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Jonas Gahr Støre  
Minister of Foreign affairs  
Ministry of Foreign Affairs  
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Norway

10 February 2012

Dear Minister Støre

**RE: RENDITION AIRCRAFT LANDINGS IN NORWAY**

I am writing on behalf of Amnesty International regarding reports in the Norwegian media in January 2012 (*ABC Nyheter*, *Stavanger Aftenblad*) and disclosures by the Norwegian Civil Aviation Authority (Luftfartstilsynet or LFT) in a November 2011 letter to Access Info Europe indicating that aircraft operating in the context of the US Central Intelligence Agency's (CIA) rendition and secret detention programmes had landed in Norway between 2004 and 2006.

This information, which includes flight paths linking Norway and Lithuania, where the Lithuanian authorities have acknowledged the existence of two secret CIA detention facilities, compels Amnesty International to call as a matter of urgency for an independent, impartial, thorough and effective investigation into Norway's possible involvement in these US-led operations.

The data released in the 2011 LFT letter to Access Info Europe are incomplete, but flight details therein raise serious concerns regarding Norway's incorporation into rendition operations. Other data simply beg the question of what information remains undisclosed (e.g. only partial flight paths are documented, with no information about passengers, possible special waivers, etc.). It is clear that a human rights compliant investigation in conformity with Norway's international legal obligations is required to arrive at the full truth of Norway's involvement in these programmes, which were characterized by the illegal transfer, torture and other ill-treatment, and enforced disappearance of individuals. Victims of such violations have a right to effective redress for the abuses they have suffered.

**NORWAY – LITHUANIA LINKS**

In September 2011, Amnesty International released a report, *Unlock the Truth in Lithuania: Investigate Secret Prisons Now* (Index: EUR 53/002/2011). The report is a chronicle to date of public information regarding Lithuania's involvement in the CIA rendition and secret detention programmes. Beginning with media revelations in August 2009 that Lithuania had hosted a CIA secret detention facility, the report also documented the findings of a December 2009 Lithuanian parliamentary inquiry whose final report acknowledged Lithuania's participation in the rendition programme, the establishment of the two secret facilities in Lithuania, and Lithuanian state actors' active collaboration with the CIA beginning in 2002 to build and equip the sites. It concluded with the details of a deeply flawed pre-trial investigation by the Lithuanian Prosecutor General from January 2010 to January 2011 that ended abruptly.

Although the Lithuanian parliamentary inquiry report and the Prosecutor General claimed that there was no evidence that individuals had ever been held in the secret detention facilities, representatives for Zayn al-Abidin Muhammad Husayn (also known as Abu Zubaydah) lodged an application at the European Court of Human Rights in September 2011 alleging that Abu Zubaydah had been held in secret detention in Lithuania.

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Both the 2011 LFT letter to Access Info Europe and the January 2012 press articles contained data and information that indicated direct links between Norway and Lithuania at the very time the two CIA secret detention sites have been alleged to have been in operation in Lithuania. For example:

- **N961BW at Bergen Airport, 2 January 2005:** According to a 27 January 2012 news story from ABC Nyheter, LFT and Avinor confirmed that an aircraft with the tail number N961BW, a Casa C-212-CC Aviocar, landed at Bergen Airport on 2 January 2005 at 11.32, having arrived from Reykjavik. There are conflicting reports regarding what time the aircraft departed, but LFT and Avinor have confirmed that the plane departed from Bergen that same day and flew to Palanga, Lithuania. The Lithuanian parliamentary inquiry report of December 2009 also stated that N961BW, operated by Presidential Airways, arrived in Palanga on 2 January 2005, and had a flight path that included "Flesland (Norway)—Palanga—Simferopol (Ukraine)." The report documented that the aircraft remained in Lithuania for three days, departing on 5 January 2009 at 09.00 for Ukraine. An Avinor spokesman told ABC Nyheter that the operator of N961BW was called Presidential Airlines and paid in cash for the use of Bergen Airport. However, according to Amnesty International's research, the Lithuanian parliamentary inquiry report, and Access Info Europe, the name of the company is Presidential Airways, which has been linked with the CIA;
- **N787WH at Oslo Airport, 6-7 October 2005:** LFT had confirmed in the data released to Access Info Europe and in information disclosed to ABC Nyheter that a Boeing 737 with tail number N787WH spent a whole day at Oslo Airport Gardermoen from 6 to 7 October 2005. The aircraft had flown directly from Vilnius, Lithuania, and arrived in Oslo at 04.34 on 6 October 2005; it departed Oslo for Reykjavik at 05.01 on 7 October. According to Danish aviation information, N787WH had flown over Greenland's airspace on its way from Seattle to Iceland, and then on to Europe – and six persons were on board. The Lithuanian parliamentary inquiry report confirmed the aircraft's landing in Vilnius on 6 October 2005. According to Danish data, Wilmington, USA, was the aircraft's final destination, but there was no information regarding whether there were passengers on board. Avinor confirmed that Victory Aviation in Fort Lauderdale, a company connected to the CIA, was billed for the landing at Oslo Airport. (Danish data previously released, however, listed another operator called Baseops International.) According to the data submitted by the Lithuanian State Border Guard Service (SBSG) to the parliamentary inquiry committee, SBSG officers were prevented from inspecting N787WH upon its landing in Vilnius; therefore, it was not possible to establish whether any passengers were on board the aircraft. No customs inspection of the aircraft was carried out. According to the ABC Nyheter article, Norwegian customs authorities stated that there was no routine control of these kinds of landings. In any event, Norwegian customs authorities pointed out that they were not permitted to publish information as to whether a specific plane was subjected to controls or not.
- A third aircraft with tail number N860JB arrived at Stavanger Airport, Sola, at 17.02 on 4 March 2006, having come from Dubai. At 17.54 the same day, it continued on to Bangor, Maine. According to Avinor, the operator paid in cash for the landing, but no name was recorded with the payment. The complete flight path for this aircraft has not been made available, but it does not appear that it has been linked to Lithuania.

In a letter to Access Info Europe of 28 November 2011, LFT had written that the three landings noted above were "probably" only "technical landings", which did not require prior approval from the Norwegian Civil Aviation Authority for aircraft registered in countries that had ratified the Air Transit Agreement.

It should be noted that reports by nongovernmental organizations, including Amnesty International, and the media have raised concerns with the Norwegian authorities about other suspicious aircraft landings in Norway. For example, in a 2006 report *USA: Below the Radar: Secret Flights to Torture and 'Disappearance'*, Amnesty International documented two landings of an aircraft with the tail number N85VM/N227SV, operated by Richmor Aviation, at Evenes Airport in Norway. That aircraft has been directly linked to CIA operations in the context of litigation in the USA between Richmor and Sportsflight, Inc. regarding payments for various flights.

#### NORWAY'S PREVIOUS FAILURE TO DISCLOSE RELEVANT INFORMATION

In the course of a 2005-2006 Article 52 inquiry by the Secretary General of the Council of Europe, Terry Davis, the Norwegian authorities partially responded to questions addressing what controls existed under Norwegian law over acts by foreign agents in their jurisdiction; what safeguards existed to prevent unacknowledged deprivation of liberty, including transport, with or without the involvement of foreign agents on their territory; and what were their responses (including effective investigations) to any alleged infringements of human rights, most notably deprivation of liberty, resulting from the conduct of foreign agents.

A fourth question asked in the context of the Article 52 inquiry was whether "since 1 January 2002 any public official has been involved, by action or omission, in such deprivation of liberty or transport of detainees; whether any official investigation is under way or has been completed". The Norwegian authorities responded that an investigation at diplomatic level by the Minister of Foreign Affairs and the Minister of Transport and Communications with the US government was underway at that time regarding two specific cases of intermediate landings in Norway. It can be assumed from the timing of the Article 52 inquiry, the final report of which was released in February 2006, that the March 2006 landing of N860JB at Stavanger, Sola had not yet occurred; but it is not clear what two landings the government was referring to. According to the Article 52 inquiry report, the Norwegian government claimed that assurances had been given by the US Embassy in Oslo that the USA abided by Norwegian laws, respected Norwegian territorial sovereignty and would not use Norwegian airports without prior consultation with the Norwegian authorities.

It is deeply disturbing that the Norwegian government considered diplomatic contact with the US embassy an adequate substitute for a thorough and effective investigation into the use of Norwegian territory for operations that may have involved fundamental human rights violations. Moreover, reliance upon US assurances of law-abiding activity only should never have been considered sufficient to dispel any and all suspicions that Norwegian territory was being used as a platform for illegal renditions and possibly secret detention. By 2005, there was more than enough information in the public domain to raise a red flag that the US had been engaged in counter-terrorism operations that had violated international human rights law.

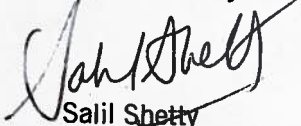
#### CONCLUSION

The recent revelations linking rendition aircraft flight paths to Norway require immediate investigation. The Norwegian government should establish an independent, impartial, thorough and effective investigation that researches and analyses all the various dimensions of possible Norwegian involvement in the CIA's rendition and secret detention programmes. Such an investigation should include the power to compel documentary evidence and testimony from any relevant state actor or agency with a view toward holding Norway accountable for its complicity in these operations. It should also be capable of leading to the identification and prosecution of any state actor responsible for the commission of or complicity in human rights violations that amounted to crimes under international law. Such a process should seek to clarify Norway's role, but would inevitably also help shed more light on the US programmes and the roles that other governments played in these operations, most notably Lithuania.

Amnesty International respectfully requests that Norway establish such a human rights compliant inquiry as a matter of urgency and we stand ready to assist in that endeavor.

I look forward to your response.

Yours sincerely

  
Salil Shetty  
Secretary General