



12 March 2012

Steven F. Gaffney  
Chairman of the Board  
c/o The Corporate Secretary  
DynCorp International Inc.  
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Suite 700  
Falls Church  
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USA

By Post and Fax to +1 571 722 0252

### Re: Zero Tolerance for Torture

Dear Mr Gaffney,

I am a Legal Director at Reprieve, a UK-based charity that opposes the use of torture as part of the 'war on terror'.

I am writing because the name of your company and several of its employees have surfaced in a recent investigation by Reprieve into the CIA's 'extraordinary rendition' programme, which operated from 2002 until at least 2007.

No doubt you will be aware of the nature of this programme from public reporting, but in brief, this scheme involved the CIA contracting with numerous flight companies – including operators, planners, contractors, and brokers – to transport prisoners to secret sites around the world to be tortured. Regrettably, DynCorp appears to have been party to this.

You will recall that this programme was outlawed by President Obama in Executive Order 13451 (22 January 2009).<sup>1</sup> It is on record that DynCorp had become a part of this programme as early as June 2002, when DynCorp entered into single entity charter contract LT050602 with Capital Aviation to supply Richmor Aviation's Gulfstream jet N85VM.

In the course of this contract, DynCorp organized numerous well documented 'rendition to torture' missions. Among these was the seizure of Hassan Mustafa Osama Nasr, whose flight from Germany to Egypt on 17 February 2003 was subcontracted to Richmor Aviation by DynCorp. In Egypt Mr Nasr was subjected to torture including the use of electric shocks, as a result of which he went partially deaf. DynCorp also contracted the flight of 'high value detainees' Abu Zubaydah and Abd al-Rahim al-Nashiri from Thailand to Poland on 5 December 2002. After their arrival in Poland, Mr al-Nashiri was subjected to abuses including

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<sup>1</sup> <http://www.whitehouse.gov/the-press-office/ensuring-lawful-interrogations>

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mock execution with a handgun, the use of an electric drill, prolonged shackling in stress positions and cutting and bruising by means of a hard brush.

Subsequently, DynCorp transferred Mohammed Farik bin Amin, Encep Nuraman and Mohammed Nazir bin Lep to incommunicado detention in Afghanistan. DynCorp flew Mr bin Amin from Thailand to Afghanistan between 19 and 20 June 2003 on N614RD, operated by Airborne Inc. DynCorp flew Mr Nuraman and Mr bin Lep from Thailand to Afghanistan on N85VM between 12 and 15 August 2003. The torture of all three of these individuals is described in the International Committee of the Red Cross's Report on the Treatment of Fourteen 'High Value Detainees' in CIA Custody (14 February 2007). You can refer to this document in detail at <http://www.nybooks.com/media/doc/2010/04/22/icrc-report.pdf>. Briefly, however, the report notes that these three individuals, and others, were

subjected, in particular during the early stages of their detention, lasting from some days up to several months, to a harsh regime employing a combination of physical and psychological ill-treatment with the aim of obtaining compliance and extracting information. This regime began soon after arrest, and included transfers of detainees to multiple locations, maintenance of the detainees in continuous solitary confinement and incommunicado detention throughout the entire period of their undisclosed detention, and the infliction of further ill-treatment through the use of various methods either individually or in combination, in addition to the deprivation of other basic material requirements.<sup>2</sup>

During the transfers of these individuals by DynCorp, they were stripped, dressed in a diaper and tracksuit, goggles and earphones, and had their hands and feet shackled. In their initial periods of detention, to which DynCorp had transferred them, they were then subjected to a sustained programme of ill-treatment which included prolonged shackling and stress positions, beatings, sleep deprivation, exposure to cold, nakedness, restriction of food, threats and other forms of ill-treatment.

The individuals cited above are only a few of numerous such cases from this sad era. Some prisoners subjected to extraordinary rendition have been released without charge, compensation, or apology. Some are still imprisoned in Guantánamo and Bagram Air Force Base in Afghanistan. Others have vanished entirely.

The purpose of this letter is not to seek to punish DynCorp. Nor is it a notice that any of the affected people we are aware of are preparing to sue DynCorp - although this, of course, will ultimately be a matter for each victim. We do not even ask that you admit any wrongdoing by DynCorp or by its current or former employees in connection with the extraordinary rendition programme.

All we ask is that DynCorp pledge never to be involved in torture in the future.

I have enclosed with this letter a Corporate Social Responsibility (CSR) Pledge, 'Zero Tolerance for Torture', that I am asking you to sign. As you will see, it sets out in simple terms that your company policy shall henceforth be never to condone torture; to monitor DynCorp's business for consistency with this commitment, and never to engage in any activity where

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<sup>2</sup> ICRC Report, p.4.

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there is a perceivable and realistic risk that torture might result; and to conduct an annual review of your compliance with Zero Tolerance for Torture, to be published prominently on DynCorp's website.

This is the least DynCorp should be prepared to do. As Attorney General John Ashcroft himself once said, history will judge the CIA's post-9/11 torture programme harshly. This is a real opportunity for DynCorp to see to it that the public judge it, and its involvement, in a better light.

I would be grateful for a reply within 14 days.

Very sincerely yours



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Enclosures (1)

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