

Italian court considers trial against CIA agents in rendition case

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Four years ago, Muslim cleric Abu Omar was kidnapped in Italy by US intelligence agents and transferred to an Egyptian torture prison. A hearing is currently taking place in Milan over the possible trial of those responsible for Abu Omar's rendition. Public prosecutor Armando Spataro is seeking to bring charges against the US Central Intelligence Agency (CIA) and the Italian military secret service SISMI (Servizio per le Informazioni e la Sicurezza Militare).

Although Spataro and his colleague Ferdinando Pomerici have collected comprehensive evidence detailing the role of the CIA, it is still unclear whether a trial will actually occur. The main obstacle to such a trial is the stance taken by the Italian head of the government, Romano Prodi, who has declared that important information relating to the cooperation between the CIA and the Italian military secret service constitutes a state secret.

The court, chaired by Judge Caterina Interlandi, must now examine Spataro's application. Spataro wants to bring charges against 26 American and 8 Italian citizens, including high-ranking officers of SISMI. The hearing, which began on January 9, has been adjourned by Judge Interlandi until January 29.

The case of Abu Omar is characteristic of the notorious CIA practice of "renditions." Instead of being charged and brought before a court, alleged terror suspects have been kidnapped and transferred to secret prisons in countries allied to the US. In these prisons, they are subjected to years of torture and abuse and then can simply be disposed of at will. Those European countries where such renditions have taken place not only tolerate such practices, but have been complicit in the operations.

Such was the case in the abduction of Abu Omar in Milan. The Imam was kidnapped in broad daylight as he walked the street, transported in a minibus to the US Air Force base at Aviano where he was flown to the German-US base Ramstein and finally flown to Cairo. In Egypt, attempts were evidently made to enlist his cooperation with promises that he would be returned immediately to Italy. When he turned down the offer, he was thrown in prison and tortured.

Only in April 2004, after over a year in prison, was he temporarily released by the Egyptian authorities. He was able to briefly make contact with friends and family before being re-arrested a short time later. Until today, he remains in the notorious Thora prison in Cairo and has been denied any trial. Neither the Italian government nor the European Union has made any demand that Egypt release him, nor have they made any apology for his treatment.

Public prosecutor Spataro has requested charges on counts of aiding and abetting abduction be brought against 25 American CIA agents who planned and carried out the kidnapping, including the former head of the CIA in Italy, Jeff Castelli, and the CIA station head in Milan, Robert Seldon Lady. In addition, he is seeking to bring charges against the American commander of the US Air Force base at Aviano in northern Italy.

Spataro also wants to charge five members of the Italian military secret

service SISMI for the support they afforded the CIA in carrying out the abduction. Among the Italian agents are the former vice-director of SISMI, Marco Mancini, who is currently in detention and who, in the summer of 2006, already testified to the close cooperation between SISMI and the CIA. His direct superior at the time of the kidnapping, SISMI General Gustavo Pignero, died in September 2006.

The former director of SISMI, Niccolò Pollari, is also to be charged. He was removed from his post at the end of November 2006 "in the course of a reorganisation of the secret services."

Former patrolman Luciano "Ludwig" Pironi, a member of an anti-terror unit of the Carabinieri in Milan, is also amongst the accused. He has already admitted his involvement in the abduction of Abu Omar.

The former vice-director of the right-wing newspaper *Libero*, Renato Farina ("Betulla"), is also to be charged for agreeing, on the basis of financial payment, to cooperate with SISMI against the Milan public prosecutor's office. To this end, he published phony documents in his paper relating to Abu Omar's case.

Spataro is Italy's chief prosecutor for terrorist offences and had himself formerly issued a warrant of arrest against Abu Omar on charges of delivering "hate lectures" against the US. The notorious special police unit DIGOS had attached listening devices and a hidden camera in Abu Omar's dwelling. Evidently, the CIA abduction of Abu Omar thwarted investigations being carried out independently by the Milan public prosecutor's office.

Spataro told the German newspaper *Tagesspiegel*, "I have worked as a public prosecutor for 30 years in the fight against terrorism, and can say with pride that, despite hundreds of deaths, we have fought and defeated it in Italy with the weapons of the law and the constitution."

Spataro is able to back up his accusations against the CIA and SISMI with extensive evidence, including not only the minutes of interrogations of Mancini and Pironi, who have already given detailed statements, but also numerous incriminating recordings of telephone calls by the CIA agents. Some of the recorded calls are from the scene of the crime itself. Other evidence includes photos of Abu Omar taken by the Italian secret service, a letter from the CIA to SISMI announcing the arrival of Abu Omar in Egypt, and a great deal more.

One document of particular significance is the handwritten testimony of Abu Omar himself, which was smuggled out of his Egyptian prison and transferred into the hands of judicial authorities in Milan.

The 11-page letter written by Abu Omar in the Torah prison has been published by both the Italian paper *Corriere della Sera* and the *Chicago Tribune* (See "This is how they kidnapped me from Italy").

It begins with the words: "I, Osama Moustafa Hassan Nasr known by the name 'Abu Omar' the kidnapped Islamist off the Italian streets of Milan on 17-02-03 by U.S. intelligence agents as well as agents of other countries and currently imprisoned in the Torah reception jail in Cairo.... I record my testimony from within my tomb and gravesite: and my facial features have been altered by the screams of the tortured and the sounds of

the whips and the hell of the jail cells.”

Abu Omar gives details of how he was apprehended on the way to the mosque by a policeman who asked for his papers. He was then dragged into a minibus by two Americans, and bound. The policeman, who stopped him in Milan, is the Carabinieri Luciano “Ludwig” Pironi, who has already admitted to his part in the kidnapping.

Abu Omar describes how he was abused during his abduction: “I saw myself lifted into the van so I tried to resist but I was severely beaten in my stomach and the rest of my body and was forced down onto the floor of the car and my face was then masked.... [T]he car sped away while I was in pain from the severity of the beating and as the car drove on, my physical power began to collapse and sounds came out of my mouth that resembled the death gurgle and liquid came out of my mouth (white foam).”

He goes on to describe how he was bound to the point of being unable to move and robbed of his belongings as he was shifted from one plane to another during his transportation from Italy via Germany to Egypt. He was stripped of his clothes, shoes, papers, mobile phone, keys and money. He was forced into a sort of tracksuit, and his face was bound with tape, leaving small openings for his mouth and nose.

Upon his arrival in Egypt, Abu Omar was taken to the main building of the Egyptian national security and secret services in Cairo. There he underwent his first interrogation by high-ranking officers, including an American, who asked him whether he would be ready to cooperate with the Egyptian secret service or the CIA.

The reason for this episode is possibly bound up with an aspect of Abu Omar’s biography, which the *Chicago Tribune* had already uncovered in 2005: Abu Omar, who was a member of the group Jama’a al-Islamiya, had left Egypt at the beginning of the 1990s in order to escape Egyptian repression of Islamists. For a period, Abu Omar lived in Albania.

In 1995, Omar was apprehended by the newly founded Albanian secret service and then approached by the CIA, who asked if he was prepared to cooperate with the US intelligence services. He was turned over to the CIA by the Albanian agents who declared Omar to be a new informant. A short time later, however, Abu Omar disappeared.

He re-emerged in 1997 in Italy, where he was provided refugee status and received an Italian refugee passport. After the September 11 bombings, he was subjected to surveillance by the Milan police. Despite giving vehement anti-American lectures he was assessed to be a “moderating element” who could help prevent possible violence.

It is possible that the CIA had once again sought to recruit his services in 2003. His rejection of this offer in February 2003 during his interrogation in Egypt was the start of a period of unmitigated suffering and torture. The largest part of his letter deals with the abuses he suffered.

Abu Omar describes, how he was stripped naked, bound hand and foot, and then subjected to beatings and electric shock treatment. He was threatened with rape if he refused to talk.

“The atmosphere inside the cell was really bad despite the presence of lighting and despite leaving me without a blindfold but the size of the cell was like hell in the summer with the temperature approaching half boiling point (50 degrees Celsius) and as for the winter the temperature was close to 5 degrees below zero which led to my suffering from rheumatism and weak bones and pain in my chest.” The interrogation with me lasted a complete 7 months.... Seven months passed as if seven years. I experienced pain and torture and reading papers and magazines was completely prohibited as well as radio and television or seeing family members, everything was prohibited, an unbearable hell and I kept myself busy by telling myself that my Italian government would not let me down and that the Italian ambassador will come and release me by force for I am an Italian citizen by law and hold an Italian passport, but none of this happened....

“The food presented to me is a kind of rotting hard (like stone) bread

that if I eat a piece of, the gums become torn and causes pain to the teeth, the percentage of dirt in this bread is higher than the percentage of flour, one must first wet it in water to be able to chew and swallow and they sometimes present rotten food and very little of it as the policy is to not fulfill the prisoner and to just keep him barely alive merely bones covered in a little meat (a skeleton) or (a semi-human being).”

Abu Omar was incarcerated in several different prisons and ended up after seven months in a cell at the state prison of Amn El Dawla. He describes the conditions: “The cell had no electricity and one cannot tell night from day and has no openings for ventilation and there was one blanket. How can I sleep in a bathroom that smells so disgustingly rotten, that cattle would be embarrassed to urinate or defecate in, let alone a human being?... [A]lthough I do not wish to recollect this place I remember what I experienced in brutal torture and sexual abuse and I am overtaken with [unclear word] and uncontrollable and continuous weeping.... The interrogations are conducted in rooms close to the cells and the prisoner hears in his cell the screams, the howling and the weeping. “When I was first kidnapped in Italy, I had maybe 4 or 5 white hairs in my head and in my beard, but after going to Egypt and after the brutal torture the hair on my head and beard has turned white.”

As a result of the systematic torture, Abu Omar lost his hearing in one ear. Repeatedly, he describes how he was tortured—stripped, hung up by his feet, subjected to electric shocks on his head and body, while being struck in the genitals.

“I underwent torture through what they call ‘the mattress’ and it is a mattress that is placed on the tiled floor of the torture chamber and it is wet down with water and attached to electricity. My hands were tied behind my back and so were my feet and someone sat on a wooden chair between my shoulder blades and another sat on a wooden chair between my legs and the electricity was switched on and I find myself raised from the strength of the electricity that is touching the water but the wooden chairs are keeping me from rising high and then the electricity is switched off and the interrogator tortures me by electric shocks to my genitals while cursing me and telling, ‘Let Italy be of benefit to you.’ ”

Abu Omar’s detailed description of his treatment is so gruesome that it is difficult to read it in full. Nevertheless, even more alarming is the fact that he is still being held at the notorious Torah prison, although the Italian authorities have been aware of his plight since April 2004. And the case of Abu Omar is not the only one. It is presumed that some 60 to 70 Muslims have been kidnapped by the CIA and are currently languishing in Egyptian torture prisons.

Should a trial take place in Milan against the accused US and Italian agents, it would represent the first attempt to take action against the CIA for its practice of rendition. However, even if it comes to a trial, it is highly unlikely that any of the accused US agents would appear before the court in Italy. Their details have been put on a Europe-wide wanted list, but so far, Italian Justice Minister Clemente Mastella has refused to pass on to the appropriate US authorities a request for the extradition of the suspects.

None of the accused attended the recent hearing in Milan. Through his attorney, Robert Seldon Lady declared that he refused to recognise the authority of the court, arguing that the entire proceedings were of a political nature and not appropriate for criminal prosecution.

The Italian government led by Romano Prodi also has no interest in backing the trial. Prodi has repeatedly backed the activities of the Italian secret services and is refusing to permit its cooperation with the CIA from coming to light. He does not want to damage the links between the Italian and US military and intelligence services.

On the first day of the hearing, the lawyer defending Niccolò Pollari—SISMI head at the time of the abduction—told the court that should it come to a trial, his client would call both Romano Prodi and Italy’s former prime minister Silvio Berlusconi as witnesses.

Both men have always denied that the Italian government knew anything about the case. Public prosecutor Spataro told the European parliament last year that there was no evidence to point to the involvement of the Italian government, but at the same time he concluded it was difficult to exclude any form of cooperation on their part.



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