

Explanation of Rendition Flight Records Released by the Polish Air Navigation Services Agency

The 19-page document received in late 2009 (“FoIA release”) contains raw flight data provided by the Polish Air Navigation Services Agency (“PANSNA”) in response to a request under the Statute on Access to Public Information (“FoIA request”) from the Polish Helsinki Foundation for Human Rights (“HFHR”), in collaboration with the Open Society Justice Initiative.

There are new and important details contained in the FoIA release, which provide—at the very least—confirmation of findings made in the June 2007 report of Council of Europe Rapporteur Dick Marty.¹ These details are especially significant because they emanate from a Polish state authority and represent the **first time that any agency of the Polish Government has provided public confirmation on the official record that aircraft associated with the CIA landed, repeatedly, at Szymany Airport.**

This paper outlines and analyzes the FoIA release.

1. Contents

The following provides a general overview of the FoIA release’s contents. The page numbers listed below correspond with the electronic page numbers of the PDF version of the FoIA release.

- Page 1 Data strings related to the flight of N379P into Poland on February 8, 2003
- Pages 2-3 SITA² text related to the flight of N379P into Poland on March 25, 2003
- Pages 4-5 Data strings related to the flights of N379P into Poland on March 25, 2003 and June 5, 2003
- Pages 5-6 SITA text related to the flights of N379P into Poland on June 28 and 29, 2003
- Pages 7-8 Data strings related to the flights of N379P into Poland on June 28 and 29, 2003
- Pages 9-10 SITA text and data strings related to the flight of N379P into Poland on July 30, 2003

¹ See Committee on Legal Affairs and Human Rights, Council of Europe Parliamentary Assembly, “Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report,” Doc. 11302, June 11, 2007, detailing the development of the HVD program, particularly operations in Poland and Romania (“CoE Marty Report 2007”), available at: http://assembly.coe.int/ASP/Doc/DocListingDetails_E.asp?DocID=12049. In particular, see Section III.iii, “The anatomy of CIA secret transfers and detentions in Poland”, at pages 36 to 39, paras. 180 to 196.

² [SITA](#) is the leading provider of telecommunications services to the airline industry.

- Page 11 Table showing actual landings/take-offs of the aircraft N379P and N313P at Szymany Airport on seven separate dates in the period from February to September 2003 [*partially redacted*]
- Page 12 Table showing actual landings of the aircraft N379P in Poland (both Szymany and Warsaw) on seven separate dates between February and July 2003
- Page 13 Two tables: the first showing all overflights of the aircraft N379P and N313P in the year 2002; the second showing actual landings/take-offs of the aircraft N379P and N313P at both Szymany and Warsaw on eight separate dates in the period from February to September 2003
- Pages 14-16 SITA text related to the flights of N313P into/out of Poland on September 22, 2003
- Pages 16-17 Data strings related to the flights of N313P into/out of Poland on September 22, 2003
- Page 18 Table showing all overflights of the aircraft N379P and N313P in the year 2003
- Page 19 Table showing one actual landing of the aircraft N313P in Poland (at Szymany) in September 2003

2. Flights from Kabul, Afghanistan and Rabat, Morocco

Specifically, the FoIA release contains information related to **six separate landings at Szymany of aircraft associated with the CIA in the period from February to September 2003**, as follows:

- Five landings at Szymany of the Gulfstream V aircraft registered as N379P; and
- One landing at Szymany of the Boeing 737 aircraft registered as N313P.³
- Five of these six flights flew into Szymany from OAKB—Kabul, Afghanistan—while the sixth flew in from GMME—Rabat, Morocco.⁴ Both of these origins are significant because we know that CIA detainees were held in those two locations in the period in question.

These six landings—confirmed, in tabular form, in pages 11 and 13 of the FoIA release—reaffirm what Council of Europe Rapporteur Marty described as “the first verifiable records of a number

³ The key page in this regard is page 11: the “Table showing actual landings / take-offs of the aircraft N379P and N313P at Szymany Airport.” The columns headed “dest” (i.e. the airport at which the aircraft landed) and “dep” (i.e. the airport from which the aircraft took off) each feature six entries of EPSY—the four-letter airport code for Szymany—these are the confirmations of the actual landings.

⁴ Id.

of landings of ‘rendition planes’ significant enough to prove that CIA detainees were being transferred into Poland.”⁵

The most remarkable aspect is that the **Polish Government**, which **maintained for more than four years that no such records existed** (or that if they did, they were untraceable), **has now provided an apparently comprehensive list of these landings**, compiled and presented in an orderly and coherent fashion.

3. The Cover-up with Polish Collaboration

In the tables on pages 11 and 12, the FoIA release reveals a quite astonishing detail: that **for at least four of these six landings in 2003, PANSAs navigated the aircraft into Szymany Airport without a valid flight plan for that destination.**

Thus, in the table column headed "info" (i.e., additional observations), we can see several entries that demonstrate clearly the "dummy" or undeclared flight planning methodology, as follows:

"Wszystkie FPL do EPWA" = "All flight plans filed for Warsaw"
 "Wszystkie FPL z EPWA" = "All flight plans filed out of Warsaw"
 "Brak FPL" = "no flight plan filed"

On at least four occasions—the flights of N379P on February 8 [both inward and outward], March 25 [outward], and June 5, 2003 [inward]—PANSAs navigated the aircraft into Szymany despite all relevant flight plans having named Warsaw as the airport of destination or departure.

On at least two further occasions—the flights of N379P on March 7 [inward] and March 25 [inward]—PANSAs navigated the aircraft into Szymany despite having received no relevant flight plans at all.

As such, the FoIA release confirms the finding in the 2007 Marty report concerning **PANSAs’s complicity in the “systematic cover-up” of CIA rendition flights into Szymany.**⁶

The CIA and its flight planning accomplice, Jeppesen International Trip Planning, filed “dummy” and false flight plans, or no flight plans at all, for the incoming and outgoing flights of N379P. PANSAs collaborated with the CIA by accepting the task of navigating these disguised flights into and out of Szymany Airport without adhering to the requirements of international flight planning regulations.

4. Flight Planning by the CIA’s “Travel Agents”

In addition to the tabular overviews of actual landings at Szymany, the FoIA release contains very insightful sets of SITA texts and aeronautical “data strings” that reveal **exactly how some of the flights of N379P and N313P into Poland were planned.** We have identified four separate instances in which the FoIA release contains requests for landing permits from Jeppesen (cited as

⁵ CoE Marty Report 2007, *Id.*, at page 36, paragraph 181.

⁶ See CoE Marty Report 2007, *Id.*, at page 37, paragraph 186: “PANSAs played a crucial role in [the CIA’s] systematic cover-up... PANSAs navigated the aircraft in the majority of these cases without a legitimate and complete flight plan having been filed for the route flown.”

“Jeppesen Dataplan—United States”) and the responses, or actual landing permits, issued by “Poland Civil Air,” as follows:

- Pages 2-3 for the flight of N379P into Szymany on March 25, 2003;
- Pages 5-6 for the flights of N379P into Warsaw on June 28 and 29, 2003;
- Pages 9-10 for the flight of N379P into Szymany on July 30, 2003; and
- Pages 14-16 for the flight of N313P into Szymany on September 22, 2003

In two of these four instances (the March 25 and July 30, 2003 flights) Jeppesen requested—and was issued—**landing permits for Warsaw Airport, even though the intended destination of the aircraft was Szymany**. This methodology was another element of the systematic cover-up, so that landing permits cited (obligatorily) in Jeppesen’s subsequent “dummy” flight plans would not give away the actual intended landing points of the aircraft.

The third occasion on which Jeppesen requested a landing permit for Warsaw on two successive days (flights on June 28 and 29, 2003) was apparently done in good faith—the aircraft N379P indeed proceeded to land at Warsaw (from Dulles Airport in Washington, DC), which indicates that it was perhaps carrying personnel, or otherwise “servicing” the CIA’s secret detention operations, rather than delivering a detainee to the “Black Site” near Szymany.

In the fourth instance listed above (the September 22, 2003 flight), the FoIA release reveals that Jeppesen originally requested a landing permit for Warsaw, then cancelled its request, and finally requested—and was issued—a **landing permit for Szymany** itself. This instance, the only actual landing of the aircraft N313P at Szymany, is unique precisely because there was not ultimately an effort to disguise the flight *into* Poland, but rather only the flight *out of* Poland to the onward destination of Bucharest, Romania.

In each of the SITA texts listed above (which are identifiable by the first line beginning either “Attn: Poland Civil Air” or “Attn: LOT Ground Services Ltd”), the FoIA release also contains the following further details:

- Each of the flights was being operated by a company called **Stevens Express Leasing Inc.**, which has been described by the *New York Times* as a CIA “front company.”
- Each of the flights was declared as a **“private, non-commercial flight,”** thus further disguising its true purpose—this status was declared notwithstanding the fact that some of the aircraft in question customarily flew into Poland under “Special Status” designators which afforded them privileges and exemptions.
- The **name of the “Captain” (pilot-in-command)** on board the aircraft as it flew into Poland. Independent investigations have revealed these names to be aliases used by real pilots to fly “undercover” for the CIA.
- The **numbers of crew and passengers** on board the aircraft as it flew into Poland [although these numbers are not always accurate and/or do not reflect any detainees being transported as “human cargo”].

5. Not the Whole Truth Yet

HFHR's letter asked for information related to landings of the aircraft registered as N63MU in the years 2002 and 2003, but any such landings are not addressed in the FoIA release. Both the 2007 Marty Report and the 2010 U.N. Special Rapporteurs' Joint Study on Secret Detentions found a 2002 landing of N63MU at Szymany that is believed to have been related to a "detainee drop-off" operation.

The documentation provided does not explain why data related to this aircraft for that time period is missing. PANSAs might not have the relevant information in its possession, or it might have failed to address particular elements of the HFHR's FOI request.