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Italy: Convictions in rendition case a step toward accountability

(Milan) The convictions of US and Italian intelligence agents for their involvement in the abduction of Usama Mostafa Hassan Nasr (better known as Abu Omar) mark a step toward accountability for crimes committed in the course of the USA's "rendition" programme, said Amnesty International today.

"The simple truth of this case is that a man was kidnapped in broad daylight, and then illegally transferred to Egypt where he reported being tortured," said Julia Hall, Amnesty International's expert on counter-terrorism in Europe.

"Such acts can not and should not go unpunished and the agents responsible must be held accountable for the fact that they were complicit in a number of other serious crimes, including enforced disappearance and torture committed against Abu Omar."

The Milan prosecutors had issued arrest warrants for the US defendants in 2005 and 2006, but successive Italian Justice Ministers refused to transmit them to the US government.

"The prosecutors did everything in their power to ensure that the US agents appeared in court," said Julia Hall.

"By refusing to forward the extradition requests to the USA, the Italian government dealt a serious blow to the fairness of the proceedings."

None of the US citizens who were convicted appeared in court. Although Italian law allows for trials in absentia, international law requires that a person be present at his trial to hear the full prosecution case, put forward a defence, challenge the evidence and examine witnesses. If they are apprehended in future, the US nationals convicted in absentia, are entitled to a new trial before a different court and to the presumption of innocence in that new trial.

"The Bush administration erected a wall of silence, refusing to acknowledge the Abu Omar case or the role its own intelligence agents played in it," said Julia Hall.

"It is time for the Obama administration to right that wrong. The US government should not offer safe haven to any person suspected of involvement in enforced disappearance or torture."

Amnesty International has called on the USA to initiate an independent and impartial criminal investigation into Abu Omar's abduction, enforced disappearance and torture and to prosecute those CIA agents and military officials suspected of involvement in those crimes. The Italian government should cooperate in full with any state seeking to investigate and prosecute persons alleged to have been involved in Abu Omar's

abduction and rendition.

The Egyptian authorities must also thoroughly investigate and bring to justice those responsible for the enforced disappearance and torture of Abu Omar in Egypt.

The Milan court provisionally awarded Abu Omar one million euros and his wife, Nabila Ghali, 500,000 euros for the abuse and injustice they suffered. The Court referred the compensation issue to a civil court for further consideration.

“Victims of enforced disappearance and torture have a right to justice, truth and full reparations,” said Julia Hall.

“The Italian court awarded monetary compensation to Abu Omar and his family for Italy’s role in their abuse and suffering, and now the US and Egyptian governments should follow suit.”

Background:

Those convicted included 22 US agents or officials of the Central Intelligence Agency (CIA) and one US military officer. Three other US nationals, including the then CIA station chief in Rome, were granted diplomatic immunity and the cases against them were dismissed.

Two Italian military intelligence agents (of the then-called Servizio per le Informazioni e la Sicurezza Militare or SISMI) were also convicted, and sentenced to three years. The cases against the former head of SISMI, Nicolò Pollari and his deputy, Marco Mancini, were dismissed based on “state secrets” privilege, as were the cases of three other Italians.

The accused were prosecuted for their involvement in the February 2003 abduction of Abu Omar, who was forcibly disappeared from a Milan street and flown via Germany to Egypt, where he was secretly detained for 14 months and allegedly tortured. Those convicted were charged only with involvement in Abu Omar’s abduction, not for his enforced disappearance or torture.

See also:

Italy: The Abu Omar case, (AI Index: EUR 30/012/2009)

Europe: State of denial: Europe’s role in rendition and secret detention, (AI Index EUR 01/003/2008)

Italy: Minister of Justice must forward CIA extradition requests to US authorities (AI Index: EUR 30/002/2007)

Abu Omar: Italian authorities must cooperate fully with all investigations (AI Index: EUR 30/006/2006)