

# Italian judge indicts CIA agents for illegal kidnapping

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The US policy of “extraordinary renditions”—the illegal kidnap and transportation of supposed terror suspects to secret detention sites where they are then tortured—was the subject of both an Italian legal investigation and a critical report by the European Parliament last week.

An Italian judge has indicted 26 Americans and 5 Italians for involvement in the kidnapping of Egyptian cleric Abu Omar on the streets of Milan in 2003. Abu Omar (real name, Hassan Mustafa Mosama Nasr) was abducted in Milan, taken to Aviano Air Base and then flown via Ramstein in Germany to Egypt, where he says he was tortured. The indictment is the first time the practice of extraordinary rendition could face scrutiny in open court, with the trial set to begin in June.

Abu Omar was released last week, when an Egyptian court ruled his detention was “unfounded.”

All but one of the Americans involved in the kidnapping have been identified as CIA agents, including former CIA Milan station chief Robert Seldon Lady, former Rome station chief Jeffrey Castelli and US Air Force Lieutenant Colonel Joseph Romano, stationed at Aviano at the time. None of the accused are said to be in the country.

The five Italians indicted included former chief of military intelligence General Nicolo Pollari and his deputy, Marco Mancini.

Pollari, who claims he is unable to defend himself in court since his defence would involve disclosing evidence that is classified top secret, has threatened to call former Prime Minister Silvio Berlusconi and his successor Romano Prodi as witnesses.

The Prodi government—a coalition that includes the supposedly left-wing Rifondazione Comunista (Communist Refoundation)—is continuing the attempts

of its conservative predecessors to delay or derail the case, having requested a ruling from the Constitutional Court on whether prosecutors exceeded their powers in gathering evidence by tapping the phones of Italian secret service agents. This could delay the launching of any formal extradition proceedings against the Americans accused.

The Milan prosecutor in charge of the case, Armando Spatero, defended his investigation, saying his original extradition request had been made to the previous Berlusconi government, before knowledge of the involvement of Italian secret service operatives in the kidnapping.

He also denies breaching any laws in gathering evidence: “The law allows the government to give a negative response, but not to fail to respond to the extradition request.”

In a barbed attack on the Prodi administration, Spatero added, “The silence of this government by now exceeds the length of silence of the previous government.”

Prodi has also faced censure from within his government. Infrastructure Minister Antonio Di Pietro—who gained his reputation as a prosecutor during the “Mani Pulite” (clean hands) investigations into widespread political corruption in the 1990s—criticised the absence of any official request for the extradition of the American agents.

Just before the Italian judiciary launched its case against the CIA agents for their illegal kidnapping of Abu Omar, the European Union parliament voted to accept a highly critical report into secret CIA flights in Europe used to carry alleged terror suspects to third countries where they could be tortured.

The report, drafted by the Temporary Committee on the alleged use of European countries by the CIA for

illegal activities (TDIP), says there were “at least” 1,245 secret CIA flights in Europe between 2001 and 2005.

In preparing its report to the European Parliament, TDIP heard hours of testimony from victims of the renditions policy, their lawyers or representatives, and found that the majority of cases “involved incommunicado detention and torture” during interrogation. Hearings also quizzed senior EU officials and studied flight data from the EU air traffic agency.

The report meticulously documents the many stopovers inside the EU by CIA-operated planes as they transported so-called “terrorist suspects” into the hands of their torturers. These include:

- \* Germany—336 stopovers
- \* United Kingdom—170
- \* Ireland—147
- \* Portugal—91
- \* Spain—68
- \* Greece—64
- \* Cyprus—57
- \* Italy—46

In voting to accept the report—382 for, with 256 against and 74 abstentions—the European Parliament explicitly rejected extraordinary renditions as “an illegal instrument used by the USA in the fight against terrorism.” Furthermore, the majority of MEPs condemned “the acceptance and concealing of the practice, on several occasions, by the secret services and governmental authorities of certain European countries.”

The report deplores the “passivity” of several member states, and notes that some of the secret detention facilities may have been located at US bases in Europe. Several governments refused to cooperate with its investigations or were evasive. These included Austria, Italy, Poland, Portugal and the UK.

Conservative MEPs derided the criticism of the US contained in the report as “anti-Americanism.” They said that the CIA should be free to operate secretly in Europe—“as long as they comply with the law”!

The report endorsed by the European Parliament demands the closure of Guantanamo and calls on European countries to “immediately seek the return of their citizens and residents who are being held illegally by US authorities.”

The European Parliament has no powers to hold

member governments to account for their complicity in the CIA rendition flights. Regardless of any critical noises emanating from Brussels, European governments are uniformly stepping up their attacks on democratic rights across the continent.



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