002	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	11/20/02 2:03 PM	11/20/02 5:16 PM
N85VM	20/11/2002	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	11/20/02 7:08 PM	11/20/02 7:39 PM
N85VM	20/11/2002	MBPV	PROVIDENCIALES	IAD	WASHINGTON DULLES	11/20/02 11:28 PM	11/21/02 2:14 AM
N85VM	21/11/2002	IAD	WASHINGTON DULLES	EINN	SHANNON	11/21/02 8:17 PM	11/22/02 1:57 AM
N85VM	22/11/2002	EINN	SHANNON	OMDB	DUBAI / INTL	22, 02:30	10:02
N85VM	25/11/2002	OAKB	KABUL	EGPH	EDINBURGH	25, 11:04	19:44
N85VM	25/11/2002	EGPH	EDINBURGH	IAD	WASHINGTON DULLES	11/25/02 8:40 PM	11/26/02 4:06 AM
N313P	26/10/2004	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	10/26/04 4:49 PM	10/26/04 7:29 PM
N313P	26/10/2004	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	10/26/04 8:24 PM	10/26/04 8:51 PM
N313P	28/10/2004	MBPV	PROVIDENCIALES	ILM	WILMINGTON INTL.	10/28/04 2:57 PM	10/28/04 5:06 PM
N313P	20/9/2003	IAD	WASHINGTON DULLES	LKPR	RUZYNE - PRIV.	9/20/03 10:03 PM	9/21/03 6:16 AM

N313P	21/9/2003	LKPR	RUZYNE - PRIV.	UTTT	YUZHNY		
N313P	22/9/2003	OAKB	KABUL INTL. -MIL.	GMME	SALE/MILITARY		
N313P	22/9/2003	GMME	SALE/MILITARY	MUGM	GUANTANAMO	9/23/03 12:26 AM	9/23/03 5:13 AM
N313P	24/9/2003	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	9/24/03 7:46 AM	9/24/03 8:39 AM
N313P	25/9/2003	MBPV	PROVIDENCIALES	IAD	WASHINGTON DULLES	9/25/03 1:00 PM	9/25/03 3:47 PM
N313P	13/11/2003	KIAD	WASHINGTON	EDDF	FRANKFURT MAIN		
N313P	14/11/2003	EDDF	FRANKFURT MAIN	UUEE	MOSKVA / SHEREMETYEVO		
N313P	14/11/2003	UUEE	MOSKVA / SHEREMETYEVO	EDDF	FRANKFURT MAIN		
N313P	17/11/2003	EDDF	FRANKFURT MAIN	ORBI	BAGHDAD INTERNATIONAL		
N313P	19/11/2003	OMAA	ABU DHABI INTL	GMME	RABAT		
N313P	19/11/2003	GMME	RABAT	EDDF	FRANKFURT MAIN		
N313P	21/11/2003	EDDF	FRANKFURT MAIN	OAKB	KABUL		
N313P	21/11/2003	OAKB	KABUL	GMME	RABAT		
N313P	21/11/2003	GMME	RABAT	MUGM	GUANTANAMO		
N313P	22/11/2003	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES		
N313P	23/11/2003	MBPV	PROVIDENCIALES	IAD	WASHINGTON DULLES		
N85VM	31/1/2003	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	1/31/03 1:28 PM	1/31/03 4:30 PM
N85VM	31/1/2003	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	1/31/03 5:18 PM	1/31/03 6:37 PM
N85VM	2/2/2003	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	2/2/03 12:49 PM	2/2/03 1:34 PM
N85VM	2/2/2003	MUGM	GUANTANAMO	IAD	WASHINGTON DULLES	2/2/03 2:22 PM	2/2/03 5:23 PM

N85VM	2/4/2003	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	4/2/03 12:54 PM	4/2/03 3:56 PM
N85VM	2/4/2003	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	4/2/03 4:25 PM	4/2/03 5:51 PM
N85VM	3/4/2003	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	4/3/03 7:08 PM	4/3/03 7:52 PM
N85VM	3/4/2003	MUGM	GUANTANAMO	IAD	WASHINGTON DULLES	4/3/03 9:20 PM	4/4/03 12:25 AM
N85VM	5/5/2003	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	5/5/03 12:17 PM	5/5/03 3:20 PM
N85VM	5/5/2003	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	5/5/03 4:32 PM	5/5/03 5:20 PM
N85VM	10/5/2003	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	5/10/03 2:00 PM	5/10/03 2:39 PM
N85VM	10/5/2003	MUGM	GUANTANAMO	IAD	WASHINGTON DULLES	5/10/03 3:34 PM	5/10/03 6:36 PM
N85VM	2/7/2003	IAD	WASHINGTON DULLES	MUGM	GUANTANAMO	7/2/03 11:56 AM	7/2/03 2:56 PM
N85VM	2/7/2003	MUGM	GUANTANAMO	MBPV	PROVIDENCIALES	7/2/03 3:54 PM	7/2/03 4:18 PM
N85VM	3/7/2003	MBPV	PROVIDENCIALES	MUGM	GUANTANAMO	7/3/03 4:49 PM	7/3/03 5:32 PM
N85VM	3/7/2003	MUGM	GUANTANAMO	IAD	WASHINGTON DULLES	7/3/03 7:18 PM	7/3/03 9:58 PM