

SHANNONWATCH

# Submission to Joint Oireachtas Committee on Public Service Oversight and Petitions

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Investigation into U.S. Military and CIA Use of  
Shannon Airport and Irish Airspace

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## 1. Introduction

In petitioning the Joint Committee on Public Service Oversight and Petitions to seek an investigation of the use of Shannon Airport and Irish airspace for the transit of US armed troops, munitions and other war material, and for the refuelling of CIA associated aircraft involved in extraordinary rendition, we are mindful of the fact that there are a range of technical and legal issues that must be taken into consideration by the Committee. We note that successive governments have made clear their opposition to the practice of renditions, and that the maintenance of peace and security as enshrined in the UN Charter is a goal of Ireland's foreign policy. Despite this Shannon Airport has been used as a vital cog in the invasions of Iraq and Afghanistan, and in the illegal rendition circuits operated by the CIA. The contradictions between stated policy and reality are a matter of grave importance and consequence for millions of people, and as such merit close attention by the Committee.

In order to help the Committee in its deliberations this document provides an overview of US military and CIA traffic through Shannon over the last 12 years. It then presents the key areas of concerns relating to the transportation of munitions through Ireland and in particular Shannon (Section 3) and to Shannon's role in renditions (Section 4). In Section 5 it outlines the many aspects of the failure to inspect suspect CIA and US military aircraft at Shannon. Details of Garda references to instructions or advice from the Attorney General not to search or investigate such aircraft are included, as are details of complaints made by activists that were not acted on. Section 6 presents the importance of neutrality, with particular reference to the implications in the 2003 Horgan vs Ireland.

The document concludes with a summary of the recommendations proposed by the petitioners.

## 2. An Overview of US Military and CIA Traffic at Shannon Airport

There are three main types of US military traffic passing through Shannon Airport that are of concern. These are:

1. Privately owned planes chartered by the US military to transport US troops e.g. Omni Air;
2. US Air Force, Army and Navy planes;
3. CIA operated planes involved in extraordinary renditions/kidnappings.

### 2.1 Privately Owned Troop Carriers

Since 2002, more than 2.4 million US troops have passed through Shannon Airport, as their planes stopped to refuel. While the number of US troops passing through the airport has declined in recent years from a high of 341,000 in 2005 (at the height of the Iraq war), there are still significant numbers of troops transported through the airport on a weekly basis (see Table 1). Most of these troops are travelling on private civilian planes leased by the US government from companies such as Omni Air International (most frequently), Ryan International, World Airways and North American Airlines.

YEAR	TOTAL
2013	69,840
2012	101,108
2011	250,000
2010	229,000
2009	265,000
2008	256,000
2007	263,000
2006	281,000
2005	341,000
2004	159,000
2003	122,000
2002	73,000

**Table 1:** US troops passing through Shannon Airport

Appendix 1 provides representative samples of US troop carrier traffic through Shannon for the months of April 2009 and April 2014. These lists are based on records maintained by Shannonwatch and may not be complete (official records are not made available by the authorities). The true numbers are likely to be far higher than those recorded by Shannonwatch.

These US troop carriers are subject to the 1944 Convention on International Civil Aviation, known as the Chicago Convention. This established a framework of rules and best practice for the operation of civil aviation internationally. It also established the International Civil Aviation Organization (ICAO) which provides general aviation rules and mediates international concerns regarding aviation law. The ICAO is an agency of the United Nations.

Ireland is a signatory to the Chicago Convention and has given effect to it in domestic law through the Air Navigation and Transport Act. Under this, responsibility for overseeing the “civilian” troop carriers lies with the Minister for Transport. In particular the Minister should ensure that weapons or other war-related material are not being transported on these planes, given Ireland’s neutral stance (see Section 3.1 for more on munitions transportation).



Figure 1: Omni Air International troop carrier at Shannon, 11<sup>th</sup> March 2013

## 2.2 US Air Force, Army and Navy Owned Aircraft

Aircraft owned and operated by branches of the US military, including the US Air Force, Army and Navy transport cargo (including munitions), troops, military officers and members of the US government on overseas trips.

The main types of military aircraft using Shannon Airport are:

- a. Lockheed C-130 Hercules Aircraft. These are large military transport planes used for cargo and troop transit (see Figure 2).

Other cargo transport planes such as the larger Boeing C-17 Globemaster III have also landed at Shannon a number of times but less frequently.



Figure 2: Hercules C-130 at Shannon (July 1<sup>st</sup> 2013) with uniformed US troops embarking or disembarking

- b. In-air refuelling tanker planes. These planes refuel military jets and other aircraft in-flight, including in combat situations. These include aircraft such as the Boeing KC-135 Stratotanker, McDonnell Douglas KC-10 Extender and the Lockheed Martin KC-130 (a variation of the Hercules C-130)



Figure 3: US Air Force in-air refuelling tanker at Shannon, September 2012

- c. Large planes used primarily for **troop transport**. These include Navy DC-9 and military versions of large Boeing jets (see figure 4)



Figure 4: US Navy aircraft unloading soldiers at Shannon (7<sup>th</sup> March 2013)

- d. Small executive jets including Gulfstream and Learjet models, often carrying high-ranking military officers or members of government.



Figure 5: US Navy C-37B at Shannon, 2<sup>nd</sup> December 2013

- a. Large Boeing jets bearing US government insignia, usually carrying high-ranking military officers or members of government



Figure 6: US Air Force jet taking off at Shannon, 11<sup>th</sup> March 2013

Appendix 2 provides representative samples of US military aircraft that landed at Shannon for the months of April 2009 and April 2014. It should be noted that much greater numbers of US military aircraft use Irish airspace but do not land at the airport.

The provisions of the Air Navigation and Transport Act do not apply to any of these military aircraft, as the Chicago Convention does not apply to military, customs, police or any other State aircraft. The Minister for Foreign Affairs has responsibility for oversight of these, whereas as noted already the Minister for Transport has responsibility for the “civilian” troop carriers.

It should also be noted that the Irish defence forces have regularly provided protection for US military aircraft at Shannon Airport. Given our neutral stance this is unjustified.

Shannonwatch and others have repeatedly sought information in relation to the presence of the US military at Shannon but the responses have been unsatisfactory. Statements from Ministers with individual areas of responsibility, including Transport, Foreign Affairs, Defence and Justice, have all failed to address the fundamental issue of importance, which is that regardless of the aircraft type, Ireland and Shannon have provided important logistical support for the illegal invasions and occupations of Iraq and Afghanistan. Despite the hundreds of thousands of lives lost in these countries, the widespread human suffering, the political instability, and the ongoing fighting by heavily armed factions, there is little evidence of oversight of what is taken through Shannon Airport by or on behalf of the US military.

The State has obligations to limit the effects of armed conflict under international law, in particular the Geneva Conventions and the Hague Convention on Neutrality. The willingness of successive governments to allow US forces pass through Irish territory calls their commitment to these obligations into question.

## 2.2 Private Cargo Planes

The US military also charter cargo planes from private companies and these are used to transport goods and munitions from the US to military bases and combat locations in the Middle East and elsewhere. Like the troop carriers operated by Omni Air International and others, these are classified as “civilian” as opposed military aircraft, even though they are on military business.

Among those companies that are known to have transported goods and munitions through Shannon are Evergreen International Airlines, Polar Air, Kalitta Airways and Murray Air. Worryingly, one such Murray Air cargo plane had an emergency landing at Shannon Airport in March 2008, when it appeared to be on fire as it came in to land.

## 2.3 CIA Operated Aircraft Linked to Extraordinary Renditions

While no definitive evidence is available to indicate that prisoners illegally kidnapped and transported by plane as part of the CIA’s renditions programme have transited through Shannon Airport, it has been known for many years that rendition planes have nonetheless frequently landed there. The European Parliament, Council of Europe and Amnesty International are among those bodies that have published reports indicating CIA rendition planes have landed at Shannon Airport.

In 2006 the European Parliament committee set up to investigate CIA rendition flights in Europe identified 14 planes that had made 138 stopovers at Shannon Airport. These are listed in Appendix 3, with the ones that landed most frequently highlighted. This appendix also contains specific known examples where planes that participated in “renditions” refuelled at Shannon Airport as part of their journey from, or back to, the US. Appendix 4 provides a sample log of suspect aircraft landings between 2001 and 2008.

## 3. Munitions Transportation through Ireland

One of the key areas of concern in relation to aircraft operated by or on behalf of the US military is the transportation of weapons, particularly through Shannon. The airport is a civilian airport, and as such it is not designed to facilitate the transiting of dangerous munitions. Repeated attempts have been made by Shannonwatch to ascertain what, if any, measures have been put in place to safeguard against accidents or attacks caused by the presence of dangerous munitions and hundreds of uniformed US soldiers. To date no assurances or evidence has been provided to indicate that adequate provision has been made for the safety of workers, travellers and others in the environs of Shannon Airport.



### 3.1 Civilian Aircraft Contracted by the US Military

The Chicago Convention covers the movement of war munitions through Ireland by the civilian aircraft operated on behalf of the US military. Article 35 of the Convention states that “*no munitions of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State*”. This provision of the Chicago Convention has been put into law in Ireland through the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order, 1973, amended in 1989.

Under this Order any civilian aircraft seeking to land or overfly the State requires the permission of the Minister for Transport to carry “munitions of war”, including weapons, and dangerous goods by aircraft overflying or landing in Ireland. In this context, munitions of war include weapons and ammunition designed for use in warfare and parts thereof. Under Section 5 of the Order (as amended in 1989), the Minister for Transport is empowered to exempt a specified aircraft from this prohibition to allow for carriage of munitions of war.

Permits were granted to bring munitions of war through Ireland or through Irish airspace on more than 700 occasions in 2013 (see Table 2).

Year	Number of Applications Received	Number of Permits Issued
2009	1306	1276
2010	1352	1307
2011	1393	1382
2012	821	807
2013	714	693

Table 2: Permits Issued to Carry Munitions of War through Ireland or Irish Airspace

On 2<sup>nd</sup> April 2014, the Minister for Transport Leo Varadkar said that in total there were 670 applications by US airlines for such permits in 2013. Of these, 349 flights sought to land at Shannon Airport, while the rest were overflights using Irish airspace, but not landing in Ireland. None of flights landing at Shannon Airport was refused a permit. However there were 13 applications refused from US airlines for overflights transporting munitions. These were refused on the basis of the nature of the cargo.

A previous Minister for Transport, Noel Dempsey stated on 6<sup>th</sup> October 2010 that in respect of each application, “*the Department of Transport seeks the views of the Department of Foreign Affairs in relation to foreign policy and the Department of Justice and Law Reform in relation to security. The views of the Irish Aviation Authority are also sought in relation to aviation safety aspects if the weapons/munitions are classified as ‘dangerous goods’ by the International Civil Aviation Organisation (ICAO).*”

Questions raised by Shannonwatch and others in relation to the risk of the munitions being used to commit war crimes or human rights abuses have remained unanswered. Given the evidence that has emerged over the course of the wars in Iraq and Afghanistan, this risk is a very real possibility.

The extent to which the Department of Transport seeks the views of the Department of Foreign Affairs when reviewing munitions permits is a matter of grave importance and concern. The policy of issuing hundreds of these permits every year is inconsistent with several aspects of Ireland’s foreign policy, particularly those relating to peace, international security and neutrality.

Finally it is not known why 13 applications to transport munitions through Irish airspace were refused in 2013 (the Department of Transport will not provide this information). However since none of flights landing at Shannon Airport was refused a permit, nor were they inspected as far as Shannonwatch is aware, it would appear that either (a) the Department of Transport is making its own decisions about the transportation of munitions or (b) the Department of Foreign Affairs believes that US munitions (and troop) transportation through Ireland is consistent with Irish foreign policy.

Neither of these scenarios is acceptable.

### 3.2 Military and Other State Aircraft

The Air Navigation (Foreign Military Aircraft) Order 1952 gives the Minister for Foreign Affairs primary responsibility for the regulation of activity by foreign military aircraft in Ireland. In this context, the Minister has repeatedly claimed that permission for foreign military aircraft to land at Irish airports is given only on condition that the aircraft are unarmed, carry no arms, ammunition or explosives and do not engage in intelligence gathering and that the flights in question do not form any part of military exercises or operations. These conditions apply fully to US aircraft according to the Minister.

It is also wholly unbelievable that none of the US military cargo, passenger and VIP/government planes recorded at Shannon (a sample of which is given in Appendix 2) were carrying any form of cargo munitions or personal arms and ammunition.

In fact on 15<sup>th</sup> Oct 2013, the Minister said he was aware of one landing at Shannon Airport "in which a US military aircraft, contrary to notification, was found to be armed with a fixed weapon". He claimed that the landing, which was on 5<sup>th</sup> September, was an "administrative error".

In light of this discovery, and given the grave consequences of the potential transportation of drones, depleted uranium and heavy weapons through Irish territory by another belligerent state, it is gravely irresponsible of the Irish government not to inspect military aircraft at Shannon.

There is no evidence to suggest that the Irish people support the US military use of Shannon - in fact over three quarters of Irish people (78%) believe Ireland should have a policy of neutrality according to a Red C poll commissioned by the Peace and Neutrality Alliance (PANA) in September 2013<sup>1</sup>. In 2013. In order to comply with the wishes of the Irish people and with Ireland's obligations under national and international law the US military use of the airport should be ended. As a first urgent step however, better oversight of what is being taken through is essential.

## 4. Concerns in Relation to Shannon's Role in Rendition

The UN Convention Against Torture, to which Ireland is a party states that

*"Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture".*

Rendition planes, which are planes used to commit torture, passed through Shannon Airport. That constitutes participation in torture at Shannon Airport.

The presence of rendition planes was brought to the attention of the authorities on numerous occasions, yet no action was taken.

The following are specific difficulties relating to the use of Shannon by rendition planes.

### 1. Overly Narrow Interpretation of State's Responsibilities

The government's Fourth Periodic Report under the International Covenant on Civil and Political Rights (ICCPR) states that *"There is no evidence that any Irish airport has ever been used for the purpose of extraordinary rendition"* and that *"... there is no evidence to suggest that they were carrying prisoners at any time when they transited through Irish airports."* This implies that prisoners must be found on board an aircraft for Ireland to be in violation of Article 7 of the ICCPR. However even if there is no evidence of prisoners on board aircraft when they landed at Irish airports, this does not excuse the State from its responsibilities under human rights law, and in particular the Convention Against Torture. Facilitating rendition aircraft that are en route to or from the illegal abduction and transfer of a prisoner (as in the case, for example, of German citizen Khalid El-Masri (N313P)<sup>2</sup> is complicity in torture.

The UN's Human Rights Committee have drawn attention to this by asking the State to *"provide further information on specific and concrete steps taken, beyond official assurances, to ensure that aircrafts used for the purpose of extraordinary rendition, whether they carry prisoners on board or not, do not pass*

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<sup>1</sup> See <http://www.pana.ie/download/Pana-Neutrality-Poll-September-2013-Pie-Charts.pdf>.

<sup>2</sup> Breaking The Chain - Ending Ireland's Role In Renditions, Amnesty International Ireland, 2008



*through the territory of the State party.”<sup>3</sup>*

Furthermore a Council of Europe report into the matter remarked that Ireland “*could be held responsible for collusion – active or passive (in the sense of having tolerated or having been negligent in fulfilling the duty to supervise)...for being ‘stopovers’ for flights involving the unlawful transfer of detainees.*”<sup>4</sup>

Ireland facilitated renditions through making rendition circuits possible, and this should be admitted and investigated.

## **2. Reliance on Diplomatic Assurances**

The Irish government has relied on diplomatic assurances from the U.S. Administration that prisoners had not been and would not be transported illegally through Irish territory. It has been repeatedly reminded by (among others) the Irish Human Rights Commission, Amnesty International and the European Parliament that the reliance placed on these diplomatic assurances is not sufficient to comply with Ireland’s international human rights obligations under the aforementioned conventions. Specifically such assurances are insufficient to prevent torture or ill-treatment taking place in Irish territory or airspace and to ensure that its territory is not being used in any way to facilitate extraordinary rendition to another State where a person may be tortured.

The Council of Europe Report by Dick Marty notes that “[r]elying on the principle of trust and on diplomatic assurances given by undemocratic states known not to respect human rights is simply cowardly and hypocritical.”<sup>3</sup>

Furthermore the European Commission for Democracy through Law (Venice Commission) which was asked for a legal opinion on diplomatic assurances by the Committee on Legal Affairs and Human Rights stated that “*mere assurances by foreign States that their agents abroad comply with international and national law are not enough. Formal guarantees and enforcement mechanisms need to be set out in agreements and national law in order to protect ECHR rights.*”<sup>3</sup>

## **3. Failure to Investigate Military Aircraft Involved in Kidnapping and Torture**

The torture carried out by the US and others acting on its behalf in locations such as Abu Ghraib in Iraq and Bagram airbase in Afghanistan involved the US military. Furthermore the whole rendition and torture programme was indirectly related to the wars waged by the US military in Afghanistan and Iraq. Many of the prisoners who were transported to Guantanamo were transported on US military aircraft, particularly in 2001 and 2002, and not on CIA executive jets.

As with civilian aircraft operated by or on behalf of the CIA, there has been a failure to inspect US military aircraft at Shannon. This should be addressed immediately by implementing an inspection regime that will identify any and all breaches of international law.

## **4. Complaints**

Shannonwatch have grave concerns about the extent and veracity of how the State has responded to and reported on complaints relating to suspect rendition flights at Shannon. Appendix 5 provides a list of over 40 complaints relating to requests to search particular aircraft at Shannon Airport which were made to the Gardai. This is not a comprehensive list, however, as the number of complaints made by activists since 2002 is estimated to be over 100.

Of particular concern is the fact that a large number of these complaints were either ignored or responded to inappropriately; for example by forcibly removing the complainant from the airport, and in some cases arrest. This has resulted in further complaints having been made to the Garda Ombudsman in relation to Garda behaviour.

The behaviour of the Gardai suggests a systemic unwillingness to investigate potential breaches of international law linked to the US and CIA use of Shannon Airport. This needs to be investigated and corrected as a matter of urgency.

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<sup>3</sup> United Nations, International Covenant on Civil and Political Rights, List of issues in relation to the fourth periodic report of Ireland, CCPR/C/IRL/Q/4, Distributed 22 November 2013

<sup>4</sup> Committee on Legal Affairs and Human Rights, *Alleged Secret Detentions And Unlawful Inter-State Transfers Involving Council Of Europe Member States*, Draft Report Part II, Rapporteur: Mr Dick Marty, AS/Jur (2006) 16 Part II, 7 June 2006

All complaints made to the Gardai in relation to Shannon should be fully investigated, as a matter of course. The authorities with responsibility for upholding international and national law at Shannon (i.e. the Gardai) have consistently targeted activists instead of listening to and acting on their reasonable and informed concerns.

In relation to the few specific complaints which the State has noted in its ICCPR Report there are several serious omissions and inaccuracies. Of the 17 complaints that the State says it received, only 7 investigations are listed. Shannonwatch has called on the Department of Justice to make the outcomes of the investigations of *all* the complaints known, or if no investigations took place to explain why. This needs to be done as a matter of priority if the State's reporting is to have any credibility.

Appendix 6 outlines a sample of some of the omissions and an inaccuracies in the State's reporting.

## 5. Parliamentary Oversight

A 2007 report from the European Parliament Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners report said:

*"The European Parliament*

- *Expresses serious concern about the 147 stopovers made by CIA-operated aircraft at Irish airports that on many occasions came from or were bound for countries linked with extraordinary rendition circuits and the transfer of detainees; deplores the stopovers in Ireland of aircraft which have been shown to have been used by the CIA,*
- *Notes the absence of Irish parliamentary scrutiny of either Irish or foreign intelligence services and the potential that this creates for abuse;*
- *Considers, that, in the absence of a system of random searches, a ban should be imposed on all CIA-operated aircraft landing in Ireland"*<sup>5</sup>

The action outlined by the European Parliament and others must be implemented even at this late stage. Furthermore there must be accountability for the failure to act in the past, in order to avoid the potential for similar human rights abuses in the future. And given the failure of the authorities to act despite repeated warnings and requests to do so, the Oireachtas must now take a proactive role in ensuring that human rights law is not ignored or flaunted.

Shannonwatch refute statements to the effect that there is no evidence that any Irish airport has ever been used for the purpose of extraordinary rendition. We also question how the Government can be satisfied that the State may rely on assurances it has received with respect to extraordinary rendition, given the concerns known to have been expressed by a former Minister for Foreign Affairs<sup>6</sup>, as well as a range of national and international bodies.

## 5. Failure to Inspect CIA and US Military Aircraft at Shannon

The Air Navigation and Transport Act, 1988 covers provisions to promote security and safety of civil aviation, as well as provisions in relation to aerodromes and aircraft. Section 33 of this Act provides that an "authorised officer" - meaning a member of An Garda Síochána or other person designated by the Minister for Transport may in the interest of the security or safety of those in the aerodrome "*stop, detain for such time as is reasonably necessary for the exercise of any of his powers under this section, and search any person or vehicle on an aerodrome*". However as far as Shannonwatch is aware this power has never been used in relation to suspect rendition aircraft, despite the fact that activists brought information about the presence of suspect rendition aircraft to the attention of the Gardai on numerous occasions.

Over the last eight years, Gardai of various ranks have told members of Shannonwatch that an "instruction" or "policy decision" or "letter of advice" has existed in relation to the searching of suspect rendition aircraft.

- In 2006, in a conversation with a member of Shannonwatch, a detective superintendent referred to a "letter of advice" from the Attorney General to the Garda Commissioner that US military and CIA associated aircraft

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<sup>5</sup> European Parliament Report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners report, Rapporteur: Giovanni Claudio Fava, FINAL, A6-9999/2007, 26/1/2007

<sup>6</sup> See Wikileaks cable at <http://www.wikileaks.ch/cable/2007/12/07DUBLIN916.html>

at Shannon were not to be searched. Again on 30<sup>th</sup> October 2007, at Shannon Airport, an officer informed the same Shannonwatch member that Gardai at Shannon had been instructed by the Attorney General not to search US military or CIA associated aircraft at the airport.

- On 18 June 2008 another Shannonwatch member who requested that an aircraft be searched because he believed that it was associated with CIA renditions was informed by a sergeant that a “policy decision” had been made by the Gardai that there were no grounds to search the plane.
- At a meeting in 2011, a Garda Inspector indicated that the Gardai were acting on instructions from the Garda Commissioner, based on advice from the Attorney General, in relation to the searching of suspect rendition aircraft.

Shannonwatch wrote to the current Attorney General in September 2011, seeking clarification as to whether or not such instruction or advice was provided by her office. In the letter they expressed concern that if any such instruction or letter of advice was issued it might be in conflict with Criminal Justice (United Nations Convention Against Torture) Act, 2000 and Geneva Conventions (Amendment) Act, 1998”.

Shannonwatch requested that the Attorney General clarify whether such a policy decision, letter of advice or instruction existed, and if so, whether it is still applicable to the investigation and searching of US aircraft by the Gardai at Shannon Airport. The reply from her office said that Shannonwatch’s letter appeared to contain “allegation of serious wrongdoing against her predecessor the late Mr. Brady” and that these allegations were “completely without foundation”.

In a subsequent letter dated 12 June 2012 the Attorney General’s office said that it was not their practice or policy to discuss Law Officers’ advices, or the existence or non-existence of advices or instructions. Nonetheless it repeated the position that the allegations were without foundation, and that this remains the case.

The responses from the Attorney General’s office do not explain why the Gardai at Shannon believe there is an advice not to search US military or CIA aircraft. It is not clear what the role of senior Garda management or the Minister for Justice’s office was in forming their understanding, or why this understanding prevailed when there were serious matters of law at stake.

This is a matter of grave public importance and as such it must be clarified.

## 6. Irish Neutrality

Neutrality is not just a piece of legal terminology. For small states such as Ireland it is an important concept of international law that enables them to avoid being dragged into unjustified foreign wars, and also to pursue genuine altruistic foreign policies that promote international peace and sustainable development.

The broadest definition of neutrality comes from international law experts Oppenheim-Lauterpacht, who state that any state that is not a belligerent is considered to be a neutral state, and is therefore bound by international laws and rules of neutrality:

*“...[A]ll States which do not expressly declare the contrary by word or action are supposed to be neutral, and the rights and duties arising from neutrality come into existence, and remain in existence, through the mere fact of a State taking up an attitude of impartiality, and not being drawn in to the war by the belligerents.”* (Oppenheim-Lauterpacht 1952 653-654).

More specifically, many states in addition declare themselves to be neutral states either by writing it into their constitutions or having neutrality as their declared government policy. The US was a neutral state for most of World War I and for the first 18 months of World War II. In Europe Switzerland, Austria and Finland have neutrality written into their constitutions, and Sweden, Malta and Ireland have neutrality as their declared national policy. In Ireland’s case, all Irish Governments have pursued a policy of neutrality since 1939, and this has been strongly supported by the Irish people as demonstrated by the 2013 Peace and Neutrality commissioned Red C Poll which found that 78% of the Irish people believed that Ireland should have a policy of neutrality.

There are several misconceptions on the rules of neutrality, which are in fact not very stringent. Ireland sending weather forecasts to England during WW II is often cited as a breach of neutrality. There is no such rule in international laws on neutrality. However there are a few basic rules, and from Ireland’s point of view, the most fundamental one is Article 2 of the Hague Convention V on Neutrality, which states that:

*“Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.”*

A clear example of the failure of Irish legislators to curtail abuse of authority by the Irish Government occurred on 20 March 2003 when Dáil Éireann approved a Government motion that in effect claimed to state that US military use of Shannon airport did not amount to “participation” in the US led invasion of Iraq and in the overthrow of the Iraqi Government.

Among other things the motion stated that Dáil Éireann

*“endorses the decision of the Government that Ireland will not participate in the coalition’s proposed military action against Iraq;”*

and

*“recalls the long-standing arrangements for the overflight and landing in Ireland of US military and civilian aircraft; and*

*supports the decision of the Government to maintain those arrangements.”*

These statements are incompatible and are an attempt to say that black is white, that participation is not participation.

This was clearly identified by Judge Nicholas Kearns in the High Court case *Horgan v Ireland* in April 2003, just a month after the Dáil motion, when he ruled that:

*“The court is prepared to hold therefore that there is an identifiable rule of customary law in relation to the status of neutrality whereunder a neutral state may not permit the movement of large numbers of troops or munitions of one belligerent State through its territory en route to a theatre of war with another.”*

The High Court went on to rule however, that due to separation of powers issues between the Government and the Judiciary, it was not the role of the Judiciary to further interfere in such matters. While many legal experts might dispute this aspect of Judge Kearns’ ruling, there can be little doubt that members of the Oireachtas, in their role as legislators and in their role in holding the government to account for its actions and inactions, do have a very important role in ensuring that the Irish Government complies with the basic and very important rules of international laws.

It is also essential to emphasise that in Ireland’s case these rules of international laws on neutrality are not just technical legal matters. There are very grave matters of human rights involved in Ireland participating in unjustified wars, and being complicit in other breaches of international laws and conventions by complicity in torture in breach of the UN Convention on Torture. These are the very damaging negative aspects, the things we should not be doing, resulting from what the Irish state is facilitating at Shannon airport. There are also positive things we should be doing in matters of international relations that are being neglected or damages by our participation and complicity in wars. Ireland’s very beneficial role in promoting international peace and justice has been severely damaged by its complicity in war crimes and its breaches of international laws on neutrality and torture.

It is now time for Dáil Éireann legislators to take some important steps to rectify these mistakes.

Since recent Irish Governments cannot be relied on to protect Irish neutrality in accordance with the wishes of the vast majority of the Irish people, it is now important that neutrality should in time be written into the Irish Constitution. That will take time and will be difficult to achieve, but in the meantime, steps should be taken by this Committee and by Dáil Éireann, to end the Irish Government’s abuses of international and Irish laws, and this should entail the immediate ending of US military use of Shannon airport. If there is some legal technicality whereby the Gardai cannot search US military aircraft, then no US military aircraft should be allowed land at Irish airports.

We must not forget that the abuses of Irish neutrality has resulted in the Irish people, and Dáil Éireann, being complicit in the unjustified deaths of hundreds of thousands of people, including thousands of children, caused directly and indirectly by the US led wars in Afghanistan and Iraq.

## 7. Concluding Recommendations

In 2008 the Irish Government set up a Cabinet Committee on Aspects of International Human Rights to review and strengthen legislation governing the search and inspection of rendition aircraft. The committee met just three times during its lifetime, nothing ever emerged from it, and it has not been reconvened by the Fine Gael/Labour government since it took power at the start of 2011. This is the closest we have come to a proper investigation of how Shannon Airport has been complicit in violations of international and national law.

In light of the evidence presented in this document, a proper investigation of Ireland's role in renditions is urgently required (a) to ensure accountability for failures to protect human rights in the past, and (b) to ensure intentional or unintentional support for such abuses of human rights do not take place again. Furthermore there is no political, legal, moral or economic justification for allowing an Irish civilian airport to be used by a foreign state for the purposes of war, and it should therefore cease.

The petitioners ask the Joint Oireachtas Committee on Public Service Oversight and Petitions to consider the following recommendations.

1. As a first step towards meeting its obligations in relation to complaints made at Shannon, the State should provide comprehensive information on all complaints received by An Garda Siochana in relation to aircraft suspected of being involved in renditions and other violations of international law. Incomplete and selective reporting of investigations highlights the Irish government's failure to protect the rights enshrined in treaties like the Convention Against Torture and the International Covenant on Civil and Political Rights. It also suggests that the Gardai may have failed in their duty to investigate complaints made to them on very serious matters.
2. The government should establish an independent and impartial inquiry into the use of Irish territory, and in particular Shannon airport, as part of the CIA's illegal renditions programme. This inquiry should address the failure to inspect suspect rendition aircraft, and the reasons for this failure.

The outcome of this review should be made public.

3. The government should establish a robust and transparent system for identifying aircraft, operators and crews using Irish territory or airports to commit or assist abuses of human rights, including renditions. This would include procedures so that requests for landing authorisation by foreign aircraft, other than regularly scheduled commercial flights, require the provision of sufficient information to allow effective monitoring of all persons on board, the purpose of the flight, and its final destination.
4. The government should review, and if necessary strengthen, procedures governing the search and inspection of military and other State aircraft to ensure that it's civil and police authorities have the necessary power to investigate and safeguard against potential breaches of international law. The power to inspect US and other military aircraft is essential if and when there are reasonable grounds to suspect that the cargo, passengers or crew members are involved in acts that may contravene international and/or national law. In particular the evidence suggests that there may be complicity in violations of the Convention Against Torture, the International Covenant on Civil and Political Rights and the Geneva Conventions.

It is also fundamentally important that no agreements are made with the US or other governments that preclude regular and routine inspection of State/military aircraft through Irish airports.

5. Procedures should be put in place to ensure that troops, weapons, munitions and associated equipment being transited through Irish territory and airspace are not destined for countries where they could be used to commit human rights violations and war crimes. Applicants for an exemption under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order should be required to provide sufficient information to allow effective monitoring of transited weapons and munitions, including details of all munitions on board the aircraft and its final destination.
6. Greater transparency is required in relation to matters of fundamental importance to Ireland's foreign policy. As a first step towards achieving this, a full disclosure of all agreements pertaining to the US military and CIA use of Shannon Airport is required.
7. The need to enshrine neutrality into the Irish Constitution, in accordance with the wishes of the vast majority of the Irish people, must be recognised, and steps taken to give effect to this.

## Appendix 1: Shannon Landings of US Troop Carriers

The following are sample logs of privately owned (civilian) aircraft used to transport US troops through Shannon.

### April 2009

Date	Registration	Owned by	Type of Aircraft
<b>01/04/2009</b>	N531AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N603AX	Omni Air International	DC10
	N49082	Omni Air International	DC10
	N558AX	Omni Air International	DC10
	N120DL	Ryan International	B763
<b>02/04/2009</b>	N612AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N603AX	Omni Air International	DC10
	N531AX	Omni Air International	DC10
<b>03/04/2009</b>	N621AX	Omni Air International	DC10
	N612AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N49082	Omni Air International	DC10
<b>04/04/2009</b>	N558AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
	N603AX	Omni Air International	DC10
<b>05/09/2009</b>	N531AX	Omni Air International	DC10
	N558AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
	N603AX	Omni Air International	DC10
<b>06/04/2009</b>	N720AX	Omni Air International	DC10
	N810AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
<b>07/04/2009</b>	N621AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
	N531AX	Omni Air International	DC10
	N630AX	Omni Air International	DC10
	N621AX	Omni Air International	DC10
<b>08/04/2009</b>	N531AX	Omni Air International	DC10
	N630AX	Omni Air International	DC10
<b>09/04/2009</b>	N630AX	Omni Air International	DC10
<b>10/04/2009</b>	N630AX	Omni Air International	DC10
	N612AX	Omni Air International	DC10
<b>11/04/2009</b>	N522AX	Omni Air International	DC10
	N630AX	Omni Air International	DC10
	N531AX	Omni Air International	DC10
<b>12/04/2009</b>	N522AX	Omni Air International	DC10
	N630AX	Omni Air International	DC10
	N558AX	Omni Air International	DC10
<b>13/04/2009</b>	N49082	Omni Air International	DC10
	N531AX	Omni Air International	DC10
	N612AX	Omni Air International	DC10
<b>14/04/2009</b>	N558AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N621AX	Omni Air International	DC10
<b>16/04/2009</b>	N630AX	Omni Air International	DC10



<b>17/04/2009</b>	N49082	Omni Air International	DC10
	N639AX	Omni Air International	B752
	N531AX	Omni Air International	DC10
<b>18/04/2009</b>	N630AX	Omni Air International	DC10
	N621AX	Omni Air International	DC10
<b>19/04/2009</b>	N522AX	Omni Air International	DC10
	N763BK	Ryan International	B767
	N531AX	Omni Air International	DC10
<b>20/04/2009</b>	N603AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N558AX	Omni Air International	DC10
	N531AX	Omni Air International	DC10
<b>21/04/2009</b>	N603AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N639AX	Omni Air International	B752
	N49082	Omni Air International	DC10
<b>22/04/2009</b>	N621AX	Omni Air International	DC10
	N603AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
	N639AX	Omni Air International	B752
	N621AX	Omni Air International	DC10
<b>23/04/2009</b>	N603AX	Omni Air International	DC10
	N630AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
	N639AX	Omni Air International	B752
<b>24/04/2009</b>	N630AX	Omni Air International	DC10
	N603AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
<b>25/04/2009</b>	N612AX	Omni Air International	DC10
	N810AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
<b>26/04/2009</b>	N621AX	Omni Air International	DC10
	N558AX	Omni Air International	DC10
	N810AX	Omni Air International	DC10
	N612AX	Omni Air International	DC10
	N630AX	Omni Air International	DC10
<b>27/04/2009</b>	N531AX	Omni Air International	DC10
	N752NA	North Amercian Airlines	B752
	N630AX	Omni Air International	DC10
	N603AX	Omni Air International	DC10
	N612AX	Omni Air International	DC10
<b>28/04/2009</b>	N603AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N558AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
<b>29/04/2009</b>	N612AX	Omni Air International	DC10
	N720AX	Omni Air International	DC10
	N522AX	Omni Air International	DC10
	N612AX	Omni Air International	DC10
<b>30/04/2009</b>	N720AX	Omni Air International	DC10
	N763BK	Ryan International	B767
	N531AX	Omni Air International	DC10
	N558AX	Omni Air International	DC10
<b>Total number recorded</b>			100
<b>Highest number in one day</b>			7
<b>Average per day</b>			3.3

<b>April 2014</b>
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Date	Registration	Owned by	Type of Aircraft
<b>04/04/2014</b>	N342AX	Omni Air International	B763
<b>05/04/2014</b>	N378AX	Omni Air International	B763
	N342AX	Omni Air International	B763
	N378AX	Omni Air International	B763
	N342AX	Omni Air International	B763
<b>06/04/2014</b>	N378AX	Omni Air International	B763
<b>08/04/2014</b>	N351AX	Omni Air International	B763
	N351AX	Omni Air International	B763
<b>11/04/2014</b>	N918AX	Omni Air International	B772
	N918AX	Omni Air International	B772
<b>12/04/2014</b>	N396AX	Omni Air International	B763
	N927AX	Omni Air International	B772
<b>13/04/2014</b>	N927AX	Omni Air International	B772
	N918AX	Omni Air International	B772
<b>17/04/2014</b>	N378AX	Omni Air International	B763
<b>19/04/2014</b>	N378AX	Omni Air International	B763
	N396AX	Omni Air International	B763
<b>20/04/2014</b>	N927AX	Omni Air International	B772
<b>21/04/2014</b>	N378AX	Omni Air International	B763
<b>22/04/2014</b>	N927AX	Omni Air International	B772
	N378AX	Omni Air International	B763
<b>25/04/2014</b>	N396AX	Omni Air International	B763
<b>26/04/2014</b>	N351AX	Omni Air International	B763
<b>27/04/2014</b>	N351AX	Omni Air International	B763
<b>Total number recorded</b>			24
<b>Highest number in one day</b>			4
<b>Average per day</b>			.8

## Appendix 2: Planes owned by the US Air Force, Navy and Army

The following are sample logs of US military aircraft recorded at Shannon (recorded by Shannonwatch).

### April 2009

Category of planes	At Shannon	Registration	Type
Large military Boeing planes	03/04/2009	02-0201	B73B
	04/04/2009	05-0730	B737
	04/04/2009	165834	B73B
	05/04/2009	165830	B73B
	05/04/2009	165831	B73B
	05/04/2009	99-0003	B752
	05/04/2009	01-0041	B73B
	05/04/2009	165834	B73B
	05/04/2009	165830	B73B
	05/04/2009	165831	B73B
	09/04/2009	98-0002	B752
	10/04/2009	02-0202	B73B
	11/04/2009	02-0201	B73B
	13/04/2009	05-0730	B737
	14/04/2009	165834	B73B
	14/04/2009	02-0202	B73B
	14/04/2009	02-0203	B73B
	19/04/2009	02-0203	B73B
	26/04/2009	99-0003	B752
	26/04/2009	98-0002	B752
Hercules C-130	11/04/2009	165348	C130
	12/04/2009	164994	C130
	15/04/2009	99-1431	C130
	15/04/2009	165161	C130
	16/04/2009	165348	C130
	25/04/2009	164995	C130
	26/04/2009	165348	C130
	27/04/2009	65-0991	C130
McDonnell Douglas C-9 troop transporter	04/04/2009	73-1681	DCC9
	06/04/2009	73-1683	DCC9
	10/04/2009	159118	DCC9
	12/04/2009	159114	DCC9
	17/04/2009	160050	DCC9
	19/04/2009	159118	DCC9
	30/04/2009	159118	DCC9
Executive Jets	03/04/2009	86-0202	GLF3
	04/04/2009	01-0028	GLF5
	04/04/2009	86-0202	GLF3
	07/04/2009	90-0300	GLF4
	07/04/2009	01-0030	GLF5

	08/04/2009	86-0403	GLF3
	08/04/2009	94-1570	ASTR
	18/04/2009	85-0152	BE20
	26/04/2009	90-0300	GLF4
	27/04/2009	01-0029	GLF5
	28/04/2009	99-0402	GLF5
In-air refuelling tankers	07/04/2009	57-1479	K35R
	17/04/2009	57-1437	K35R
<b>Total number recorded</b>			<b>48</b>
<b>Highest number in one day</b>			<b>7</b>

#### April 2014

Category of planes	At Shannon	Registration	Type
Large military Boeing planes	03/04/2014	166693	B73B
	07/04/2014	166693	B73B
	11/04/2014	02-0202	B73B
	22/04/2014	98-0001	B752
	28/04/2014	01-0040	B73B
	30/04/2014	98-0001	B752
Hercules C-130	08/04/2014	164996	C130
	12/04/2014	165739	C130
	16/04/2014	164598	C130
	18/04/2014	165348	C130
	20/04/2014	165160	C130
	22/04/2014	165314	C130
	23/04/2014	165160	C130
	25/04/2014	165314	C130
	28/04/2014	164995	C130
	28/04/2014	164994	C130
	30/04/2014	164997	C130
Boeing Globemaster C-17	22/04/2014	07-7182	C17
Executive Jets	07/04/2014	163692	GLF3
	13/04/2014	84-0126	LJ35
	18/04/2014	06-0500	GLF5
	30/04/2014	01-0029	GLF5
In-air refuelling tankers	23/04/2014	79-0434	KC10
	24/04/2014	79-1711	KC10
<b>Total number recorded</b>			<b>24</b>
<b>Highest number in one day</b>			<b>3</b>

The number of US military owned planes that landed at Shannon Airport increased to 36 in June 2014 and included five in-air refuelling tankers.

## Appendix 3: CIA Rendition Aircraft Known to Have Landed at Shannon

In 2006 the European Parliament's *Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners* produced a report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners<sup>7</sup>. Based on this and other sources the following list has been compiled of rendition aircraft known to have landed at Shannon. The ones that landed most frequently are in bold.

- N1HC
- N2189M
- N312ME
- **N313P/N4476S/N720MM**<sup>8</sup>
- N368CE
- **N379P/N8068V/N44982**
- **N475LC**
- **N478GS**
- N50BH
- N505LL
- **N6161Q**
- **N8183J**
- N829MG/N259SK
- **N85VM/N227SV**

In 2013, a UK academic research project, The Rendition Project<sup>9</sup>, identified nine known cases where planes used Shannon Airport on their way to or from such “renditions”. Amnesty International had previously identified the airport’s link to the rendition of four men.

### **N379P/N8068V/N44982**

Known as the “Guantanamo Bay Express”, this Gulfstream jet conducted a number of renditions and transports between 11 and 17 September 2002 across the Middle East and North Africa, including the transport of Ramzi bin al-Shibh from Afghanistan to continued CIA detention in Morocco, and Hassan bin Attash from Afghanistan to detention in Jordan. This plane landed at Shannon Airport on 18 September before returning to its base in the US.

On 22 January 2004, this plane was used to transport Khaled al-Maqtari from Iraq, where he had been tortured, to Afghanistan. This plane landed at Shannon on 20 January 2004 from Washington before flying to Baghdad via Cyprus where it picked up al-Maqtari.

### **N313P/N4476S/N720MM**

This Boeing 737 plane was used to transport the abducted Ethiopian citizen Binyam Mohammed, a UK resident, from Rabat (Morocco) where he had been tortured to a secret prison in Kabul on 22 January 2004. It was also used in the abduction of and transport of German citizen Khaled el-Masri from Skopje to Afghanistan on 24 January 2004. This plane travelled from Washington Dulles to Shannon, landing at the airport on 16 January 2004 on its way from the US to Morocco.

### **N85VM/N227SV**

This Gulfstream jet was involved in the abduction of Abu Omar from Italy to Germany and on to Egypt on 17

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<sup>7</sup> See <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2007-0020+0+DOC+PDF+V0//EN>

<sup>8</sup> In some cases the registration of the aircraft changed over the years.

<sup>9</sup> See <http://www.therenditionproject.org.uk/>

February 2003. This plane then flew to Shannon on 18 February 2003 before returning to the US the following day. Abu Omar was held for 4 years in Egypt and reported being tortured, raped and beaten in captivity. An Italian court convicted 22 known and suspected CIA agents, a US Air Force colonel and two Italian secret service agents for Omar's kidnapping in November 2009.

These are the known cases where there is a close and direct link between planes transporting illegally held and often tortured prisoners and those planes landing at Shannon Airport for refuelling either directly before or afterwards. It is likely that there are many, many more instances that are not known about and possible that some of these CIA planes that landed at Shannon were carrying prisoners on their way to Guantanamo Bay detention centre.



## Appendix 4: Sample of known CIA operated planes that landed at Shannon from 2001-2008

The following logs of rendition planes at Shannon have been taken from Trevor Paglen's Terminal Air Website, <http://www.appliedautonomy.com/terminalair/>, accessed August 2008. Appendix 3 contains descriptions of the planes that landed there most frequently.

Paglen is the author of the 2006 book *Torture Taxi: On the Trail of the CIA's Rendition Flights* and, in 2010, *Blank Spots on the Map: The Dark Geography of the Pentagon's Secret World*. Terminal Air was developed in partnership with the Institute for Applied Autonomy.

Estimated arrival time	Plane	Type	Origin	Destination
10/29/03 6:49 PM	N313P	B737	Northolt	Shannon
5/18/04 8:51 AM	N8068V	GLF5	Northolt	Shannon
10/30/06 11:15 PM	N478GS	GLF4	Shannon	Bangor Intl
11/11/2006 15:42	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
11/21/06 6:19 PM	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
06/12/2006 22:20	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
06/12/2006 22:10	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
08/10/2006 17:00	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
8/17/06 3:22 AM	N226G	B752	Pope Afb	Shannon
8/17/06 5:20 AM	N368CE	B737	Washington Dulles Intl	Shannon
8/17/06 2:21 AM	N226G	B752	Pope Afb	Shannon
8/17/06 4:23 PM	N478GS	GLF4	Shannon	Bangor Intl
8/19/06 12:28 AM	N226G	B752	Shannon	Pope Afb
8/20/06 5:51 PM	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
8/30/06 12:53 AM	N478GS	GLF4	Shannon	Bangor Intl
8/31/06 7:35 PM	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
09/06/2006 15:22	N478GS	GLF4	Shannon	Bangor Intl
9/29/06 7:24 PM	N478GS	GLF4	Washington Dulles Intl	Shannon
9/30/06 1:06 AM	N226G	B752	Pope Afb	Shannon
9/30/06 12:39 AM	N226G	B752	Pope Afb	Shannon
10/03/2006 12:36	N475LC	GLF4	Shannon	Bangor Intl
10/08/2006 14:54	N478GS	GLF4	Shannon	Bangor Intl
10/25/06 10:41 AM	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
12/05/2006 22:20	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
11/17/06 2:43 PM	N475LC	GLF4	Shannon	Bangor Intl
12/04/2006 00:34	N478GS	GLF4	Shannon	Bangor Intl

<b>12/09/2006 20:30</b>	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>12/14/06 3:30 PM</b>	N478GS	GLF4	Shannon	Bangor Intl
<b>12/15/06 6:43 PM</b>	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>12/18/06 1:11 PM</b>	N475LC	GLF4	Shannon	Bangor Intl
<b>01/04/2007 07:40</b>	N475LC	GLF4	Shannon	Bangor Intl
<b>01/11/2007 02:16</b>	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>1/13/01 5:35 PM</b>	N2189M	C130	Gander Intl	Shannon
<b>1/14/01 12:15 PM</b>	N2189M	C130	Shannon	Frankfurt Main
<b>1/20/01 12:59 PM</b>	N2189M	C130	Frankfurt Main	Shannon
<b>1/21/01 4:35 PM</b>	N2189M	C130	Shannon	Gander Intl
<b>03/02/2001 21:33</b>	N4009L	B350	St Johns Intl	Shannon
<b>03/03/2001 12:00</b>	N4009L	B350	Shannon	Frankfurt Main
<b>3/18/01 6:23 PM</b>	N2189M	C130	Gander Intl	Shannon
<b>3/19/01 4:31 PM</b>	N2189M	C130	Shannon	Antalya
<b>7/20/01 4:02 PM</b>	N8183J	C130	Gander Intl	Shannon
<b>7/21/01 1:04 PM</b>	N8183J	C130	Shannon	Sigonella
<b>9/18/01 2:13 AM</b>	N379P	GLF5	Houari Boumediene	Shannon
<b>9/19/01 2:22 PM</b>	N379P	GLF5	Shannon	Halifax Intl
<b>9/29/01 3:41 PM</b>	N2189M	C130	Frankfurt Main	Shannon
<b>9/30/01 4:09 PM</b>	N2189M	C130	Shannon	Gander Intl
<b>12/16/01 3:30 PM</b>	N8183J	C130	Frankfurt Main	Shannon
<b>12/17/01 5:02 PM</b>	N8183J	C130	Shannon	Gander Intl
<b>3/27/02 4:32 PM</b>	N8183J	C130	Gander Intl	Shannon
<b>3/28/02 4:13 PM</b>	N8183J	C130	Shannon	Antalya
<b>3/28/02 12:46 PM</b>	N2189M	C130	Ramstein Ab	Shannon
<b>3/29/02 4:18 PM</b>	N2189M	C130	Shannon	Gander Intl
<b>5/15/02 7:34 AM</b>	N379P	GLF5	Eleftherios Venizelos Intl	Shannon
<b>5/15/02 7:18 PM</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>7/22/02 5:01 AM</b>	N379P	GLF5	Sale	Shannon
<b>7/23/02 4:07 PM</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>7/29/02 5:12 PM</b>	N2189M	C130	Stephenville	Shannon
<b>7/30/02 11:30 AM</b>	N2189M	C130	Shannon	Frankfurt Main
<b>7/31/02 10:08 AM</b>	N8183J	C130	Frankfurt Main	Shannon
<b>08/01/2002 16:34</b>	N8183J	C130	Shannon	Gander Intl
<b>08/01/2002 04:55</b>	N379P	GLF5	Queen Alia Intl	Shannon
<b>08/02/2002 15:32</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>8/26/02 2:57 AM</b>	N379P	GLF5	Diyarbakir	Shannon
<b>8/26/02 10:18 AM</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>9/18/02 2:33 AM</b>	N379P	GLF5	Sale	Shannon
<b>9/19/02 3:57 PM</b>	N379P	GLF5	Shannon	Washington Dulles Intl

<b>9/30/02 7:28 AM</b>	N379P	GLF5	Eleftherios Venizelos Intl	Shannon
<b>9/30/02 7:00 PM</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>11/08/2002 06:53</b>	N85VM	GLF4	Washington Dulles Intl	Shannon
<b>11/08/2002 20:53</b>	N85VM	GLF4	Shannon	Dubai Intl
<b>11/10/2002 05:34</b>	N379P	GLF5	Queen Alia Intl	Shannon
<b>11/10/2002 15:22</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>11/22/02 1:15 AM</b>	N85VM	GLF4	Washington Dulles Intl	Shannon
<b>11/22/02 10:02 AM</b>	N85VM	GLF4	Shannon	Dubai Intl
<b>11/23/02 10:03 AM</b>	N379P	GLF5	Larnaca	Shannon
<b>11/23/02 5:52 PM</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>11/27/02 8:52 AM</b>	N379P	GLF5	Ataturk	Shannon
<b>11/27/02 8:58 PM</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>12/05/2002 05:44</b>	N85VM	GLF4	Washington Dulles Intl	Shannon
<b>12/05/2002 11:59</b>	N85VM	GLF4	Shannon	Larnaca
<b>12/08/2002 18:16</b>	N8183J	C130	Gander Intl	Shannon
<b>12/09/2002 12:36</b>	N8183J	C130	Shannon	Frankfurt Main
<b>12/10/2002 13:24</b>	N2189M	C130	Frankfurt Main	Shannon
<b>12/11/2002 09:39</b>	N2189M	C130	Shannon	Stephenville
<b>12/22/02 2:30 PM</b>	N379P	GLF5	Diyarbakir	Shannon
<b>12/23/02 3:58 AM</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>01/11/2003 06:26</b>	N313P	B737	Washington Dulles Intl	Shannon
<b>01/11/2003 11:36</b>	N313P	B737	Shannon	Parnu
<b>1/18/03 10:53 AM</b>	N379P	GLF5	Northolt	Shannon
<b>1/18/03 6:20 PM</b>	N379P	GLF5	Shannon	Washington Dulles Intl
<b>1/19/03 6:36 PM</b>	N85VM	GLF4	Kuwait Intl	Shannon
<b>1/20/03 6:15 PM</b>	N85VM	GLF4	Shannon	Schenectady Co
<b>02/10/2003 12:00</b>	N85VM	GLF4	Ramstein Ab	Shannon
<b>2/18/03 5:42 AM</b>	N85VM	GLF4	Cairo Intl	Shannon
<b>2/18/03 3:27 PM</b>	N85VM	GLF4	Shannon	Washington Dulles Intl
<b>6/17/03 4:39 PM</b>	N58AS	BE20	Frankfurt Main	Shannon
<b>6/17/03 9:11 PM</b>	N58AS	BE20	Shannon	Reykjavik
<b>8/15/03 6:07 AM</b>	N85VM	GLF4	Dubai Intl	Shannon
<b>8/15/03 6:36 PM</b>	N85VM	GLF4	Shannon	Washington Dulles Intl
<b>10/30/03 3:15 AM</b>	N313P	B737	Shannon	Washington Dulles Intl
<b>11/07/2003 13:49</b>	N85VM	GLF4	Tuzla	Shannon

11/07/2003 21:02	N85VM	GLF4	Shannon	Washington Dulles Intl
12/14/03 8:50 PM	N313P	B737	Baghdad Intl	Shannon
12/15/03 10:20 PM	N313P	B737	Shannon	Washington Dulles Intl
12/16/03 2:58 AM	N85VM	GLF4	Washington Dulles Intl	Shannon
12/16/03 12:00 PM	N85VM	GLF4	Shannon	Luxor Intl
12/17/03 5:05 PM	N85VM	GLF4	Kabul Intl	Shannon
12/18/03 4:37 PM	N85VM	GLF4	Shannon	Washington Dulles Intl
12/30/03 8:27 AM	N313P	B737	Dubai Intl	Shannon
12/30/03 10:08 PM	N313P	B737	Shannon	Washington Dulles Intl
1/16/04 7:00 AM	N313P	B737	Washington Dulles Intl	Shannon
1/17/04 3:03 PM	N313P	B737	Shannon	Larnaca
1/20/04 8:27 PM	N8068V	GLF5	Washington Dulles Intl	Shannon
1/21/04 2:38 AM	N8068V	GLF5	Shannon	Larnaca
02/08/2004 16:49	N313P	B737	Larnaca	Shannon
02/09/2004 00:47	N313P	B737	Shannon	Washington Dulles Intl
03/04/2004 12:32	N313P	B737	Marka Intl	Shannon
03/05/2004 02:20	N313P	B737	Shannon	Washington Dulles Intl
03/06/2004 23:34	N8068V	GLF5	Washington Dulles Intl	Shannon
03/07/2004 08:18	N8068V	GLF5	Shannon	Djibouti Ambouli
3/14/04 6:41 AM	N313P	B737	Larnaca	Shannon
3/14/04 9:28 PM	N313P	B737	Shannon	Washington Dulles Intl
4/26/04 6:31 AM	N85VM	GLF4	Washington Dulles Intl	Shannon
4/26/04 1:17 PM	N85VM	GLF4	Shannon	Sharm El Sheikh Intl
4/27/04 1:15 PM	N313P	B737	Marka Intl	Shannon
4/27/04 11:52 PM	N313P	B737	Shannon	Washington Dulles Intl
4/28/04 12:44 PM	N85VM	GLF4	Heydar Aliyev	Shannon
4/29/04 3:17 PM	N85VM	GLF4	Shannon	Washington Dulles Intl
05/09/2004 12:00	N313P	B737	Washington Dulles Intl	Shannon
05/09/2004 12:00	N313P	B737	Shannon	Marka Intl
05/10/2004 13:09	N313P	B737	Marka Intl	Shannon
05/11/2004 03:37	N313P	B737	Shannon	Washington Dulles
5/18/04 4:06 PM	N8068V	GLF5	Shannon	Washington Dulles
06/11/2004 23:54	N85VM	GLF4	Washington Dulles Intl	Shannon
06/12/2004 11:55	N85VM	GLF4	Shannon	Pafos Intl

6/13/04 4:41 AM	N313P	B737	Washington Dulles Intl	Shannon
6/13/04 12:07 PM	N313P	B737	Shannon	Marka Intl
08/01/2004 04:40	N313P	B737	Marka Intl	Shannon
08/01/2004 12:02	N313P	B737	Shannon	Washington Dulles
08/12/2004 23:39	N85VM	GLF4	Washington Dulles Intl	Shannon
8/14/04 2:33 AM	N85VM	GLF4	Shannon	Kabul Intl
8/15/04 5:36 PM	N85VM	GLF4	Heydar Aliyev	Shannon
8/16/04 4:30 AM	N85VM	GLF4	Shannon	Washington Dulles
09/05/2004 22:59	N85VM	GLF4	Washington Dulles Intl	Shannon
09/06/2004 11:11	N85VM	GLF4	Shannon	Pafos Intl
09/06/2004 12:00	N85VM	GLF4	Shannon	Washington Dulles
09/09/2004 09:40	N85VM	GLF4	Son San Juan	Shannon
09/09/2004 17:10	N85VM	GLF4	Shannon	Washington Dulles
10/02/2004 16:22	N227SV	GLF4	Ruzyne	Shannon
10/02/2004 23:57	N227SV	GLF4	Shannon	Washington Dulles
12/02/2004 23:33	N227SV	GLF4	Schenectady Co	Shannon
12/03/2004 14:41	N227SV	GLF4	Shannon	Koln Bonn
08/05/2005 13:18	N6161Q	DHC6	Barcelona	Shannon
08/08/2005 16:50	N6161Q	DHC6	Shannon	Reykjavik
8/25/05 12:21 PM	N157A	BE20	Stuttgart	Shannon
8/27/05 12:45 PM	N157A	BE20	Shannon	Reykjavik
11/24/05 3:33 PM	N227SV	GLF4	Venezia Tessera	Shannon
11/24/05 4:30 PM	N227SV	GLF4	Shannon	Albany Intl
01/02/2007 15:27	N478GS	GLF4	Shannon	Bangor Intl
7/26/07 6:09 PM	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
1/16/07 3:42 PM	N475LC	GLF4	Shannon	Bangor Intl
08/05/2007 23:20	N475LC	GLF4	Bangor Intl	Shannon
8/20/07 2:31 AM	N478GS	GLF4	Shannon	Bangor Intl
8/30/07 7:02 PM	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
09/02/2006 19:26	N226G	B752	Shannon	Pope Afb
09/03/2007 23:29	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
9/15/07 6:40 PM	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
9/20/07 7:11 AM	N259SK	GLF3	Laurence G Hanscom Fld	Shannon
9/22/07 3:42 AM	N478GS	GLF4	Shannon	Washington Dulles
9/26/07 12:25 PM	N259SK	GLF3	Shannon	Bangor Intl
9/27/07 4:25 PM	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
10/27/07 7:08 PM	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
10/30/07 12:40 AM	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
11/01/2007 18:19	N475LC	GLF4	Norfolk Intl	Shannon
11/06/2007 04:42	N478GS	GLF4	Shannon	Bangor Intl

<b>11/25/07 6:03 PM</b>	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>11/30/07 1:07 AM</b>	N478GS	GLF4	Norfolk Intl	Shannon
<b>12/01/2007 04:40</b>	N475LC	GLF4	Shannon	Bangor Intl
<b>12/10/2007 01:28</b>	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>10/15/07 4:03 PM</b>	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>11/25/07 2:32 PM</b>	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>01/11/2008 18:41</b>	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>01/04/2008 11:39</b>	N475LC	GLF4	Fayetteville Rgnl Grannis Fld	Shannon
<b>03/08/2008 17:25</b>	N478GS	GLF4	Fayetteville Rgnl Grannis Fld	Shannon



## Appendix 5: Partial List of Complaints to Gardai at Shannon

The following is a partial list of complaints on inappropriate Garda behaviour and requests to search particular aircraft made to Gardai at Shannon Airport, and Shannon Garda Station between January 2003 and February 2013 inclusive.

1. 12/01/2003: 999 phone call request on Sunday 12<sup>th</sup> Jan 2003 to Shannon Garda Station to search and investigate aircraft at Shannon airport. Call made by [REDACTED] and [REDACTED].
2. 21/06/2003: [REDACTED] made a written complaint to Gardai at Shannon Garda Station. Complaint was taken by Garda [REDACTED], and it concerned inappropriate behaviour by Garda Superintendent [REDACTED] towards [REDACTED] at Shannon Airport on 12/04.2003.
3. 05/07/03 [REDACTED] made complaint to Shannon Garda Station concerning inappropriate behaviour by Garda [REDACTED] on same date
4. 10/07/2003: Letter of complaint on behalf of [REDACTED] to Company Secretary Aer Rianta dated 10 July 2003
5. 21/07/2003: Letter of complaint by [REDACTED] to Chairperson of the Garda Siochana Complaints Commission dated 21 July 2004
6. 09/02/2004 [REDACTED] made formal complaint to Garda Complaints Commission re behaviour of Gardai at Shannon airport
7. 07/10/2004 Statement by [REDACTED] to Gardai at Shannon on 7<sup>th</sup> Oct 2004
8. 15/10/2004: [REDACTED] made verbal request to Gardai at Shannon concerning US Air Force plane number 20201 that had landed at Shannon airport. About 10 US soldiers in uniform were transported by minibus from this aircraft and left the airport in uniform contrary to Defence Act 1954 and to the Hague Convention on Neutrality. Garda [REDACTED] was asked in writing to investigate this incident by [REDACTED] on 20<sup>th</sup> Nov 2004.
9. 20/11/2004: [REDACTED] made a written request to Airport Police Officer [REDACTED] and to Garda [REDACTED] that North American Airlines plane carrying US troops in uniform be searched by Gardai. In addition the complainant was interviewed very briefly by Garda Sergeant [REDACTED] concerning this incident. Sergeant [REDACTED]'s questions to the complainant suggested that the Gardai had no interest in investigating the incident unless he (the complainant) had "concrete" proof that he saw weapons on board the aircraft. The sergeant ignored the complainant's insistence that it was the responsibility of the Gardai to investigate such complaints by searching the aircraft involved in order to find out if such evidence existed.
10. 11/02/2005 [REDACTED] made a request to Garda Sergeant [REDACTED] to search and investigate aircraft and US armed soldiers at Shannon. The complainant received a letter from the sergeant stating that the DDP had directed no prosecution from the complaints dated 20/11/2004 and 11/02/2005
11. 04/03/2005: Verbal request by [REDACTED] to Garda [REDACTED] to search and investigate US military aircraft Hercules C130 ANG Minnesota number 61004 at Shannon airport. The complainant was subsequently detained by Airport Security Inspector [REDACTED], without apparent justification, under section 33 of the Air Transport and Navigation Act, and then arrested by Garda [REDACTED], "for further investigation of an alleged offence under Section 33 of the Air Transport and Navigation Act." The complainant was taken under arrest to Shannon Garda station and released without charge after about 45 minutes.
12. 10/05/2005: Letter of complaint by [REDACTED] to Garda Sergeant [REDACTED] dated 10 May 2005
13. 24/11/2005: Written request by [REDACTED] to Garda [REDACTED] that White Boeing 747 reg number A6GDP be investigated at Shannon airport in case it is operated by Evergreen International Airlines who are known to be contracted to the US military for the transport of war materials to Iraq and Afghanistan.

This aircraft had no markings other than its number and was similar in size and make to the aircraft operated by Evergreen International Airlines. It later transpired that this aircraft was not owned by Evergreen International Airlines, and was being used to transport racehorses. This incident and complaint is being used by Gardai in their attempts to show that they have investigated some complaints, and found them to be unjustified.

14. 01/12/2005: Written request by [REDACTED] to Garda [REDACTED] that US military aircraft number 90060, C5 Globemaster, be searched and investigated, as it could be carrying dangerous materials. In addition [REDACTED] requested that the reports that this aircraft may have suffered a minor fire incident while at Shannon airport should be investigated and reported to the relevant safety authorities. The complainant received no response to this complaint.
15. 6/12/2005: Written request by [REDACTED] to Garda [REDACTED] that aircraft number N552TZ Boeing 757. Owned by ATA, carrying armed US troops be searched by Gardai, and the US troops be arrested in compliance with Hague Convention on neutrality.
16. 12/12/2005 Written complaint by [REDACTED] to Superintendent [REDACTED] re inappropriate behaviour of Gardai at Shannon airport and failure to investigate crimes.
17. 22/12/2005: [REDACTED] witnessed and photographed two chartered aircraft World Airways number N801DE and ATA number N552TZ used to transport US troops through Shannon airport. He made a verbal request to Airport Police Inspector [REDACTED] and Gardai at Shannon airport to search and investigate these two aircraft. Instead of doing so, [REDACTED] was detained by AP Inspector [REDACTED], and removed from the airport transit lounge and taken to airport security office where he was detained for about 30 minutes before being released.
18. 06/01/2006 [REDACTED] sent letter to the Minister for Justice re US military and CIA use of Shannon airport
19. 12/01/2006 Request by [REDACTED] to Garda [REDACTED] to search US military aircraft at Shannon
20. 03/04/2006: [REDACTED] made request to Garda [REDACTED] to search and investigate US military aircraft at Shannon airport.
21. 06/05/2006: [REDACTED] made request to Gardai at Shannon to search and investigate Israeli Air Force aircraft at Shannon airport.
22. 12/05/2006 Letter of complaint by [REDACTED] to Garda Commissioner [REDACTED] concerning failure by Gardai to investigate complicity with serious crimes at Shannon airport
23. 15/06/2006 [REDACTED] requested search of two aircraft carrying US troops at Shannon airport – statement taken by Garda [REDACTED]
24. 21/08/2006: Written request by [REDACTED] to Garda Sergeant [REDACTED] at Shannon Garda Station, requesting that the Gardai at Shannon carry out a comprehensive investigation into US military and CIA use of Shannon airport. Quote: "I am formally requesting the Gardai at Shannon to carry out further intensive investigations into the likelihood that prisoners were unlawfully taken through Shannon airport for the purpose of torture, or for any other purposes by agents of the US Government, with or without the knowledge or complicity of the Gardai and other authorities at Shannon airport." The complainant received no response from the Gardai at Shannon to this written request.
25. 30/11/06: [REDACTED] and [REDACTED] made verbal requests to Garda at Shannon Garda Station and to Gardai at Shannon airport to investigate and search a US aircraft, number N478GS, known to have associated with the US Government/CIA extraordinary rendition programme, and listed in the EU Parliament TDIP report into extraordinary rendition. This request was made by phone to Garda Sergeant [REDACTED], at about 1.15 am on 30/11/2006. [REDACTED] informed him that Gulfstream IV number N478GS was due to land at Shannon airport shortly, informed him of its association with the US "extraordinary rendition" programme and asked him to search and investigate the aircraft and its crew

when it landed. About 20 minutes later, Gardai arrived at the airport viewing area on the 3<sup>rd</sup> floor of the terminal building, and [REDACTED] repeated his request to have aircraft N478GS investigated. Instead of investigating this aircraft and its crew and passengers, the Gardai instead arrested [REDACTED] and [REDACTED]. Just after the arrest, [REDACTED] and [REDACTED] witnessed aircraft N478GS landing at Shannon and pointed this out to the Gardai. The complainants were then transported under arrest to Shannon Garda Station and released after about an hour with charge.

26. 20/01/2007: [REDACTED] made request to Garda [REDACTED] to search and investigate US military aircraft at Shannon airport.
27. 06/11/2007: [REDACTED] made written complaint to Gardai at Shannon concerning inappropriate behaviour by Garda [REDACTED] at Shannon airport. On 18/11/2007, [REDACTED] received a letter from Garda Inspector [REDACTED] that stating that Gardai were taking no action with regard to [REDACTED]'s complaint re Garda [REDACTED].
28. 07/11/2007: [REDACTED] made request to Garda [REDACTED] to search and investigate US military aircraft at Shannon airport.
29. 23/11/2007: [REDACTED] sent written submission to [REDACTED], Chief Inspector, Garda Inspectorate, concerning failures by Gardai at Shannon to investigate issues concerning CIA and US military use of Shannon airport.
30. 18/12/2007: [REDACTED] received letter from Garda Inspector [REDACTED] that stating that Gardai were taking no action with regard to [REDACTED]'s complaint dated 03/12/2007.
31. 28/4/2007: Written request by [REDACTED] to Garda [REDACTED] at Shannon to search and investigate Omni Air International aircraft at Gate 42 at Shannon Airport, to investigate whether any dangerous munitions are on board and to arrest and detain any US troops under the Hague Convention on neutrality.
32. 30/10/2007: Verbal request by [REDACTED] to Garda [REDACTED] and Garda [REDACTED], at Shannon to search and investigate CIA associated aircraft numbers N475LC. This request was also recorded in a written request to Garda [REDACTED] on 30/12/2007. Garda [REDACTED] informed the complainant that Gardai at Shannon were not allowed to search such aircraft because the Gardai had instructions from the Attorney General not to search such aircraft. In addition [REDACTED] also made a verbal request to Airport Duty Manager [REDACTED], and made a formal written request on 30/10/2007 to Garda [REDACTED] at Shannon Garda Station. [REDACTED] received a written reply to this request, dated 01/11/2007, from Garda Inspector [REDACTED], stating: "I refer to the Statement you made at Shannon Garda Station on October 30<sup>th</sup>, 2007 to Garda [REDACTED]. I wish to inform you that the Gardai will not be taking any action on the information contained in your statement."
33. 03/12/2007: Written request by [REDACTED] to Garda [REDACTED] and verbal request to Garda Sergeant [REDACTED], that aircraft number N71PG, being refuelled at Shannon airport be searched and investigated as it was mentioned in by the EU Parliament TDIP committed investigating the "extraordinary rendition" programme.
34. 03/04/2008: Letter by [REDACTED] to Gardai at Shannon requesting that US President George W Bush be arrested at Shannon airport if and when he arrives there, on the basis that he is a potential war criminal. No action was taken by Gardai at Shannon on this request, and [REDACTED] received no response to his letter.
35. 20/04/2008: Written request by [REDACTED] to Garda [REDACTED] that aircraft number N475LC, being refuelled at Shannon airport be searched and investigated.
36. 18/06/2008: [REDACTED] made verbal requests to Shannon airport security officers and to Gardai at Shannon to investigate and search executive jet (Learjet) number N54PA that had recently arrived at Shannon airport. It is operated by Phoenix Air, a company that may have connections to, or operated aircraft flights on behalf of the CIA. The flight logs for this aircraft reveal that it was at Guantanamo in

Cuba on 3 June 2008. N54PA had previously been at Shannon on Friday 13 June, from Fort Lauderdale in Florida, via Newfoundland. [REDACTED] was subsequently charged by Gardai on the foot of a false statement by a Garda Sergeant that he, [REDACTED], had interfered with the operation of Shannon airport, but this charge was dismissed by the court when it was found to be false. Gardai have since claimed that they did investigate this aircraft and reported that it was at Shannon airport for the purpose of transporting golfers on a pleasure trip. There has been no indication that Gardai did in fact search the aircraft, or that they did interview the crew of the aircraft in connection to any possible links between the aircraft and its crews with the “extraordinary rendition” programme. Even if this aircraft was carrying golfers on this occasion, it is quite possible that these golfers may have been individuals who had been associated with the torture of prisoners and who were now engaging in so-called “rest and recreation”. Even if these passengers were in no way associated with the CIA torture rendition programme, the separate crew of the aircraft should have been questioned and investigated concerning their past activities in case they had been involved in previous acts of kidnap and torture. Since this aircraft had been to US navy base in Guantanamo in Cuba on 03/06/2008, where prisoners have been held without trial for several years, and where many of these prisoners were tortured, then Gardai should have technically and forensically examined this aircraft in search of any possible evidence that the aircraft and/or its crew were involved in acts of torture.

37. 18/06/2008: Letter by [REDACTED] to DPP [REDACTED] concerning summons over incident on 18 June 2008. Copy of additional letter received - DPP to [REDACTED] dated 02/03/09.
38. 27/03/2009: Formal complaint by [REDACTED] to Garda Ombudsman Commission concerning behaviour of Garda Sergeant [REDACTED], in connection with the prosecution of [REDACTED] in relation to incident at Shannon airport on 18/06/2008
39. 08/04/2009: Letter of complaint by [REDACTED] to Sergeant in Charge at Shannon Garda Station concerning behaviour of Gardai at Shannon airport on 15/11/2008
40. 30/06/2009: Written request by [REDACTED] to Gardai at Shannon Garda Station that US military aircraft number 0048 being refuelled at Shannon airport be searched and investigated. [REDACTED] received letter from Garda Inspector [REDACTED] dated 30/06/2009 stating that Gardai were taking no action with regard to [REDACTED]'s complaint dated 30/06/2009.
41. 10/02/2013: Complaint made to Gardai at Shannon by [REDACTED] and [REDACTED] concerning assault on [REDACTED] by Garda [REDACTED]. This complaint was taken by Garda Sergeant [REDACTED].

## Appendix 6: Misleading Reporting in Relation to Complaints Made at Shannon

The Concluding Observation (paragraph 11) of the UN Human Rights Committee on Ireland's Third Periodic Report under the International Covenant on Civil and Political Rights (ICCPR) recommended that

*"the State party should exercise the utmost care in relying on official assurances. The State party should establish a regime for the control of suspicious flights and ensure that all allegations of so-called renditions are publicly investigated".*

This has not been done. Instead the State has continued to deny involvement in renditions and to misrepresent their failures to investigate. This is demonstrated by a number of inaccurate and misleading statements in the State's Fourth Periodic Report under the International Covenant on Civil and Political Rights (i.e. their response to the UN Human Rights Committee's Third Periodic Report).

Three examples are provided here.

1. The report contains the following:

*"October 2004: Four persons made an allegation that an aircraft (Registration N379P) had been used to transport prisoners to places of torture and that it had transited through Shannon Airport on several occasions. Inquiries were conducted into this complaint by An Garda Síochána; all four complainants were interviewed; the investigation concluded that the complainants were basing their assertions wholly on the contents of a Swedish television documentary. A file was submitted to the Director of Public Prosecutions, but there was no evidence to support the charge of torture."*

**Background:** N379P which was controlled by the U.S. government<sup>10</sup> had been used in December 2001 to take two Egyptians, Ahmed Agiza and Mohammed al-Zery, from Sweden to Cairo where they were tortured. On May 17<sup>th</sup> 2004 the Swedish television channel TV4 broadcast a four-part programme called Kalla Fakta (Cold Facts) in which sources explained how masked U.S. agents had stripped and bound the two Egyptians in a waiting room at a Stockholm airport before bundling them onto the jet. The According to Kalla Fakta, the jet flew exclusively to countries that were allied with the US in the fight against terror: Morocco, Libya, Egypt, Jordan, Uzbekistan and Pakistan. These, the programme noted, were *"countries where prisoners are kept and interrogated, far beyond the reach of American and international courts"*.

A few months after the Kalla Fakta report, N379P came to the attention of local activists at Shannon. Four complainants reported its presence to the Gardai on 2<sup>nd</sup> October 2004. However there would appear to have been no interest in investigating it, despite the overwhelming evidence linking it to illegal kidnapping and torture.

Furthermore the State's reporting on the lack of investigation could at best be described as misleading.

- The statement that all four complainants were interviewed is untrue. None of them were. In fact the Detective who was tasked with investigating the case promised to meet one of the complainants and discuss it, but never showed up.
- One of the complainants talked to the detective after making the complaint at which point he (the detective) attempted to redefine the remit of the investigation, deliberately narrowing it down to 'torture must be on-going at Shannon' or a torture victim must be at Shannon, and insisting that the complainants must provide proof of that before the Gardai would act. The detective further limited his remit to what happened on a single date of a single spotting of a single aircraft at Shannon. This is despite the complaint referring to 'on-going crimes' and further updates of more recent landings, as well as details of more than one aircraft being involved. The complainant pointed out to the detective that under the Criminal Justice (UN Convention Against Torture) Act 2000, the local authorities were obliged to seize anyone suspected of involvement in torture regardless of where it occurred, and that it wasn't necessary for the victim to be present, only the torturer. His response was to stonewall, and say 'if you don't like it, take it up with my boss'
- In short, there was no will for a proper investigation of rendition aircraft and their crew, and every effort

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<sup>10</sup> The aircraft was owned by Premier Executive Transport Services Inc. who confirmed to a reporter that it was on long term loan to the US Government. Grey, S. (2007) *Ghost plane: The true story of the CIA rendition and torture program*, St. Martin's Griffin.

in misrepresenting both the complaint and the legislation concerned.

2. The State's ICCPR Report says:

*November 2005: An allegation was made that an unmarked white aircraft carrying war munitions landed at Shannon Airport. The complaint was investigated and it was found that the aircraft was used on that particular occasion to transport racehorses from Shannon to Dubai.*

*November 2005: A Member of the Oireachtas (Parliament) contacted An Garda Síochána to complain about the aforementioned aircraft (Registration N379P) at Shannon Airport. A Detective Superintendent was appointed by the Garda Commissioner to investigate the matter fully. The former met with the Member who was unable to produce evidence in support of the complaint and appeared to be relying on reports from other jurisdictions in respect of the activities of certain aircraft, but not anywhere in Ireland. The Member declined to make a statement and had nothing further to add when contacted again in March 2006. Further enquiries could not be pursued."*

The statement that the Member was unable to produce evidence is misleading, as evidence of this aircraft's involvement in rendition flights was known that year and documented in (a) a Report by a European Parliament Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners in November 16 2006; and (b) an April 2005 report from Amnesty International entitled '*USA Below the Radar - Secret flights to torture and 'disappearance'*'<sup>11</sup>. There have been other reports since, most noticeably from Reprieve and The Renditions Project that also identify the aircraft in question. On Friday 18<sup>th</sup> March, 2011, Shannonwatch presented printed copies of these and other reports to the Gardai.

3. The State's ICCPR Report says:

*September 2007: Concerns were raised about an aircraft (Registration N259SK) which landed at Shannon Airport. On investigation it was learned the occupants of the aircraft were in Ireland on a golfing holiday.*

Here once again the focus has been placed on a single landing rather than a pattern of landings by an aircraft linked to renditions. The N259SK Gulfstream III was involved in the rendition of Syrian-Canadian national, Mahar-Arar, from Rome, Oct 8<sup>th</sup> 2002. It was known to have landed at Derry and Knock airports in May 2005 so it wasn't just Shannon that was involved. Other destinations include the Azores, Amman (Jordan), Dubai, and many European airports. Amnesty International said it had made over 100 trips to Guantanamo bay up to 2006.

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<sup>11</sup> See <http://www.amnesty.org/en/library/info/AMR51/051/2006>