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Dear Prime Minister:

Re: Binyam Mohamed, Guantánamo Bay Prisoner

I wrote on 25 July 2008 to request information relevant to the defence of my client, British resident Binyam Mohamed, who remains in Guantánamo Bay. Thank you for your acknowledgement of receipt of this letter, dated 13 August 2008, which emphasised that the Irish Government is “completely opposed to the appalling practice of so-called extraordinary rendition.” You reiterate in your letter that you have “received clear and categoric assurances from the Government of the United States that no extraordinary rendition has taken place through Ireland.”

In response to this statement I would make two points. Firstly, US assurances with respect to renditions and secret imprisonments cannot be trusted and are a wholly insufficient substitute for proper investigation, particularly when there are credible allegations of torture. Recent events prove this point: despite repeated US assurances to the contrary, a number of cases of rendition, illegal imprisonment, and torture have now been confirmed on the British Territory in Diego Garcia.

Secondly, we are not in any case arguing that prisoners were rendered *through* Irish territory, but that CIA planes and crew criminally implicated in rendition to torture stopped on Irish territory en route to and from their illegal missions. Even if prisoners were not transported directly through Irish territory, the movements and activities of these agents must be investigated, as should the events that enabled Irish authorities to be complicit in these activities.

As you are I am sure aware, we are currently battling the UK government in the High Court in order to ensure they provide exculpatory evidence central to Binyam’s defence. Binyam already faces an uphill battle in a dubious military court in Guantánamo Bay and potentially the death penalty. Charges against him rest in false confessions extracted under torture in Pakistan and Morocco, yet his whereabouts and treatment during the period from 2002-4 is kept hidden by US authorities.

Any information we can gather to prove his whereabouts and those implicated in his mistreatment during this time will be vital, hence I resubmit my call for evidence in the form of a Freedom of Information Act request.

Yours sincerely,

Clive Stafford Smith

FREEDOM OF INFORMATION ACT REQUEST FOR INFORMATION RELATED TO THE DEFENCE OF BRITISH RESIDENT BINYAM MOHAMED.

The following are the categories of exculpatory evidence that exist in the possession of the Irish government that would assist Mr. Mohamed in defending against charges in Guantánamo Bay, with a brief explanation of what it in the hands of Irish authorities and why this is important to the defence of Mr. Mohamed:

- 1. All information regarding the CIA flight (N379P) that stopped in Shannon on 22/3 July, 2002 having illegally rendered Binyam Mohamed to torture in Morocco (see Page 4 for flight logs extracted from Council of Europe, 2006¹).**

Reprieve believes that the Irish authorities have access to the following information, either by a simple request or by a more formal order:

- The flight records that will include the (given) names of all personnel who were on the plane when it arrived in Shannon and when it left.
 - All passport and other information secured from anyone on the plane.
 - All other information secured about the plane and its purpose.
 - All flight records concerning where the aircraft had come from and where it was going.
 - The name of the hotel where the men stayed while in Shannon.
 - *All records* of the hotel, including all telephone records.
 - The records reflecting all details of those complicit in the flight, including documents filed by US representatives, and Servisair, Jeppesen and/or other private corporations involved in the planning and execution of the trip.
- 2. All information regarding the CIA flight (N313P) that stopped in Shannon on January 16/7, 2004 en route to rendering Binyam Mohamed from Rabat to Kabul (see Page 5 for flight logs extracted from Council of Europe, 2006²).**

Reprieve believes that the Irish authorities have access to the following information, either by a simple request or by a more formal order:

- The flight records that will include the (given) names of all personnel who were on the plane when it arrived in Shannon and when it left.
- All passport and other information secured from anyone on the plane.
- All other information secured about the plane and its purpose.
- All flight records concerning where the aircraft had come from and where it was going.
- The name of the hotel where the men stayed while in Shannon.
- *All records* of the hotel, including all telephone records.

¹ 7 June 2006, Council of Europe report on renditions
http://assembly.coe.int/CommitteeDocs/2006/20060614_Ejdoc162006PartII-APPENDIX.pdf

² 7 June 2006, Council of Europe report on renditions
http://assembly.coe.int/CommitteeDocs/2006/20060614_Ejdoc162006PartII-APPENDIX.pdf

- The records reflecting all details of those complicit in the flight, including documents filed by US representatives, and Servisair, Jeppesen and/or other private corporations involved in the planning and execution of the trip.

Reprive has previously investigated similar flights involved in Mr. Mohamed's torture. The names given by the US personnel are likely to be false, which itself raises important questions concerning US non-compliance with Irish and international legal obligations. However, if provided with the requested records, *Reprive* will be able to establish the true identities of those on board the flight.

The US continues to deny that Mr. Mohamed was tortured in Morocco.³ Thus, the evidence available to the Irish authorities is of highly significant relevance to the development of his defence.

3. All information regarding the rendition flights involving Mr. Mohamed that have been permitted by the Irish government.

Mr. Mohamed is not interested in recriminations against the Irish authorities. However, it is obviously in his legal interests to secure the political might of the Irish government to assist him in his hour of need. Crucial to Mr. Mohamed's successful vindication of these rights are certain materials that, as a matter of morality as well as law, the Irish authorities must therefore provide to his defence. These include:

- a. Documents reflecting understandings between European countries and the US concerning the use of European jurisdiction for military and civilian flights associated with the 'War on Terror'.
- b. Evidence concerning Irish contacts with the private corporations involved in the rendition of Mr. Mohamed.
- c. Documentation of the work the Jeppesen Corporation on the flights discussed above (para. 1-3) through Irish airspace. Mr. Mohamed has documentary proof that Jeppesen Corporation has been involved in rendition flights, including Mr. Mohamed's. Officers with Jeppesen have stated publicly that they knew that their work involved "torture flights". Such evidence is exculpatory to Mr. Mohamed's case and must inevitably be in the possession of the Irish authorities.

³ Since *Reprive* is in possession of the records of the two rendition flights in July 2002 and January 2004, since Mr. Mohamed is not Moroccan and has no link whatsoever to Morocco, and since he was not in Rabat on a Club Med vacation, the position taken by the US authorities lacks credibility. However, his case will be assessed by US military officers in proceedings that are patently unfair, so he must develop as much corroborating evidence for his (true) version of events as possible. This is the great significance of the material in Irish hands.

Flight logs related to the July 2002 rendition of BINYAM MOHAMED

Registration Identifier or Call sign (N_Number)	Airport of Departure (ADEP)	ADEP Name	Airport of Destination (ADES)	ADES Name	Date	Take-off Time (ATOT) DD,HH:MI	Arrival Time (ATA)	Aircraft Type	Registered User or Operator Name
N379P	KIAD	WASHINGTON	EDDF	FRANKFURT MAIN	17/07/2002	18, 00:26	07:46	GLF5	PREMIER EXECUTIVE TR
N379P	EDDF	FRANKFURT MAIN	LTAG	ADANA-INCIRLIK/MIL*	18/07/2002	18, 10:14	13:56	GLF5	PREMIER EXECUTIVE TR
N379P	LTAG	ADANA-INCIRLIK/MIL*	EDDF	FRANKFURT MAIN	18/07/2002	18, 12:14	15:31	GLF5	PREMIER EXECUTIVE TR
N379P	EDDF	FRANKFURT MAIN	OJAI	AMMAN / QUEEN ALIA	19/07/2002	19, 15:48	19:41	GLF5	PREMIER EXECUTIVE TR
N379P	OJAI	AMMAN / QUEEN ALIA	OAKB	KABUL / KHWADJA RAWASH	19/07/2002	19, 21:15	01:35	GLF5	PREMIER EXECUTIVE TR
N379P	OAKB	KABUL / KHWADJA RAWASH	OPRN	ISLAMABAD / CHAKLALA (CIV/MIL)	> no data available <	> no data available <	> no data available <	GLF5	PREMIER EXECUTIVE TR
N379P	OPRN	ISLAMABAD / CHAKLALA (CIV/MIL)	GMME	RABAT / SALE	21/07/2002	21, 17:35	03:42	GLF5	PREMIER EXECUTIVE TR
N379P	GMME	RABAT / SALE	EINN	SHANNON	22/07/2002	22, 04:44	07:21	GLF5	PREMIER EXECUTIVE TR
N379P	EINN	SHANNON	KIAD	WASHINGTON	23/07/2002	23, 09:55	16:07	GLF5	PREMIER EXECUTIVE TR

Flight logs related to the SUCCESSIVE RENDITION OPERATIONS OF BINYAM MOHAMED and KHALED EL-MASRI in January 2004

Registration Identifier or Call sign (N_Number)	Airport of Departure (ADEP)	ADEP Name	Airport of Destination (ADES)	ADES Name	Date	Take-off Time (ATOT) DD,HH:MI	Arrival Time (ATA)	Aircraft Type	Registered User or Operator Name
N313P	KIAD	WASHINGTON	EINN	SHANNON	16/01/2004	16, 01:25	07:29	B737	STEVENS EXPRESS
N313P	EINN	SHANNON	LCLK	LARNACA	17/01/2004	17, 10:33	15:03	B737	STEVENS EXPRESS
N313P	LCLK	LARNACA	GMME	RABAT	21/01/2004	21, 18:39	23:48	B737	STEVENS EXPRESS
N313P	GMME	RABAT	OAKB	KABUL	22/01/2004	22, 02:05	09:58	B737	STEVENS EXPRESS
N313P	OAKB	KABUL	DAAG	ALGER/HOUARI BOUMEDIENNE H 3500M	22/01/2004	22, 12:09	19:54	B737	STEVENS EXPRESS
N313P	DAAG	ALGER/HOUARI BOUMEDIENNE H 3500M	LEPA	PALMA DE MALLORCA	22/01/2004	22, 21:36	22:08	B737	STEVENS EXPRESS
N313P	LEPA	PALMA DE MALLORCA	LWSK	SKOPJE EX LYSK	23/01/2004	23, 17:40	19:56	B737	STEVENS EXPRESS
N313P	LWSK	SKOPJE EX LYSK	ORBI	BAGHDAD INTERNATIONAL	24/01/2004	24, 01:30	05:53	B737	STEVENS EXPRESS
N313P	ORBI	BAGHDAD INTERNATIONAL	OAKB	KABUL	24/01/2004	24, 07:15	11:14	B737	STEVENS EXPRESS
N313P	OAKB	KABUL	LRTR	TIMISOARA / GIARMATA RWY 3500M	25/01/2004	25, 18:23	23:51	B737	STEVENS EXPRESS
N313P	LRBS	TIMISOARA / GIARMATA RWY 3500M	LEPA	PALMA DE MALLORCA	26/01/2004	26, 01:03	03:45	B737	STEVENS EXPRESS
N313P	LEPA	PALMA DE MALLORCA	KIAD	WASHINGTON	28/01/2004	28, 10:08	18:41	B737	STEVENS EXPRESS