

Briefing and Dossier for the Lithuanian Prosecutor General: CIA Detention in Lithuania and the Senate Intelligence Committee Report (11 January 2015)

Introduction

1. The partial release of the Executive Summary of the United States' Senate Select Committee on Intelligence's "Committee Study of the Central Intelligence Agency's Detention and Interrogation Program" ("SSCI Redacted Summary") (9 Dec. 2014) confirms previous accounts of CIA secret detention in Lithuania, confirms existing public source data on transfer dates of prisoners into and out of Lithuania, and refers to prisoners held in Lithuania.
2. In this document we provide a briefing on how the SSCI Redacted Summary and other data sources offer mutual support and corroboration. This briefing is based on the text of the Redacted Summary and on other public data sources. A selection of these sources is included in the Dossier appended to this briefing.
3. As a result of our analysis, we conclude that:
 - a. **It is established beyond reasonable doubt that one of the facilities adapted by the CIA in Lithuania was used to hold prisoners**
 - b. **Prisoners were transferred into this facility in February 2005 and in October 2005**
 - c. **Prisoners were transferred out of this facility in March 2006**
 - d. **The transfers were carried out on planes contracted to Computer Sciences Corporation, all operating within a linked group of contracts**
4. In this briefing, we summarise key statements in the SSCI Redacted Summary relating to three prison facilities. We then use other public source data to show that one of these facilities – VIOLET – must have been in Lithuania. A short guide to the Dossier outlines key documents in support of our argument.

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SSCI Redacted Summary: Key Statements Relevant to Lithuania

5. The SSCI Redacted Summary discusses several detention sites, referred to by names of colours. Of particular importance in establishing the role of Lithuania are the sites BLACK, VIOLET and BROWN.
6. The initial creation of BLACK and VIOLET is described on pp. 97-99 of the Redacted Summary. Other pages offer further details of these sites and their locations.
7. The Redacted Summary states that CIA detainees were transferred to BLACK in “the fall of 2003”.¹ The closure of BLACK was precipitated by revelations in the Washington Post, published on 2 Nov. 2005; at this point the host country of BLACK demanded “within [c. 2 characters redacted] hours” the site’s closure and the remaining detainees were transferred out of BLACK “shortly thereafter”.²
8. VIOLET, in a different country from BLACK, opened “in early 2005”.³ The CIA conducted discussions with officials from VIOLET’s host country; these discussions left one such official “shocked” but host country approval was nonetheless given for the facility.⁴ Evidently the CIA had originally constructed a “holding cell” in the same country as site VIOLET, which was not used. They then decided to “build a new, expanded detention facility” in the same country.⁵ Approval was provided by an official from that country.⁶ Money, to the tune of several million dollars, was also provided to that country, although this required the development of “complex mechanisms” to effect the transfer. The first detainees were transferred to this expanded site VIOLET in [c. 14 lower-case characters redacted].⁷ Site VIOLET was closed as a result of lack of available medical care in [c. 5 lower-case characters redacted] 2006.⁸ “The CIA then transferred its remaining detainees to DETENTION SITE BROWN. At that point, all CIA detainees were located in Country [1 upper-case character redacted].”⁹
9. BROWN was in the same country as COBALT, GRAY and ORANGE. It first received detainees in “[c. 5 lower-case characters redacted] 2006”.¹⁰ Khaled Sheikh Mohamed was transferred into BROWN on “[2 characters redacted] March 2006”.¹¹ Prior to this he was held in a different site, which he had come to after being in site BLACK.¹² He was transferred from site

¹ SSCI Redacted Summary, p. 97.

² Ibid., p. 153.

³ Ibid., p. 143.

⁴ Ibid., p. 98. This entire section from p. 97 to p. 99 is about two countries only; the first part is about the country hosting site BLACK, and the second part, beginning “In a separate country...” must therefore be about the country hosting site VIOLET.

⁵ Ibid.

⁶ Ibid., p.99: “While the plan to construct the expanded facility was approved by the [c. 8 characters redacted] of Country [...]”

⁷ Ibid.

⁸ Ibid., p. 154

⁹ Ibid.

¹⁰ Ibid., p. 61.

¹¹ Ibid., p. 96.

¹² Ibid., pp. 95-6.

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BLACK to site [c. 6 upper-case character redacted] in 2005, on a redacted date (c. 8 lower-case characters redacted for the month).

10. The lack of medical care which caused the closure of VIOLET seems to have affected Mustafa al-Hawsawi and “four other CIA detainees”.¹³
11. On 1 January 2006, the CIA were holding 28 prisoners, divided between ORANGE and VIOLET.¹⁴
12. Despite the redactions in the above citations, careful reading of the SSCI Redacted Summary alongside other public source documents – outlined in the next section – supports the following conclusions:
 - a. Site BLACK was in Romania
 - b. Site VIOLET was in Lithuania
 - c. Site BROWN was in Afghanistan
 - d. Detainees were first transferred into VIOLET in February 2005
 - e. Detainees were transferred out of VIOLET into BROWN in March 2006

The Redacted Summary and the Public Record: Correlation and Synthesis

13. The SSCI Redacted Summary states that CIA detainees were transferred to BLACK in “the fall of 2003”.¹⁵ The closure of BLACK was precipitated by revelations in the Washington Post, published on 2 Nov. 2005; at this point the host country of BLACK demanded “within [xx] hours” the site’s closure and the remaining detainees were transferred out of BLACK “shortly thereafter”.¹⁶
14. The “fall of 2003” corresponds to the movement of a group of prisoners on Boeing 737 N313P, 22-23 September 2003, from Afghanistan, to Poland, to Romania, to Morocco, and on to Guantánamo Bay. This flight, and those prisoners transported on it, have been extensively documented in public sources.¹⁷
15. The closure of a site in early November 2005 corresponds to analysis of flight data by Reprieve, showing that on 5 Nov. 2005 two planes associated with the CIA’s rendition program flew from Bucharest to Amman and Amman to Kabul.¹⁸
16. The SSCI Redacted Summary therefore matches and confirms previous data showing that prisoners were held in Romania from September 2003 to November 2005. Accordingly, we

¹³ Ibid., p. 154.

¹⁴ Ibid., p. 156 n. 954.

¹⁵ Ibid., p. 97.

¹⁶ Ibid., p.153.

¹⁷ Associated Press: “CIA flight carried secret from Gitmo”, 7 Aug. 2010 (available at http://www.boston.com/news/nation/washington/articles/2010/08/07/ap_exclusive_cia_flight_carried_secret_from_gitmo/). For a summary of public source data on this plane’s movements on these dates, see Abu Zubaydah v. The Republic of Poland, Application to the European Court of Human Rights, 23 March 2013, paras 104-115 (available at <http://www.interights.org/document/269/index.html>).

¹⁸ <http://www.reprieve.org.uk/csc-flights-romania-2004-5/>

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conclude that Romania hosted site BLACK.

17. BROWN was in the same country as COBALT, GRAY and ORANGE. The Summary note that this site first received detainees in [c. 5 characters redacted] 2006.¹⁹ In another place it notes that Khaled Sheikh Mohamed was transferred into BROWN on “[xx] March 2006”.²⁰ Prior to this he was held in a different site, which he had come to after being in site BLACK; he was transferred from site BLACK to site [XXXXXX] in 2005, on a redacted date (c. 8 lower case characters redacted for the month).²¹
18. Site COBALT, on the basis of extensive public reporting, can be firmly placed in Afghanistan.²² Site BROWN must therefore also be in the same country.
19. A transfer into Kabul, organised by Computer Sciences Corporation within their rendition contracting network, has been revealed by Reprieve as having taken place on 25-26 March 2006. This transfer came from Lithuania, and used two planes, travelling via Cairo. One plane carried out the leg of the trip from Lithuania to Cairo, the other from Cairo to Kabul.
20. This March 2006 transfer matches the closure of VIOLET. Site VIOLET was closed as a result of lack of available medical case in [c. 5 lower-case characters redacted] 2006.²³ “The CIA then transferred its remaining detainees to DETENTION SITE BROWN. At that point, all CIA detainees were located in Country [1 upper case character redacted].”²⁴
21. The c. 5-letter redacted month could only correspond to “March” or “April” on account of the length of the redaction. Of these two possibilities, March fits the data given on p. 96 of the Redacted Summary for Khaled Sheikh Mohamed’s transfer into BROWN.
22. VIOLET, in a different country from BLACK, opened “in early 2005”.²⁵ The first detainees were transferred to this expanded site VIOLET in [c. 14 characters redacted].²⁶
23. Again, this information corresponds to flight data analysed by Reprieve, which indicates flights by two planes, contracted by Computer Sciences corporation, into Lithuania on 17-18 February 2005. These planes came via Morocco, Romania and Jordan, and again, as invoicing and contractual documents demonstrate, both planes were operating under the same renditions-specific contract.
24. In addition, we can conclude from this analysis that Khaled Sheikh Mohammed was in VIOLET for a period up to 25 March 2006. His transfer from BLACK into VIOLET could have occurred

¹⁹ SSCI Redacted Summary, p. 61.

²⁰ Ibid., p. 96.

²¹ Ibid., pp. 95-6.

²² See e.g. Associated Press, “Interrogation program mismanaged, Senate, CIA agree”, 24 Dec. 2014 (available at http://www.washingtonpost.com/politics/federal_government/senate-cia-agree-torture-program-was-mismanaged/2014/12/24/e68f4eb8-8b43-11e4-ace9-47de1af4c3eb_story.html).

²³ Ibid., p. 154

²⁴ Ibid.

²⁵ Ibid., p. 143.

²⁶ Ibid.

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in February 2005 or October 2005, and the redaction lengths in the Summary cannot clearly determine one or other of these.²⁷

The Evidential Dossier

25. We include with this briefing a 39-page Dossier. This dossier confirms the dates and routes of the flights discussed above, and shows how these flights are part of a single contracting network.

Dossier Index

- 1-10 Subcontract S1007312, Computer Sciences Corporation (period 1 Aug. 2004 to 31 July 2005)
- 11-13 Carriage Agreement, N724CL (9 Feb. 2005)
- 14 Subcontract S1007312, Task order 21, N724CL (15-19 Feb. 2005)
- 15 Invoice LT050602-21520, Subcontract S1007312, N724CL (15-19 Feb. 2005)
- 16 EuroControl data, N724CL (16-17 Feb. 2005)
- 17 EuroControl data, N787WH (25-19 Feb. 2005)
- 18-19 PANSAs overflight request, N787WH (18 Feb. 2005)
- 20 Landing invoice, Palanga, N787WH (18 Feb. 2005)
- 21-2 Subcontract S1007312, Task order 20, N787WH (15-19 Feb. 2005)
- 23 EuroControl data, N308AB and N787WH (4-7 Oct. 2005)
- 24 EuroControl data, N1HC and N248AB (5-7 Nov. 2005)
- 25 Invoice LT050602-10046, Subcontract S1008117, N308AB (4-6 Oct. 2005)
- 26 Email, "N308AB Itin" (4-5 Oct. 2005)
- 27 Document, "preliminary requirements", N308AB (4-5 Oct. 2005)
- 28 Landing invoice, Vilnius, N787WH (6 Oct. 2005)
- 29-30 Landing log, Vilnius, N787WH (6 Oct. 2005)
- 31-2 Border Guard, Report of incident at Vilnius airport (6 Oct. 2005)
- 33-4 Letter to Civil Aviation Authority outlining landings at Palanga airport, including N733MA (14 Dec. 2009)
- 35 Flight plan, N733MA (25 March 2006)
- 36-7 EuroControl data, N733MA and N740EH (23-28 Mar. 2006)
- 38 Invoice LT050602-0666, Subcontract S1008117, two planes (March 2006)
- 39 Coded flight schedule, two planes (23-26 Mar. 2006)

²⁷ Ibid., p. 96.

Dossier Outline

26. The dossier provides evidence supporting the following statements, drawn from the above analysis of the Redacted Summary and the public record.
 - a. **Prisoners were first transferred into Lithuania in early 2005. The transfer could have been carried out on either or both of two planes, one from Morocco and Amman, one from Morocco and Bucharest, arriving in Lithuania on 17 and 18 February 2005.**
27. These planes, N787WH and N724CL, were operating under subcontract S1007312 to Computer Sciences Corporation. Their trips in February 2005 were task orders 20 and 21 of this subcontract. (*Dossier, p. 14, task order for N724CL; pp. 21-22, task order for N787WH; pp. 1-10, draft contract text; pp. 11-13, private carriage agreement for N724CL.*)
28. Subcontract S1007312 was a successor to an earlier contract, LT050602. (*Dossier, p. 15, shows that the earlier contract number remained in use as an invoice identifier for the flight carried out by N724CL.*)
29. LT050602 was originally drawn up between DynCorp Systems and Solutions in 2002, and inherited by Computer Sciences Corporation as a result of their purchase of DynCorp Systems and Solutions. The role of LT050602 in providing rendition services to the US government is comprehensively outlined in the case of Richmor Aviation, Inc. vs Sportsflight Air, Inc., New York Supreme Court, Appellate Division, Columbia County, Clerk's Index 2171/07.²⁸
30. The full route of N787WH in February 2005 was as follows: Baltimore (KBWI) – Santa Maria, Azores (LPAZ) – Salzburg (LOWS) – Malaga (LEMG) – Rabat (GMME) – Constanta / Bucharest (LRCK / LRBS) – Palanga (EYPA) – Copenhagen (EKCH) – Gander (CYQX) – Baltimore (KBWI)
31. Data from EuroControl (*Dossier, p. 17*) shows N787WH's progress from the USA to Morocco, Romania, Lithuania and back. On 15 February 2005 it flew from Baltimore Washington International (KBWI) to Santa Maria, Azores (LPAZ). It then filed a flight plan to Munich (EDDM) but was impeded by snow and went instead to Salzburg (LOWS). An aviation newsletter ("Planes International – Flughafen Salzburg") references its arrival in Salzburg ("Statt nach München kam die B737-200 N787WH nach SZG").²⁹
32. On 17 February it left Salzburg in the afternoon and headed to Malaga (LEMG), where it paused until the middle of the night. It then left Malaga in the early hours of 18 February, arriving in Rabat (GMME) around 02:40. After just over two hours in Rabat it proceeded to Romania, filing a flight plan into Constanta (LRCK) – although its flight plan for the next leg of the trip was filed not out of Constanta but out of Bucharest Baneasa (LRBS). It left Romania in the afternoon of 18 February and filed a false flight plan into Gothenburg, Sweden. (*Dossier,*

²⁸ See e.g. The Guardian, "Mundane bills bring CIA's rendition network into sharper focus", 31 Aug. 2011 (available at <http://www.theguardian.com/world/2011/aug/31/cia-rendition-flights-cost>).

²⁹ Document previously published by Reprieve: available at http://www.reprieve.org.uk/wp-content/uploads/2014/12/2012_09_04_PUB_CSC_Lithuania_flights_Additional_dossier_A.pdf, p. 4.

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pp. 17-18, recording flight plan to ESGG.) Its true destination, however, was Palanga, Lithuania, where it arrived, according to an invoice for “State Charge for Air and Terminal Navigations Services – Palanga”, at 18:09. (*Dossier, p. 20.*)

33. EuroControl and Palanga airport records both indicate that it left Palanga shortly afterwards, at 19:30, bound for Copenhagen. (*Dossier, pp. 17, 20.*) It paused overnight in Copenhagen, then continued to Gander, Canada (CYQX).
34. The total costs set aside for this mission under subcontract S1007312, task order 20, were \$399,140: 37.6 flying hours at \$8,500 per hour, plus \$79,540 of “mission specific costs”. (*Dossier, p. 21.*)
35. Although the Lithuanian Committee for National Security and Defence inquiry cited N787WH’s flight from Bucharest to Palanga on 18 February, the parliamentary committee was not aware of the plane’s complete route, its contractual basis, or the identification of its contractual basis with rendition operations.
36. N724CL’s flight under the same subcontract occurred at the same time (16-17 Feb. 2005) as the flight of N787WH and took a similar route: Rabat (GMME) – Amman (OJAM) – Vilnius (EYVI) – Keflavik (BIKF). (*Dossier, p. 16.*) Computer Sciences Corporation authorized \$415,275 for this task order. (*Dossier, p. 14.*)

b. Prisoners were again transferred into Lithuania in October 2005, from Romania.

37. Data from EuroControl, analysed by Reprieve, shows that N308AB flew from Teterboro, New Jersey, to Slovakia on 4 October 2005. After an overnight stop it proceeded to Romania, filing a flight plan to Constanta on the evening of 5 October. It left Romania soon afterwards (this time filing a flight plan out of Bucharest) and headed to Tirana, Albania. (*Dossier, p. 23.*)
38. An email (“N308AB Itin) and a “preliminary requirements” document corresponding to this flight give further important information. On arrival in Romania the plane was to pick up two people (“PU 2 PAX”) in addition to the five people it had set off with. In Albania it was to “Drop All PAX”. The document instructs: “Must have 3 pilots, NO Flight Attendants. At least a G-IV performance with 10 PAX capability. No customs help.” (*Dossier, pp. 26-27.*)
39. Flight data, analysed by Reprieve, shows that on its drop-off in Albania N308AB was met by N787WH, which proceeded just over an hour later to Lithuania. N787WH disguised its route in to Lithuania, however, by filing a flight plan to Tallinn (EETN). The Vilnius airport state charge document incorrectly asserts that N787WH arrived from Tallinn, while another airport log shows that it did in fact arrive from Tirana. (*Dossier, pp. 23, 28-30.*)
40. On its arrival in Vilnius, as recorded by the Lithuanian Parliamentary Committee for National Security and Defence, a border guard was prevented from carrying out his duties and checking the plane; he observed a vehicle drive away from it and exit the perimeter of the airport. (*Dossier, pp. 31-32.*)
41. CSC’s 12 Oct. 2005 invoice for the first leg of this trip, by N308AB, for over \$198,000, shows

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that this flight took place under subcontract S1008117. S1008117 is a successor subcontract to S1007312. The invoice number for this trip, LT050602-10046, once again references the original rendition contract, LT050602, which CSC inherited, as noted above. (*Dossier, p. 25.*)

42. Flight data from EuroControl, analysed by Reprieve, also indicates a final flight out of Romania, i.e. BLACK, corresponding to its closure shortly after 2 Nov. 2005 (5-6 Nov. 2005, N1HC from Romania to Amman and N248AB from Amman to Kabul). (*Dossier, p. 24.*)

c. Prisoners were transferred out of Lithuania to Afghanistan in March 2006.

43. Two trips contracted by Computer Sciences Corporation on 25-6 March 2006 connect Lithuania to Afghanistan and correspond to the closure of VIOLET and the transfer of its prisoners to BROWN.

44. The Lithuanian parliamentary inquiry noted that a Boeing 737 registered N733MA arrived in Palanga on 25 March 2006, coming from Porto, and that it returned to Porto; no further information about it was provided, other than the facts that “no customs inspection was carried out” and the border guard provided “no records of the landing and inspection of this aircraft”. (*See, e.g. Dossier, pp. 33-34, outlining its return from Palanga to Porto.*)

45. Investigation by Reprieve has established that, far from returning to Porto as recorded by officials at Palanga airport, N733MA continued to Cairo, where it made a connection with another Boeing 737, registered as N740EH. N740EH then proceeded to Kabul. Both planes were chartered by Computer Sciences Corporation and operated by Miami Air International, Florida, and flew the following routes:

N733MA, 23-27 March 2006: Philadelphia (KPHL) – Porto (LPPR) – Palanga (EYPA) – Cairo (HECA) – Iraklion (LGIR) – Keflavik (BIKF)

N740EH, 23-28 March 2006: Wilmington (KILG) – Marrakesh (GMMX) – Cairo (HECA) – Kabul (OAKB) – Amman (OJAI) – Iraklion (LGIR) – Keflavik (BIKF)

46. Data provided by EuroControl shows that N740EH flew from New Castle, Delaware (KILG) to Marrakesh (GMMX) on 23 March. There is no record of its subsequent movements until 26 March. In the meantime, N733MA, having left Philadelphia International (KPHL), passed through Porto (LPPR), then filed a flight plan to Helsinki (EFHK) on the afternoon of 25 March. (*Dossier, pp. 36-37.*)

47. Instead of going to Helsinki, however, N733MA went to Palanga (EYPA), touching down at 22:25 local time (in close proximity to its scheduled arrival time of 20:38 GMT). It paused for 90 minutes in Palanga. Records from EuroControl and the Polish Air Navigation Authority both show that on leaving Palanga it went not to Porto, as the Lithuanian parliamentary inquiry was informed, but to Cairo (HECA). Its scheduled arrival time in Cairo was 02:19 GMT on 26 March. (*Dossier, pp. 35-37.*)

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48. While N733MA was making its way to Palanga, N740EH was on the way to Cairo. Although records do not show when it arrived in Cairo, or from where, they do indicate that it left Cairo shortly after N733MA arrived there – at 02:45 GMT on 26 March – and that it went from Cairo to Kabul (OAKB), with an arrival time in Kabul of 08:32. N740EH then returned westwards from Kabul, pausing briefly in Amman (OJAI) before making a longer stop in Iraklion (LGIR). It arrived in Iraklion around 23:07 on 26 March. N733MA had also flown to Iraklion direct from Cairo and was waiting there, having arrived at 04:59 the same day. Both planes left Iraklion for Keflavik (BIKF) – N733MA on the morning of 27 March, and N740EH on the morning of 28 March. (*Dossier, pp. 36-37.*)
49. Documents relating to the planning of these two trips show complex attempts to disguise the fact that the purpose of the trips was to provide a connection between Lithuania and Afghanistan. Both trips were included on one invoice (LT050602-0666, subcontract S1008117, task 66, 30 March 2006). Consistent with the other trips discussed in this briefing, the invoice relates the task back to the original rendition subcontract (LT050602). The planes were incorrectly designated on the invoice, however, with similar but distinct tailnumbers: “N740MA” (41.9 flying hours) and “N739MA” (35.1 flying hours), each charged at \$9,500 per hour totalling \$731,500 for both aircraft. No routes are given on the invoice, although it notes that overnight stops were made in Porto and Marrakesh as well as two locations in the USA. (*Dossier, p. 38.*)
50. The flight schedule (“Schedule B”) accompanying the charter contract shows that both planes’ destinations were kept secret up to the last minute. Comparison with EuroControl’s data unravels the coded route, while showing that the schedule was closely adhered to. Although the planes’ registrations are not included in this document, it is clear that one plane (in reality N733MA) would fly from Porto (OPO) to “WWW” (i.e. Palanga), arriving at 20:40 on 25 March, while the other would fly from Marrakesh (RAK) to “XXX”, arriving at 00:35 on 26 March. The plane from “WWW” (Palanga) would, in the meantime, continue to “XXX” (i.e. Cairo), arriving at 02:25; and at 03:10 one of the planes (namely N740EH) would go from “XXX” to “TTT” – that is, from Cairo to Kabul. It would arrive in “TTT” at 09:30 and then head to “ZZZ” – that is, Amman, Jordan. (*Dossier, p. 39.*)

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