

As part of CIA's "extraordinary rendition" program

Boeing subsidiary accused of profiting from torture

By David Walsh
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The American Civil Liberties Union filed suit May 30 accusing Jeppesen Dataplan, a subsidiary of Boeing, of providing flight services that enabled the CIA to transport suspects illegally to locations where they were brutally tortured. The ACLU filed the suit on behalf of three men, Binyam Mohamed, Abou Elkassim Britel and Ahmed Agiza, who have suffered nightmarish fates at the hands of one or more intelligence service. All three men remain incarcerated.

At a New York City press conference, ACLU lawyer Ben Wizner commented, "This is the first time we are accusing a blue-chip American company of profiting from torture." A lawyer for Binyam Mohamed, Clive Stafford Smith, a co-counsel on the suit, told the media, "Corporations should expect to get sued where they are making blood money off the suffering of others." According to the lawsuit, Jeppesen has provided flight and logistical support for at least 15 aircraft (belonging to CIA front companies) that have made a total of 70 rendition flights.

The ACLU argues that Jeppesen knew or reasonably should have known that the countries to which it was delivering shackled human beings were guilty of routinely torturing or abusing detainees. The company, notes an ACLU fact sheet, furnished flight crews with flight planning services including itinerary, route, weather, and fuel planning; took responsibility for the preparation of flight plans; facilitated customs clearance and arrangements for ground transportation, catering, and hotel accommodation for aircraft crew upon landing; and provided physical security for aircraft and crew.

As vital as any of these services, "Jeppesen's role as coordinator with virtually all public and private third parties has permitted the CIA to conduct its illegal activities below the radar of public scrutiny and beyond the reach of the rule of law. In short, without the assistance of Jeppesen and other corporations, the US extraordinary rendition program could not have gotten off the ground."

"Extraordinary rendition" is a term the American ruling elite has introduced into the world's political lexicon. Under this criminal program, the CIA and other US government agencies seize and transfer foreign nationals to countries where torture is commonplace or to secret US-run facilities on foreign soil where similar conditions prevail. The program has been in effect since at least the early 1990s during the Clinton administration, according to the ACLU complaint, but the September 11 terrorist attacks provided the pretext for its vast expansion.

The civil suit was filed, in San Jose, California, under the Alien Tort Statute of 1789, according to which noncitizens can bring suit against the US government or a US company for abuses they suffered

resulting from activities in a foreign country.

Jeppesen, which Boeing purchased in 2000, is a major provider of aviation logistical and travel services. According to Italian investigative journalist Claudio Gatti, "Before the CIA began extraordinary renditions, companies like Jeppesen were in the business of enabling wealthy people to fly smoothly around the globe. After Sept. 11, 2001, according to human rights organizations and European investigating commissions, new customers appeared—charter companies operating planes on behalf of the CIA."

In January 2007, following a 10-month inquiry, the European Parliament concluded that between 2001 and 2005 flights involving aircraft directly or indirectly operated by the CIA were used to carry out the "extraordinary renditions" of Mohamed, Britel, Agiza and others. According to the European Parliament report, the publicly available flight data proves "the existence of a widespread, methodical practice of 'extraordinary rendition,' following precise rules and carried out by certain US secret services."

In October 2006 the *New Yorker* magazine published an article by Jane Mayer, "The C.I.A.'s Travel Agent," which charged that Jeppesen planned such flights for the CIA. It cited the comment of a former Jeppesen employee who reported that during an internal corporate meeting, Bob Overby, managing director of Jeppesen International Travel Planning, told his listeners, "We do all of the extraordinary rendition flights—you know, the torture flights. Let's face it, some of these flights end up that way."

Mayer's piece continued, "The former employee said that another executive told him, 'We do the spook flights.' He was told that two of the company's trip planners were specially designated to handle renditions.... He recalled Overby saying, 'It certainly pays well. They'—the C.I.A.—'spare no expense. They have absolutely no worry about costs. What they have to get done, they get done.'"

The ACLU also announced that it was petitioning the US Supreme Court to review the case of Khaled El-Masri, an innocent German citizen who was another victim of the rendition program. El-Masri was mistakenly kidnapped and tortured by the CIA. His lawsuit against former agency director George Tenet and 10 CIA employees was dismissed in March 2007 by a US appeals court after the government claimed that moving forward with the case might endanger "state secrets."

The account of the treatment of Mohamed, Britel and Agiza makes horrifying reading (See http://www.aclu.org/pdfs/safefree/mohamed_complaint20070530.pdf).

Binyam Mohamed, born in Ethiopia, came to the UK in 1994 with his family and sought political asylum. He remained in Britain seven years while his application was pending. In 2001 he traveled to Afghanistan to escape personal problems in London. When the US invaded Afghanistan, he left the country for Pakistan, where he was arrested on April 10, 2002, on immigration charges.

Removed to a detention center by Pakistani officials, he was interrogated by FBI and British intelligence agents. He remained in custody in Pakistan, where he was abused and accused of being a high-ranking Al Qaeda member.

The ACLU complaint recounts that in July 2002 Mohamed was taken to a military airport near Islamabad and turned over “to the exclusive custody and control of US officials.” Several Americans dressed in black, wearing masks, stripped Mohamed of all his clothes. He was dressed in a tracksuit, blindfolded and shackled and placed on an airplane, which landed in Rabat, Morocco. Between July 2002 and January 2004, Mohamed was “detained, interrogated, and tortured at a series of detention facilities in Morocco.”

He was routinely beaten, suffering broken bones. “His clothes were cut off with a scalpel and the same scalpel was then used to make incisions on his body, including his penis. A hot stinging liquid was then poured into open wounds on his penis where he had been cut. He was frequently threatened with rape, electrocution and death.” At one point, he was placed in a damp, moldy room with open sewage for a month.

Significantly, Mohamed was told that “the US wanted a story from him” and that he had to prepare to testify against individuals then in US custody, including Jose Padilla, Khalid Sheikh Mohammed, Abu Zubaydah and Ibn Sheikh Libi.

After 18 months of hell in Morocco, Mohamed was sent to Afghanistan and taken to a US-run facility, “commonly known as the ‘Dark Prison.’” For four months, he was tortured and abused, including being hung from a pole in his cell, in this location. “At one point, a group of American agents dressed from head to toe in black came to him with a story. He was told that ‘Washington’ wanted him to recount how he had stolen parts for what they called a ‘dirty bomb’ and how he had built it with Jose Padilla in New York.”

He was later transferred to Bagram Air Base in Afghanistan where he was made to write a 20-page statement detailing his supposed relationship with Padilla, “how they went to Afghanistan together, and how they planned to go to the United States to detonate a dirty bomb.” Apparently, this fabrication proved too flimsy even for the CIA and the US military, because the ‘dirty bomb’ charges were dropped against Padilla. Eventually, Mohamed was flown to Guantánamo, where he remains.

An Italian citizen of Moroccan descent, Abou Elkassim Britel, fell victim to “extraordinary rendition” after traveling to Pakistan in 2001 in connection with the translation of Islamic books and texts from Arabic into Italian. He was arrested in March 2002 by Pakistani officials and held at a facility in Lahore. Britel requested that he be afforded representation and assistance from the Italian embassy, a request that was denied. Pakistani interrogators beat him, sometimes with a cricket bat, and accused him of being a “terrorist fighter.” He too was hung from the walls of his cell. Eventually, he gave way and “confessed” to terrorist activities.

Britel was also eventually transferred by US agents to Morocco where he was severely tortured between May 2002 and February 2003, at which point he was released. However, while attempting to return to Italy in May 2003, Britel was again arrested by Moroccan

officials, tortured once more in custody and eventually tried for terrorist activities. He was sentenced to 15 years in prison, later reduced to nine years. He remains imprisoned in a Casablanca prison.

Eighty-seven members of the Italian parliament have petitioned the president of Morocco to have Britel pardoned and immediately returned to Italy. “To date these efforts have been unsuccessful,” according to the ACLU complaint.

A six-year criminal investigation in Italy culminated in September 2006 in the dismissal of all charges by an examining judge, who found no evidence linking Britel to “any criminal, let alone terrorist-related, activity.”

Ahmed Agiza is an Egyptian citizen, a pharmacist by trade and father of five children. As long ago as 1982 he fell afoul of the Egyptian authorities who suspected that his cousin had been involved in the assassination of Anwar Sadat. Tortured and interrogated in custody, Agiza was later released, but continued to be harassed by the security police. In 1991 he filed a damages action against the government, which provoked more harassment and abuse, including the arrest of his lawyers.

He fled Egypt, and, after a time in Iran, attempted to make his way to Canada. During a stopover in Sweden, he and his family decided to seek asylum there. In 2001, the Swedish government determined that although Agiza had demonstrated a well-founded fear of persecution if returned to Egypt, he should be expelled from the country on national security grounds. This decision was based on evidence, which Agiza was not permitted to see, provided by the US government.

The Swedish security services made a deal with the CIA (or some other US intelligence agency) that they would hand Agiza over to the Americans who, in turn, would secretly transport him to Egypt. And this, in fact, is what occurred in May 2005.

Once in Egypt, Agiza was severely tortured by the security services. He was kept in solitary confinement in “a squalid cell measuring little more than two square meters, without windows, heat, or light” and routinely subjected to electric shock treatment.

The complaint explains: “Mr. Agiza was stripped naked and strapped to a wet mattress. Electrodes were then applied to his ear lobes, nipples, and genitals, so that an extremely strong electric current could be introduced causing his body to rise and fall. A doctor was present throughout to ensure that he did not die from torture. When the sessions ended, the same doctor would apply cream to his body where the electrodes had been so as to prevent scarring and minimize visible signs of the torture. Mr. Agiza was also made to stand under a cold shower to prevent bruising.”

In April 2004 Agiza was given a six-hour military trial after which he was sentenced to 25 years in prison for membership in an Islamic organization banned under Egyptian law. Without explanation, the sentence was later reduced to 15 years. He remains, in dangerously poor health, in an Egyptian prison.

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