TORTURE FLIGHTS:
NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

SEPTEMBER, 2018
"The use of torture compromises that which most distinguishes us from our enemies, our belief that all people, even captured enemies, possess basic human rights."

- Senator John McCain (1936 - 2018)
Frank Goldsmith (Co-Chair)

Frank Goldsmith is a mediator, arbitrator and former civil rights lawyer in the Asheville, NC area. Goldsmith has represented detainees imprisoned at the U.S. Naval Base at Guantánamo Bay, Cuba, and is the author of a chapter in a book entitled “Obama’s Guantánamo,” a collection of perspectives from 14 lawyers. Among other professional honors, Goldsmith was inducted as a Fellow of the American College of Trial Lawyers, and has served on the boards of directors of a number of legal organizations and nonprofit groups.

James E. Coleman, Jr.

James E. Coleman, Jr. is the John S. Bradway Professor of the Practice of Law, Director of the Center for Criminal Justice and Professional Responsibility, and Co-Director of the Wrongful Convictions Clinic at Duke Law School. A native of Charlotte, North Carolina. Professor Coleman’s experience includes private practice in Washington, D.C., a judicial clerkship for the U.S. District Court for the Eastern District of Michigan, a year as deputy general counsel for the U.S. Department of Education, and service as chief counsel for an investigation of two members of Congress by the U.S. House Ethics Committee.

Robin Kirk (Co-Chair)

Robin Kirk is the Faculty Co-Chair of the Duke University Human Rights Center at the Franklin Humanities Institute and is a founding member of the Paul Cary Murray Project, an initiative of the center that seeks to examine the region’s past of slavery, segregation and continuing economic inequality. An author and human rights advocate, Kirk directs Duke’s Human Rights Certificate. She served as co-chair of the Durham City-County Reconciliation Commission on Confederate Monuments and Memorials and as a consultant to the Greensboro Truth and Reconciliation Commission.

David M. Crane

David M. Crane was the founding Chief Prosecutor of the Special Court for Sierra Leone, an international war crimes tribunal, appointed to that position by UN Secretary-General Kofi Annan. Crane’s mandate was to prosecute those who bore the greatest responsibility for war crimes during Sierra Leone’s civil war in the 1990s. He served more than 30 years in the U.S. federal government as a senior intelligence officer and special operations officer, and as a retired Professor at Syracuse University College of Law. He lives in western NC.

Jonathan Freeman

Jonathan Freeman is a fellow at the Truman National Security Project and an international consultant specializing on operations, strategy and political intelligence. He is a decorated combat veteran of Iraq and Afghanistan. Freeman has held appointments as the Deputy White House Liaison at the Department of Defense, and at USAID as the Senior Advisor in the Office of Civil Military Cooperation.

Rev. Ben Boswell

Rev. W. Benjamin Boswell serves as the Senior Minister of Myers Park Baptist Church in Charlotte, NC. Previously, he served as an Infantry Officer in the North Carolina Army National Guard and as Adjunct Professor of Political Theology and Ethics at the John Gandel Center for Theological Studies in Arlington, VA.

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Colonel Lawrence Wilkerson (Ret.)

Lawrence Wilkerson’s last positions in government were as Secretary of State Colin Powell’s Chief of Staff (2002-05), and Associate Director of the State Department’s Policy Planning staff under the directorship of Ambassador Richard N. Haass. Previously, Wilkerson served 31 years in the U.S. Army. He is Distinguished Adjunct Professor of Government and Public Policy at the College of William & Mary.

Jennifer Daskal

Ms. Daskal is an Associate Professor of Law at American University Washington College of Law in Washington, DC, where she teaches and writes in the fields of criminal, national security, and constitutional law. From 2009-2011, Daskal was counsel to the Assistant Attorney General for National Security at the Department of Justice.

Dr. Annie Sparrow

Dr. Sparrow is an internist and global health specialist who provides public health expertise in many of the world’s most devastating combat zones. She is Assistant Professor at the Department of Population Health Sciences & Policy at the Icahn School of Medicine at Mount Sinai in New York City. She teaches human rights and humanitarian aid in complex emergencies. Sparrow worked with Human Rights Watch as its first researcher with medical training in Darfur and Syria. She has testified before the International Criminal Court and the House Foreign Affairs Committee.
As I write this, our nation’s flag flies at half-mast and the late Senator John McCain is being honored at a memorial service attended by three former presidents at Washington’s National Cathedral. His relationship with torture was intimate, not only because he was a torture survivor, but also because in the experience of being tortured he came to realize the importance of the prohibition against cruelty to our nation’s character and global role. In his last book, The Restless Wave, written in contemplation of his own death, he addressed the reasons that impelled him so implacably and consistently to oppose the use of torture by the United States. He wrote:

“The moral values and integrity of our nation, and the long, difficult, fraught history of our efforts to uphold them at home and abroad, are the test of every American generation. Will we act in this world with respect for our founding conviction that all people have equal dignity in the eyes of God and should be accorded the same respect by the laws and governments of men? That is the most important question history ever asks of us. Answering in the affirmative by our action is the highest form of patriotism.”

When the United States tortured, we did so in direct violation of that “founding conviction.” But the evidence shows that we damaged the nation in other ways as well, and that the harm is not merely relegated to the past but continues to this day. Our use of torture and our failure to hold ourselves accountable for the crimes of torture continue to damage our national character, our laws and the rule of law, the fabric of human rights and international law, our foreign policy, and our national security.

This is the context in which this report by the North Carolina Commission on Inquiry on Torture, or NCCIT, must be understood. When those North Carolina citizens who established the Commission acted, they did so motivated by the understanding that the torture of even a few people violates the equal dignity of all, by the desire to step in and stand up when government had demonstrated that it could not be prodded or trusted to investigate its own wrongdoing, and to advance the principle of accountability without which all law is hollow. Above all, they determined that, to the degree that it was in their power, the state they loved would not be tainted by torture. This is indeed, as Senator McCain said, an example of “the highest form of patriotism.”

This seminal report, Torture Flights: North Carolina’s Role in the CIA Rendition and Torture Program, presents NCCIT’s investigatory findings on the issue of whether individuals or business entities located in the state of North Carolina, and acting out of its territory, participated in the U.S. Government’s CIA-led rendition program during the George W. Bush administration. The sobering finding, amply documented in these pages, is that they did. The connection between North Carolina and the government-sponsored rendition of the era is clear: aircraft operated by at least one local company, based at North Carolina airfields that were subsidized by North Carolina revenues and subject to a measure of North Carolina regulation, and flown by North Carolina pilots, were engaged in the transport of dozens of captive individuals to multiple foreign sites, some managed by the United States. He wrote:

“The first duty of an American citizen, then, is that he shall act only on these findings, the report would be considered a significant achievement. Not only does it document North Carolina’s connection to torture, but it helps illuminate one of the least known aspects of the CIA’s infamous ‘Rendition, Detention, and Interrogation’ program, the rendition element. Now, thanks to this report, we understand better the ‘torture taxi’ system that transported the prisoners and the network of private contractors that were engaged in this activity, both important cogs in the machinery of torture. The report is useful, too, in helping to alert and to demonstrate to state officials across the country how illegal activity at the federal level may come to implicate state actors in potential liability. Indeed, because the commission of torture or complicity in the commission of torture is a crime in North Carolina (as it is in every state), it would be surprising if North Carolina state authorities would not now launch their own investigations to determine whether or not state laws were broken or whether evidence relevant to open investigations in other countries should not be sought.”
EXECUTIVE SUMMARY

In the wake of the attacks of September 11, 2001, the U.S. government launched a large-scale program of secret detention and torture that wreaked significantly on the State of North Carolina. Six days after the attacks, President George W. Bush signed a covert memorandum that authorized the Central Intelligence Agency (CIA) to seize, detain, and interrogate suspected terrorists around the world. This report investigates North Carolina’s role in that illegal program.

The program made use of Department of Defense facilities, a network of ten CIA-controlled secret prisons or black sites in six countries, and the facilities of foreign governments. In what was called the Rendition, Detention, and Interrogation (RDI) program, the CIA abducted and imprisoned at least 119 individuals before the program was officially ended and repudiated by Executive Order in 2009. Given that detainees were also handed over to foreign governments, and the secrecy surrounding the program, the number of affected individuals is likely far higher.

Within weeks of the RDI program’s authorization, Aero Contractors, Ltd. (Aero) based in Smithfield, NC, began operating the first of two aircraft for extraordinary, or violent and secret, renditions. Between September 2001 and March 2004, Aero-operated aircraft – a Gulfstream V turbojet and Boeing 727 business jet – were used in more than 80% of identified RDI renditions. Over the full length of the program, Aero transported 34 of the known 119 CIA prisoners, plus at least 15 of those sent by the CIA to foreign custody. On 69 identified rendition circuits, these flights, using North Carolina’s public infrastructure and flown by its citizens, implicated North Carolina directly in abduction, forced disappearance, and torture.

Since 2005, North Carolina anti-torture activists from across the political spectrum have protested these actions. Motivated by diverse ethical and religious beliefs as well as a firm commitment to the rule of law, activists from North Carolina Stop Torture have joined with the North Carolina Council of Churches and many other allies. Citizens have pressured public officials at all levels of government to investigate the state’s complicity in the CIA’s illegal and immoral program.

Citizen-led activism culminated in 2015 in the creation of the North Carolina Commission of Inquiry on Torture (NC CIT). A non-governmental organization dedicated to transparency and accountability regarding the state’s participation in U.S. torture, the NC CIT launched officially in 2017 with a blue-ribbon panel of Commissioners who have expertise in domestic and international law, military operations, human rights, interfaith religious dialogue, psychology, and public health.

The Commission initiated a large-scale investigation into North Carolina’s involvement in torture and rendition. Torture flights; North Carolina’s role in the CIA rendition and torture program; the results of that investigation and makes recommendations for future action. The report draws on original research and expert testimony provided at public hearings as well as the extensive data compiled by The Rendition Project, the Bureau of Investigative Journalism, and the Human Rights Policy Lab of the University of North Carolina School of Law; among other sources.

Torture flights provided the most comprehensive research to date on North Carolina’s complicity in the rendition phase of the RDI program. The Senate Select Committee on Intelligence “Torture Report,” a redacted Executive Summary of which was released in 2014, while the full report remains classified, focused on the detention and interrogation of detainees who were held in CIA custody. Torture flights demonstrate that that program depended upon both North Carolina’s private citizens and public infrastructure.

Further, torture flights builds on the Senate’s work by addressing renditions themselves as an integral component of a system to break individuals down through violent interrogations. As the report details, Aero transported at least 49 individuals, who were forcibly seized without any due process, in a manner that itself amounted to torture and cruel, inhuman or degrading treatment. Preparation for “rendition” involved physical and sometimes sexual assault, drugging, and sensory deprivation. Rendition flights were experiences of prolonged pain, dread, and terror. The whereabouts of the individuals flown by Aero, who were citizens of 16 countries and included a 16-year-old student and a pregnant woman, were not disclosed, not even to their families. They were “disappeared” for months if not years; causing agony to them and their loved ones. Even today, the fates of eight of those rendered by Aero remain unknown.

Many of the prisoners were taken to CIA ‘black sites’ where they experienced beatings, prolonged stress positions, temperature extremes, long-term isolation, various water tortures; mock execution, and sexual abuse. In violation of international law, the CIA transported some prisoners to foreign custody where they were subject to torture and abuse. Kidnapping, torture, and secret detention occurred without regard for victims’ innocence or guilt and absent any legal process for them to contest their abductions.

Survivors of the RDI program and their families continue to suffer from these experiences. Torture and prolonged detention have left lasting physical, emotional, and social injuries. This in turn harms relationships and livelihoods, which then amplifies the psychological damage. To resume meaningful and secure lives, survivors need medical, psychological and social support, guaranteed legal status, and economic opportunity.

This report also carefully considers the moral and legal responsibility of North Carolina for its involvement in CIA-sponsored activities. The federal government has international law obligations under both the Convention Against Torture and the International Covenant on Civil and Political Rights not only to prevent torture, but also to provide accountability and redress for torture. It did none of these and therefore has failed to meet its international obligations. Given that the federal government has abdicated responsibility, North Carolina can and should fill the gap. Its role as home to Aero obligates it to do so. State and federal laws against conspiracy and corruption are among those instruments that apply to Aero’s activities.

As this report documents, Aero’s central role in the CIA rendition and torture program is beyond dispute. But instead of holding Aero accountable, the State of North Carolina and Johnston County until now have effectively endorsed its activities. This support has taken the form of hosting the company’s headquarters at the Johnston County Airport and providing it with various airport and other county services. Since Aero’s participation in criminal abduction and assault was publicly revealed, the State of North Carolina has made several grants to the county airport, at least one of which was specifically used to fortify the perimeter of only Aero’s corner of the facility.

Torture Flights concludes with specific recommendations directed at federal and state officials as well as toward North Carolina citizens, whose engagement has kept the spotlight on Aero’s activities and whose continued attention is needed to ensure accountability. The recommendations seek to increase transparency about the program and accountability for the illegal actions; provide acknowledgment, redress and reparations to its victims; and prevent the future use of torture. As the report notes, additional research is also needed on the involvement of other North Carolina private corporations and public airports in extraordinary renditions in order to complete the record of the RDI program. At the broadest level, the need is to ensure that neither the federal government nor the state of North Carolina engage in or support torture again.

EXECUTIVE SUMMARY

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CHAPTER 1: THE U.S. GOVERNMENT’S RENDITION, DETENTION, AND INTERROGATION (RDI) PROGRAM

- Post-9/11, the U.S. government (USG) used “extraordinary rendition” to secretly apprehend, detain, and transfer individuals suspected of terrorism to foreign custody for interrogation and/or to CIA custody in CIA-black sites or “black sites.” From 2002–2008, the CIA held at least 119 detainees in ten CIA prisons in six countries locations in the CIA detention and interrogation program.

- These unlawful renditions were conducted with the authorization, facilitation, and participation of three main actors: the U.S. Government, foreign states, and private actors. The US Government authorized and coordinated renditions through the use of “rendition teams,” which included medical personnel in order to monitor recipients throughout the rendition, complete a preliminary medical examination and cavity search, administer sedatives, and provide necessary medical care. Foreign states detained individuals and provided airport terminals where they were prepared for transfer, and/or airports and airspace for rendition flights. The CIA used two separate and parallel systems to transport detainees via private aircraft, the first of which involved the use of planes owned by CIA shell companies and operated by North Carolina-based Aero Contractors, Limited (“Aero”), in particular N379P and N313P.

- While some information on the CIA Rendition, Detention and Interrogation program (the RDI program) has been officially acknowledged—it was the subject of a 700-page study by the U.S. Senate Select Committee on Intelligence (SSCI) —the redacted summary of which was released in December 2014—a much remains unknown.

- In particular, because the SSCI study does not address rendition to foreign custody for interrogation, or torture by proxy, there is no official account of those victims who were sent to foreign custody and not subsequently returned to U.S. custody. As the SSCI study is focused at the federal level, it also does not examine in detail the critical roles of states or private companies such as Aero.

- Outside of the United States, the role of North Carolina and private entities in the rendition and torture program—and the illegality of their actions—have been in the public eye and under some degree of legal scrutiny. Prominent inquiries in the Council of Europe and European Parliament, as well as cases before the European Court of Human Rights, have highlighted the illegality of the CIA program and exposed the use of North Carolina-based rendition aircraft. Three cases have been submitted to African and Inter-American bodies involving individuals transported on N379P and N313P. In 2007, a German court issued arrest warrants for North Carolina-based “ghost pilots” in connection with the rendition and rendition of Khaled El-Masri, including the four pilots that operated N313P.

- Domestically, however, there has been a glaring lack of accountability. Investigations in the United States have been compromised (e.g., via CIA destruction of videotapes of detainees interrogations) or limited in scope. American citizens connected to Aero-operated flights have not proceeded in U.S. courts due to claims of “state secrets.”

CHAPTER 2: NORTH CAROLINA’S ROLE IN TORTURE: HOSTING AERO CONTRACTORS, LTD.

- Private companies were critical to the RDI program. From 2001 until 2004, Aero operated two aircraft owned by a series of CIA shell companies—a Gulfstream V originally numbered N379P and a 727 Boeing business jet originally numbered N313P—on behalf of the CIA. Aero used two airports in North Carolina for these purposes: Johnston County Airport (JNX) in Smithfield, N.C. for N379P and Kingston Regional Airport (located in the Global Transpark, a facility run by the state Global Transpark Authority) for N313P.

- Aero Contractors, a private company closely associated with the CIA, operated aircraft for the rendition program that were registered and re-registered to a series of dummy corporations also connected to the CIA. Aero supplied an estimated 40-50 pilots to fly the rendition missions, as well as other personnel for maintenance and administration of the aircraft.

- Aero transported 49 individuals to interrogations in foreign custody and/or CIA custody in “black sites.” This includes 34 of the at least 119 individuals known to have been in direct CIA custody, and at least 15 more who were rendered by the CIA to foreign custody. In the period from September 2001 to March 2004, Aero was responsible for over 80% of identified U.S. government renditions.

- In particular, the aircraft N379P is linked to 26 rendition circuits between October 2001 and March 2004, while the aircraft N313P was used for six rendition circuits between September 2003 and March 2004.

- State officials allowed construction of a hangar purpose-built for the rendition aircraft N313P. Even after Aero’s role in the CIA program had come to light, local and state authorities continued to lease space to the company, provide public airport services and facilities for rendition flights, and provide grants to for the company’s perpetrator at its airport headquarters. Local and state officials also have, to date, refused to investigate allegations of complicity by Aero Contractors in kidnaping and torture.

CHAPTER 3: OTHER NORTH CAROLINA CONNECTIONS TO POST-9/11 U.S. TERRORISM

- Available evidence suggests that Blackwater employees provided security on CIA secret rendition transport flights during a period when Blackwater was headquartered in North Carolina.

- There is an unconfirmed suggestion that Centurion Aviation Services, an aviation company based in Fayetteville, North Carolina, participated in RDI. Since the NC CITC itself is unable to ascertain all the facts, we urge the North Carolina state government to investigate.

- Personnel at Fort Bragg, also in Fayetteville, were instrumental in the repurposing of techniques designed to protect American service personnel as techniques of torture.

- Units under the Joint Special Operations Command (JSOC), headquartered at Ft. Bragg participated in activities constituting torture.

CHAPTER 4: WHO WERE THOSE RENDERED BY AERO CONTRACTORS?

- The NC CITC has compiled a database on the 49 prisoners known to have been transported for the CIA by Aero. The database includes the key facts that could be identified such as nationality, country of capture, Aero-operated rendition aircraft, flight legs, length and places of detention, current status, whether the detainee was over-charged with a crime and/or tried, and whether he or she has received restitution from any country. In addition, the NC CITC has obtained and published narratives on the cases of 37 of the 49 Aero-rendered individuals.

- Those harmed by the RDI program were as young as 16 and as old as 56 at the time of their renditions. They came from countries around the world. They were held in CIA black sites, DoD facilities, and foreign proxy nation’s prisons. The one female was pregnant when she was seized, tortured, and rendered. Of the 49 prisoners, 13 remain in detention at Guantanamo, some for as many as 16 years and counting.

- At least four of the 49 prisoners have died, one while in detention. Three were killed post-detention, the first in a re-capture operation after his escape, the second in a US drone strike, and the third in the conflict in Yemen. None of them received any acknowledgement or apology from the US government for their wrongful capture and torture before they died, nor have their families been acknowledged.

- To date, neither the US government nor its private partners have acknowledged to these detainees or their families, nor to any of the RDI victims and survivors, the irrational, abduction, detention without charge or trial, and torture to which it subjected them.

- Nor have the US government and private companies such as Aero provided any form of financial compensation or other redress.

CHAPTER 5: RENDITION AS TORTURE

- The process of rendition itself was designed as an integral part of the overall CIA RDI program of creating learned helplessness by subjecting the victim to psychological and physical coercion and total lack of control. From the moment a rendition team seized an individual, the system was aimed at creating terror, pain, dread, and uncertainty. The intent of rendition was to set the psychological stage for subsequent interrogation and detention.

- Beginning well before flights took off, rendition teams operating in complete silence deprived individuals of all control: hooding them and covering their eyes, stripping them naked, beating them, performing forced body cavity searches, shackling with painful ankle and wrist restraints, draftingly forcibly inserting anal suppositories and administering involuntary sedation. Prisoners experienced several of these techniques as sexual assault; and the flights themselves as potentially leading to their deaths. These renditions constituted torture and/or cruel, inhuman or degrading treatment.

- Despite US assertions to the contrary, renditions involving foreign custody or CIA black sites violated the US’s international legal obligations. These include the prohibition on torture and the duty of non-refoulement (the requirement not to deliver captives to a country where they are liable to be abused and/or tortured).

- The situation is further compounded by the violation of the duty to provide legal representation, the prisoner’s right to be informed of the charges against him, the right of an accused to be presumed innocent until his guilt is proven by the power of conviction, the right of freedom of movement and communication, and the right to a public trial by a court of law.

- Chapter 1: Ongoing Challenges for Survivors

- Upon arrival at black sites or foreign proxy prisons, the RDI program of physical and psychological torture unfolded further. In addition to blindfolding, hooding, and physical assault, detainees were held in solitary confinement and in constant darkness or deprived of indication of time or day, subjected to temperature extremes and sleep deprivation, and exposed to painful loud music. They were stripped naked and shackled for consecutive...
days, strung from the ceiling by their arms shackled behind the back, and forced into stress positions for prolonged periods. They suffered simulated drowning and other mock executions, prolonged isolation, threats of rape, and ‘feeding’ cigarette burns to the body, slapping with a sharp object, and fondling of genitals.

- The horrific ensemble of rendition, secret indefinite detention, and torture scarred victims deeply, often permanently. While in detention, several detainees attempted suicide, some multiple times. Survivors of RDI suffer long-lasting, even permanent, psychological effects. These consequences include PTSD, alternating between detachment and paranoia, difficulty interacting with and connecting to people, including family, and a ‘phobia of hope’, or a terror of thinking about the future.

- The impact of RDI on wives, siblings, parents, and children of victims is painful, and has touched entire communities. Former detainees face enormous challenges rebuilding family relationships and reintegrating into communities, including isolation in countries far from their places of origin, ongoing surveillance, and the suspicion that accompanies disappearance.

- Former RDI detainees continue to have severe difficulties. Many have struggled to obtain official identification documents, maintain housing, open a bank account, or find employment.

CHAPTER 7: COSTS AND CONSEQUENCES OF THE CIA’S TERROR AND RENDITION PROGRAM

- The U.S. government’s use of torture has undercut national security and contributed to terrorism. It produced faulty intelligence that contributed to costly military involvement, harmed counterterrorism partnerships, and energized terrorist recruitment.

- Torture and the lack of accountability for it have lowered the United States’ moral standing in the world, which in the past has been used to promote human rights, international cooperation, and the rule of law. As other nations have been held partially accountable, or have in a few cases held themselves accountable, and the rule of law. As other nations have been held partially accountable, or have in a few cases held themselves accountable, and the rule of law.

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CHAPTER 8: NORTH CAROLINA PUBLIC OPPOSITION TO THE RDI PROGRAM, AND OFFICIALS’ RESPONSES

- North Carolina has witnessed continuous citizen action against torture since 2005. Its aim has been to persuade local, state, and federal officials to investigate North Carolina’s involvement in the RDI program, in particular the role played by Aero, and to prevent further state participation in torture. In addition to North Carolina Stop Torture Now, others with key roles have included organizations and individuals from the faith, peace, civil liberties, academic, and legal communities.

- Thousands of North Carolinians have advocated for action on the state’s role in torture to a range of authorities including local, state, and federal government officials, as well as to the United Nations and foreign governments. Citizen advocates have written letters and petitions to government officials, delivered a ‘people’s indictment’ to executives of Aero and others, held vigils, marches, rallies and other visibility actions; conducted meetings with elected officials including governors, attorneys general, U.S.
RECOMMENDATIONS FOR FEDERAL GOVERNMENT

To enhance transparency and promote accountability for the RDI program:

1. Declasify the entire Senate Select Committee Report (SSCI Report) on the Detention and Interrogation Program with minimal redactions.  
2. Conduct a thorough investigation into the CIA program of rendition, following redacted renditions, to foreign governments for torture which was not covered by the SSCI report, including information as to the chain of command and structure of the program.
3. Request that foreign governments that participated in the RDI program by receiving, detaining, or interrogating rendered prisoners (all of which was outside the focus of the SSCI report) provide records to help understand the scope of renditions to foreign custody, where and how long they were held, and what was done to them.
4. Declasify and make public information about the role of Aero Contractors, Ltd. and other North Carolina-based contractors in the RDI program, the nature of any contracts or directives they had, and what specifically they were requested to do.
5. In all government investigations of the RDI program, including those conducted previously and going forward, make any findings public and available widely on the web, to the extent possible.
6. Declasify and make public information about the training on SERE techniques that took place at Fort Bragg, and the ways in which those training sessions contributed to abuses in Guantánamo, Iraq, and Afghanistan.
7. Thoroughly investigate and prosecute any acts of torture or conspiracy to commit torture that are or have been identified, including those conducted by government officials and policymakers regardless of their rank and status, as required by the United States’ international law obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
8. Stop asserting the “state secrets” privilege to prevent legitimate legal claims from being heard.

To prevent this from happening again:

1. Provide government-wide training about the illegality of torture, its ineffectiveness, and its costs to national security.
2. Ensure interrogations are carried out in ways that are both effective and non-coercive, consistent with the recommendation of the High Value Interrogation Group (OVIG) Train military and civilian interrogators accordingly.
3. Establish a Special Inspector General for the prevention of torture with the authority to investigate across the entire federal government.
4. Strengthen laws regarding the use of private contractors, including requiring transparency in their operations (e.g. requiring that their work for the government is subject to Freedom of Information Act requests).
5. Provide guidance on the obligations of state and local authorities to assist in carrying out obligations under CAT and ICCPR.
6. Establish a comprehensive study on the effects of the torture used in the RDI program to understand the long-term impact, including the extent of the human and security costs.
7. Institute whistleblower protections to enable those with knowledge of illegal acts in the Government to come forward, including the following:
   - Examine and remedy pervasive incentives against speaking up
   - Institute legal protections for anyone who blows the whistle on torture
   - Set up government-wide awards to acknowledge those who stand up to cruelty
8. Provide records to help understand the scope of renditions to foreign custody, where and how long they were held, and what was done to them.

RECOMMENDATIONS FOR STATE AND LOCAL GOVERNMENTS AND LAW ENFORCEMENT OFFICIALS

To enhance transparency and promote accountability for the RDI program:

1. Establish a governor-led task force to investigate the role of Aero and other private contractors operating in the State during the period in which the RDI program was operational (2001 – 2008) and make the results available to the public.
2. Submit a formal request to the Federal Government asking for details on the role of Aero (and other North Carolina-based private contractors) in the RDI program.
3. Pass legislation strengthening North Carolina state law surrounding private contractors, using lessons learned in the above investigations. Include the following:
   a. Require private contractors to comply with all state, federal and local laws including a prohibition on private contractors participating in inhumane or unlawful treatment and transport of detainees.
   b. Authorize suspension of support to contractors that have or are accused of violations of state, federal and international law.
   c. Require a response to reasonable requests for information on private contracts with the Federal Government.
4. Investigate and prosecute to the fullest extent allowed by law anyone who violates or violated North Carolina law that is designed to protect against torture and abuse, including laws that criminalize kidnapping, aggravated assault, false imprisonment, and conspiracies to commit unlawful acts.
5. If law enforcement personnel empowered to investigate fail to do so, enact in law a specific mandate for the Attorney General to convene a grand jury for investigating and prosecuting conspiracy to kidnap for torture.
6. Conduct a financial audit of Aero Contractors, Ltd to determine profits made from complicity in RDI.
7. Authorize suspension of support to contractors (both effective and non-coercive, consistent with the law) that further conspiracies to kidnap for torture or other human rights violations.

To prevent this from happening again:

1. Support the establishment of a torture survivor center in the state for refugees and asylum seekers.
2. Explore partnerships with North Carolina universities, Red Cross and/or hospitals with programs to educate citizens on human rights and torture.
3. Pass legislation (including strengthening private contractor laws noted above) that prevents North Carolina from ever being used again to support illegal and inhumane policies such as torture and rendition and instead fosters an ethical and pro-human rights business environment.
4. Provide guidance on the obligations of state and local law enforcement authorities to assist in carrying out obligations under CAT and ICCPR.
5. Call for active citizen engagement in the issue, such as by supporting programs that promote human rights and educate the public about the moral and security costs of torture.
6. Adopt policies by airport authorities that prohibit participation by any airport tenants or users in aviation that furthers conspiracies to kidnap for torture or other human rights violations.

RECOMMENDATIONS FOR CITIZENS

1. Create a citizens’ fund to help the victims and their families who suffered from North Carolina’s involvement in RDI.
2. Write to survivors and victims’ families with a commitment to remove pressure on federal and local authorities to officially acknowledge and provide appropriate redress for the RDI violations committed against them. Engage with elected officials on the State and Federal recommendations.
3. Raise funds for a comprehensive public study of renditions to foreign custody.
4. Establish a North Carolina university scholarship for the study of the nexus among torture, human rights, racism and national security.
5. Help educate fellow citizens about the costs of engaging in a systematic secret torture program, and the dangers of allowing racism and dehumanization of Muslims to be used to justify policies of indefinite detention and torture.
6. Organize a mobile exhibition about North Carolina’s involvement in torture to educate the public and start a dialogue on concrete steps that could be taken to make the state a human rights leader.
TORTURE AND DETENTION AND INTERROGATION (RDI) PROGRAM

On September 17, 2001, in the aftermath of the events of September 11, President Bush signed a classified covert action memorandum authorizing the Central Intelligence Agency (CIA) to seize and detain suspected terrorists. By the following month, October 2001, Aero Contractors, Limited ("Aero") had begun to operate a Gulfstream V turbojet aircraft N379P out of North Carolina in the United States to secretly transfer individuals suspected of terrorism between countries and jurisdictions without legal process. The program was only suspended by Executive Order 13491 in 2009. This chapter of the report provides an overview of the program, with special attention to the partnerships that made it possible.

Aero’s N379P was one of multiple airplanes used in the CIA operations. "Rendition" is an umbrella term that refers to any transfer of a person between governments. "Extraordinary rendition" is the secret and forcible transfer of an individual between States or legal jurisdictions outside of the law. Through the RDI program of extraordinary rendition, the U.S. government worked with private U.S. corporations, such as Aero, and foreign agents to transfer suspected terrorists through two interlinked detention systems for coercive interrogation. The flights carried agents to transfer suspected terrorists through two interlinked detention systems for coercive interrogation. The flights carried agents to transfer targeted individuals to and among these two systems for coercive interrogation.

The program and rendition teams prepared them for flight by hooding them, performing body cavity searches, applying ankle and wrist restraints, and administering sedation, all without permission or explanation. This is because of poor record keeping on the part of the CIA, the lack of research on and acknowledgment of detainees rendered to foreign custody, and knowledge of additional detainee renditions with no corresponding flight paths, which indicates the existence of rendition to both foreign government custody and CIA secret detention. The "two programs entailed the abduction and disappearance of detainees and their extra-legal transfer on secret flights to undisclosed locations around the world, followed by their incommunicado detention, interrogation, torture, and abuse."

Transferring individuals to foreign custody was an "integral component of the CIA program. The U.S. government handed individuals over for coercive interrogation by intelligence agencies in countries such as Egypt and Jordan. Starting with the apprehension of Abu Zubaydah in March 2002, the U.S. government also began to render individuals to CIA-run prisons. Between 2002 and 2008, the CIA would go on to hold at least 119 individuals in CIA’s "black sites" in six countries around the globe: one in Thailand, one in Poland, one in Romania, one in Lithuania, two in Guantánamo Bay, and four in Afghanistan. Because the CIA ran a "black site" network throughout the RDI program, detainees were often transferred multiple times between these various sites, as well as to foreign custody, during their detention.

According to U.S. government documents, upon abducting targeted individuals, rendition teams prepared them for flight by hooding them, performing body cavity searches, applying ankle and wrist restraints, and administering sedation, all without permission or explanation. The CIA considered abduction and rendition to be integral to the interrogation process by making detainees disoriented, helpless, and afraid. The protocols of rendition tied discussed further in Chapters 4 and 5 of this

CHAPTER 1: THE U.S. GOVERNMENT’S RENDITION, DETENTION, AND INTERROGATION (RDI) PROGRAM

The RDI program developed out of the U.S. law enforcement practice of rendition to justice of the late 1980s and 1990s, in which suspects were apprehended by covert CIA or FBI teams and brought to the United States or other states usually the states

Commission of Inquiry on Torture (NCICIT) indicates that the actual number of individuals affected by the program is likely far higher. This is because of poor record keeping on the part of the CIA, the lack of research on and acknowledgment of detainees rendered to foreign custody, and knowledge of additional rendition to both foreign government custody and CIA secret detention. Without corresponding flight paths, which indicates the existence of rendition to foreign government custody and CIA secret detention. Therefore, the true number of individuals subject to the RDI program — and in particular the number, identities, and whereabouts of those rendered to foreign custody for detention or interrogation — remains unknown.

What is known is that the NCICIT inquiry found "at least 25" of the CIA’s estimated 119 detainees were victims of mistaken identity or other errors, a tally that reflects only those determined by the CIA itself not to meet its criterion for detention. Among these 26 individuals were those rendered on Aero-operated flights. Torture and ill-treatment were hallmarks of rendition to both foreign government custody and CIA secret detention. The two programs entailed the abduction and disappearance of detainees and their extra-legal transfer on secret flights to undisclosed locations around the world, followed by their incommunicado detention, interrogation, torture, and abuse

The true number of individuals subject to the RDI program — and in particular the number, identities, and whereabouts of those rendered to foreign custody for detention or interrogation — remains unknown.
Chapter 1: The U.S. Government’s Rendition, Detention, and Interrogation (RDI) Program

Overview of the CIA Rendition, Detention, and Interrogation Program

Between 2002 and 2008, the CIA held at least 119 detainees in the CIA prison in a secret facility in Kuban, Georgia, and transported 24 of the detainees that were sent to CIA prisons and/or to the individuals transferred in custody of third countries.

Once in CIA “black sites,” individuals were tortured through so-called “enhanced interrogation techniques” (EITs), including facial slaps, waterboarding, solitary confinement, wall standing, stress positions, sleep deprivation, diapering, rectal feeding, and use of insects. Such techniques could be as repetitive as they were torturous. For example, one CIA detainee, Khalid Shaikh Mohammad, was subjected to “183 applications of the waterboard” on 15 different documented occasions.

EITs, often used in combination, included:
- Walling
- Sleep deprivation
- Solitary confinement
- Stress positions
- Rectal feeding
- Waterboarding

These brutal techniques are considered acts of torture or cruel, inhuman, or degrading treatment and are illegal under U.S. and International Law.

According to official figures, “at least 39” of the at least 119 individuals in CIA custody were subject to EITs. However, the actual identities, numbers, and whereabouts of individuals in the CIA program did subject to torture and abuse remain unknown because the CIA “never conducted a comprehensive audit or developed a complete and accurate list of the individuals it had detained or subjected to its enhanced interrogation techniques.”

Nor is the scope of detainees experience fully documented, given that detainees faced “harsh” confinement conditions and interrogations that were “brutal and far worse” than what the CIA had officially indicated to policymakers and other government officials.

Individuals rendered to foreign government custody similarly faced torture and other abuse. According to one U.S. official involved in rendering individuals to foreign governments: “We don’t kick the laptop out of them. We send them to other countries so they can kick the [hypothetical] out of them.”

Beyond the CIA: Foreign Governments, Private Actors, and U.S. Local and State Officials

Three main entities carried out the post-9/11 RDI program: the U.S. government, foreign governments, and private actors. Both of the interconnected systems of extraordinary rendition and CIA secret detention relied heavily on the co-operation of foreign governments that were willing to provide structural support and personnel. Reflecting the reliance of the U.S. government on these foreign partners, a Council of Europe inquiry into “alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states” described the CIA program as a “network that resembles a spider’s web across the globe.”

According to testimony before the NCCIT, foreign governments participated in the RDI program by:

- Hosting one or more CIA military detention sites
- Hosting one or more US military detention sites
- Abducting and initially detaining prisoners before they were rendered to a CIA “black site” or to foreign custody
- Receiving detainees via the CIA, who had been abducted elsewhere but not held by the CIA directly
- Providing refueling stops for rendition circuits
- Providing rest and relaxation for rendition crews during, or after, rendition operations

Private actors were ubiquitous in the U.S. government’s post-9/11 RDI program. To design the program, the CIA contracted two psychologists, James Mitchell and John “Bruce” Jessen, to devise the interrogation tactics. Shortly after the psychologists “formed a company specifically for the purpose of conducting their work with the CIA” in 2005, the “CIA outsourced virtually all aspects of the program.” Private aircraft companies also played a central role, primarily in the transport of individuals as well as in providing other associated logistical support.

Post-9/11, the U.S. government utilized two distinct and parallel aviation systems that involved private actors to transport individuals to foreign custody and/or to CIA custody.

The first system, lasting from 2001 to 2004, involved the use of planes owned by CIA shell companies (e.g., Stevens Express Leasing, Inc.; Premier Executive Transport Services, Inc. (PETS); Rapid Air Transport, Inc.; Path Corporation; Aviation Specialties, Inc.) that were typically operated by a series of real companies (such as Aero Contractors, Limited, Pegasus Technologies, and Tepper Aviation), that were responsible for “maintenance, providing hangars and arranging the logistical details for each flight circuit.”

The second system, in place from 2002 to 2006, also relied on private companies and was supervised through a “prime contract” between the CIA and DynCorp Systems and Solutions, LLC (and its corporate successor Computer Sciences Corporation (CSC)). Through this arrangement, DynCorp/CSC entered into agreements with aircraft brokers that in turn contracted with aircraft operating companies to supply the planes.

In the first phase of extraordinary rendition when individuals were transported to foreign custody, the use of civilian aircraft owned by shell companies and operated by private entities was critical to the covert nature of the program. It enabled the CIA to avoid the duty to provide the information required by States.
concerning government or military flights. Of these real private
companies, North Carolina-based Aero was particularly critical to
the RDI program. According to testimony provided to the NC CIT,
it is now clear that Aero Contractors aircraft played an absolutely
central role in the CIA’s torture program especially during the
first years of its operation. Indeed, Aero operated aircraft the
Gulfstream V N379P and Boeing 737 N313P conducted over 80% of
denial of U.S. government renditions between September 2001
and March 2004.

Trip planning services for a number of identified rendition
routes on Aero-operated aircraft N313P and N379P were provided
by Jeppesen Dataplan, Inc., a company with headquarters in San
Jose, California. The role of Jeppesen Dataplan, Inc. is described
in a 2007 federal lawsuit on behalf of five extraordinary rendition
victims against the company. The lawsuit states that “in knowingly
providing flight and logistical services to the CIA for the rendition
program, the company facilitated and profited from Plaintiffs’
amissions and activities” and “in failing to investigate allegations about the use of public
resources to

Additional investigation required into the CIA’s rendition
activities at the federal government level, it does not examine the role of states such as North Carolina
without whose participation the program could not have been carried out.

NORTH CAROLINA AND THE RDI PROGRAM: GAPS IN INFORMATION AND ACCOUNTABILITY

Despite the myriad crimes associated with the RDI program,
no U.S. executive agency nor any U.S. state has held accountable
anyone involved in the RDI program. Domestically, efforts to
ensure accountability, including for North Carolina’s role in the
RDI program, have been frustrated on many levels. Chapter 8 of
this report examines the extensive role that North Carolinians
have played in continuing to press for transparency and an end to
torture.

With respect to intra-agency accountability, at the time of the
program’s beginning, the ‘CIA avoided, resisted, and otherwise
impeded oversight of the CIA’s Detention and Interrogation
Program by the CIA’s Office of Inspector General. While the
May 2004 report by that same office contains some criticism of
the CTC’s Counterterrorist Center Detention and Interrogation
Program, it nonetheless concludes that there is no need for

separate investigations or administrative action.” Other agency
actions that impeded accountability include the CIA’s destruction
of tapes documenting CIA interrogation in November 2005. An
investigation into the tapes destruction ended without bringing
criminal charges against participants.

With respect to Congress, on December 9, 2014, the SSCI
released a redacted version of its declassified Executive Summary
on the Study of the CIA’s Detention and Interrogation Program. But the full study, which was the product of more than five years of
investigation and totals more than 6,700 pages, remains classified.

Additional historically that inquiry was focused at the federal government level, it does not examine the role of states such as
North Carolina, upon whose participation the program depended.
Cases involving rendition victims, including several individuals
transported on Aero-operated flights, have for the most part
not proceeded in U.S. courts because the U.S. government has
dined their cases are dismissed on the basis of the ‘state secrets’
policies, in order to protect national security. When applied too broadly, this argument can prohibit accountability for illegal
government actions. For example, on December 6, 2005, the
American Civil Liberties Union (ACLU) filed a lawsuit against
former Director of the CIA George Tenet, three private aviation
companies (including Aero Contractors), and several unnamed
defendants in the U.S. District Court for the Eastern District of Virginia. The suit, which was ultimately unsuccessful, concerned
the rendition of Khadr El-Marri from St. Petersburg, Russia, to
Afghanistan on N313P. On May 30, 2007, the ACLU filed another
lawsuit that was also ultimately unsuccessful against Jeppesen
Dataplan, Inc. in U.S. District Court for the Northern District of
California on behalf of three victims of the “extraordinary
rendition” program. The complaint was amended August 1, 2007 to add two additional victims. All five victims had been
transported on aircraft N379P and N313P.

Although the RDI program ended in 2009 and its initial legal
underpinnings have been rescinded, there remain significant
information and accountability gaps regarding the program’s
scope, participants, and effects. Transparency and accountability
for illegal and immoral components of the RDI program require

Where Aero Contractors Transported Known Individuals: Direct CIA Custody VS. Foreign Custody

Aero Contractors is confirmed to have transported
49 individuals* in the RDI Program

30% (Approx.) (15 individuals) were transported to foreign custody.

70% (Approx.) 34 individuals were transported to direct CIA custody.

*49 Total

Aero Contractors’ Role in Transporting Known Individuals to Direct CIA Custody

Aero Contractors transported 34 of the at least 119 individuals known to have been in direct CIA custody.
full disclosure of the role of states within the United States; the contribution of private companies to official rendition, detention, and interrogation; the routes and processes of rendition; and a full accounting of those individuals transferred by the CIA to foreign custody for interrogation by ali"
Local state and officials in North Carolina are implicated in the activities of Aero Contractors, Ltd. These officials, for example, permitted North Carolina’s public airports to be used for rendition flights, leased space and/or allowed a hangar to be built for rendition aircraft, and refused to investigate allegations of the involvement of Aero Contractors, Ltd. in the RDI program. 

The pilots flew in and out of at least one eastern North Carolina black site under cover of ‘dummy’ flight plans that falsely listed nearby destinations in order to conceal the true purpose of these missions, according to a Council of Europe report. 

While there is no direct evidence that Aero personnel knew they were making false flight plans, there are indications of conscious participation in illegal activity. For example, the pilots flew in and out of at least one eastern European CIA ‘black site’ under cover of ‘dummy’ flight plans that falsely listed nearby destinations in order to conceal the true purpose of these missions, according to a Council of Europe report. 

In addition to investigative reporting and testimony before the Commission, described above and further below, there are a number of U.S. government documents and statements of Aero personnel that confirm the close relationship between Aero Contractors and the government: 

- Aero Contractors representatives have publicly confirmed that the U.S. government is a long-held client, for which they do most of its work, and that this work is “sensitive in nature.”

- In 2005, Robert Blowers, then-assistant general manager of Aero Contractors, stated that Aero Contractors had “leased” two aircraft N379P and N313P “for about a year; in about 2002 or 2003” from Premier Executive Transport Services (PETS), a company that has been repeatedly identified as a CIA shell company. 

- A 2007 CIA Inspector General “Report of Investigation on the Rendition and Detention of German Citizen Khalid Al-Ma’ar” refers to documents in the present report as Khaled El-Ma’ar refers to his January 2004 rendition and states that “El-Ma’ar was taken into CIA custody and transported from Italy aboard an Agency aircraft. This ‘Agency aircraft’ was identified as N313P, owned by PETS, and operated by Aero Contractors for the rendition of Mr. Al-Ma’ar from Skopje, Macedonia to Afghanistan.” 

The role of local and state officials 

Local and state officials in North Carolina are implicated in the activities of Aero Contractors, Ltd. These officials permitted North Carolina’s public airports to be used for rendition flights, leased space and/or allowed a hangar to be built for rendition aircraft, and refused to investigate allegations of the involvement of Aero Contractors, Ltd. in the RDI program. 

The North Carolina Global TransPark Authority (GTPA) purchased the hangar and accessories from Aero for $1.5 million on Oct. 8, 2007. 

The GTPA was chaired by former North Carolina Global TransPark Authority (GTPA) purchased the hangar and accessories from Aero for $1.5 million on Oct. 8, 2007. 

The construction of the 20,000 square foot hangar was completed in October 2004. 

Under the January 35, 2004 lease, Aero Contractors also received a credit against the rent for the “appropriate proportion” of the $60,000 “up-front costs” as described in the earlier 2002 commercial lease agreement. 

Aero Contractors operated a 737 Boeing Business Jet registered with the JFK as N379P and then subsequently re-registered as N8068V, N44982, and N246CH. Aero Contractors operated N379P during the RDI program from October 2001 onward. 

It is an aircraft that Dick Marty, former member of the Council of Europe, describes as ‘one of the most notorious rendition aircraft’ in the context of a Council of Europe inquiry into ‘alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states.’ The shifting ownership and registration information is as follows: Gulfstream V N379P was owned by the CIA shell company PETS until December 2004. 

During the early years of the RDI program, the aircraft operated from its base at the Johnston County Airport under tail numbers N379P and N8068V, and it was registered twice more in 2004 and 2006. 

At least 26 planes were owned by the CIA through a number of shell companies, and “the facility that turns up most often in records of the 26 planes is little Johnston County Airport.” 

**Gulfstream V Aircraft**

**737 Boeing Business Jet**

Prior to the hangar’s construction and pending its completion, reportedly 

**SHIFTEING OWNERSHIP AND REGISTRATION OF PLANES OPERATED BY AERO CONTRACTORS, LTD.**

**TORTURE FLIGHTS: NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM**

**WWW.NC TortureReport.ORG**

**CHAPERT 2 : NORTH CAROLINA’S ROLE IN TORTURE: HOSTING AERO CONTRACTORS, LTD.**
TORTURE FLIGHTS: NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

INDIVIDUALS RENDERED ON AERO CONTRACTORS-OPERATED FLIGHTS

According to testimony provided to the Commission:

- Aero reportedly rendered “at least 49 individuals – and likely more” including to interrogations in foreign custody and/or CIA custody in “black sites.” This figure is based on 32 identified circuits that are linked to 69 individual renditions (individuals were sometimes rendered more than once on Aero aircraft). Aero’s two aircraft reportedly “rendered prisoners into the CIA black site network from a number of locations around the world, including Egypt, The Gambia, Morocco, Malawi, Iraq, Iran, Jordan, Djibouti, and Macedonia.”

- Approximately one-third of the individuals in direct CIA custody during the RDI program were reportedly transported by Aero Contractors. Specifically, testimony presented to the Commission indicates Aero transported 34 out of the 129 individuals known to have been in direct CIA custody. According to this testimony, Aero Contractors aircraft were “central to the rendition of so-called High-Value Detainees (HVD) between CIA black sites. Many HVDs were held in multiple black sites, and were rendered between them on numerous occasions.”

- The other 25 of the 49 prisoners were reportedly rendered by Aero Contractors to “proxy detention or U.S. military detention.”

- In addition, North Carolina Stop Torture Now has identified a further 27 flight circuits undertaken by the aircraft N379P and N313P between September 11, 2001 and June 10, 2005 that resemble rendition circuits (e.g., involve countries that hosted CIA ‘black sites’); the purposes of which have not yet been confirmed, including whether/which individuals were transported on these flights.

- Four of the six rendition circuits that have been linked to N313P are as follows:

<table>
<thead>
<tr>
<th>CIRCUIT DATES</th>
<th>DETAINEES</th>
<th>LOCATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 20-25, 2003</td>
<td>Hassan bin Attash</td>
<td>Afghanistan, Poland, Romania, Morocco, and Guantánamo Bay</td>
</tr>
<tr>
<td>January 5-10, 2004</td>
<td>Ramzi bin al-Shibh</td>
<td>Jordan to Afghanistan</td>
</tr>
<tr>
<td>January 15-28, 2004</td>
<td>Khaled el-Maati</td>
<td>Macedonia to Afghanistan</td>
</tr>
<tr>
<td>March 6-14, 2004</td>
<td>Abdel Hakim Belhaj</td>
<td>Thailand to Libya (via Diego Garcia)</td>
</tr>
</tbody>
</table>

Aircraft N379P has been linked to 26 rendition circuits between December 2001 and March 2004, according to the Rendition Project. The identified flights often involve renditions of more than one person, as well as “more than one rendition operation per circuit.”

<table>
<thead>
<tr>
<th>CIRCUIT DATES</th>
<th>DETAINEES</th>
<th>LOCATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 18-20, 2001</td>
<td>Ahmed Agiza</td>
<td>Sweden to Egypt</td>
</tr>
<tr>
<td>January 9-15, 2002</td>
<td>Mohammed Saad Iqbal Madni</td>
<td>Indonesia to Egypt (via Diego Garcia)</td>
</tr>
<tr>
<td>February 6-13, 2003</td>
<td>Ali al-Hajj al-Sharqawi</td>
<td>Afghanistan to Jordan (possible)</td>
</tr>
<tr>
<td>April 8-15, 2002</td>
<td>Mohammed Saad Iqbal Madni</td>
<td>Egypt to Afghanistan (via Uzbekistan)</td>
</tr>
</tbody>
</table>

The Rendition Project has identified some of these rendition circuits as follows:

<table>
<thead>
<tr>
<th>CIRCUIT DATES</th>
<th>DETAINEES</th>
<th>LOCATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 22-28, 2002</td>
<td>Abou Elkassim Britel</td>
<td>Pakistan to Morocco</td>
</tr>
<tr>
<td>July 17-23, 2002</td>
<td>Binyam Mohamed and two others</td>
<td>Pakistan to Morocco</td>
</tr>
<tr>
<td>September 11-19, 2002</td>
<td>Ramzi bin al-Shibh</td>
<td>Afghanistan to Jordan and/or Morocco</td>
</tr>
<tr>
<td>November 12-18, 2002</td>
<td>Abdel al-Rahim al-Nashiri</td>
<td>Afghanistan to Thailand (possible)</td>
</tr>
<tr>
<td>December 8-17, 2002</td>
<td>Ba’azmi al-Rawi</td>
<td>The Gambia to Afghanistan (via Egypt)</td>
</tr>
<tr>
<td>February 6-13, 2003</td>
<td>Ramzi bin al-Shibh</td>
<td>Morocco to Poland (possible)</td>
</tr>
<tr>
<td>March 1-9, 2003</td>
<td>Khaled Sheikh Mohammed</td>
<td>Afghanistan to Poland</td>
</tr>
<tr>
<td>June 3-7, 2003</td>
<td>Abdel al-Rahim al-Nashiri</td>
<td>Pakistan to Morocco</td>
</tr>
<tr>
<td>October 24-30, 2003</td>
<td>Mohamed Farag Ahmad Bashmilah</td>
<td>Jordan to Afghanistan</td>
</tr>
<tr>
<td>January 20-29, 2004</td>
<td>Khaled al-Maqtari</td>
<td>Iraq to Afghanistan</td>
</tr>
<tr>
<td>March 6-13, 2004</td>
<td>Gouled Hassan Dourad</td>
<td>Djibouti to Afghanistan, Morocco or Guantánamo Bay (possible)</td>
</tr>
</tbody>
</table>

CONCLUSION

Aero Contractors’ central role in the CIA’s RDI program has been confirmed by investigative reporting, testimony before the Commission, and reports such as those by the European Parliament Temporary Committee on the “Alleged Use of European Countries by the CIA for the Transport and Illegal Detention of Prisoners.” That role would not have been possible without the use of state and local infrastructure, including Johnston County Airport and the Global TransPark in Kinston, NC. State and county officials approved upgrades to these facilities such as hangar construction and security enhancements during the period that the RDI program was operational. The available information also points to several areas for more investigation. These include but are not limited to the potential role of other North Carolina airports in the RDI program, the purposes of and passengers on other Aero-operated flights conducted during this period, and the knowledge of North Carolina’s public officials of the nature of Aero’s operations.
This chapter addresses potential and actual involvement by parties in the state of North Carolina in the United States’ post-9/11 torture program – beyond the CIA’s use of North Carolina airports for extraordinary rendition flights conducted by Aero Contractors. In addition to considering the role of other private contractors, the chapter discusses torture-related activity in which U.S. military personnel based at Fort Bragg, North Carolina, were reportedly involved.

POSSIBLE RDI ROLES FOR OTHER PRIVATE NORTH CAROLINA COMPANIES

Besides Aero Contractors, the Commission has identified Blackwater and Centurion as two NC-based private corporations whose possible connections to the RDI program deserve further investigation.

Blackwater

The security firm Blackwater was a major contractor for both the Department of Defense (DoD) and CIA during the rendition, detention, and interrogation period, while the company was based at Moyock, NC. According to the New York Times, Blackwater assisted with rendition transfers after 2001. The New York Times reported that former Blackwater employees said they protected security on CIA flights transporting detainees. According to these employees, they were “handpicked by senior Blackwater officials on several occasions to participate in secret flights transporting detainees around war zones.”

The relationship between Blackwater and the CIA was reportedly very close, in part due to Blackwater’s tendency to hire former CIA officials. For example, in 2005 Blackwater hired Enrique “Kiki” Paez, a former CIA officer for the CIA’s Counterintelligence Center (CTC), which ran the RDI program, and J. Collier Black, CTC’s former director.

While these hires, in and of themselves, do not in any way establish participation by Blackwater in extraordinary renditions, they do indicate a close relationship that would facilitate such participation.

Centurion

Centurion Aviation Services is an aviation company based in Fayetteville, NC. The NCCTC has received information that suggests that while Blackwater is known to have participated in RDI, Centurion is not. However, this information is not clear, and the Commission urges the North Carolina state government to investigate.

According to flight logs from the Federal Aviation Administration (FAA) and news accounts, Centurion:  

- Was involved with Saudi Aviation in the rendition of two prisoners held post-9/11 in DoD facilities.
- According to the Flight Watch program it conducted, the company transported detainees on at least 50 flights between 2002-2003.
- Centurion grated while flying between Afghanistan, the United States, and Europe.
- Centurion provided aircraft and crew for the CIA’s rendition program.

For example, according to the Flight Watch logs, during the period 2003-2006, N478GS visited Islamabad twice, Egypt seven times, Egypt 11 times, Jordan once, Bucharest twice, and Bagram once. These locations were all significant in the RDI program and were common destinations for the RDI-connected aircraft of Aero Contractors and other companies – Islamabad and Iraq as common points to which prisoners were delivered for torturous interrogations; and Bucharest and Bagram as locations of CIA dark prisons.

A news account indicates that on Dec. 6, 2004, N478GS was arriving in Romania from Bagram Airport in Afghanistan when it had an accident while landing in Bucharest: destroying its wheels and a fuel tank.

The news account further indicates that on board were seven American passengers who disappeared quickly after the accident, one reportedly carrying a gun. The CIA’s Romanian “black site” was functioning during this period, it operated in Bucharest from 2003 to 2005.

A European Parliament body: the Temporary Committee on the alleged use of torture by the United States and other NATO countries in connection with rendition and illegal detention of prisoners (TDIP), included these two aircraft on a list “used by the CIA for ‘extraordinary renditions’” and described their numerous stopovers at Shannon Airport and other European and non-European airports.

FORT BRAGG, JOINT SPECIAL OPERATIONS COMMAND (JOSC) AND PRISONER ABUSE

Although this report is primarily focused on CIA-led abuse programs of torture and abuse implemented by the U.S. military as well. Of particular relevance to this report, personnel at Fort Bragg were instrumental in the development and use of abusive techniques against prisoners held post-9/11 in DoD facilities.

Key personnel included the Chief of the Psychological Applications Directorate at the U.S. Army’s Special Operations Command (Col. Louis ‘Morgan’ Banks). Col. Banks was the senior Army Survival, Evasion, Resistance and Escape (SERE) Psychologist. SERE teaches U.S. service members how to resist interrogations by ‘enemies that do not abide by the Geneva Conventions.’

Working with the Joint Personnel Recovery Agency, a military program that reintegrates American prisoners of war, Col. Banks organized a September 18, 2002 training program for military psychologists to familiarize them with the techniques used in rendition, detention, and interrogation of prisoners. The training program conveyed how the techniques could be applied to overcome an individual’s resistance.

The techniques included “rough handling,” wall standing, sleep deprivation, exploitation of phobias, threatening with dogs, subjecting to cold temperatures, and pressuring of personal space by female staff. According to the training, Dr. John Levis, an Army psychologist, and psychiatrist Paul Burnard, members of the British torture-rehabilitation Consultation Team (BSCIT) at Guantanamo Bay.

Following the training, Drs. Levis and Burnard wrote a report to the Special Forces Center for the use of SERE-based strategies and techniques on Guantanamo detainees. This memo formed the basis for authorization of those techniques by Secretary of Defense Rumsfeld on December 2, 2002.

Psychologist Reenlistment and Reintegration Consultation Team (BSCIT) at Guantanamo Bay.

According to the training, the task force was comprised of U.S. military special forces from Fort Bragg and CIA personnel, and must have been highly secretive about their identity.

Detainees were brought to Camp Nama by a joint U.S.-U.K. special forces unit called Task Force 121. Its successor, Task Force 6-26, engaged in kicking, punching and hounding detainees, beating them with rifle butts, and using detainees as targets for the “High Five Paintball Club.”

DoD regulations allowed use of techniques designed to cause psychological or physical distress in contravention of psychologists’ fundamental ethical responsibility to “do no harm.”

Conclusions

North Carolina has multiple demonstrated and reported connections to the systematic use of torture after 9/11 as implemented by the CIA and also by agencies and personnel overseen by the DoD. As far as is known, the DoD and CIA programs of detainees abuse and torture were developed and administered in an organizationally separate manner.

However, some detainees to whom North Carolina owes particular acknowledgment and redress were passed between and harmed by both programs. For example, Mohamedou Ould Slahi was rendered to Camp Nama, a secretive DoD prison in Afghanistan, where he was tortured by CIA personnel. Col. Hodges also participated in the rendition of a number of abuses inflicted by Special Operations Forces (SOF) elite members under the Joint Special Operations Command (JSOC) which is headquartered at Fort Bragg.

Personnel at Fort Bragg were instrumental in the development and use of abusive techniques against prisoners held post-9/11 in DoD facilities.

CONCLUSION

North Carolina has multiple demonstrated and reported connections to torture-related activity in which U.S. military personnel based at Fort Bragg, North Carolina, were reportedly involved. In addition to considering the role of other private contractors, the chapter discusses torture-related activity in which U.S. military personnel based at Fort Bragg, North Carolina, were reportedly involved.
CHAPTER 4: WHO WERE THOSE RENDERED BY AERO CONTRACTORS?

The 49 detainees were citizens of 16 countries, including Afghanistan, Algeria, Egypt, Iraq, Jordan, Libya, Morocco, Pakistan, Palestine, Saudi Arabia, Somalia, and Yemen. Two held dual citizenship: one in Ethiopia and the United Kingdom, and the other in Italy and Jordan. Citizenship is unknown in six cases. Some of the 49 prisoners rendered by Aero are suspected of involvement in the 9/11 attacks, the USS Cole bombing, or other terrorist acts. The CIA classifies as “High Value Detainees” Khaled Sheik Mohammed, Abu Zubaydah, Mustafa Al Hawsawi, Ammar al-Shibh, Hassan Dourad, Abd Al Rahim Mohammed, Walid bin Attash, Ramzi bin al-Shibh, and Abd Al Rahim al-Nashiri.

The youngest, Hassan bin Attash, was a 16-year-old student when CIA agents abducted him; the eldest, Saifullah Abdullah Paracha, has been detained within trial since 2003 and is now 70 years old. Fatima Boudchar, the only woman, was pregnant during her abduction.

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There were several cases of mistaken identity among the 49 Khaled El-Masri, a German citizen, was seized in Macedonia on a cruise ship in 2003, but no charge was ever filed against him. He was released without explanation or charge, El-Masri was abandoned in an Albanian forest.

Life following his disappearance and CIA detention has been extremely difficult for Khaled El-Masri. He has received no apology, explanation or compensation from the U.S. or Germany, where he was a legal resident. His ordeal resulted in severe psychological trauma, and he now lives apart from his family and is unemployed. In his recent decision on his case against Macedonia for assisting the CIA on his rendition and detention, the European Court of Human Rights awarded Mr. El-Masri EUR 60,000.

The oldest detainee, Saifullah Abdullah Paracha has been detained without trial since 2003. He is now 70 years old.


Since the full SSCI “Torture Report” remains classified, it is impossible to provide a complete account of the detainees’ lives pre-abduction, their treatment during rendition and detention, their later lives, or their current situations. The SSCI report also does not address those transferred to foreign custody. Nonetheless, the available information allows considerable insight into what these 49 human beings experienced when they were caught up in the CIA’s RDI program and rendered by Aero Contractors.

OVERVIEW OF DETAINES

Detainees rendered by North Carolina-based planes and personnel ranged widely in age and occupation. The youngest, Hassan bin Attash, was a 16-year-old student when CIA agents abducted him; the eldest, Saifullah Abdullah Paracha, has been detained without trial since 2003 and is now 70 years old. Fatima Boudchar, the only woman, was pregnant during her abduction. The group of individuals has diverse backgrounds — commercial, academic, military, and civil society. Among them were philanthropists, business owners, community leaders, soldiers, rice merchants, students, and teachers. Mammad Hadi, an Egyptian with legal residency in Australia, described himself as a writer, delivery boy, and salesman, “selling everything from Scotch whisky to laddies” in various countries in Europe and the Middle East.

The 49 detainees were citizens of 16 countries, including Afghanistan, Algeria, Egypt, Iraq, Italy, Jordan, Kuwait, Libya, Mauritania, Morocco, Pakistan, Palestine, Saudi Arabia, Somalia, and Yemen. Two held dual citizenship: one in Ethiopia and the United Kingdom, and the other in Kuwait and Germany. Citizenship is unknown in six cases.

In many cases, targeted individuals were kidnapped in their home countries. Others were seized while travelling abroad or through coordinated secret arrangements made between the United States and foreign governments. As discussed further in Chapter 1, the Rendition Project has tracked 32 Aero Contractors circuits linked to 69 individual renditions (Aero transported some detainees more than once). Eighteen detainees were seized in Pakistan, the most frequent country of abduction, by either Pakistan or CIA Rendition Teams. Other countries of abduction were Djibouti, Egypt, The Gambia, Georgia, Indonesia, Iraq, Jordan, Macedonia, Mauritania, Malawi, Morocco, Senegal, Sweden, Tanzania, Thailand, and the United Arab Emirates.

Some of the 49 prisoners rendered by Aero are suspected of involvement in the 9/11 attacks, the USS Cole bombing, or other terrorist acts. The CIA classifies as “High Value Detainees” Khaled Sheik Mohammed, Abu Zubaydah, Mustafa Al Hawsawi, Ammar Al-Baluchi (born Al Abdul Aziz Ali), and Abu Zubaydah. Six of the eight are being prosecuted by military commissions. Most of the 49, however, were never charged with a crime. These include Mohamedou Ould Slahi, a Swiss-educated engineer with a wide network, and Abu El-Kamas Britel, a scholar and translator of Islamic religious material. The only thing all detainees had in common was their Muslim identity.

There were several cases of mistaken identity among the 49: Khaled El-Masri, a German citizen, was seized in Macedonia and rendered to Afghanistan because he had the same name as a known terrorist suspect. Laidhazi was subjected to ice water baths and 45 hours of standing sleep deprivation before being released because the CIA discovered he was not the person he was believed to be. Jamil el-Banna and Bisher al-Rwae were businessmen, in The Gambia on a trip to check up on a peanut oil factory they were establishing there. They were not released until five years later, even though no charges were filed against them. El-Banna still suffers from suicidal tendencies, PTSD, and severe depression. Regardless of actual guilt or innocence, none of the 49 was ever afforded due process, and those still detained in Guantánamo seem unlikely to receive it. Saifullah Paracha, a Pakistani with U.S. residency, is accused of “offering to use his business to help Al Qaeda smuggle weapons into the U.S.”

The youngest, Hassan bin Attash, was a 16-year-old student when CIA agents abducted him; the eldest, Saifullah Abdullah Paracha, has been detained within trial since 2003 and is now 70 years old. Fatima Boudchar, the only woman, was pregnant during her abduction.

The oldest detainee, Saifullah Abdullah Paracha has been detained without trial since 2003. He is now 70 years old.

The only thing all detainees had in common was their Muslim identity. The violent and abusive nature of extraordinary renditions is terrifying and degrading in and of themselves, amounting to psychological torture. The violent and abusive nature of extraordinary renditions is terrifying and degrading in and of themselves, amounting to psychological torture.
CHAPTER 4: WHO WERE THOSE RENDERED BY AERO CONTRACTORS?

Detainees experienced a wide range of extreme abuses. These include blindfolding, hooding, forced nudity — both alone and in front of other detainees, being held in a pitch-black cell without indication of time or day, physical assault, exposure to extreme temperatures, sleep deprivation, exposure to painfully loud music, cigarette burns, being suspended by arms bound behind back, having to maintain stress positions for prolonged periods of time, being shackled naked for consecutive days, simulated drowning and other forms of rape and sexual assault, including genital manipulation.

CONCLUSION

Detainees rendered on Aero-operated planes varied in background, education, profession, socio-economic status, citizenship, and place of residency. The one thing they had in common was that they were all Muslim. And they were transported across a network of prisons and ‘black sites’ that one detainee referred to as ‘the endless world tour’, it was frightening.” The overview of detainees’ backgrounds and experiences provided above reveals the global scope of the CIA program and Aero’s flight circuits. Regardless of age or gender, detainees experienced terror and abuse during abduction, extralegal transportation, and secret detention.

CURRENT STATUS

Of the Aero-linked detainees, 23 have been released and 14 remain in either U.S. or foreign detention (2 at Guantánamo Bay and one in Israel). The status of eight is unknown, including two rendered to the Palestinian Authority in December under the control of Arafat’s intelligence forces and well-known as the worst secret prison in Syria.

Six of the 13 men still in detention at Guantánamo have been charged under the U.S. Military Commission System. Several detainees handed over to other governments have had trials in courts in Egypt, Libya, Yemen and Algeria, although the legitimacy of some of these trials is dubious. For example, Ahmed Agiza was found guilty of terrorism-related charges in a military tribunal in Egypt that lasted no more than six hours and denied him the opportunity to call his own witnesses or appeal the ruling. Swedish authorities conceded this was an unfair trial and, in 2012, granted his permanent residency. Four years after CIA agents abduced Abdel Hakim Belhadj and his wife Fatima from their home in China to Malaysia and delivered them to Libya in March 2004, authorities there informed them that while being held in U.S. or foreign custody, detainees experienced “prolonged” activity as “indefinite.” Detainees were held, detainees experience “prolonged” detention as “indefinite.” Detainee testimony and reports by the SSCI and other investigative bodies reveal indications of time or day, physical assault, exposure to extreme temperatures, sleep deprivation, exposure to painfully loud music, cigarette burns, being suspended by arms bound behind back, having to maintain stress positions for prolonged periods of time, being shackled naked for consecutive days, simulated drowning and other forms of rape and sexual assault, including genital manipulation.

Romania and Thailand. Actual periods of custody range from a few months to 16 years and counting. Given that they are not mandated to keep them for how long they will be held, detainees experience “prolonged” detention as “indefinite.” Most of them, at some point, at one of the four ‘black sites’ in Afghanistan, including at the infamous site known as the Salt Pit or the Dark Prison. The Salt Pit was among the most brutal CIA secret prisons. Other frequently used prisons for Aero-linked detainees were in Pakistan, Afghanistan, and Morocco, where at least eight detainees were held.

Detainees testimony and reports by the SSCI and other investigative bodies reveal that while being held in U.S. or foreign custody, detainees experienced a wide range of extreme abuses. These include blindfolding, hooding, forced nudity (both alone and in front of other detainees), being held in a pitch-black cell without indication of time or day, physical assault, exposure to extreme temperatures, sleep deprivation, exposure to painfully loud music, cigarette burns, being suspended by arms bound behind back, having to maintain stress positions for prolonged periods of time, being shackled naked for consecutive days, simulated drowning and other forms of rape and sexual assault. Many countries have been charged under the U.S. Military Commission System.

Fatima Boudchar

The experiences of Fatima Boudchar, summarized from the University of North Carolina School of Law report on Extraordinary Rendition and Torture Victim Narratives: Fatima Boudchar (also spelled Bouchar), the only woman in the group, was four-and- a-half months pregnant when she and her husband, Abdel Hakim Belhadj, an anti-Gaddi- fi activist, were abducted in Bangkok and delivered to Libya in March 2004.88 Boudchar, a Moroccan citizen, had married Belhadj the previous year. Shortly after Boudchar became pregnant, they suspected they were being monitored by the Libyan government and decided to seek asylum in the UK by traveling from their home in China to Malaysia and submitting themselves to immigration au- thorities there.89 On March 7, 2004, Malaysia authorities put Boudchar and her husband on a standard commercial flight bound for London with a stop in Bangkok.89 On landing in Bangkok, they were taken to a U.S.-run detention facility and immediately separated.90 Although her abductors knew she was pregnant, they chained her to the wall by her wrist and ankles and struck her on the abdomen.90 Boudchar, barely able to sit or lie down on the floor, she experienced great pain, compounded by temperature extremes and a lack of food.90 She was kept under constant surveillance through a camera in her cell, where guards would burst in during any time she moved.90 After several days she was wrapped from head to toe in tape and brought back to the airport.91 There, the tape was cut from her body but left on her eyes.91 In preparation for the 17-hour rendition flight to Libya that followed, her clothes were cut off and someone pressed a finger painfully into her belly button. She received an injection and was re-taped to a stretcher from her feet to her head. A female interrogator reached under her neck and taped her in place by her eyes.92 Within 48 hours of arrival in Tripoli, Boudchar was brought to Tajoura prison and kept blindfolded and bound for several more hours. Within four days, her interrogations began, twice per day for two to three hours at a time.93 A prison doctor told her that she and the baby were very weak and that her womb was too dry to allow the baby proper movement and development. She was finally released on October 22, 2004, after nearly 14 years after their renditions to Libya. For example, Mamdouh Habib received an out-of-court settlement from the Swedish government which has compensated Ahmed Agiza and Mohamed el-Zery.

Abu Zubaydah

Abu Zubaydah was the first CIA detainee to be subjected to waterboarding. After his initial capture in Pakistan, where he suffered gunshot wounds, he was transferred to various “black sites,” including those in Thailand, Poland, Guantánamo (Canada) and Lithuania. In a CIA custody, he was subjected to temperature extremes, insufficient food, and extensive isolation as well as being waterboarded 38 times.

Current CIA Director Gina Haspel was once in charge at the “black site” in Thailand where Abu Zubaydah was tortured. Haspel’s tenure there is believed to have begun after he was tortured, however, her reported leadership coincides with the torture of other detainees, including Aero rendition victim Abdel Hakim al-Belhadj. The Swedish government has compensated Ahmed Agiza and Mohamed el-Zery.

To put this in context, an average baby at birth weighs about 7.5 pounds (3.5kg). In preparation for the 17-hour rendition flight to Libya that followed, her clothes were cut off and someone pressed a finger painfully into her belly button. She received an injection and was re-taped to a stretcher from her feet to her head. A female interrogator reached under her neck and taped her in place by her eyes. In preparation for the 17-hour rendition flight to Libya that followed, her clothes were cut off and someone pressed a finger painfully into her belly button. She received an injection and was re-taped to a stretcher from her feet to her head. A female interrogator reached under her neck and taped her in place by her eyes. In preparation for the 17-hour rendition flight to Libya that followed, her clothes were cut off and someone pressed a finger painfully into her belly button. She received an injection and was re-taped to a stretcher from her feet to her head. A female interrogator reached under her neck and taped her in place by her eyes. In preparation for the 17-hour rendition flight to Libya that followed, her clothes were cut off and someone pressed a finger painfully into her belly button. She received an injection and was re-taped to a stretcher from her feet to her head. A female interrogator reached under her neck and taped her in place by her eyes. In preparation for the 17-hour rendition flight to Libya that followed, her clothes were cut off and someone pressed a finger painfully into her belly button. She received an injection and was re-taped to a stretcher from her feet to her head. A female interrogator reached under her neck and taped her in place by her eyes. In preparation for the 17-hour rendition flight to Libya that followed, her clothes were cut off and someone pressed a finger painfully into her belly button. She received an injection and was re-taped to a stretcher from her feet to her head. A female interrogator reached under her neck and taped her in place by her eyes. 88

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<table>
<thead>
<tr>
<th>Name</th>
<th>Years Detained</th>
<th>Nationality</th>
<th>Additional Countries</th>
<th>Location Released</th>
<th>Charges</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yunus Rahmatullah</td>
<td>10+ years</td>
<td>Pakistan</td>
<td>Iraq</td>
<td>Yes</td>
<td>No</td>
<td>Released - Pakistan No No No</td>
</tr>
<tr>
<td>Sharqawi Abdu Ali Al Hajj</td>
<td>13+ years</td>
<td>Yemen</td>
<td>Pakistan, Jordan, Afghanistan</td>
<td>Detained - Guantánamo Bay Detention Center</td>
<td>No No Yes</td>
<td>Charged with terrorism in Guantánamo Bay Detention Center</td>
</tr>
<tr>
<td>Saleh Hadiyah Di'ki</td>
<td>7 years, 4 months</td>
<td>Libya</td>
<td>Mauritania, Morocco, Afghanistan</td>
<td>Released - Libya</td>
<td>Yes</td>
<td>Charged with attempting to overthrow the Libyan government.</td>
</tr>
<tr>
<td>Ramzi bin al-Shibh</td>
<td>16+ years</td>
<td>Yemen</td>
<td>Pakistan</td>
<td>Afghanistan (Dark Prison), Morocco</td>
<td>Detained - Guantánamo Bay Detention Center</td>
<td>Charged with criminal offenses and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
<tr>
<td>Omar al-Faruq</td>
<td>4 years, 3 months</td>
<td>Iraq</td>
<td>Indonesia, Pakistan</td>
<td>No</td>
<td>Yes</td>
<td>Charged with membership of a terrorist organization.</td>
</tr>
<tr>
<td>Mustafa Salim</td>
<td>5 years</td>
<td>Libya</td>
<td>Mauritania, Morocco, Afghanistan</td>
<td>Released - Libya</td>
<td>Yes</td>
<td>Charged with attempting to overthrow the Libyan government.</td>
</tr>
<tr>
<td>Iqbal Madni</td>
<td>2 years, 9 months</td>
<td>Yemen</td>
<td>Tanzania</td>
<td>Djibouti, Afghanistan (Bagram), Morocco</td>
<td>Detained - Yemen</td>
<td>Charged with making false statements to obtain a Tanzanian passport.</td>
</tr>
<tr>
<td>Mohamedou Ould Slahi</td>
<td>15 years</td>
<td>Mauritania</td>
<td>Senegal</td>
<td>Mauritania, Jordan, Afghanistan (Bagram), Morocco</td>
<td>Released - Mauritania</td>
<td>Charged with membership of a terrorist organization.</td>
</tr>
<tr>
<td>Mohamed Hamadi</td>
<td>3 years, 4 months</td>
<td>Yemen</td>
<td>Iraq</td>
<td>No</td>
<td>Yes</td>
<td>Charged with terror attempt in Yemen, Moroccan citizenship.</td>
</tr>
<tr>
<td>Jamal Boudraa</td>
<td>8 years</td>
<td>Algeria</td>
<td>Georgia, Afghanistan (Gray and Orange), Morocco</td>
<td>Released - Algeria</td>
<td>Yes</td>
<td>Charged in Algeria for being a member of a terrorist organization.</td>
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<tr>
<td>Hassan Ghul</td>
<td>3.5 years</td>
<td>Pakistan</td>
<td>Iraq</td>
<td>No</td>
<td>Yes</td>
<td>Died after release from prison.</td>
</tr>
<tr>
<td>Gouled Hassan Dourad</td>
<td>14+ years</td>
<td>Somalia</td>
<td>Djibouti</td>
<td>Detained - Guantánamo Bay Detention Center</td>
<td>No No Yes</td>
<td>Charged with terrorism in Guantánamo Bay Detention Center.</td>
</tr>
<tr>
<td>Bisher al-Rawi</td>
<td>5 years, 6 months</td>
<td>Iraq</td>
<td>Gambia</td>
<td>Gambia, Afghanistan (1: Unknown-Outside Kabul; 2: Bagram), Released - UK</td>
<td>Yes Yes Yes</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
<tr>
<td>Binyam Mohamed</td>
<td>6 years, 10 months</td>
<td>Ethiopia/UK</td>
<td>Pakistan</td>
<td>Morocco, Released - UK</td>
<td>Yes Yes Yes</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
<tr>
<td>Asadallah (birth name Abd al Aziz Ali)</td>
<td>7 years, 6 months</td>
<td>Egypt</td>
<td>Pakistan, Afghanistan (COBALT); Egypt</td>
<td>Released - UK</td>
<td>Yes Yes Yes</td>
<td>Charged with sedition in Manhattan Federal Court.</td>
</tr>
<tr>
<td>Abdul Halim Dalak</td>
<td>Unknown</td>
<td>Pakistan</td>
<td>Syria (Palestine Branch)</td>
<td>Unknown</td>
<td>No No No</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
<tr>
<td>Abdel-Hakim Belhadj</td>
<td>6 years</td>
<td>Libya</td>
<td>Thailand, Libya (Tajoura Prison); Libya (Tajoura Prison)</td>
<td>Released - UK</td>
<td>Yes Yes No</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
<tr>
<td>Abd Al-Salam Al-Hilah</td>
<td>12+ years</td>
<td>Yemen</td>
<td>Egypt</td>
<td>No</td>
<td>No</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
<tr>
<td>Amanatullah Ali</td>
<td>15 years</td>
<td>Yemen</td>
<td>Pakistan</td>
<td>Released - Yemen</td>
<td>No No No</td>
<td>Charged with membership of a terrorist organization.</td>
</tr>
<tr>
<td>Mohamed Hamadi</td>
<td>3 years, 4 months</td>
<td>Yemen</td>
<td>Iraq</td>
<td>No</td>
<td>Yes</td>
<td>Charged with membership of a terrorist organization.</td>
</tr>
<tr>
<td>Mohamed Murabia</td>
<td>3 years</td>
<td>Yemen</td>
<td>Iraq</td>
<td>No</td>
<td>Yes</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
<tr>
<td>Muhammad di Ahmad</td>
<td>2 years, 4 months</td>
<td>Yemen</td>
<td>Tanzania</td>
<td>Djibouti, Afghanistan (Gray and Orange), Morocco</td>
<td>Released - Yemen</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
<tr>
<td>Muhammad Hamadi</td>
<td>7 years</td>
<td>Yemen</td>
<td>United States</td>
<td>Released - Yemen</td>
<td>No No No</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
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<tr>
<td>Muhammad di Ahmad</td>
<td>5 years</td>
<td>Yemen</td>
<td>United States</td>
<td>Released - Yemen</td>
<td>No No No</td>
<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
</tr>
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<td>Charged with terrorism and assisting 9/11 attacks, by a US Military Commission.</td>
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<td>Yemen</td>
<td>United States</td>
<td>Released - Yemen</td>
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**CHAPTER 4 : WHO WERE THOSE RENDERED BY AERO CONTRACTORS?**

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**TABLE SOURCE:** SEE ENDNOTES | APPENDIX C

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**FOR MORE INFORMATION:**

- [TORTURE REPORT.ORG](http://www.torturereport.org)
- [WWW.NC.TORTUREFLIGHTS.ORG](http://www.nc.tortureflights.org)
CHAPTER 5: RENDITION AS TORTURE

RENDITION AS TORTURE

This chapter discusses how renditions, as practiced by the CIA using Aero Contractors’ aircraft, constituted torture or cruel, inhuman or degrading treatment. Extraneous or secret, forcible renditions were explicitly designed as integral parts of the RDI program. Their function was to instill “learned helplessness” in detainees as a prelude to their coercive interrogation. The treatment victims experienced on these flights clearly violated federal and international law against torture and abuse. It also violated the ban on enforced disappearances as well as the non-refoulement law. The latter prohibits transfer of individuals to situations in which they are at risk of torture, cruel, inhuman or degrading treatment or punishment, enforced disappearance, or arbitrary or unjust detention.

Furthermore, by not providing redress for rendition victims, the United States is in violation of its obligation to ensure a right to remedy under international human rights law. The U.S. government also bears responsibility for the subsequent treatment of individuals that it rendered to foreign custody. This report considers those obligations in more detail in Chapter 9.

As testimony before the Commission emphasized, violations of binding international legal obligations occurred at all stages of the RDI program, including victims’ ‘initial apprehension and treatment on terms of foreign airports by CIA Rendition Teams, on rendition flights, in secret detention, through interrogation using brutal tactics and immorality of abusive interrogation methods.’

Khadija Anna Pighizzini, wife of RDI survivor Abou ElKassim, testifies to the Commission about the experience of rendition as it had been relayed to her: “The protocol is precise and designed to induce terror in the victim, with the horrible fear that he is about to be killed. Kassim is no exception. He [was] terrified, he [did] not understand, [and thought] maybe his life [would] end there.”

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In addition to simply acting as a mode of transportation, the renditions themselves were integral to the control and dehumanization of detainees.

The definition of torture under international law: “any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession.”

As noted in Chapter 1, the first step in the RDI program was extraordinary rendition, the covert extrajudicial transfer of an individual between States or legal jurisdictions. These renditions were conducted with the authorization, facilitation, and participation of the U.S. government, foreign states, and private actors.

The U.S. government authorized and coordinated renditions through arrangements with local authorities to seize individuals and hand them over to a U.S. “Rendition Team,” which assaulted detainees both before and during flights. The team included a medical officer to monitor individuals throughout the rendition, a complete preliminary medical examination and custody search, and administer sedatives. The presence of a medical officer raises questions about possible violations of medical ethics during renditions for ongoing investigations.

In addition to simply acting as a mode of transportation, the renditions themselves were integral to the control and dehumanization of detainees. In documents from the period of the RDI program, the CIA identified rendition as a key component to interrogation on the basis that “effective interrogation is based on the concept of using both physical and psychological pressures in a comprehensive, systematic, and cumulative manner to influence [detainee] behavior, to overcome a detainee’s resistance posture.” The goal of interrogation is to create a state of learned helplessness and dependence conducive to the collection of intelligence in a predictable, non-self-sustained manner. Experienced military intelligence officials testified to the Commission about the flaws in this reasoning and the ineffectiveness, as well as illegality and immorality, of abusive interrogation methods.

The renditions experienced by detainees during their transfer were integral to the control and dehumanization of detainees. They were designed to induce terror in the victim, with the horrible fear that he is about to be killed. Kassim is no exception. He [was] terrified, he [did] not understand, [and thought] maybe his life [would] end there.

THE RENDITION EXPERIENCE AND HOW IT VIOLATED THE PROHIBITION ON TORTURE

Rendition as developed by the CIA and its partners and experienced by affected individuals violates U.S. obligations to prohibit torture and cruel, inhuman or degrading treatment or punishment. This section draws on survivor testimony, official documents from the RDI program, and expert witnesses to the Commission. Together, they afford insight into the experience of being prepared for rendition: the experience on board rendition flights, of which some prisoners had several, and the ongoing psychological effects of rendition.

It is important to recall the definition of torture under international law: “any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession.” Consistent with that definition, the U.S. government has acknowledged that rendition was an intentional and key component of a three-phase interrogation process—rendition, reception and detention at the ‘black site’ and interrogation itself—that began with controlling the “[i]nitial [c]onditions of the individual.” This report thus builds on the SSCI Report, which focused on rendition and interrogation, by examining the key role of rendition in the program.

PROTOCOLS OF SEIZURE AND TRANSPORT

The Rendition Project has compiled direct testimony of former detainees as well as information released during court proceedings by detainees testifying against their captors in European courts. Dr. Sam Raphael’s presentation of these findings before the Commission revealed a common set of protocols of seizure and transport experienced by detainees. These findings are consistent with the protocol for renditions described in CIA documents stipulating the treatment of individuals in preparation for and during their transfers (discussed below).

Abduction teams operated in silence and anonymity, hiding their faces under black masks and communicating solely with hand gestures. Detainees report that abducting agents failed to disclose their authorization and refused to provide the reason for abduction, where detainees would be taken, or how long they would be held.
In other words, the abductions constituted forceful disappearance. 46 Individuals have described violent treatment upon being seized, even before being rendered on flights operated by Aero Contractors. Mohammed Bashmilah’s account of the forced removal of his clothing was followed by his being blindfolded, earphones, and forcible restraint corresponded to other detainees’ narratives.

Jamil al-Banna stated that “he was stripped, his captors cut his clothing off, and he was restrained down from feet, torso, and chest on a stretcher while completely immobilizing him to be taken aboard an aircraft.” These experiences match that of Mohammed Ould Slahi, who testified regarding his rendition experience at the Commission hearings. Mr. Slahi detailed being prepared for his second rendition by being blindfolded, stripped of his clothes, diapered, dropped onto a plane, and finally shackled onto that plane. 10 In addition to the fear and absence of any personal control he experienced, Mr. Slahi characterized his rendition as “the boundary between death and life.”

A 2004 CIA memorandum on the treatment of detainees during rendition also describes the procedures, although the information has been redacted: “the detainee is securely shackled and is deprived of sight and sound through the use of blindfold, ear muff, and hoods.” [REDACTED] There is no interaction with the HDD during this rendition movement except for periodic discreet assessments by the on-board medical officers.” 11 In sum, according to detainees’ testimony, U.S. rendition teams used the following techniques:

- cut off detainees’ clothes;
- forcibly diaphragmed them;
- hooded or taped their heads, or otherwise deprived them of visual and auditory senses;
- restrained and forced them onto planes;
- physically beat them;
- forcibly sedated them without consent or apparent medical purpose.

Mr. Mohammed Ould Slahi is a Mauritanian citizen who was rendered by Aero Contractors and detained at Guantanamo Bay detention camp without charge from 2002 until his release in October 2016.

The effects of seizure and transport on detainees

Dr. Katherine Porterfield, psychologist and expert on the effects of torture on individuals, described to the Commission the severe pain and suffering, in many cases both physical and mental, as follows: “[t]raining rendered was an experience, as I have heard it described, that involved total and complete physical, psychological and spiritual coercion and control.” 47

Dr. Porterfield further testified that the rendition experiences themselves were a form of torture and abuse, with ongoing mental injury for affected individuals. Dr. Porterfield testified that individuals with multiple transports experienced those flights as highly anxiety-provoking because “having been dropped by airplane before to a place where they were tortured, each subsequent flight presented a recapitulation of the path towards pain, humiliation and loss of bodily control. Thus, for some, the airplanes became a starting point — in fact, merely being told that they would be transported became a starting point for the fear and arousal cascade that I mentioned earlier: I will paraphrase, but I was told that the planes were a torture chamber in the sky.”

Detainees report that abducting agents failed to disclose their authorization and refused to provide reasons for abduction, where such reasons would be taken, or how long they would be held.

The experience on the flight was, in some situations, as terrifying, degrading, and painful as the rendition that took place in other locations. It is almost meaningless to differentiate between the transport experiences and the detention experiences of many of the individuals. 48

Mr. Mohammed Ould Slahi.

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Arendt and violations of the prohibition on transfer or refoulement

Refoulement to foreign custody also infringed the international law requirement of non-refoulement. Under international law, States are prohibited from surrendering or transferring individuals to another State or another State’s authority when there are substantial grounds for believing that an individual is at risk of torture, egregious abuse, or other serious human rights violations. The United States is bound by the obligation of non-refoulement derived from the International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). As a party to CAT, the United States is explicitly bound not to transfer to torture under article 3 as follows: “[e]ach State Party shall, return (‘refoule’) or extricate a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” 49 Under ICCPR Article 2 – in conjunction with Articles 6 (right to life) and 7 (prohibition on cruel, inhuman or degrading treatment or punishment) – the United States also has “an obligation not to extradite, deport, expel or otherwise remove a person from their territory where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant.”

Additionally, international human rights law provides a prohibition on enforced disappearances, as well as by proxy detention, where persons are transferred from one State to another State or another State’s authority without surrendering or transferring individuals to another State or another State’s authority when there are substantial grounds for believing that an individual is at risk of torture, egregious abuse, or other serious human rights violations. The United States is bound by the obligation of non-refoulement derived from the International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). As a party to CAT, the United States is explicitly bound not to transfer to torture under article 3 as follows: “[e]ach State Party shall, return (‘refoule’) or extricate a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” 49 Under ICCPR Article 2 – in conjunction with Articles 6 (right to life) and 7 (prohibition on cruel, inhuman or degrading treatment or punishment) – the United States also has “an obligation not to extradite, deport, expel or otherwise remove a person from their territory where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant.”

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mock image 5: "‘I was told that the planes were a torture chamber in the sky.’"

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mock image 8: "‘I was told that the planes were a torture chamber in the sky.’"
TORTURE FLIGHTS: NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

CHAPTER 5: RENDITION AS TORTURE

The United States’ practice of ‘extraordinary rendition’ constitutes a violation of Article 5 of the Convention Against Torture and article 7 of ICCPR.\(^{56}\)

Under international law, the United States is also liable for the treatment of individuals after they were rendered to foreign custody.

Under the Convention Against Torture and article 7 of ICCPR, the United States has to respect the rights of individuals from the moment of their detention.\(^{57}\) The United States is also responsible for the treatment of individuals to foreign custody.

The priorities of survivors of the CIA program are:

- medical, psychological, and social treatment and support
- family reintegration and social re-integration
- legal status, full rights of citizenship or residency
- professional employment and access to financial income
- acknowledgment or accountability for their mistreatment

Although these categories are addressed individually, they result directly or indirectly from the RDI experience and are interconnected. Even though their ends are not the same, both are meaningful with families and communities. These effects include headaches, persistent pain, hearing loss, visual problems, cardiovascular/respiratory problems, sexual difficulties, and neurological damage. Psychological consequences of rendition and torture that may also have physical components include post-traumatic stress disorder (PTSD), alternating between detachment and paranoia, obstruction of human interaction and connection, and ‘phobia of hope’ or a terror of thought of the future.\(^{58}\) Research on the effects of torture also underscores that both physical and psychological torture have a physiological impact. Even though their end results are not the same, both real and mock executions produce physiological responses and tremendous fear. Indeed, the line between psychological and physical torture is blurry: prompting psychologists such as Dr. Rona M. Fields to conclude that victims can be profoundly harmed.

The experience of rendition and subsequent treatment of detainees in foreign or U.S. custody have long-lasting effects on the individuals who lived through them, as well as on their families and communities. Expert testimony before the Commission indicated that ‘being rendered and tortured was a severely traumatizing, destabilizing and damaging experience for the individuals who suffered it and these experiences of rendition and torture have left long lasting biopsychosocial consequences in the survivors.’\(^{59}\)

This chapter draws on evidence-based research on the effects of torture as well as testimony provided during the Global War on Terror.\(^{60}\) Because its practice of ‘extraordinary rendition’ was part of a series of wrongful acts or omissions,\(^{61}\) the U.S. government violated the prohibition on refoulement.\(^{62}\)

The U.S. government violated the prohibition on refoulement.

CONCLUSION

Renditions conducted within the RDI program were much more than transport. They were intentionally designed to constitute the first phase of coercive interrogation and, as such, to be terrorizing and demoralizing to the detainees.\(^{63}\) Without any legal remedy, explanation, or recourse, detainees were subject to physical and mental pain and suffering. Detainees were deprived of their liberty and knowledge of their fates and were placed in detention without access to the protection of the law. When they transported individuals to foreign custody, where detainees faced the clear risk of torture and abuse, those who designed and operated rendition flights also violated the prohibition against refoulement. Whether the targeted individuals were rendered to CIA ‘black sites,’ DoD facilities, or foreign custody, the U.S. government maintains legal responsibility for detainees’ treatment prior to and absent rendition flights, and at the site of reception.

The United States’ practice of “extraordinary rendition” constitutes a violation of Article 3 of the Convention Against Torture and article 7 of ICCPR. The European Court of Human Rights held that Macedonia violated Article 3 of the European Convention on Human Rights by handing over Khaled El-Masri to the U.S. government and subjecting El-Masri to “extraordinary rendition,” defined as “an extra-judicial transfer of persons from one jurisdiction or State to another for the purposes of detention and interrogation outside the normal legal system, where there was a real risk of torture or cruel, inhuman or degrading treatment.”\(^{64}\) Other cases have also determined that countries that allowed rendition of individuals to U.S. secret detention facilities were in breach of human rights law.\(^{65}\)

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chapter six

ONGOING CHALLENGES FOR SURVIVORS

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CHAPTER 6: ONGOING CHALLENGES FOR SURVIVORS

“It’s so traumatic, he can barely speak of accounts, interviews with psychologists, deterioration and suffering has been sometimes, psychosis. memory and cognitive impairment, and, conditions, including anxiety, depression, experience a multitude of symptoms and poverty that result from prolonged detention is profound, and the range of experienced during and after their torture, household responsibilities. In those moments, I’m remembering previously my memory was excellent [. . .] I don’t talk about it. ....

Photo courtesy: Khadija Anna Pighizzini

Jamil el-Banna reported similar, carries a huge weight that he as he is about to grasp them. He suffers —

Porterfield testified that CIA-style torture led to post-traumatic symptoms that were severe, chronic and more globally impairing than I have seen in many other survivors of torture. She had treated survivors of torture by various other governments, and observed among RDI survivors “unusually severe and pervasive” symptoms, including “a chronic condition of explosiveness between over- and under-arousal” that manifested as “almost cataclysmic detachment and bodily collapse in some cases vs. anxious, on-edge states of paranoia and vigilance” in others. Dr. Porterfield continued.

The impact of RDI program on wives, siblings, parents, and children of victims has been pervasive and widespread. It is worth noting that Article 24 of the International Convention for the Protection of All Persons from Enforced Disappearance defines ‘victims’ as the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.”

“Any individual is usually taken to include close family members. Thus, the number of survivors of the RDI program greatly exceeds the 198 repeated experiences of questioning, coupled with bodily pain and humiliation of the sense of self-autonomy combined to make these men terrible of conversations about then brought it back to previous states of dependence on someone with total bodily control over them. This has led some individuals to literally plead to not be made to think about the future. This was some of the most distressing clinical symptomatology I had ever witnessed.”

Legal status and civil rights

As noted above, the ad hoc nature of detaine release from the CIA program means that survivors may be repatriated to their country of origin, country of residence, or to a third-party state. Depending upon the conditions of release, their legal status may be precarious. When detainees are repatriated, both the individual and their families confront the difficulty of re-establishing relationships under duress. Survivors frequently suffer their own altered status within their families. They also must resort to secret ways of communicating, share religious or cultural practices, or have any family members. The combination of being marked as a former detainee and ongoing probation conditions exacerbates former detainees’ social exclusion. Survivors often suffer their own altered status within their families. Men may no longer be able to provide financially for their loved ones, suffering a special humiliation from the loss of breadwinner status, which may be compounded by dependency on other family members. Former detainees face the challenge of becoming termed with mixed events such as the births or deaths of family members, in addition to the day-to-day struggle with the physical and psychological effects of prolonged detention and torture.

RDI survivors consistently report nightmares, depression, isolation, anxiety, intrusive thoughts, hypervigilance, irritability, difficulty concentrating, inability to schedule appointments, memory problems, and insomnia. Compounded by the stressors of new post-detention environments, these impacts significantly reduce survivors’ ability to function in all realms of life.

Relationship reintegration and social reintegration

Photo courtesy: Khadija Anna Pighizzini

Former detainee Abou Elkassim Britel

Khadija Anna Pighizzini testified to the Commission that her husband, former detainee Abou Elkassim Britel, “speaks little, it is clear that he has had a terrible experience. He is tense, he is always cold. He needs medical care, and a lot of attention and patience.” She added that since returning home, her husband has trouble interacting with his family and others, forgotten, and “alternating moments of frantic activity with others of great passivity.” As a result, he is unemployed and his wife has taken on household responsibilities.

The mental suffering individuals experienced during and after their detention is profound, and the range of psychological effects cannot be reduced to a single diagnostic category. Clinically, the way torture affects an individual depends on a variety of factors, including the context and length of the torture, the survivor’s culture, and the chronic pain, social isolation, unemployment, and poverty that result from prolonged detention and abuse. Survivors experience a multitude of symptoms and conditions, including anxiety, depression, insomnia, nightmares, intrusive memories of the torture, guilt, shame, memory and cognitive impairment, and, sometimes, psychosis.

Evidence of detainees’ mental deterioration and suffering has been documented in legal briefs, media accounts, interviews with psychologists, and even in family members’ testimony. Martha Rayner, attorney for Sanaa Al Fadala, said of his experience: “It’s so traumatic, he can barely speak of it. [. . .] He breaks down in tears.” In her testimony to the Commission, Khadija Anna Pighizzini also addressed the lasting effects of her husband’s detention and torture.

If we look at him, but I do not recognize him. He cannot go out. He is always cold. Sometimes I can’t sleep because I get extremely worried.” Mental health professionals Dr. Katherine Porterfield and Dr. Stephen Seldin provided testimony to the Commission about the combined neurological and social effects of torture on those who experience it. Dr. Porterfield testified that CIA-style torture “led to post-traumatic symptoms that were severe, chronic and more globally impairing than I have seen in many other survivors of torture. She had treated survivors of torture by various other governments, and observed among RDI survivors “unusually severe and pervasive” symptoms, including “a chronic condition of explosiveness between over- and under-arousal” that manifested as “almost cataclysmic detachment and bodily collapse in some cases vs. anxious, on-edge states of paranoia and vigilance” in others. Dr. Porterfield continued.

Those symptoms. My back is in pain. I can’t stand for more than 30 minutes. I’m taking pills. Sometimes I can’t sleep because I get extremely worried.” Mental health professionals Dr. Katherine Porterfield and Dr. Stephen Seldin provided testimony to the Commission about the combined neurological and social effects of torture on those who experience it. Dr. Porterfield testified that CIA-style torture “led to post-traumatic symptoms that were severe, chronic and more globally impairing than I have seen in many other survivors of torture. She had treated survivors of torture by various other governments, and observed among RDI survivors “unusually severe and pervasive” symptoms, including “a chronic condition of explosiveness between over- and under-arousal” that manifested as “almost cataclysmic detachment and bodily collapse in some cases vs. anxious, on-edge states of paranoia and vigilance” in others. Dr. Porterfield continued.

The combination of being marked as a former detainee to travel for personal, professional, or medical reasons. In each of these situations, survivors’ legal status may be precarious. When detainees are repatriated to their country of origin, the U.S. government typically imposes ongoing restrictions that infringe on the survivors’ full rights of citizenship. These include the suspension of a passport or other documentation that would allow a former detainee to travel to their country of origin, country of residence, or to a third-party state. Depending upon the conditions of release, their legal status may be precarious. When detainees are repatriated, both the individual and their families confront the difficulty of re-establishing relationships under duress. Survivors frequently suffer their own altered status within their families. They also must resort to secret ways of communicating, share religious or cultural practices, or have any family members. The combination of being marked as a former detainee and ongoing probation conditions exacerbates former detainees’ social exclusion.

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As noted above, the ad hoc nature of detainee release from the CIA program means that survivors may be repatriated to their country of origin, country of residence, or to a third-party state. Depending upon the conditions of release, their legal status may be precarious. When detainees are repatriated, both the individual and their families confront the difficulty of re-establishing relationships under duress. Survivors frequently suffer their own altered status within their families. They also must resort to secret ways of communicating, share religious or cultural practices, or have any family members. The combination of being marked as a former detainee and ongoing probation conditions exacerbates former detainees’ social exclusion.

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I want an apology. It is only fair to say that someone who has done something wrong must apologize."  

for medical care, some of which is related to his RDI experience.  

The military is in complete control over all aspects of detention lives. The men remain held captive — indefinitely — with all the attendant health consequences — by a government responsible (directly or indirectly) for their torture, and in a setting both replete with common triggers of PTSD symptoms and one that will forever be synonymous with torture. According to former Guantanamo medical personnel, trust is essentially nonexistent. That is not surprising given the role that some psychologists and psychiatrists played in the design and implementation of abuses detainees suffered.  

CONCLUSION  

Survivors of the CIA’s RDI program face ongoing challenges at many levels. Release, extradition, any way from abuse; constitutes neither physical nor psychological relief; rehabilitation, nor promise of a viable future. Damage to survivors’ legal, economic, physical and psychological health, family, and social needs are deeply intensified and long-lasting. The deaths of detainees without having received acknowledgment or redress emphasize the point that justice delayed will sooner or later be justice denied.
The use of torture shifted attention from the heinous acts of al-Qaeda and others responsible for 9/11 to the misdeeds of the United States in response.

**“THE STRATEGIC COSTS OF TORTURE”**

By Douglas A. Johnson, Alberto Mora, and Averell Schmidt

Our team of researchers at the Carr Center for Human Rights Policy at the Harvard Kennedy School [. . .] has found that Washington’s use of torture greatly damaged national security. It invited extortion in the Middle East, hindered cooperation with U.S. allies, exposed American officials to legal repercussions, undermined U.S. diplomacy, and offered a convenient justification for other governments to commit human rights abuses.

**1 Foreign Affairs**
September/October 2016, 122

Beyond the obvious costs to the victims, the RDI program imposed painful costs on the State of North Carolina and on the nation. The federal government’s use of torture undercut national security in numerous and profound ways. It undermined the United States’ moral standing in the world, which is critical to promoting international cooperation and the rule of law. Among other costs, the program produced faulty intelligence; eroded key counterterrorism partnerships; corrupted the rule of law; and in numerous places in the declassified summary of the SSCI Report. For example, [Hamdi] said he merely gave answers that were similar to what was being asked and what he knew the interrogator or debriefer wanted, and when the pressure subsided or he was told that the information he gave was okay. [Hamdi] knew that he had provided the answer that was being sought.

The use of torture in the RDI program led intelligence officials to chase false leads and reach faulty conclusions. Perhaps the most infamous example with long-lasting consequences was Bin Shelby al-Libi’s testimony obtained under torture and later recanted. His false testimony regarding Iraq’s weapons of mass destruction and relationship with al-Qaeda resulted in Secretary of State Colin Powell’s false claims in front of the United Nations that helped propel the U.S. to war in Iraq. “A year later al-Libi reiterated his statement. The US Defense Intelligence Agency (DSI) later opined that al-Libi’s information was not correct and that he had made the confession either under duress or to get better treatment.”

The SSCI Report provides direct empirical research and field validation of interrogations that feature “leading and loaded questions” can “permanently alter memories.” Moreover, coerced interrogation techniques that aim to break the subject will by producing delirium, dependence upon the interrogator, and dread of what else might happen may make the subject feel helpless; however, they also increase his or her antagonism toward the interrogator. Kleinman exemplified that extensive empirical research and field validation studies demonstrate that rapport-based, information-gathering methods are dramatically and consistently superior in eliciting accurate and comprehensive information.

The Commission is aware that some former CIA officials and government officials have disputed the conclusions of the SSCI Report. Given this crucial discrepancy, it is essential for the public to have access to the full 6,700-page investigative report, which remains classified.

**EXACERBATED TENSIONS BETWEEN AGENCIES AND DAMAGED INSTITUTIONS**

According to the SSCI Report, the RDI program hindered the national security missions of the FBI, State Department, and the Office of the Director of National Intelligence (ODNI). To maintain sole control over the RDI program, the CIA restricted information sharing, providing inaccurate information, and prevented these agencies from getting access to detainees. Of particular concern, the initiation of the torture program led to a split between the FBI and CIA, with FBI agents often being excluded from or unwilling to participate in abuse perpetrated by...
CHAPTER 7: COSTS AND CONSEQUENCES OF THE CIA’S TORTURE AND RENDITION PROGRAM

TORTURE FLIGHTS: NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

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the CIA. This meant that the CIA was operating without the knowledge and expertise that could have been provided by the FBI based on its long experience with interrogation of hostile and challenging subjects. The secret renditions also led to direct conflict between the U.S. Department of State and the CIA. When the International Committee of the Red Cross wrote to the U.S. government with a detailed list of individuals being detained under the control of the CIA in a redacted country, the State Department told the ICRC that U.S. policy was to encourage that country and all countries to give the ICRC access to detainees. At the same time, the CIA repeatedly did the same country to deny the ICRC access. According to the SSIC Report, the contradiction “created significant tensions” between the country involved and the U.S. Such episodes seriously impede the U.S. government’s ability to persuade other nations to cooperate, and to refrain from holding individuals in secret detention.

HINDERS PROSECUTIONS

Torture and the prohibition on the use of evidence obtained from torture has significantly interfered with efforts to hold individuals responsible for the atrocities committed against the United States on September 11, 2001 and other terrorist acts. In regular legal proceedings, information obtained from suspects through torture cannot be used in court.

The fact that so much information was obtained by torture has mired the Guantanamo Bay military commissions in legal challenges. In cases such as the 9/11 trials against Khalid Sheikh Mohammed, Walid bin Attash, Ramzi bin al-Shibh, Ammar al-Baluchi, Lt. Col. Sterling Thomas noted that the “locations of Mr. al Baluchi’s torture and identity of his torturers beyond the understanding that they were affiliated with the CIA” are classified by the U.S. government. Even defense counsel holding Top Secret security clearances, including myself, are barred from accessing that information.

Thomas also testified to the “use of torture-derived evidence in the military commission proceedings by the U.S.” and to the “withholding and destruction of exculpatory evidence” from his client, who may face the death penalty.

COSTS AND CONSEQUENCES OF THE CIA’S TORTURE AND RENDITION PROGRAM

The use of torture in the RDI program has made it difficult to prosecute those involved in the 9/11 attacks and other acts of terrorism, creates enormous challenges for prosecutors and defense counsel alike, and continues to hamstring efforts to obtain justice for the victims of terrorism.

UNDERMINES THE RULE OF LAW

The use of torture was so clearly illegal and indefensible that when sued over it, the U.S. government hid its actions by resorting to a distortion of the “state secrets” doctrine. By stretching the doctrine far beyond its original purpose, the government claimed immunity for itself and private defendants on the grounds that a judicial proceeding would compromise national security by forcing the revelation of state secrets. Such a self-serving approach further eroded the credibility of the U.S. government’s adherence to human rights and the rule of law. The Commission heard testimony from ACLU attorney Steven Watt, who summarized four cases in which torture-derived evidence was already in federal courts when it was suppressed, “without any consideration of whether the men were in fact forcibly disappeared and tortured,” and despite the fact that much information about the cases was already in the public domain.

In testimony before the Commission, Alberto Mora noted that “the continuing legal effort to evade accountability for the use of torture and to prohibit foreign torture victims to seek civil redress in federal courts has weakened the rule of law, drained the crime of torture of its gravity, and diminished judicial independence.”

DEGRADES OUR SOCIETY MORALLY AND SPIRITUALLY

Torture is widely considered immoral on religious, philosophical and humanitarian grounds. Most faith and philosophical traditions speak against the practice of torture, by calling for protection of the dignity and life of every human being. Torture denies that sanctity and dignity, and therefore is deemed morally wrong in all circumstances and situations.

Torture humiliates and dehumanizes people by stripping them of their dignity. It not only denies the victims, but it degrades the humanity of those who carry out the violent and inhumane actions.

Political scientist Albert McCormick argues that the use of torture signals social and political decline.

TORTURE FLIGHTS: NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

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Innocent or guilty of terrorist connections, what unites all known RDI victims is that Muslims.

Maha Hilal wrote to the NCCIT, the now-discredited legal rationale for RDI – that anything short of organ failure or death would not constitute torture – was drawn up specifically for those deemed “enemy combatants,” a category entirely populated by Muslims. Yet surprisingly little effort has been made to understand the extent to which Americans’ unusually high level of acceptance of official torture may be based on Islamophobia and related forms of discrimination. Islamophobia, or unfounded fear and
hostility toward Muslims leading to discrimination and even violence, is high in the U.S. Around 40% of respondents to a 2016 poll had an unfavorable view of Islam. Senior U.S. officials who have defended the CIA torture program are also associated with anti-Muslim organizations and individuals, and demonization of Muslims has become increasingly common in American political discourse. Widely viewed TV shows and films have popularized torture and equated Muslims with terrorists in many Americans’ minds facilitating the idea that “they all have it coming.”

Dr. Hilal writes to the NC CITC:
Rectifying the abuse of CIA torture must necessarily include an acknowledgment of who was tortured – Muslims – and what mechanisms need to be put in place to remedy the deep levels of dehumanization that have long justified their torture. A danger in allowing a torture program directed against Muslims is that it expands the definition of what is considered allowable government treatment of Muslim populations.

ERODES INTERNATIONAL MORAL LEADERSHIP

America’s reputation – including its commitment to the rule of law, promotion of civil liberties, and support for human rights – has long been an important source of its influence and soft power. Both have been significantly eroded by U.S. support for and use of torture, and the U.S. failure to provide accountability and redress.

The gap between the U.S. and other democratic nations over torture is widening. Countries that sided with the U.S. with the RDI program have been held accountable, or are holding themselves to account. In 2014, the European Court of Human Rights (ECHR) found that Poland and Macedonia’s facilitation of U.S. support for and use of torture, and of Human Rights (ECHR) found that U.K. intelligence agencies partnered with the U.S. to commit various acts of rendition and torture in Guantánamo, Iraq and Afghanistan. The findings identify 128 incidents of mistreatment reported by foreign intelligence officers and 13 incidents witnessed by British intelligence officers. According to Dominic Grove, the committee chairman, the U.K. tolerated actions, and took others that we regard as inexcusable. He also claimed the U.K. government has been hesitant in fully cooperating with the ISC inquiry and has underwhelmed the work of the committee. Prime Minister May prevented the committee from requesting evidence from four intelligence officers who had pertinent information concerning the incidents.

DAMAGE TO NORTH CAROLINA

The RDI program relied heavily on North Carolina’s public infrastructure, military installations, and private corporations, and the program substantially damaged the State of North Carolina and implicated its citizens in torture and other human rights violations. The failure to hold the individuals accountable for what occurred; substantial effects are ongoing, and are unlikely to resolve the torture program, which are.

Abdel Hakim Belhaj and Fatima Boudchar, whose torture by the CIA in Thailand, were rendered aboard the Kinston-based CS13 aircraft to Libya and handed over to security agents of Muammar Gaddafi. The dictator opposed by Belhaj and Fatima (see Chapter 6). Further, the U.K. Parliamentary Intelligence and Security Committee (ISC) has found that U.K. intelligence agencies partnered with the U.S. to commit various acts of rendition and torture. The findings identify 128 incidents of mistreatment reported by foreign intelligence officers and 13 incidents witnessed by British intelligence officers. According to Dominic Grove, the committee chairman, the U.K. tolerated actions, and took others that we regard as inexcusable. He also claimed the U.K. government has been hesitant in fully cooperating with the ISC inquiry and has underwhelmed the work of the committee. Prime Minister May prevented the committee from requesting evidence from four intelligence officers who had pertinent information concerning the incidents.

RDI Damages North Carolina’s Reputation

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Conclusions

The CIA’s secret rendition and torture program substantially damaged the reputation of the United States, its national security, and its democracy. These negative effects are ongoing, and are unlikely to be repaired without a thorough, public accounting for what occurred; substantial criminal and financial punishments for the persons responsible for carrying out the torture program, which are required as matters of state, federal, and international law; and appropriate redress for the individuals who suffered rendition and torture without due process of law. The lack of accountability increases the likelihood of the use of torture as U.S. policy in the future. It also weakens the ability of the United States to convince other governments not to torture.

Furthermore, because the RDI program relies so heavily on North Carolina’s infrastructure and public and private actors, the abuses of the program also damage the reputation of the state and make its citizens unwittingly complicit in violations of human rights.

Chapter 7: Costs and Consequences of the CIA’s Torture and Rendition Program

The RDI program relied heavily on North Carolina’s public infrastructure, military installations, and private corporations. As such, the program damaged the State of North Carolina and implicated its citizens in torture and other human rights violations. The RDI program relied heavily on North Carolina’s public infrastructure, military installations, and private corporations. As such, the program damaged the State of North Carolina and implicated its citizens in torture and other human rights violations.

State of North Carolina should fulfill its obligations to both its citizens and the rule of law.
CHAPTER EIGHT: NORTH CAROLINA PUBLIC OPPOSITION TO THE RDI PROGRAM, AND OFFICIALS’ RESPONSES

NORTH CAROLINA PUBLIC OPPOSITION TO THE RDI PROGRAM, AND OFFICIALS’ RESPONSES

Since 2005, members of the public in North Carolina, largely led by North Carolina Stop Torture Now (NCSTN) and various allies, ‘have worked […]’ to expose and end North Carolina’s central role in the ongoing U.S. torture program. NCSTN is “a grassroots coalition of individuals representing […] a diversity of faith, human rights, peace, veteran, and student groups across the state.”64 From the beginning, this opposition has been motivated by the belief that torture is immoral. Participants from across the political spectrum have grounded their abhorrence of torture in a variety of strong conscientious, religious, and ethical beliefs.

Through a wide range of actions, opponents have mounted persistent and vigorous public challenges for over 12 years to North Carolina’s role in the RDI program. They have directed requests for action to officials at the local, state, federal, and international levels. Yet government responses range from failure to respond to requests for information to refusal to investigate or issue apologies; instead, local and state authorities have subjected local activists to monitoring and arrest.

No judicial, legislative, or executive official at the local or state level has seriously considered the duty to investigate whether egregious crimes, including conspiracies to kidnap and commit torture, have occurred within North Carolina’s jurisdiction. This remains the case even though there is now ample evidence of the state’s role in it.65

PUBLIC CHALLENGES TO NORTH CAROLINA’S ROLE IN THE RDI PROGRAM

For over a decade, torture opponents repeatedly engaged with elected officials and staff, including governors, attorneys general, U.S. Congress members,66 and state legislators, to challenge the role of North Carolina in facilitating the RDI program. Demands for government transparency have been paramount. At the federal level, for example, in April 2009 NCSTN called on the Obama administration to publicly disclose “how U.S. torture policies were formulated, how these policies were implemented and executed, the scope of the practices (the numbers affected and the breadth of the torture); the fate of the victims, and other relevant information.”67 Advocates, including the North Carolina Council of Churches, also demanded transparency in August 2013, when they delivered a letter to U.S. Senator Richard Burr that was signed by more than 190 faith leaders from across North Carolina, among whom were 18 heads of judicatories or denominations.68 Activists have made repeated requests for a legislative remedy at both the state and federal level (e.g., a Commission of Inquiry).69

At the state level, anti-torture groups have made frequent requests for investigation and an end to North Carolina’s role in the RDI program as well as for a demonstrated commitment to prevent future such abuses. These requests have gone to prior Governors (Easley and Perdue), former Attorney General Cooper, the State Bureau of Investigation (SBI), the Global TransPark Authority (GTPA), and individual state legislators. For example, in September 2006, the N.C. Council of Churches sent letters to state officials requesting investigation of Aero Contractors.70 In March 2007, a press conference at the N.C. General Assembly announced a “letter from 75 nonprofit organizations requesting an investigation of Aero, delivered to Governor Easley, Attorney General Cooper, SBI Director Pendergraft, U.S. Attorney for Eastern District of N.C. George Holding, Johnston County Board of Commissioners, GTPA board members, and N.C. General Assembly members.”71 Within weeks, on May 2, 2007 NCSTN and allies provided documentation of Aero’s involvement in rendition to Attorney General Cooper’s office.72

State-level pressure continued. On July 2, 2009, NCSTN and N.C. Council of Churches members, as well as Johnston County residents, met with then-Governor Beverly Perdue’s staff members to “encourage the Governor to end North Carolina support for the extraordinary rendition program and investigate Aero’s role in it.”73 On January 19, 2012, NCSTN and allies delivered copies of a 70-page dossier on Aero’s alleged role in rendition flights, prepared by University of North Carolina law school faculty members and students on behalf of anti-torture activists to “officials from the governor’s office and state attorney general, who accepted them politely but made no promises.”74 And in April 2014, activists gathered at the N.C. Department of Justice to remind then-Attorney General Cooper of his “special obligation to investigate the North Carolina links to enforced disappearance; secret detention and torture the report is nearly certain to document.”75

Concern has been expressed with special persistence at the county level. Since 2006, NCSTN and allies have repeatedly met with the Johnston County Board of Commissioners (the Board to address the implications of Aero Contractors operating rendition aircraft out of the Johnston County Airport in Smithfield, N.C.).76 For example, according to Alywyn Caison’s testimony to the North Carolina Commission of Inquiry on Torture (NCCIT):

“Two of us appeared in front of the [Johnston County] Commissioners nearly every month for over 2 years. We were not allowed to speak until the end of the meeting, which meant sitting through countless hours of beauty business for our chance to speak. Chuck Puffer of Quaker House wrote a newsletter every month for the Commissioners on the latest news of torture and accountability from around the world. Each time as he addressed the Commissioners he asked them to investigate Aero Contractors.”77

Yet as the selected examples below illustrate, the Board at best failed to provide an effective response, and at worst expressed support for Aero. While as recently as May 2018, the Board reportedly denied any link between the Johnston County Airport and rendition,78 this intransigence is consistent with its earlier approaches:

February 2, 2009

Anti-torture activists attended a Board meeting to request that the Commissioners direct the Johnston County Airport Authority to adopt a pledge to prohibit future rendition flights and seek information about past flights originating from [Johnston County Airport].79 This pledge would require updated registers of aircraft including flight plans, names of the crew and passengers, and the purpose of the flights.80

March 2, 2009

Approximately two dozen anti-torture activists sought information about whether the Board of Commissioners would investigate Aero Contractors or take any other type of action.81 In response, the Board “took no action except to promise to raise the issue with Congressman Etheridge as private citizens.”82

June 1, 2009

NCSTN representatives “revisted the Johnston County Board of Commissioners […] to advocate for an investigation of Aero Contractors.”83 Chairman Wade Stewart stated “his and the Commissioners’ steadfast support for Aero Contractors […] even endorsing an expansion of the extraordinary rendition program to capture adversaries from around the world.”84

October 3, 2011

At a Board meeting, an NCSTN representative read portions of a letter written by Khadija Anna L. Figazani, the wife of Abu Elkassem Britel; ‘a victim of an ‘extraordinary rendition...
March 5, 2018
NCSTN organized 26 individuals to attend a meeting of the Johnston County Commissioners to present “new evidence about the magnitude of Aero Contractors’ role in the CIA’s rendition program,” which included testimony that was offered during the NCCIT hearings. In response, the Commissioners asked what laws were broken at their airport, said there was no evidence linking the airport to the 49 renditions presented, and said they deal with local matters, not federal. After the meeting, NCSTN sent further information to them, including flight logs that evidenced the rendition routes that included departures from, and landings in, Johnston County Airport and Kinston Regional Airport.

April 26, 2018
Jeff Carver, the Chair of the Board, met with NCSTN activists and allies to respond to issues raised at the March 5, 2018 meeting, explaining that he would not contact North Carolina Attorney General Stein or Governor Cooper to request an investigation, and that he “will not support a policy that says anything negative about Aero.”

May 7, 2018
Anti-torture citizens attended a Board meeting at which the commissioners “disputed that there is evidence linking Aero Contractors to torture” and “responded negatively to” | requests for investigation of Aero and an anti-torture flight policy for their airport.

North Carolinians have also expressed opposition at the international level to the role of North Carolina in the RDI program, with requests for investigation of cases connected to Aero. For example, in August 2007, NCSTN joined Action by Christians Against Torture-Germany in sending letters to Chancellor Merkel, then-U.S. Secretary of State Condoleezza Rice, and then-U.S. Attorney General Alberto Gonzales. The letters urged further action on arrest warrants issued by the Munich public prosecutor as part of an investigation into the Khaled El-Masri case.

At the level of the United Nations, the University of North Carolina Human Rights Policy Lab called upon the U.N. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a full and independent investigation of the case of Alouz Elkasem Britel. As a result, eight U.N. mandate holders sent a letter to several governments, including the U.S., requesting information regarding Mr. Britel’s case. Specifically, they inquired about any steps taken to establish inquiries to identify and hold responsible public officials accountable, and to provide reparations, rehabilitation, and compensation to victims of the RDI program.

Nature of public opposition
Local actors expressed concerns about the lack of government accountability and the impact of U.S. torture on survivors in a myriad of ways, including through:

Visibility actions
In November 2005, NCSTN delivered a “people’s indictment” to the headquarters of Aero in Smithfield, N.C. and subsequently continued further visibility actions such as, vigils, marches, and rallies. For example, in January 2014, at an event organized by NCSTN, the N.C. Council of Churches, Quaker House, and Veterans for Peace, people carried signs outside Senator Burr’s office urging him “to support the release of a critical witness has been carried out by Baptists, Catholics, Episcopalians, Jews, Methodists, Muslims, Presbyterians, Quakers, and Unitarians.

Citizen petition and postcard campaigns
Citizens have collected signatures on petitions and passed out educational materials in Johnston County on several occasions. For example, at the 2011 North Carolina State Fair, attendees were invited to sign a petition directed at Governor Perdue and Attorney General Cooper to “investigate.” The North Carolina Commission of Inquiry on Torture to reveal the truth about whether our state has been used as a base for kidnapping and torture” and ending with a call “to investigate Aero Contractors.”

Activities of religious witness
Members of congregations across North Carolina have held educational discussions, signed letters and delivered petitions to elected officials, and displayed "citizens' indictments" to Aero Contractors in 2005.

Photo courtesy: NCSTN

Photo courtesy: www.johnstonnc.com


Educational conferences
North Carolina advocates hosted four major educational conferences at Duke University in Durham, N.C. in September 2007, May 2008, April 2010, and March 2011, as well as a panel following the hearings of the NCCIT.

Media
Media engagement has included authoring letters to the editor and op-eds, as well as providing interviews to reporters about anti-torture efforts in the state. The NCCIT hearings also garnered significant media coverage.

Formation of North Carolina Commission of Inquiry on Torture (NCCIT)
North Carolina advocates supported the creation of the NCCIT by successfully lobbying cities and counties to adopt resolutions in support of the NCCIT. For example, the city of Durham, Orange County the municipal government of Carrboro, and the Town of Chapel Hill issued such resolutions and proclamations. NCSTN also met with staff members of newly-elected N.C. Attorney General Josh Stein in March 2007 to present the case against Aero and ask him to express support for the NCCIT’s work.

Photo and information from www.johnstonnc.com
Alliance-building
In addition to the groups highlighted throughout, in 2012, NCSTN worked with the Beloved Community Center, American Friends Service Committee, and others to host an event in Greensboro. N.C. entitled “Our Responsibility to Oppose the Abuse of State Power,” which addressed links between torture and mass incarceration of black youth and immigrants. Other allies include the ACLU, Amnesty International, Center for Constitutional Rights, Center for the Victims of Torture, Code Pink, Human Rights First, Human Rights Watch, the National Religious Campaign Against Torture, Quaker House, Veterans for Peace, and Witness Against Torture.

OFFICIAL RESPONSES – AND NON-RESPONSES – TO PUBLIC OPPORTION TO TORTURE IN NORTH CAROLINA

Official responses to public opposition to North Carolina’s role in the RDI program have consisted of refusals to provide information, monitoring of local anti-torture advocates rather than investigation of the program, and failure to pass relevant state legislation. This approach has largely left North Carolina’s role in the RDI program to those sympathetic to the state’s role in the RDI program.

In particular, the Johnston County Commissioners have consistently refused to respond to public records requests and publicly endorsed Aero and its activities. For example, in February 2012, County Commissioner Allen Moms said, “I think the Washington Post that Aero was an upstanding local corporate citizen. Moms suggested that he would not be disappointed to learn that the company had helped the CIA in its pursuit of suspects tortured”. In May 2006, out of these items, “only Attorney General [Josh Stein’s office, the GTA], and the Johnston County Airport Authority have provided records.” Sheriff Bizzell has not responded. The Johnston County Commissioners responded that they planned to “review and respond as soon as possible.” The Johnston County Board of Commissioners responded that “there are no records in the custody and control of the Johnston County District Attorney’s Office that would be responsive to your request.”

In April 2008, NCSTN and the N.C. Council of Churches met with then-N.C. Governor Easley’s Chief of Staff, asking the Governor to encourage the Attorney General to investigate the link between Aero and rendition. In response, an advisory to Easley informed NCSTN “there were no records in the GTA’s office referring to Aero. The letter also noted that the SBI had referred the investigation of Aero to the FBI, and that “[The] Attorney General and the SBI stand ready to assist the FBI in any criminal investigation.”

At the federal level, information requests are also blocked. For example, in response to a letter from a group of U.N. mandate holders requesting information on the alleged rendition and torture of Mr. Britel, the U.S. Representative to the U.N. Human Rights Council responded that “the U.S. government was ‘unable to provide any additional information responsive to your inquiry.’”

On yet other occasions, officials have refused to engage meaningfully with members of the public. For example, in 2007, the legal counsel for the GTPA explained in an email chain with its members, “The Attorney General’s Office did not have to respond to the information requests.”

National public officials have refused requests from citizens of North Carolina for an apology to victims of the RDI program.

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Local officials to Aero’s involvement in rendition or torture, informing them of the bill, request that the Attorney General issue a supportive statement and invite him to attend a press conference on the bill scheduled for mid-May. After being referred to the Committee on Rules, Calendar and Operations of the House on May 24, 2009, the N.C. Sentencing and Policy Advisory Commission’s Torture Offenses Subcommittee met on January 18, 2008 to consider the bill and recognized Aero as the “prototyope offender” for whom the bill was designed. The bill was then introduced as House Bill 247 in 2009 and would have created “the statutory criminal offenses of torture and enforced disappearance” as offenses for which “an investigative grand jury may be

In April 2008, NCSTN and the N.C. Council of Churches met with then-N.C. Governor Easley’s Chief of Staff, asking the Governor to encourage the Attorney General to investigate the link between Aero and rendition. In response, an advisory to Easley informed NCSTN “there were no records in the GTA’s office referring to Aero. The letter also noted that the SBI had referred the investigation of Aero to the FBI, and that “[The] Attorney General and the SBI stand ready to assist the FBI in any criminal investigation.”

At the federal level, information requests are also blocked. For example, in response to a letter from a group of U.N. mandate holders requesting information on the alleged rendition and torture of Mr. Britel, the U.S. Representative to the U.N. Human Rights Council responded that “the U.S. government was ‘unable to provide any additional information responsive to your inquiry.’”

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TORTURE FLIGHTS: NORTHERN CARRIERS’ ROLE IN THE CIA RENDITION AND TORTURE PROGRAM
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CHAPTER 8: NORTH CAROLINA PUBLIC OPPOSITION TO THE RDI PROGRAM, AND OFFICIALS’ RESPONSES

There is strong concern about possible continued clandestine use of Aero and the Johnston County Airport, among other infrastructure in the state, for missions involving torture or other grave human rights violations.

Convictions as recommended by the North Carolina Sentencing and Policy Advisory Commission. However, the ‘bill was never brought to a vote’ instead of investigating Aero Contractors, or apologizing to victims, state officials have monitored and impeded advocates. During the November 2005 delivery of ‘citizens' indictments’ to Aero executives, county commissioners, and airport officials, 16 NCSTN members were arrested for trespass; they were subsequently convicted in January 2006. When advocates attempted to deliver ‘citizens' arrests' of three Aero pilots indicted in Germany for their participation in the kidnaping, extrajudicial detention and transport of Shahed El-Ma’ani on April 9, 2007 nine activists were arrested, three of whom were subsequently convicted of criminal trespasses on May 10, 2007.

Further, when NCSTN requested an investigation of Aero, GTFA Executive Director Datore Waddell instead accused NCSTN of attempting to undercut job creation at the Global TransPark. In January 2002, upon learning that advocates planned to deliver a report by the UNC Police Department. It was properly this obstacle that led state legislators to introduce HB 1682 (which became HB 2471), which would have provided the Attorney General's authority to investigate the ongoing crimes allegedly being committed by Aero personnel.

Yet during the two sessions in which the bill was considered and despite citizens’ requests (see above), the NC Department of Justice failed to support this expansion of the Attorney General’s investigative authority, even though it has supported similar expansions in other matters. As has been observed, the problem appears to lie in the availability of legal remedies than in undermining political will. And as further discussed in Chapter 9, the Commission believes that there is already a basis for prosecution under current state law.

Concern about challenging a federal government policy
State officials appear reluctant to criticize federal government actions. But the state could deal with Aero's criminal activities as violations by a public contractor registered to do business in North Carolina, rather than as a federal policy outside the state’s purview.

In fact, as the Commission’s public records request has revealed, when state legislators asked the SBI to investigate Aero, the response drafted by Attorney General Cooper's general counsel had it that while not ultimately used — suggested considering Aero’s role in rendition flights as a cause of corruption by a government contractor.

Theweeney: It appears that the crimes of rendition to Aero or the Johnston County Airport could be prosecuted in federal court under the federal Torture Act (18.U.S.C. 2340A), or to torture in which Aero is involved could be prosecuted in North Carolina. However, state legislators asked the SBI to investigate Aero, the response drafted by Attorney General Cooper's general counsel had it that while not ultimately used — suggested considering Aero’s role in rendition flights as a cause of corruption by a government contractor.

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The United States’ rendition and torture program violated international law, federal law, and the laws of North Carolina. This chapter summarizes the laws governing torture and the seizure and transportation of people for the purpose of using torture as an interrogation tool. In doing so, it outlines areas of legal liability and responsibility for the State of North Carolina.

The GOVERNMENT'S PURPORTED LEGAL JUSTIFICATION
The government’s decision to engage in extraordinary rendition and torture was accompanied by a series of legal memoranda, including the now infamous (and withdrawn) “Torture Memos” of August 2002 prefixed by the Office of Legal Counsel of the Department of Justice. These and other memoranda concluded that the Geneva Conventions did not apply to al-Qaeda and the Taliban, that torture only occurs when it is intended to inflict “physical pain . . . equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death,” and that the proposed so-called “enhanced interrogation techniques” GITMO were legally permissible. The Torture Memos have been extensively criticized by legal scholars, as well as by human rights organizations and individual victims.

In its initial report to the U.N. Committee Against Torture, the U.S. government recognized that such understanding does not “encompass any state or local officials from the CIA’s requirements regarding the prohibition, prevention, and punishment of torture.”

In 2009, North Carolina legislators passed the Citizens’ Arrest Bill, which made it a priority to tackle public corruption at all levels of government. Upon a valid request, the SBI conducts investigations into government official misconduct, including misdeeds by U.S. Congresspersons and local officials. For example, one category of misconduct is the misuse of prisoners or detainees.

Concern about political costs
It is possible that state officials have been reluctant to speak out because they fear political costs to their other priorities. However, if North Carolina’s Governor and Attorney General took steps to prevent renewed use of their state by federal agencies for torture-related activities, they would likely receive support from a broad array of organizations and individuals, including both communities and military veterans, both powerful constituencies in North Carolina.

CONCLUSION
Since 2005, North Carolina leaders of different religious, political and racial backgrounds have called upon local and state officials to investigate the state’s role in rendition to torture. Some state and federal legislators have responded positively, but the state of North Carolina has failed to check the use of its facilities for human rights violations. As such, the state of North Carolina has failed to check the use of its facilities for human rights violations.

OBSERVATIONS ON ACTION CITED BY NORTH CAROLINA OFFICIALS
Lack of authority for investigation and criminal prosecution
It appears that the crimes of rendition to Aero or the Johnston County Airport could be prosecuted in federal court under the federal Torture Act (18.U.S.C. 2340A). Yet during the two sessions in which the bill was considered and despite citizens’ requests (see above), the NC Department of Justice failed to support this expansion of the Attorney General’s investigative authority, even though it has supported similar expansions in other matters. As has been observed, the problem appears to lie in the availability of legal remedies than in undermining political will.

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CHAPTER 9: NORTH CAROLINA’S OBLIGATIONS UNDER DOMESTIC AND INTERNATIONAL LAW, ET AL.

TORTURE FLIGHTS: THE ROLE OF THE CIA IN ATROCITIES

The CIA “Black Site” in Romania. Code named “Bright Light.”

In addition to regulating the activities or commissions of its own officials, under international law the United States is also required to regulate those of private actors, such as corporations.

With regard to conditions of confinement, detainees in CIA “black sites” were subjected to rectal feeding and rectal ‘feeding’ and put in ice water ‘baths.’ Detainees received either direct death threats or threats of harm to their families — including threats to harm the children of a detainee and a threat to ‘cut out a detainee’ mother’s throat. Sleep deprivation involved keeping detainees awake for up to 180 hours, usually standing or in stress positions, at times with their heads shackled above their heads. With regard to conditions of confinement, detainees in one prison were ‘kept in complete darkness and constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste.” Conditions at this facility were such that one senior CIA officer described the ‘black site’ as itself an enhanced interrogation technique.

International human rights bodies have condemned the U.S. interrogation techniques.

According to testimony before the Commission:

- Program planning, execution, and failure to investigate and punish, all engage international law obligations that bind the US.

CHAPTER 9: NORTH CAROLINA’S OBLIGATIONS UNDER DOMESTIC AND INTERNATIONAL LAW, ET AL.

United States. For example, what happened to individuals at all stages in the program — including in the lead up to rendition flights (including those of ex-prisoners and treatment and on farms of foreign airports by CIA Rendition Teams) on rendition flights, in secret detention and through interrogation using brutal torture references, “A failure to get justice” engages international law obligations that bind the United States and was in clear violation of human rights treaties.

The RDI program violated multiple human rights. This section focuses specifically on how interrogation techniques, conditions of confinement, and the incommunicado nature of detention in the CIA’s “black sites” — as well as in foreign custody — violated prohibitions on torture, prohibitions on cruel, inhuman, and degrading treatment in the ICCPR and CAT as well as its understanding on the definition of torture in CAT.

Government documents describing the investigation process, accounts of individuals who appeared before the Senate Select Committee on Intelligence, and the ICJ have condemned the U.S. interrogation techniques.

The European Court of Human Rights also concluded that interrogation techniques used against detainees in CIA “black sites” comprise human rights violations. For example, in the Case of Al-Nashiri v. Poland the Court stated that regardless of “when, how and in what combination” particular interrogation techniques were used to cause the detainee to lose “consciousness” of their true identity, the interrogations and various aspects of detention “were applied in a predetermined and organized manner so as to formalize a clinical, procedural, setting out a ‘wide range of legally sanctioned techniques’ and specifically designed to elicit information on a detainee’s identity or to obtain intelligence from captured terrorist suspects.” On this basis, the Court found that neither the “technique” the U.S. used nor the techniques used to create detainees in CIA “black sites” comprised human rights violations. Several of the European Court’s findings in this regard are in contrast to facts found by the U.S. Senate Select Committee on Intelligence. The European Court concluded that “the techniques used were not only consistent with the Convention, but were also in line with practices used in other States.”

With regard to the interrogations of detainees in one prison were kept in complete darkness and constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste. Conditions at this facility were such that one senior CIA officer described the ‘black site’ as itself an enhanced interrogation technique.

Mental suffering was severe. Throughout the program, multiple CIA detainees who were associated with the CIA’s enhanced interrogation techniques and extended isolation exhibited psychological and behavioral issues, including hallucinations, paranoia, insomnia, and attempts at self-harm and self-mutilation.

International human rights bodies have condemned the U.S. interrogation techniques, calling on the government as early as 2008 to “rescind any interrogation technique, including methods involving sexual humiliation, ‘waterboarding’ ‘short- shocking’ and using dogs to induce fear, that compromises torture or cruel treatment or degrading treatment or punishment, in all places of detention under its de facto effective control in order to comply with its obligations under the Convention.”

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Importantly, the United States’ human rights obligations continued to apply during the so-called “war on terror.” As the Commission heard, “just as no state, group or individual is above the law, so too can no person be placed outside the law. Acts such as enforced disappearance in CIA ‘black sites’ or efforts to create a legal fiction of human rights free zones that give a blank check to terrorism and of private actors, or groupings acting under its instruction, ‘liable for the actions of other individuals or groups acting under its instruction, or organizations of its own officials, under international law the United States is also required to regulate those of private actors, such as corporations.” This means, for example, that the United States will be ‘liable for the actions of other individuals or groups acting under its instruction, direction, control, or acquiescence.’

According to testimony before the Commission:

- Program planning, execution, and failure to investigate and punish, all engage international law obligations that bind the US.

- The absolute nature of the prohibition renders irrelevant any discussion of the efficacy of conditions of confinement or interrogation tactics. As the absolute ban on torture means that from a legal perspective there is simply no room for discussions about whether torture does or does not work.

- Interrogation and conditions of confinement during the RDI program fell woefully short of international law requirements in CAT including protecting both the “physical and mental integrity of individuals.”

- Nonetheless is required to exercise due diligence to prevent human rights abuses from occurring.

- The US. government cannot effectively control or exercise due diligence to prevent human rights abuses from occurring.

- The US. government cannot escape its obligations relevant to the RDI program even when in the airspace(s) of another country or in international airfields.

- Wherever the [U.S. Government] exercised effective control over an individual [—] the Convention and otherwise by the authorities in North Carolina — are known to exercise an effective control over an individual [—] the Convention and otherwise by the authorities in North Carolina — are known to exercise an effective

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This failure of the U.S. government authorities at all levels to investigate and prosecute allegations of human rights violations in the RDI program— including allegations of abuses faced by those rendered to foreign custody— is itself a breach of their obligations under human rights treaties.

FEDERAL OFFENSES IMPLICATED BY THE U.S. RENDITION, DETENTION AND INTERROGATION PROGRAM

The Torture Act

By far, the broadest federal authority to prosecute human rights violations outside the United States is the Torture Act, which implements United States’ obligations under CAT. The Act criminalizes the commission of torture and other cruel and inhuman treatment, the attempt to commit such acts, and conspiracy to commit such acts. It also criminalizes the use of torture and other cruel and inhuman treatment committed outside the United States by a U.S. national or by an offender who is physically present in the United States and subject to its jurisdiction, without regard to the nationality of the offender or the victim.

Torture is defined under the Act as “an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.”

(B) Prohibited conduct—In subsection (a), the term “serious physical pain or suffering” shall be applied for...

EXCERPTS FROM THE WAR CRIMES ACT - 18 U.S.C. § 2441

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Chapter 9: North Carolina’s Obligations under Domestic and International Law, et al.

Chapter 9 - North Carolina’s Role in the CIA Rendition and Torture Program

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The Act contains a strict definition of torture that includes:

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;
(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or identifiable personality;
(C) other acts deliberately causing serious mental pain or suffering;
(D) other acts intentionally causing severe physical pain or suffering.

OFFENSE—Whoever, whether inside or outside the United States, commits a war crime, in any of the circumstances described in subsection (a), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

UNITED STATES ATTORNEY GENERAL

The United States Attorney General is the chief federal law enforcement officer of the United States; that “carries with it the authority necessary to perform this duty.”

This plenary authority includes: (a) investigating suspected or alleged violations of federal law; (b) determining whether there is probable cause to support a search warrant; (c) obtaining a search warrant; (d) making arrests for violations of federal law; (e) determining the manner of prosecuting and deciding cases; (f) authorizing prosecution; (g) requesting the assistance of other federal or state law enforcement agencies; (h) authorizing the appointment of counsel for defendants; (i) supervising the United States Attorneys; (j) exercising authority over the conduct of the attorneys employed in the department; and (k) exercising authority over the conduct of the agents employed in the Federal Bureau of Investigation.

The United States Attorney, as the chief federal law enforcement officer in his district, is authorized to request the appropriate federal investigative agency to investigate alleged or suspected violations of federal law.

The Attorney General, in his discretion, may appoint an individual to perform the duties of United States Attorney for a particular district or district court for a specific period of time.

FEDERAL LAW AND THE RDI PROGRAM

Investigation and Prosecution of Torture-Related Crimes Under Federal Law

Both United States Attorneys (the chief federal prosecutors in the various judicial districts) and specially designated attorneys of the U.S. Department of Justice have the responsibility to investigate crimes falling under their jurisdictions. Under 28 U.S.C. § 545, United States Attorneys have a duty to prosecute offenses against the United States that “arises with it the authority necessary to perform this duty.”

According to the United States Attorney’s Manual, “[t]he United States Attorney, as the chief federal law enforcement officer in his district, is authorized to request the appropriate federal investigative agency to investigate alleged or suspected violations of federal law.”

The plenary authority of the United States Attorney General includes:

A) Torture.—

The act of a person who commits, conspires or attempts to commit an offense, any act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

B) Cruel or inhuman treatment.—

The act of a person who commits, conspires or attempts to commit an offense intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control.

2) Definitions.

In the case of an offense under subsection (a) by reason of subsection (c)(3)...

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;
(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or identifiable personality;
(C) other acts deliberately causing serious mental pain or suffering;
(D) other acts intentionally causing severe physical pain or suffering.

TORTURE FLIGHTS - NORTH CAROLINA’S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM
personality; (3) the threat of imminent death; or
(4) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt professionally the senses or personality.

The Act went into effect on November 20, 1994. To date, there has been only one prosecution under it. Nevertheless, there can be no dispute that the conduct described in the Report that was carried out by U.S. nationals under the U.S. Rendition, Detention & Interrogation program between 2001 and 2006 violated the Act.

Federal law also provides a basis for prosecuting conspirators and accomplices. Congressional reports prove that the individual charged entered an agreement with others to engage in unlawful conduct. The agreement was also prove an overt act by one of the co-conspirators in furtherance of the agreement. The requirement can be satisfied by virtually any act committed by a co-conspirator, including buying fuel in North Carolina for one of the aircraft used to ferry suspects in the CIA’s RDI program. North Carolina co-conspirators. North Carolina has the jurisdiction to prosecute the co-conspirators in this state. Finally, other offenses that were a foreseeable consequence of the conspiracy, although not prosecutable in North Carolina, are relevant to show that the agreements were in furtherance of the conspiracy, even if the conspiracy was formed outside the state. It is clear that the RDI program was a scheme that violated numerous international, federal, and state laws. Further, it is clear that unlawful missions began in North Carolina’s own backyard, utilizing the facilities of taxpayer-supported public airports, aided and abetted by the acts and agreements of North Carolina residents. Yet despite the clarity of the illegality, no law enforcement authority has accepted responsibility for investigating and prosecuting the crimes that originated on North Carolina’s soil. This failure to pursue justice is an important part of the persistent lack of accountability for the CIA RDI program. In order to fulfill the obligations of their offices, federal and state prosecutors and state and local law enforcement agencies should fully investigate and prosecute criminals convicted under the CIA’s RDI program.
The Commission recognizes the continuing harm visited by the United States on the 49 detainees who, with North Carolina’s assistance, were subjected to extraordinary rendition, kidnapping, unlawful detention, and torture. We recognize the aggravated harm that flows from the fact that our government has neither acknowledged injuring them nor offered any reparations. We further recognize that the injury was not only to these 49 individuals, but also to their families and communities. We deeply regret that local, state and federal agencies of the United States have ignored both the law and our moral obligation to take responsibility.

The CIA rendered some people — a number we can’t yet determine — to foreign custody in Syria, Jordan, Morocco, Egypt and perhaps other states to be tortured. To date, a full accounting of this program remains inappropriately hidden by our government.

Isolation, sleep deprivation, extremes of temperature and excruciatingly loud music; water tortures and sexual violation; among other abusive techniques. The CIA rendered some people — a number we can’t yet determine — to foreign custody in Syria, Jordan, Morocco, Egypt and perhaps other states to be tortured. To date, a full accounting of this program remains inappropriately hidden by our government.

This all occurred without regard for a detainee's innocence or guilt. While some of the 49 documented cases may have involved individuals linked to terrorism — and torture even for them is unconditionally prohibited — a significant number were innocent, as indicated by their ultimate release. A few have received an apology or financial compensation from foreign governments, affirming the victim’s innocence and wrongful detention, but nothing from the US government.

In fact, instead of holding Aero accountable, the State of North Carolina and Johnston County have effectively endorsed these abuses. This is reflected in the continued hosting of Aero’s headquarters at the Johnston County Airport and decisions to provide other airport and county services in face of the continued hosting of Aero's hangar and occupancy rent-free. North Carolina's role in it comes from the state's role as home to airports, aircraft, logistics personnel, and pilots crucial to the operation.

North Carolina must hold accountable the individuals and entities that engaged in extraordinary rendition and used state resources to facilitate torture. Among them is Aero Contractors, Ltd (Aero), a private company whose role in the CIA rendition and torture program is beyond dispute. The CIA used Aero to transport at least 49 human beings to “black sites” purpose-built for torture or to foreign proxy countries so that they would do the torture — in some cases, multiple times. That horrific journey — in which detainees were deprived of sight, hearing and touch, diapered and even drugged, sexually or physically assaulted, unable to speak or see where they were, terrified and often in pain — was in itself torture.

Many of these individuals were effectively “disappeared,” a term originating in Latin America for illegal detention without legal oversight or acknowledgment that the person is in custody. Once Aero delivered their human cargo to CIA’s “black sites,” interrogations and guards often beat them, placed them in stress positions, and subjected them to providing airport services to Aero, authorized the company to build a new hangar and occupy it rent-free. In effect, taxpayer money continues to subsidize a company, Aero Contractors, that played a material and open role in facilitating torture, a violation of State and Federal law. Our public infrastructure has been subverted to support a program that led to profound suffering. To date, only a few low-level members of the military have been held accountable for their role in the American torture program. So long as the full scope of this program is kept secret and none of the leadership is held accountable, we will continue to face a grave danger that the United States will once again engage in torture — a threat that President Trump has openly contemplated — with the possibility of North Carolina again being used as a crucial launching platform.

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In fact, instead of holding Aero accountable, the State of North Carolina and Johnston County have effectively endorsed these abuses. This is reflected in the continued hosting of Aero’s headquarters at the Johnston County Airport and decisions to provide other airport and county services in face of the continued hosting of Aero’s hangar and occupancy rent-free. North Carolina’s role in it comes from the state’s role as home to airports, aircraft, logistics personnel, and pilots crucial to the operation.

North Carolina must hold accountable the individuals and entities that engaged in extraordinary rendition and used state resources to facilitate torture. Among them is Aero Contractors, Ltd (Aero), a private company whose role in the CIA rendition and torture program is beyond dispute. The CIA used Aero to transport at least 49 human beings to “black sites” purpose-built for torture or to foreign proxy countries so that they would do the torture — in some cases, multiple times. That horrific journey — in which detainees were deprived of sight, hearing and touch, diapered and even drugged, sexually or physically assaulted, unable to speak or see where they were, terrified and often in pain — was in itself torture.

Many of these individuals were effectively “disappeared,” a term originating in Latin America for illegal detention without legal oversight or acknowledgment that the person is in custody. Once Aero delivered their human cargo to CIA’s “black sites,” interrogations and guards often beat them, placed them in stress positions, and subjected them to providing airport services to Aero, authorized the company to build a new hangar and occupy it rent-free. In effect, taxpayer money continues to subsidize a company, Aero Contractors, that played a material and open role in facilitating torture, a violation of State and Federal law. Our public infrastructure has been subverted to support a program that led to profound suffering. To date, only a few low-level members of the military have been held accountable for their role in the American torture program. So long as the full scope of this program is kept secret and none of the leadership is held accountable, we will continue to face a grave danger that the United States will once again engage in torture — a threat that President Trump has openly contemplated — with the possibility of North Carolina again being used as a crucial launching platform.

The Commission recognizes the continuing harm visited by the United States on the 49 detainees who, with North Carolina’s assistance, were subjected to extraordinary rendition, kidnapping, unlawful detention, and torture. We recognize the aggravated harm that flows from the fact that our government has neither acknowledged injuring them nor offered any reparations. We further recognize that the injury was not only to these 49 individuals, but also to their families and communities. We deeply regret that local, state and federal agencies of the United States have ignored both the law and our moral obligation to take responsibility.
CHAPTER 1: THE U.S. GOVERNMENT'S RENDITION, DETENTION, AND INTERROGATION (RDI) PROGRAM

[Text continues]

ENDNOTES

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TORTURE FLIGHTS - NORTH CAROLINA'S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

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TORTURE FLIGHTS - NORTH CAROLINA'S ROLE IN THE CIA RENDITION AND TORTURE PROGRAM

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outside Europe were: Uzbekistan, Egypt, Jordan, United Arab Emirates, Pakistan, Morocco, 
Committee on the Alleged Use of European Countries by the CIA for the Transport and Illegal Detention 

John Crewdson, C.I.A. Expanding Terror Battle Under Guise of Charter Flights 

Id. 

§63A-3 (2016), http:/ /www.ncleg.net/gascripts/Statutes/StatutesTOC.

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CHAPTER 5: RENDEZVOUS AS TORTURE

The U.S. courts have held that non-coercive obligations are not applied when the individual faces or caused apprehension about (1) injury or death; (2) bodily injury; (3) confinement in a dark, isolated or guarded environment; or (4) other conditions of detention. In one case, the court held that the "condition of confinement" was not subject to medical evaluation alone, but required proof of a "condition of confinement" that was "severe enough to be considered inhuman or degrading in violation of the United States Constitution." See United States v. Pelletier, 68 F.3d 1051 (3d Cir. 1995).

This case involved a civilian who had been held in a "black site" in the Middle East and was subject to "sustained psychological torture." The court held that the "condition of confinement" was not subject to medical evaluation alone, but required proof of a "condition of confinement" that was "severe enough to be considered inhuman or degrading in violation of the United States Constitution." See United States v. Pelletier, 68 F.3d 1051 (3d Cir. 1995).

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TORTURE FLIGHTS: NORTH CAROLINA'S ROLE IN THE CIA RENDITION AND TORMENT PROGRAM

**ENDNOTES**

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**CHAPTER 3: NORTH CAROLINA'S OBLIGATIONS UNDER DOMESTIC AND INTERNATIONAL LAW, THE BASIS FOR FEDERAL AND STATE INVESTIGATION AND THE NEED FOR ACCOUNTABILITY**

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**TORTURE FLIGHTS: NORTH CAROLINA'S ROLE IN THE CIA RENDITION AND TORMENT PROGRAM**
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ENDNOTES

Please use this space to write down important reference numbers and personal notes.
ACKNOWLEDGMENTS

The North Carolina Commission of Inquiry on Torture thanks those listed below for their contribution to the Commission’s work:

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In terms of the plane’s ownership, FAA records show that on November 30, 2006, Aero Contractors requested the FAA to ‘relinquish to the owner of the aircraft, “PETS.”

The shifting ownership and registration information is outlined below:

- On November 30, 2006, MGM Resorts Aircraft Holdings, LLC sold the plane to Embraer Executive Aircraft, Inc. 49
- The plane was on the market again in April 2017. 50

FAA records show the aircraft was:

- Registered as N379P on May 1, 2002 on application by PETS on December 20, 2000. 50 Amnesty International reports that the plane was “[first registered by Stevens Express Leasing Inc.” and then re-registered on May 2, 2002 by Premier Executive Transport Services. 49
- Registered as N4476S on December 1, 2004 on application by Keeler & Tate Management, LLC. 49
- Registered as N4476S on August 8, 2006 on application by MGM Mirage Aircraft Holdings, LLC on July 7, 2006. 49
- Registered as N720MM on August 24, 2006 on application by MGM Mirage Aircraft Holdings, LLC. 49

N379P-N8068V-N44982-N126CH

Aero Contractors also operated a Gulfstream V aircraft registered with the FAA as N379P and then subsequently re-registered as N8068V, N44982, and N126CH. 49

Aero Contractors operated N379P during the RDI program from October 2001 onward.

APPENDIX A

APPENDIX A - RENDITION AIRCRAFT OPERATED BY AERO CONTRACTORS, LTD.

N379P-N44982-N720MM

Aero Contractors, Ltd. operated a 737 Boeing Business Jet registered with the Federal Aviation Administration (FAA) as N331P, a jet which ‘denied to the owner of the aircraft, “PETS.”

The CIA rendition aircraft in 2000, originally registered as N379P.

APPENDIX

APPENDIX

The CIA rendition aircraft in 2003, now registered as N8068V.

The same aircraft in 2003, now registered as N8068V.

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Aero Contractors operated N379P during the RDI program from October 2001 onward.

APPENDIX B

The following documents are available online at ncctorturereport.org:

- The Rendition Project. Rendition Research Team, University of Kent.
NCCIT held a public hearing in Raleigh, N.C. on November 30th and December 1st, 2017. Here are photos of Commissioners, staff and witnesses.

NCCIT Executive Director Catherine Read and consultant Jewa Porta.

Members of the commission listening to testimony.

Professor Juan Mendez, former UN Special Rapporteur on Torture.

Mohamedou Ould Slahi, former Guantánamo detainee.

Alberto Mora, former Navy General Counsel.

Johnston County resident Allyson Caison.

Col. Steve Kleinman, former interrogator.

Lt. Col. Stetson Thomas, Guantánamo military counsel.