



12 March 2012

Mahlon W. Richards
Richmor Aviation
Columbia County Airport
Hudson
NY 12534
USA

By Post and Fax to +1 518 828 1303

Re: Zero Tolerance for Torture

Dear Mr Richards,

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 names 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, Richmor Aviation 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).¹ It is on record that Richmor had become a part of this programme as early as June 2002, when the US government's prime contractor 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, Richmor was subcontracted to perform 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 operated by Richmor Aviation on behalf of DynCorp. In Egypt Mr Nasr was subjected to torture including the use of electric shocks, as a result of which he went partially deaf.

Subsequently, Richmor Aviation flew Encep Nuraman and Mohammed Nazir bin Lep to incommunicado detention in Afghanistan on N85VM between 12 and 15 August 2003. The torture of both of these individuals is described in the International Committee of the Red

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

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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 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.²

During the transfers of these individuals by Richmor, 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 Richmor 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.

To give one further example, documents on file with Reprieve show that Richmor Aviation operated the flight which transferred the mistakenly imprisoned German citizen Khaled el-Masri from secret detention in Afghanistan to Albania on 28 May 2004. Having belatedly concluded after months of torture and interrogation that they had imprisoned the wrong man, the CIA, acting through Computer Sciences Corporation, arranged for Richmor Aviation jet N982RK to transfer Mr el-Masri from an Afghan "black site" to a remote roadside in Albania. As he later stated, he found himself "in unfamiliar, mountainous terrain, in the dark, instructed to walk along an isolated path without looking over his shoulder. He said he feared that he was 'about to be shot in the back and left to die,' with nobody having any idea of how he had got there."³

The individuals cited above are only a few of numerous such cases from this sad era. Some prisoners subjected to extraordinary rendition – such as Mr el-Masri – 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 Richmor. Nor is it a notice that any of the affected people we are aware of are preparing to sue Richmor - although this, of course, will ultimately be a matter for each victim. We do not even ask that you admit any wrongdoing by Richmor or by its current or former employees in connection with the extraordinary rendition programme.

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

² ICRC Report, p.4.

³ <http://assembly.coe.int/documents/workingdocs/doc07/edoc11302.pdf> at para. 277.

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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 plain terms that your company policy shall henceforth be never to condone torture; to monitor Richmor's business for consistency with this commitment, and never to engage in any activity where 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 Richmor's website.

This is the least Richmor 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 Richmor Aviation to see to it that the public judge it, and its involvement, in the 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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