

A victim of “extraordinary rendition”

# Trial of CIA agents for abduction of expatriate Egyptian imam opens in Milan

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9 June 2007

Twenty six CIA agents and an American Air Force lieutenant colonel went on trial in absentia Friday in a Milan court in connection with the February, 2003 abduction of an expatriate Egyptian imam. Hassan Mustafa Osama Nasr, also known as Abu Omar, was snatched off of a Milan street and secretly sent to an Egyptian prison, where he was held for most of four years and sadistically tortured.

It is the first criminal prosecution involving the US policy of “extraordinary rendition,” in which scores, perhaps hundreds, of alleged terrorists have been kidnapped by American intelligence agents and delivered to countries known for their brutal and abusive methods of interrogation.

Like all of the victims of the illegal US policy, Nasr was never charged with a crime and never brought before any legal tribunal.

Also charged are seven Italian nationals, including Nicolò Pollari, the former head of the country’s military intelligence agency, SISMI. Pollari was forced to resign his post last November.

Pollari’s list of potential defense witnesses includes Silvio Berlusconi, who was prime minister at the time of the kidnapping, and the current prime minister, Romano Prodi, along with top aides to the two men. Pollari’s lawyer is claiming that a high official in the Italian government assented to the abduction.

The beginning of the trial coincided with the release of a report by the Council of Europe documenting the existence over a two-year period of secret CIA prisons in Poland and Romania, and detailing methods of torture employed by the CIA at these facilities, including water-boarding, or simulated drowning. The report charges that the US program has been conducted with the knowledge and collaboration of NATO and European countries such as Germany and Italy. (See: “Report details CIA prisons in Europe”)

The Milan trial opened on the eve of a scheduled state visit by President Bush, who was to arrive in Rome late Friday and meet the following day with the pope, Prime Minister Romano Prodi and Italian President Giorgio Napolitano. Street demonstrations are set for Saturday to protest Bush’s visit.

The Americans are being tried in absentia because Washington has declared it will never agree to extradite them to Italy, and Berlusconi refused to request their extradition. The current prime minister, Prodi, who heads a center-left coalition government that

includes the major offshoots of the old Communist Party, has likewise refused to call for the Americans’ extradition. Prodi has moved to scuttle the trial by charging the chief prosecutor, Armando Spataro, of overstepping his bounds and violating state secrecy laws in gathering evidence.

The Italian Constitutional Court is expected to decide sometime this autumn whether crucial prosecution evidence should be barred or the trial halted altogether.

Friday’s session got underway with empty cages lining two walls of the courtroom. Pollari, who denies any involvement by Italian intelligence in the abduction, was not present. The only defendant in court was Luciano di Gregori, a SISMI agent.

Nasr’s Egyptian lawyer traveled from Cairo to attend the opening. He said Nasr, who was released from prison last February, “wants to be compensated morally and wants those who kidnapped him to pay for their crimes.” He added that Nasr “wanted to come but the Egyptian authorities prevented him.” Nasr is listed as one of the prosecution witnesses.

Spataro, a veteran prosecutor in Milan who specializes in domestic terrorism investigations, told reporters the current case would show the need to fight against terrorism with “the full respect of the laws of our Western democracies.”

The presiding judge, Oscar Magi, adjourned the trial to June 18, when he said he would rule on a motion lodged by Pollari’s lawyer for a suspension of the trial pending the ruling of the Constitutional Court.

On February 17, 2003, Nasr, a Muslim cleric, was grabbed in broad daylight as he was walking from his Milan home to his mosque. He was bundled into a van and driven to the Aviano Air Base, a US facility in northern Italy. From there he was flown to the US military base in Ramstein, Germany, and ultimately delivered to a prison in Egypt.

Nasr was under investigation at the time by Spataro’s Milan office, which suspected he was involved in recruiting and financing Islamic jihadists in Europe. The cleric was living in Italy legally, having obtained political refugee status.

Spataro maintains that the abduction, in addition to violating Italian laws, ruined a long-standing police investigation. Reflecting divisions within the Italian intelligence and police apparatus over American methods and Italian compliance with them, he said, “Kidnapping Abu Omar was a serious crime and did serious

damage to our fight against terrorism.”

Once in Egyptian hands, Nasr was thrown into a nightmare existence of torture and abuse. He told the German magazine *Der Spiegel*, “Egypt’s government did what it always does: carry out Washington’s orders. The dirty work to get me to talk was to be done here. That is why they tortured me, hooked up electric wires to my genitals, hung me on the wall in a solitary cell for days, subjected me to unbearably loud music through headphones. In the first 14 months, I would have confessed to anything.”

He has described one form of torture in which he was forced to lie on a wet mattress through which an electric current was passed. “Cockroaches and rats ran over my body,” he said. “When the guard came in I had to get on my knees or he would beat me with a baton that dealt electric shocks.”

Released for a brief time in 2004, he telephoned family and friends from Egypt, who learned for the first time where he was and what had happened to him. After a few weeks, he was returned to prison.

Spataro obtained his first indictments in the case in June of 2005. The judge who issued the indictments, Caterina Interlandi, said at the time, “It’s a question of principle. Today, it’s Abu Omar. Tomorrow it could be my daughter. These are fundamental human rights, and we have to respect them.”

The attitude to such considerations of the US government was summed up by an unnamed senior US official, who told the media, “The world is a better place with this guy off of the streets.”

Spataro had little difficulty tracking the movements of the CIA agents, who made no serious attempt to cover their tracks. They coordinated their actions via cell phone calls, which were easily traced, and left a trail of rental car bills, expensive meals and rooms at some of Milan’s most luxurious hotels. According to the indictment, the CIA agents ran up a tab of \$150,000 in hotel bills alone.

All of this strongly suggests that they had no fear of getting caught because they had high-level authorization from the Italian government.

Prosecution lawyers say they have compiled thousands of pages of documents and testimony from Italian agents both past and present, some of whom have admitted working with the US in planning the kidnapping.

Among the indicted Americans are the former CIA Milan station chief Robert Seldon Lady, the Rome CIA chief Jeffrey Castelli and US Air Force Lieutenant Colonel Joseph Romano, who was stationed at Aviano at the time.

Nasr denies that he is a terrorist or advocate of Islamic extremism. In an interview published Thursday in *Le Monde* he said he rejected the “ideology and methods” of jihadists. “I don’t even know how to use a gun,” he said. “I fled Egypt before my military service.”

An investigative report on his case published by the *Chicago Tribune* in July of 2005 called Nasr “something of a force for moderation.”

That article presented information linking the imam to US intelligence agencies. According to the *Tribune* article of July 2, 2005, Nasr had been a valued informant for the CIA in 1995 when he was living in exile in Albania. It also cited an account that Nasr

“was trained by the US to fight the Soviets in Afghanistan.”

He was said to have connections to the Islamist group Ansar-al-Islam. Five days prior to Nasr’s abduction, then-Secretary of State Colin Powell addressed the United Nations Security Council and gave his brief, composed of gross distortions and lies, for US military action to topple Saddam Hussein. Powell’s chief “evidence” of Iraq-Al Qaeda ties was the presence of Ansar-al-Islam in the north of Iraq.

This suggests that the imam’s abduction may have been motivated by a desire to compel him to provide false information to justify the impending invasion of Iraq. It is entirely plausible that the CIA wanted Nasr to provide incriminating evidence against the group and buttress the phony claim that it was operating inside Iraq as an Al Qaeda outpost with the blessings of the Saddam Hussein regime.

*Newsweek* magazine wrote on June 29, 2005, “Although much about the alleged CIA operation remains shrouded in secrecy, the Italian court records and the timing of the alleged snatch suggest that it may have been driven by the agency’s interest in quickly getting new information about what Abu Omar [Nasr] knew about Ansar al-Islam, either to bolster the administration’s argument in support of the invasion or to disrupt a terrorist network inside Iraq that would be fighting US forces once the invasion began, according to some former CIA officials.”

It is also possible that the US wanted to disrupt the investigation of Nasr being conducted by Spataro in order to prevent the emergence of information that would be damaging to the CIA.

At the time of the initial indictments in the case, the *World Socialist Web Site* wrote (June 27, 2005), “Whether or not the accused CIA operatives are brought to trial, the indictment against them has thrown the spotlight on the outlaw role of the US on the world arena. But other questions are raised by the US government’s practice of thwarting investigations and prosecutions of terrorist suspects by other countries.

“What are the Bush administration and the American intelligence agencies afraid of? Are they following the old adage that dead men—and “disappeared” men—tell no tales? Are they deliberately aborting trials that might reveal links between the American state and terrorist groups and individuals, including those connected to the attacks of September 11, 2001?”

These questions retain their full relevance today.



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