

RENDITION FLIGHT LAWSUIT GIVES LIE TO GOVERNMENT'S JEPPESEN STATE SECRETS CLAIM

When they screw our tortured clients, they assert "National Security", but when it is a matter of money, they don't. — Reprieve's Clive Smith

The British human rights organization Reprieve figured out that a NY state court case—a billing dispute between two aviation companies—pertained to rendition flights going back to 2002; it tipped off the press. The Guardian (which offers a separate story with links to some of the documents) lays out how the flight patterns tie to known renditions.

Gulfstream N85VM has already been identified as the aircraft that rendered Hassan Mustafa Osama Nasr, an Egyptian cleric known as Abu Omar, after CIA agents kidnapped him in broad daylight in Milan in February 2003 and took him to Cairo. Through close examination of the invoices it is possible to identify other rendition flights in which a number of high-profile al-Qaida suspects may have been rendered.

In August 2003, for example, Richmor submitted an invoice for \$301,113 for eight flights over three days that took the Gulfstream to Bangkok, via Alaska and Japan, on to Kabul via Sri Lanka, and then home again via Dubai and Shannon (pdf). This operation appears to have been the rendition of Encep Nuraman, the leader of the Indonesian terrorist organisation Jemaah Islamiyah, better known as Hambali. He had been captured in Thailand shortly before the aircraft set off.

The court heard that in October 2004 the aircraft's tail number was changed to N227SV after the US government discovered that its movements were being tracked. The following March the aircraft was publicly linked to the Abu Omar rendition. Phillip Morse, the aircraft's ultimate owner, said he was stunned to discover how his plane was being used.

And it describes how the owners came to fear flying their own plane because it had been publicly linked to renditions.

By October 2006, Richards was writing to Moss to complain that his company was suffering negative publicity (pdf), losing business and receiving hate mail. The Gulfstream's crews were afraid to leave the country. "In the future, whenever the name 'Richmor' is googled this will come up. N227SV will always be linked to renditions. No tail number change will ever erase that and our requests for government assistance in this matter have been ignored."

The AP provides details on how the government provided bogus diplomatic notes

Every time the Gulfstream and other planes in Richmor's fleet took to the air, they carried one-page transit documents on State Department letterhead. The notices, known as "letters of public convenience" were addressed "to whom it may concern," stating that the jets should be treated as official flights and that "accompanying personnel are under contract with the U.S. government."

In trial testimony, Moss said the documents were provided from the government to DynCorp, which furnished them to Richmor. Richards said the letters were given to flight crews before they left on each flight, but declined to explain their use.

The notes, signed by a State Department administrative assistant, Terry A. Hogan, described the planes' travels as "global

support for U.S. embassies worldwide.”

The AP could not locate Hogan. No official with that name is currently listed in State’s department-wide directory. A comprehensive 2004 State Department telephone directory contains no reference to Hogan, or variations of that name – despite records of four separate transit letters signed by Terry A. Hogan in January, March and April 2004. Several of the signatures on the diplomatic letters under Hogan’s name were noticeably different.

(Reprieve gave the story to the WaPo too, which did a thoroughly perfunctory job with it.)

All three stories note that the litigants expected the government to intervene—as they did in the Jeppesen suit—but did not.

Which, as Smith notes, sort of proves the lie behind the Jeppesen state secrets invocation. The government let all the details behind the KSM flights appear in unsealed court dockets. The only thing that separates what would have appeared in the Binyam Mohamed suit against Jeppesen and this suit is the explicit demand for compensation for a torture victim.