



Written by [Joe Wolverton, II, J.D.](#) on September 21, 2012

## Italian High Court Upholds Convictions in CIA Rendition Case

On September 19, the Italian Supreme Court  upheld the decision of a lower court convicting 23 Americans — 22 of whom were CIA operatives — of kidnapping an Egyptian suspected of aiding al-Qaeda and the Taliban.

A [story published by the New York Times](#) reports that the defendants included “22 employees of the [C.I.A.](#) and an Air Force colonel at a United States base in Italy.” The article also lists the sentences as seven years for the 22 employees of the [CIA](#) and the Air Force colonel. The former CIA station chief in Milan, Robert Seldon Lady, was reported sentenced in absentia to nine years in prison.

The Americans were not present at the trial in 2009 where they were found guilty of kidnapping Osama Mustafa Hassan Nasr, taking him from the streets in Milan in 2003 and transporting him to a rendition center in Egypt where he was allegedly tortured by Egyptian and American intelligence agents.

While the ruling is a moral victory for due process and the rule of law, it is unlikely to have any practical effect on the defendants as the government of Italy has not requested their extradition from the United States.

In a phone call, the CIA refused to comment to *The New American* on the Italian court’s decision.

According to [a report on CNN](#), Italian prosecutors claimed that the CIA worked with Italian intelligence agents to locate and nab Nasr, also known as Abu Omar.

In [a statement released by the American Civil Liberties Union](#) (ACLU) Human Rights Program, executive director Jamil Dakwar wrote:

The Italian ruling highlights the lack of accountability in the U.S. courts for serious crimes committed by government officials in the name of national security, such as kidnapping and torture. U.S. diplomatic cables released by WikiLeaks showed that Washington tried to derail the Italian investigation instead of supporting the interests of justice. Though legal questions remain, such as the validity of trials in absentia, American officials would be wise to heed the Italian court’s message that those who violate the law will be called to answer.

After the attacks of September 11, 2001, several civil liberties were effectively revoked purportedly as a response to the threat of terrorism. Due process — the right of an accused to face his accuser, know of the charges placed against him, and to defend himself against those charges before an impartial judge — was among those abridged rights.

The CIA was appropriately criticized for the practice of kidnapping suspects and flying them to prisons known as “black sites.”

“[Black sites](#)” is the name given to the officially unconfirmed network of secret prisons located throughout the world used by the CIA to imprison and interrogate individuals suspected of committing or conspiring to commit terrorist activities.

These facilities are built outside of the jurisdiction of the U.S. government and thus are not subject to



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American laws against torture.

Persons accused by the U.S. government of being “enemy combatants” became subject to “extraordinary rendition” and — once located and captured — shipped off to one of the prisons for questioning, where the detainees were often reportedly subjected to inhumane tactics to illicit responses from them.

President George W. Bush [admitted the existence of the secret prisons in 2006](#), the same year they were supposedly shuttered and all the inmates transferred to Guantanamo.

After that, it was reported that the policy of maintaining the sites was abandoned in 2009.

Regardless of the pyrrhic nature of the high court’s ruling, the lead prosecutor sees it as an important defense of civil liberty. The [New York Times quotes Armando Spataro saying](#), “The ruling is important because it confirms the reconstruction of the facts. It confirms that what happened was incompatible with democracy.”

Although it is unlikely to result in the actual serving of any of the sentences imposed by the Italian Supreme Court, their ruling may spur other European nations to reboot their own investigation into the practice as carried out in their own countries.

[As reported by euobserver.com:](#)

Lithuania, Romania and Poland should re-launch independent inquiries into allegations that their governments were complicit with CIA rendition and secret detention centres, according to a report backed Tuesday (11 September) by MEPs [members of the European Parliament] in Strasbourg.

In the report by French Green MEP Helene Flautre, MEPs accused EU governments of failing to investigate “highly credible allegations” of illegal detention and rendition.

While a number of member states have instigated parliamentary inquiries into the allegations, politicians and campaigners have come up against numerous barriers, including restrictions on access to documents, narrow remits for investigation, and political pressure.

In [December, 2011, The New American reported](#) on the discovery of a suspected black site prison in Romania.

In this case, reporters from the AP teamed with German investigative reporters from the public television network ARD, and the German newspaper *Sueddeutsche Zeitung* in conducting an investigation that allegedly discovered the supposed site of secret torture.

Reportedly, former CIA operatives led the reporters to the building. In fact, the AP story states that “former intelligence officials both described the location of the prison and identified pictures of the building.”

The existence of the Romanian location, while never confirmed by the government of the United States, the CIA, or the government of Romania, was part of a report adopted by the [European Parliament](#) in 2007. The document listed 1,245 flights operated by the CIA in the area, especially into and out of Poland and Romania.

The building in Bucharest reported to be the former CIA holding facility was used to detain Khalid Sheik Mohammad, as well as other “high-profile terrorists” before they were shipped off to Guantanamo Bay.

Among the other suspected terrorists believed to have been confined in the Romanian prison were



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Walid bin Attash (accused of participating in the bombing of the USS *Cole*) and Abu Faraj al-Libi, the reputed source of the name of Osama bin Laden's courier.

Given the mention of Poland in the European Parliament's report on the re-opening of rendition investigations, it is noteworthy that the closing by the CIA of a Polish prison in 2003 reportedly led to the opening of the Romanian facility.

In 2010, Warsaw petitioned the American government for help in investigating the purported prison. The request was denied.

In the EU report, British Liberal MEP Sarah Ludford encouraged European governments to "have the guts and self-respect to enforce accountability for its own members' involvement in human rights abuses."

The EU's value on human rights would be "badly undermined by the justified suspicion that some of our member states rode roughshod over international law and civil liberties," she added.

Italy's high court, the European Parliament, and the ACLU are right to require the government of the United States to be faithful to the foundational principles of individual freedom and due process.

Furthermore, given the definition of "enemy combatant" included in the National Defense Authorization Act, constitutionalists must vigorously defend such attempts to dissuade this type of tyranny lest such secret torture facilities be constructed in the United States and [journalists and other citizens who dare oppose](#) the Establishment be grabbed off the street and locked up there indefinitely.

*Photo: The Palace of Justice in Rome, Italy, seat of the Supreme Court of Cassation (Italy's Supreme Court).*



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