

Italy Convicts 23 Americans for C.I.A. Renditions



Luca Bruno Associated Press European Pressphoto Agency

Armando Spataro, a prosecutor shown in Milan on Wednesday, achieved the first convictions involving the American practice of rendition, a significant symbolic victory.

By RACHEL DONADIO
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MILAN — In a landmark ruling, an Italian judge on Wednesday convicted a base chief for the [Central Intelligence Agency](#) and 22 other Americans, almost all C.I.A. operatives, of [kidnapping a Muslim cleric](#) from the streets of Milan in 2003.

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The case was a huge symbolic victory for Italian prosecutors, who drew the first convictions involving the American practice of [rendition](#), in which terrorism suspects are captured in one country and taken for questioning in another, often one more open to coercive [interrogation techniques](#).

Critics of the Bush administration have long hailed the case as a repudiation of the tactics it used to fight terrorism. And the fact that [Italy](#) would actually convict intelligence agents of an allied country was seen as a bold move that could set a precedent in other cases.

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Still, the convictions may have little practical effect. They do not seem to change the close relations between the United States and Italy. Nor did they reveal whether the government of Prime Minister [Silvio Berlusconi](#) had

approved the kidnapping. And it seemed highly unlikely that anyone, Italian or American, would spend any time in prison.

Judge Oscar Magi handed an eight-year sentence to Robert Seldon Lady, a former C.I.A. base chief in Milan, and five-year sentences to the 22 other Americans, including an Air Force colonel and 21 C.I.A. operatives. Three of the other high-ranking Americans were given diplomatic immunity, including Jeffrey Castelli, a former C.I.A. station chief in Rome.

Citing state secrecy, the judge did not convict five high-ranking Italians charged in the abduction, including a former head of Italian military intelligence, Nicolò Pollari.

All the Americans were tried in absentia and are considered fugitives. Through their court-appointed lawyers, they pleaded not guilty.

Italian prosecutors had charged the Americans and seven members of the Italian military intelligence agency in the abduction of Osama Moustafa Hassan Nasr, known as [Abu Omar](#), on Feb. 17, 2003. Prosecutors said he was snatched in broad daylight, flown from an American air base in Italy to a base in Germany and then on to Egypt, where he asserts that he was tortured.

Ian C. Kelly, a State Department spokesman, said the United States was “disappointed” by the verdicts in Milan. He said that because the verdicts were likely to be appealed, he could not comment on the specifics of the case.

Armando Spataro, the counterterrorism prosecutor who brought the case, said he was considering asking the Italian government for an international arrest warrant for the fugitive Americans.

Mr. Spataro said he was pleased with what he called “very courageous” verdicts. He said it was a victory that “we brought the trial to an end, and the facts were shown to be what they were.”

In May, Mr. Magi ruled that there was enough evidence to proceed with the case even after Italy’s Constitutional Court ruled in March that any evidence of coordination between the Italian secret services and the C.I.A. violated state secrecy rules and was therefore inadmissible.

Mr. Magi also asked for \$1.45 million in damages for Mr. Nasr and \$750,000 for his wife, Ghali Nabila. In separate lawsuits, Mr. Nasr, who is now living in Alexandria, Egypt, is seeking \$14 million in damages from the defendants, and his wife is seeking \$7.4 million against the Italian authorities. In August the couple also filed a suit with the

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European Court of Human Rights.

[Human Rights Watch](#) and [Amnesty International](#) applauded Wednesday's ruling. In a statement, Tom Parker, [Amnesty International](#)'s United States point man for terrorism issues, called on the Obama administration to "repudiate the unlawful practice of [extraordinary rendition](#)."

The administration has closed secret overseas prisons but is keeping the practice of rendition in place.

At the time of his abduction, Mr. Nasr was under surveillance by the Italian authorities, who suspected him of preaching violence from his Milan mosque and recruiting militants to send to Iraq in anticipation of the American invasion. He was missing for a year, finally resurfacing in Egypt, where he called his wife in Italy to say he had been tortured.

The phone call was enough to activate Italian prosecutors, who are required to investigate if there is the possibility of a crime.

Prosecutors were able to reconstruct his disappearance using cellphone records traced to the American agents. The operatives used false names but left a paper trail of unencrypted cellphone records and credit card bills at luxury hotels in Milan.

Court-appointed lawyers for several of the American defendants assert that prosecutors never adequately established their clients' identities. They said they would appeal the ruling.

"The C.I.A. has not commented on any of the allegations surrounding Abu Omar," said Paul Gimigliano, a C.I.A. spokesman.

The Italian government has denied involvement. Through a spokesman, it declined to comment on Wednesday.

In June, *Il Giornale*, a newspaper owned by the brother of Mr. Berlusconi, [published an interview](#) that it said it had conducted via [Skype](#) with Mr. Lady, the former C.I.A. base chief in Milan, whose whereabouts are unknown. In the interview, he said of Abu Omar's abduction: "Of course it was an illegal operation. But that's our job. We're at war against terrorism."

Among the 22 Americans convicted was [Sabrina De Sousa](#), who was accused of having worked closely with Mr. Lady and who has sued the State Department for diplomatic immunity.

Ms. De Sousa's lawyer, Mark Zaid, said she would amend her lawsuit against the State Department, pending in federal court in Washington, adding as defendants Mr. Castelli, Mr. Lady and the C.I.A., because "according to news reports, they were responsible for this alleged abduction." [Ms. De Sousa](#) has never admitted working for the C.I.A. and has denied any role in the rendition. Former colleagues have said she did work for the agency.

According to one former senior C.I.A. official, Mr. Castelli, as the C.I.A.'s Rome station chief, was assigned to the American Embassy and would therefore be entitled to full diplomatic immunity. But Mr. Lady and Ms. De Sousa worked out of the United States Consulate in Milan and had more limited immunity.

The former C.I.A. official said that if Italian prosecutors were successful in getting an international arrest warrant, the convicted spies would probably face the threat of arrest anywhere outside the United States for the rest of their lives.

Both Mr. Castelli and Mr. Lady have retired from the C.I.A., according to former agency officials.

Most of the top C.I.A. officers said to have planned the Abu Omar rendition have left the agency, with the exception of [Stephen R. Kappes](#), who at the time was the assistant director of the C.I.A.'s clandestine branch.

He is now the C.I.A.'s second ranking official.

Mark Mazzetti and Scott Shane contributed reporting from Washington.

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