

CENTER FOR THEOLOGY AND SOCIAL ANALYSIS,
On Behalf of the CITIZENS OF THE UNITED STATES OF AMERICA

v.

AERO CONTRACTORS, LTD., a Delaware Corporation,
and
Norman L. Richardson, L. Lamar Armstrong, Jr.,
Barry Hales, Thomas P. Hartness, and Peter Wright,
Officers and Directors of AERO CONTRACTORS, LTD., a Delaware Corporation,
and
George Tenet, Former Director of Central Intelligence,
UNITED STATES CENTRAL INTELLIGENCE AGENCY,
and
Porter J. Goss, Director of Central Intelligence,
UNITED STATES CENTRAL INTELLIGENCE AGENCY.

INDICTMENT

I. Introduction

The Center for Theology and Social Analysis, by and through the undersigned, hereby charges the above-named defendants with violations of federal law prohibiting torture and conspiracy to commit torture (Count I - 18 U.S.C. §2340A), international law prohibiting torture (Count II - U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), international law prohibiting exposing individuals to the danger of torture (Count III – International Covenant on Civil and Political Rights), and international law prohibiting the mistreatment of prisoners of war (Count IV – Geneva Convention III).

II. General Allegations

1. At all times mentioned herein, AERO CONTRACTORS, LTD. was and is a Delaware Corporation having its principal place of business at Johnston County Airport, Johnston County, North Carolina. AERO CONTRACTORS, LTD. is engaged in the business of providing charter air carrier services, principally to the U.S. Central Intelligence Agency.

2. The actions and conduct of AERO CONTRACTORS, LTD. was done by and through, and under the direction and at the instance and request of, the following named defendants (hereafter collectively referred to as “the AERO defendants”):

a. Defendant Norman L. Richardson of Kenly, North Carolina was and is President of AERO CONTRACTORS, LTD., was possessed of personal knowledge of and responsibility for the business and affairs of AERO CONTRACTORS, LTD., and participated actively in the acts and conduct of AERO CONTRACTORS, LTD. as set forth in this indictment.

b. Defendant L. Lamar Armstrong, Jr. of Four Oaks, North Carolina was and is Secretary and Treasurer of AERO CONTRACTORS, LTD., was possessed of personal knowledge of and responsibility for the business and affairs of AERO CONTRACTORS, LTD., and participated actively in the acts and conduct of AERO CONTRACTORS, LTD. as set forth in this indictment.

c. Defendant Barry Hales of Smithfield, North Carolina, was and is a Director of AERO CONTRACTORS, LTD., was possessed of personal knowledge of and responsibility for the business and affairs of AERO CONTRACTORS, LTD., and participated actively in the acts and conduct of AERO CONTRACTORS, LTD. as set forth in this indictment.

d. Defendant Thomas P. Hartness of Greenville, South Carolina, was and is a Director of AERO CONTRACTORS, LTD., was possessed of personal knowledge of and responsibility for the business and affairs of AERO CONTRACTORS, LTD., and participated actively in the acts and conduct of AERO CONTRACTORS, LTD. as set

forth in this indictment.

e. Defendant Peter Wright of West Chester, Pennsylvania was and is a Director of AERO CONTRACTORS, LTD., was possessed of personal knowledge of and responsibility for the business and affairs of AERO CONTRACTORS, LTD., and participated actively in the acts and conduct of AERO CONTRACTORS, LTD. as set forth in this indictment.

3. At all times mentioned herein prior to June 3, 2004, Defendant George Tenet was the Director of Central Intelligence and, as such, served as chief of the United States Central Intelligence Agency, an agency of the United States Government engaged in the collection of intelligence and covert operations on behalf of the United State Government. The actions and conduct of AERO CONTRACTORS, LTD. and the AERO defendants set forth in this indictment and occurring prior to June 3, 2004, were done under the direction and at the instance and request of Defendant George Tenet, in furtherance of the Bush Administration's "war on terror."

4. At all times mentioned herein after September 22, 2004, Defendant Porter J. Goss was and is the Director of Central Intelligence and, as such, served and continues to serve as chief of the United States Central Intelligence Agency, an agency of the United States Government engaged in the collection of intelligence and covert operations on behalf of the United States Government. The actions and conduct of AERO CONTRACTORS, LTD. and the AERO defendants set forth in this indictment and occurring after September 22, 2004 were done under the direction and at the instance and request of Defendant Porter J. Goss, in furtherance of the Bush Administration's "war on terror."

III. Statement of the Offenses

COUNT ONE - TORTURE AND CONSPIRACY TO COMMIT TORTURE

5. The allegations made in Paragraphs 1, 2, 3, and 4 of this Indictment are incorporated herein, as if set out in full in this count.

6. The defendants are accused of authorizing, conspiring, condoning, aiding and abetting and/or engaging in the practice of **extraordinary rendition**, an illegal procedure whereby uncharged criminal suspects and other “persons of interest” are abducted, blindfolded, shackled, sedated, and transported by private jet to a destination country for interrogation under circumstances where there was a substantial likelihood that the subject may be in danger of torture, in the following instances:

a. On or about October 4, 2001, the AERO defendants operated a Gulfstream V jet from Pakistan to Egypt, carrying unnamed CIA officers who together renditioned Mamdouh Habib, an Australian citizen, to Egyptian authorities at the behest of unnamed U.S. government officials, all without the benefit of extradition or other legal process. While in Egypt, Habib was severely tortured over a six month period and was then transferred to Guantanamo, where he was held until his release without charge on January 11, 2005.

b. On or about October, 2001, the AERO defendants operated a Gulfstream V jet from Karachi airport in Pakistan to an airport in Jordan, carrying unnamed CIA officers who together renditioned a Yemeni microbiology student, Jamil Qasim Aseed Mohammed, to Jordanian authorities. U.S. officials alleged that Aseed Mohammed was an Al Qaeda operative who played a role in the bombing of the USS *Cole*. The handover

of the shackled and blindfolded Mohammed reportedly took place in the middle of the night in a remote corner of the airport, without the benefit of extradition or other legal process.

c. On or about December 18, 2001, the AERO defendants operated a Gulfstream V jet bearing registration number N379P from Bromma Airport in Stockholm, Sweden to Cairo, Egypt, carrying unnamed CIA officers who together renditioned two Egyptian nationals seeking Swedish asylum, Ahmed Agiza and Muhammed Al-Zery, to Egyptian intelligence officers in Cairo, Egypt, all without the benefit of extradition or other legal process. While in Egypt, Agiza and Al-Zery were imprisoned, beaten and tortured. Agiza was subsequently charged with being an Islamic militant and was sentenced to 25 years in prison. Al-Zery was never charged and, after two years in jail, was sent to his village in Egypt.

d. On or about January 11, 2002, the AERO defendants operated a Gulfstream V jet from an Indonesian airport to an airport in Egypt, carrying unnamed CIA officers who together renditioned Muhammad Saad Iqbal Madni, an Egyptian and Pakistani citizen, to Egyptian authorities. While the Egyptian government formally asked Indonesia to extradite Madni, the rendition occurred without a court hearing or lawyer.

e. On or about September 26, 2002, the AERO defendants operated a Gulfstream V jet from Kennedy International Airport in New York to Amman, Jordan, carrying unnamed CIA officers who together renditioned Maher Arar, a Canadian citizen of Syrian birth, to Jordan, where he was then transferred to Syria. Arar's requests for an attorney while at Kennedy International Airport were dismissed on the grounds that he

was not a U.S. citizen and therefore had no right to counsel. Arar remained in Syria for ten months, where he was beaten, tortured and kept in a shallow grave as part of his interrogation, and then returned to Canada. No arrest warrants were ever issued for Arar.

f. On or about January 23, 2004, the AERO defendants operated a Boeing Business Jet bearing FAA registration number N313P from Skopje, Macedonia to Kabul, Afghanistan, carrying unnamed CIA officers who together renditioned Khaled el-Masri, a German citizen of Lebanese birth, to a prison in Afghanistan under the control of the U.S. government, all without the benefit of extradition or other legal process. While in prison, el-Masri was repeatedly interrogated, beaten and photographed naked by U.S. agents. In May of 2004, el-Masri was returned to Europe, having never been charged with a crime.

7. The acts of extraordinary rendition of AERO CONTRACTORS, LTD. and the AERO defendants, as set forth above, were done under such circumstances that they knew, or reasonably should have known, that the individuals being renditioned would be subjected to the intentional infliction of severe physical and mental pain or suffering (i.e., torture), in violation of the Torture Act of 2000, 18 U.S.C. §§ 2340 and 2340A, which makes it a criminal offense for any person outside the United States to commit or attempt to commit torture, or to conspire to commit torture.

8. Defendant George Tenet, as Director of Central Intelligence at the time of the aforesaid renditions and in his capacity as chief of the Central Intelligence Agency, actively procured, directed and authorized the aforesaid actions of AERO CONTRACTORS, LTD., the AERO defendants and the unnamed C.I.A. officers, all with the specific intention and expectation that the individuals renditioned would be interrogated by any and all means available

to the authorities in the countries of Egypt, Jordan, Syria and Afghanistan to whom they were renditioned, including through the intentional infliction of severe physical and mental pain and suffering (i.e., torture), or, at a minimum, he had knowledge that such torture was likely to be committed and failed to take the necessary and reasonable measures to prevent or stop the same, all in violation of 18 U.S.C. §2340A.

9. Defendant Porter Goss, as Director of Central Intelligence and in his capacity as chief of the Central Intelligence Agency, continues to actively procure, direct and authorize the aforesaid actions of AERO CONTRACTORS, LTD., the AERO defendants and the unnamed C.I.A. officers, with the specific intention and expectation that the individuals renditioned be interrogated by any and all means available to the authorities in the countries of Egypt, Jordan, Syria and Afghanistan to whom they are renditioned, including through the intentional infliction of severe physical and mental pain and suffering (i.e., torture), or, at a minimum, he has knowledge that such torture is likely to be committed and is failing to take the necessary and reasonable measures to prevent or stop the same, all in violation of 18 U.S.C. §2340A.

COUNT TWO - VIOLATIONS OF THE U.N. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

10. The allegations made in Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this Indictment are incorporated herein, as if set out in full in this count.

11. The United States is a party to the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention Against Torture) since November 20, 1994. The Convention Against Torture prohibits:

- a. Torture;
- b. Cruel, inhuman or degrading treatment; and
- c. *Refoulement* (expulsion of refugees) to states where there is a substantial likelihood that the subject of the refoulement may be in danger of torture.

12. The actions of defendants Tenet and Goss, of the unnamed C.I.A. officers, of defendant AERO CONTRACTORS, LTD. and of the AERO defendants were undertaken under circumstances where they knew or reasonably should have known that their detainees would be subjected to torture or, at a minimum, that their detainees would be subjected to cruel, inhuman and degrading treatment upon their rendition.

13. With respect to those detainees who were subject to *refoulement*, the actions of defendants Tenet and Goss, of the unnamed C.I.A. officers, of defendant AERO CONTRACTORS, LTD. and of the AERO defendants were undertaken under circumstances where they knew or reasonably should have known that the *refouler* of such detainees created a substantial likelihood that they may be in danger of torture.

14. Therefore, the actions of defendants Tenet and Goss, the unnamed C.I.A. officers, AERO CONTRACTORS, LTD. and the AERO defendants was in direct violation of the Convention Against Torture.

**COUNT THREE - VIOLATIONS OF THE INTERNATIONAL COVENANT
ON CIVIL AND POLITICAL RIGHTS**

15. The allegations made in Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Indictment are incorporated herein, as if set out in full in this count.

16. The United States is a party to the International Covenant on Civil and Political

Rights (hereinafter referred to as the International Covenant) since April 2, 1992. The

International Covenant prohibits:

- a. Torture;
- b. Cruel, inhuman or degrading treatment or punishment; and
- c. Exposing individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or *refoulement*.

17. The actions of defendants Tenet and Goss, of the unnamed C.I.A. officers, of defendant AERO CONTRACTORS, LTD. and of the AERO defendants were undertaken under circumstances where they knew or reasonably should have known that the rendition of their detainees exposed them to the danger of torture or, at a minimum, of cruel, inhuman and degrading treatment or punishment.

18. The actions of defendants Tenet and Goss, the unnamed C.I.A. officers, AERO CONTRACTORS, LTD. and the AERO defendants were in direct violation of the International Covenant on Civil and Political Rights.

A TRUE BILL:

on Behalf of the Center for Theology and Social Analysis, this _____ day of November, 2005.