**Submission to Joint Oireachtas Committee on Public Service Oversight and Petitions: Investigation into U.S. Military and CIA Use of Shannon Airport and Irish Airspace**

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# Executive Summary

In petitioning the Joint Committee on Public Service Oversight and Petitions to seek an investigation of the use of Shannon Airport and Irish airspace for the transit of US armed troops and cargo, and for the refuelling of CIA associated aircraft involved in extraordinary rendition, we are mindful of the fact that there are a range of technical and legal issues that must be taken into consideration by the Committee. We note that successive governments have made clear their opposition to the practice of renditions, and that the maintenance of peace and security as enshrined in the UN Charter is a goal of Ireland’s foreign policy. Despite this, Shannon Airport has been used as a vital cog in the invasions of Iraq and Afghanistan, and in the illegal rendition circuits operated by the CIA. The contradictions between stated policy and reality are a matter of grave importance and consequence for millions of people, and as such merit close attention by the Committee.

Since 2002 more than 2.4 million US troops and countless US military aircraft have passed through Shannon Airport. Consequently Shannon and Ireland have provided important logistical support for two illegal invasions and occupations in Iraq and Afghanistan. Despite the hundreds of thousands, perhaps even millions, of lives lost, the widespread human suffering in these countries, the political instability caused and the ongoing fighting by heavily armed factions, it would appear that there has been little oversight of what is taken through Shannon Airport by or on behalf of the US military. However the State has obligations under international law, in particular the Geneva Conventions and the Hague Convention on Neutrality, to limit the effects of armed conflict. The willingness of successive governments to allow US forces pass through Irish territory calls their commitment to these obligations into question.

While the number of US troops passing through the airport has declined from a high of 341,000 in 2005 at the height of the Iraq war, there are still significant numbers of troops transported through the airport on a weekly basis. The submission document provides an overview of all US military and CIA traffic through Shannon over the last 12 years. It also outlines the failure to inspect suspect CIA and US military aircraft at Shannon and notes Garda references to instructions or advice from the Attorney General not to search or investigate such aircraft. It also notes that the UN Convention Against Torture, to which Ireland is a party states that “*Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture*”. Rendition planes, which are planes used to commit torture, passed through Shannon Airport. That constitutes participation in torture.

The presence of rendition planes was brought to the attention of the authorities on numerous occasions, yet no effective action was taken, except against the whistleblowers.

Shannonwatch have grave concerns about the extent and veracity of how the State has responded to complaints relating to suspect rendition flights at Shannon. A list is provided of over 40 complaints relating to requests to search particular aircraft at Shannon Airport which were made to the Gardai. This is not a comprehensive list, however, as the number of complaints made by activists since 2002 is estimated to be over 100. A large number of these complaints were either ignored or responded to inappropriately; for example by forcibly removing the complainant from the airport, and in some cases arrest. This has resulted in further complaints having been made to the Garda Ombudsman in relation to Garda behaviour. In addition, the actions or inactions by the Garda Ombudsman Commission in response to these complaints is also of serious concern.

As a first step towards meeting its obligations in relation to complaints made at Shannon, the State should provide comprehensive information on *all* complaints received by An Garda Siochana in relation to aircraft suspected of being involved in renditions and other violations of international law.

The government should establish an independent and impartial inquiry into the use of Irish territory, and in particular Shannon airport, as part of the CIA’s illegal renditions programme. This inquiry should address the failure to inspect suspect rendition aircraft, and the reasons for this failure. The outcome of this review should be made public.

The government should also review, and if necessary strengthen, procedures governing the search and inspection of military and other State aircraft to ensure that it’s civil and police authorities have the necessary power to investigate and safeguard against potential breaches of international law. The power to inspect US and other military aircraft is essential if and when there are reasonable grounds to suspect that the cargo, passengers or crew members are involved in acts that may contravene international and/or national law.

The document also highlights the need to enshrine neutrality into the Irish Constitution, in accordance with the wishes of the vast majority of the Irish people. In the 2003 High Court case Horgan v Ireland Judge Kearns ruled that *“… there is an identifiable rule of customary law in relation to the status of neutrality whereunder a neutral state may not permit the movement of large numbers of troops or munitions of one belligerent State through its territory en route to a theatre of war with another*.” The High Court went on to rule that due to separation of powers issues between the Government and the Judiciary, it was not the role of the Judiciary to further interfere is such matters. There can be little doubt however that members of the Oireachtas, in their role as legislators and in their role in holding the government to account for its actions and inactions, do have a very important role in ensuring that the Irish Government complies with the basic and very important rules of international laws. Steps should be taken to give effect to this.

Finally, greater transparency is required in relation to matters of fundamental importance to Ireland’s foreign policy. As a first step towards achieving this, a full disclosure of all agreements pertaining to the US military and CIA use of Shannon Airport is required.

The logistical support provided for the US military at Shannon is in contravention of Ireland’s neutrality. It is likely that their daily presence on Irish soil, and the tolerance of CIA rendition aircraft at the airport, have resulted in violations of international law. They have contributed to death, torture, starvation, forced displacement and a range of other human rights abuses. We don’t know who or what was taken through Shannon by the US military and CIA; for example we don’t know if US drones were transported through Shannon Airport but we do know that two cargoes of cruise missiles of the type used to attack Baghdad in 2003 were. This is a wholly unacceptable situation. This misuse of Shannon airport could also result in retaliatory security threats which could place workers and customers of Shannon airport at serious risk.

Over 1000 civilians have been killed by drone strikes intended to assassinate US enemies in contravention of international and national laws. Shannon may well have been complicit in this, in the same way as it was complicit in the grotesque and illegal torture of people deemed to be enemies of the US. The only way to know if this is the case is by inspecting the aircraft passing through. Diplomatic assurances are not sufficient to ensure the law is being upheld when it comes to the US military and CIA’s actions around the world.

Recent events in Iraq have shown that nothing positive has emerged from the illegal 2003 invasion of Iraq which Ireland facilitated. Ireland’s role as a proud peacebuilding nation is undermined by its support for such inappropriate interventions. To re-establish our reputation as a nation, the ongoing US military use of Shannon and airspace must be ended fully. After over a decade of supporting war, it is time to start supporting peace.