

ACLU Suit Alleges Firm Is Profiting From Torture

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The lawsuit says that Jeppesen Dataplan Inc. provided "substantial" support to a secret CIA program.

The American Civil Liberties Union filed a suit Wednesday that accused a Boeing Co. subsidiary of helping the Central Intelligence Agency facilitate "the forced disappearance, torture and inhumane treatment" of three men the government suspected of terrorist involvement.

"This is the first time we are accusing a blue-chip American company of profiting from torture," ACLU lawyer Ben Wizner said at a news conference in New York City.

Since at least 2001, Jeppesen Dataplan Inc. of San Jose "has provided direct and substantial services to the United States for its so-called 'extraordinary rendition' program," the suit, filed in San Jose federal court, alleges.

Extraordinary rendition is a highly secretive and extrajudicial practice of transferring terrorist suspects to third-party countries that routinely practice torture and other ill-treatment, according to Human Rights Watch. After years of denial, the Bush administration now acknowledges the tactic but denies sanctioning torture.

The suit was filed on behalf of Binyam Mohammed, a 28-year-old Ethiopian citizen and British resident; Abou Elkassim Britel, a 40-year-old of Moroccan descent naturalized in Italy; and Ahmed Agiza, a 45-year-old Egyptian. But the suit said that Jeppesen provided flight and logistical support services for more than 70 extraordinary renditions over a four-year period.

"Corporations should expect to get sued where they are making blood money off the suffering of others," said Clive Stafford Smith, a British lawyer who has been representing Mohammed and is serving as co-counsel on the ACLU suit.

Mike Pound, a Jeppesen spokesman, said the company had not been served with the suit and consequently had no comment on its merits.

Tim Neale, a spokesman for Chicago-based Boeing, declined to confirm whether Jeppesen worked for the CIA. "The services Jeppesen provides are provided on a confidential basis for all its customers," he said.

ACLU attorney Steven Watt said his organization had obtained information about Jeppesen's role in the rendition program from a variety of sources, including investigations in Spain, Sweden and Italy; other court cases; and media reports, in particular a New Yorker magazine article by Jane Mayer, portions of which were quoted in the lawsuit.

Mayer wrote that a former Jeppesen employee told her that he had heard a senior company official say at a board meeting: "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."

The suit describes the airplanes used to move the three men around, and states that Jeppesen played a critical role by providing flight planning services, including itinerary, route, weather and fuel planning, as well as customs clearance assistance, ground transportation, food, hotels and security, the suit states.

The suit goes into considerable detail on what allegedly happened to each of the men. The accounts include:

Mohammed was taken into custody in Pakistan in April 2002, tortured by Pakistani agents and interrogated by U.S. and British intelligence agents about his alleged ties to Al Qaeda.

Subsequently, Mohammed was flown to Morocco, where he was detained, interrogated and tortured at a series of detention facilities.

"He was routinely beaten, suffering broken bones and, on occasion, loss of consciousness due to the beatings. 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," the suit says.

Mohammed eventually was flown to Afghanistan, then to Guantanamo Bay Naval Station, where he remains.

Britel, an Italian Arabic translator, traveled from his home in Italy to Pakistan in March 2002 on business. He was arrested by Pakistani police on immigration charges, interrogated, beaten and subjected to sleep deprivation.

In April 2002, he "succumbed and confessed to what his interrogators had been insisting from the outset, that he was a terrorist," the suits says. Subsequently, U.S. officials in Pakistan told Britel that the Pakistani interrogators would kill him if he did not cooperate. In late May 2002, Britel "was handcuffed, blindfolded and taken by car" to an airport on the outskirts of Lahore and flown to Rabat, Morocco.

In October 2003, Britel was convicted and sentenced to 15 years for involvement in terrorist activities. An observer from the Italian Embassy said "the procedures followed failed to comport with universally accepted fair trial standards." Britel remains imprisoned in Casablanca.

The third plaintiff, Agiza, was first arrested in 1982 in connection with the assassination of Egyptian President Anwar Sadat. He moved to Iran, and in 1999 was tried in absentia in Egypt for being a member of a banned organization and sentenced to 25 years in prison.

In 2000, Agiza sought asylum in Sweden, where he was arrested by Swedish security police, handed over to CIA agents, shackled, drugged and flown from Stockholm to Cairo. In Egypt, he was repeatedly subjected to torture, which included the use of electric shocks, the suit says.

In April 2004, after a military trial, Agiza was sentenced again to 25 years imprisonment, later reduced to 15 years. He remains in prison in Egypt.

The ACLU suit was filed under the Alien Tort Claims Act of 1789, which authorizes foreigners to sue in U.S. courts for human rights violations. The CIA was not named as a defendant but may

ask to have the case dismissed under the "state secrets" doctrine.

First recognized by the Supreme Court 54 years ago, the states secret privilege bars disclosure in court proceedings of information whose release threatens national security.

Last March, a federal appeals court in Richmond, Va., citing the state secrets doctrine, dismissed a suit brought against the CIA by Khaled El Masri, a German citizen who said he was abducted, flown to Afghanistan and tortured.

ACLU lawyers said Wednesday that they had filed a petition that asked the U.S. Supreme Court to overturn the El Masri decision.

Romero said the Bush administration had invoked the state secrets privilege in an attempt to "avoid accountability and embarrassment" for torture and other government misdeeds in its war on terrorism.

In response to a request for comment, CIA spokesman Paul Gimigliano said, "The CIA does not, as a matter of course, publicly discuss contractual relationships it may or may not have with firms or individuals."

The renditions, he said, "are a key, lawful tool in the fight against terror ... subject to close review and have been employed far less frequently than some press accounts suggest."

Gimigliano also said the United States does not conduct or condone torture, or transport anyone to other countries to be tortured.