

# AMNESTY INTERNATIONAL

## Public Statement

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### Italy

## Abu Omar: Italian authorities must cooperate fully with all investigations

Amnesty International (AI) is concerned that Italian security services, as well as foreign security service agents operating in Italy, have not acted with full respect for international human rights laws and standards. Amnesty International is urging the Italian executive to forward the extradition requests issued by a Milan court in July 2006 for 26 people believed to be US citizens, including 25 suspected CIA agents. Arrest warrants have been issued against them in connection with the rendition of Abu Omar in February 2003 from Italy to Egypt.

### The abduction of Abu Omar

Around 12:30pm on 17 February 2003, Abu Omar, who has Italian residency, was abducted from a street in Milan as he was on his way to a local mosque. Allegedly, two people dressed as Italian policemen and speaking Italian blocked Abu Omar's way, while other agents appeared and forced him into a white vehicle. According to a witness, Abu Omar was sprayed with an unknown substance in his mouth and nose area before having his mouth taped.

Abu Omar was taken to the US military base at Aviano in northern Italy. From there, he was flown in a Learjet LJ-35 using the call sign SPAR-92, to the US military base Ramstein, in Germany, and then on to Cairo.

During the transfer process, Abu Omar claims to have been beaten and interrogated by people speaking both English and Italian. In Egypt, he has said that he was imprisoned and tortured, including being hung upside down and having electric shocks applied to his testicles.

It was reported that before his abduction, Italian police had been monitoring Abu Omar for some time. After his abduction, a court in Milan started looking into the case and found evidence implicating the involvement of CIA operatives in Abu Omar's "disappearance". The evidence found included false passports, credit card details, false names, hotel bills and details of the suspected CIA operatives' mobile phones which revealed the details of their locations and conversations, implicating them in the abduction of Abu Omar.

On 20 April 2004, Abu Omar was temporarily released from prison in Egypt to visit his family in Alexandria. He called his wife in Italy and friends in Milan and told them that he had been tortured. Egyptian authorities re-apprehended him on 9 May 2004. He has since been in detention in Egypt. To date, the Egyptian authorities have refused to respond to requests for information about what has happened to Abu Omar since his abduction from Italy.

According to interviews given by Abu Omar's lawyer to an Italian newspaper, Abu Omar would like to return to Italy and to sue the Italian state for its involvement in his abduction. According to his lawyer, he is currently not being tortured, but is still suffering from the abuses he had previously suffered at the hands of the Egyptian authorities following his abduction.

### Evidence of CIA involvement

- o A witness to the abduction was able to describe the exact place and time of the abduction, and testified that the abductors made phone calls from mobile phones during the event.
- o The Italian police's special intelligence unit *Digos* wire-tapped the phone calls that Abu Omar made to his family whilst on temporary release from prison in Egypt in April 2004. During these phone calls, Abu Omar explained that he had been abducted by Americans, and they had taken him to a place that was a five-hour drive from Milan. The US airbase at Aviano is almost exactly five hours' drive from Milan.
- o Several of 17 mobile phones purchased close to the time and location of the abduction were used to call the US consulate in Milan and numbers in McLean, the USA, (the location of CIA headquarters).
- o Three of the mobile phones, established as having been present on the same street at the time of the abduction, were used five hours later in the vicinity of the US airbase at Aviano, thus establishing a direct link between the

abductors and the airbase.

- o Some of the same 17 mobile phones were also used to rent cars, book restaurants and hotels in Italy. *Digos* contacted the hotels in question and obtained photocopies of the passports of the suspected CIA operatives. Records show that other calls were also made to the US embassy in Rome and the US consulate in Milan.
- o During their stay in Italy, the suspected CIA operatives committed several driving offences which were caught on CCTV. With the help of the CCTV footage, Italian police were able to trace the number plates to car rental firms. From information provided by the rental firms, the police were able to confirm that the drivers were the suspected CIA operatives.
- o Surveillance photos of Abu Omar taken on 14 January 2003 in Milan were found on a disk at the home of Robert Seldon Lady, who at the time was believed to be the CIA's highest ranking officer in Milan. Robert Seldon Lady had taken a two-week trip to Cairo just five days after Abu Omar had been abducted. Data from Robert Sheldon Lady's computer also showed that it had been used to calculate the fastest way from Milan to Aviano.

### **Evidence of Italian involvement**

Several SISMI (Italian Military Intelligence and Security Service) agents and *carabinieri* (military police) are being investigated by Italian magistrates for kidnapping or complicity in kidnapping, including the SISMI head Nicola Pollari.

The SISMI agents who are being investigated include two high-ranking officials, Gustavo Pignero and Marco Mancini, for whom arrest warrants have been issued by the Italian magistrates. In a conversation between Gustavo Pignero and Marco Mancini, which was recorded on 2 June 2006, Gustavo Pignero allegedly admitted that SISMI had received, via the head of SISMI Nicola Pollari, a hand-written request from the CIA to assist the abductions of four suspected terrorists. Abu Omar's name was the first name on the list. According to press reports, Gustavo Pignero, who died of cancer in September, later destroyed the note. Nicola Pollari denies any involvement in the Abu Omar abduction. Meanwhile, according to media reports Marco Mancini has admitted to having participated in the preparation of the abduction.

The mobile phone of Luciano Pironi, a carabinieri officer, was allegedly used at the time and location of the kidnapping. Luciano Pironi is also reported to have had frequent contacts with Robert Seldon Lady. According to court documents which formed part of the initial investigation, Luciano Pironi stopped Abu Omar to ask for his identity papers and while checking them, he led Abu Omar to the white van which was used in the abduction. Luciano Pironi has reportedly admitted to participating in the kidnapping. Luciano Pironi claims that the CIA later invited him to tour CIA headquarters in Langley, Virginia, in the USA.

### **The legal process**

On 22 June 2005, a Milan court issued arrest warrants for 13 suspected CIA operatives alleged to have been involved in the forcible abduction of Abu Omar. The arrest warrants stated that the CIA operations violated Italy's sovereignty.

On 20 July 2005, arrest warrants for a further six alleged CIA operatives were issued by the Milan court.

On 27 September 2005, arrest warrants for three additional alleged CIA operatives were issued by the Milan court, including for a US diplomat who had previously worked for the US embassy in Rome.

On 10 November 2005, Italian prosecutors requested that Italy's Minister of Justice seek the extradition of the suspected CIA operatives believed to be responsible for Abu Omar's abduction from the United States.

On 23 December 2005, European Arrest Warrants (EAW) were issued for the 22 suspects. EAW are enforceable in all of the 25 EU member states.

On 20 January 2006, Italian Minister of Foreign Affairs Gianfranco Fini claimed in the Italian media to have discussed the issue of Abu Omar with US Secretary of State, Condoleezza Rice.

On 21 January 2006, the Italian Minister of Justice signed a document which permitted the Italian magistrates to carry out interviews with suspects in the USA. However, to date, the Italian government has not actively sought the extradition of the relevant CIA operatives from the USA.

On 23 February 2006 the prosecutor in the Abu Omar case shared the details and possible implications of his investigation with the members of the European Parliament's Temporary Committee on the alleged use of European centres by the CIA for the transport and illegal detention of prisoners.

On 3 July 2006, arrest warrants for four more US citizens, including CIA operatives, were issued including Jeffrey Castelli, the head of the CIA office in Italy at the time of the abduction. This brought the total number of arrest warrants for alleged US operatives to 26.

In July, arrest warrants were also issued for two agents from the Italian security service, SISMI: Gustavo Pignero and Marco Mancini.

In July 2006, due to legal technicalities, the Milan public prosecutor had to renew the extradition requests for the suspected CIA operatives for whom arrest warrants had been issued.

In August and September 2006, computers belonging to the daily newspapers *La Repubblica* and *La Stampa* were seized by a Brescia court. The hard-drives of the computers were cloned in order to establish whether they contained information on the Abu Omar case. A *La Repubblica* journalist is currently co-operating with the European Parliament inquiry into renditions.

In November 2006, the Milan court finalized the translations of the extradition requests into English. This means that there are now no legal obstacles to the Italian government forwarding the extradition requests to the US authorities. According to Italian law, there is no specified time limit within which the government needs to forward the extradition request.

## **Background**

### **Allegations of torture in Egypt**

Torture is systematically used in detention centres throughout Egypt. Among the detainees particularly at risk are convicted and alleged members of armed Islamist groups, including people who have been forcibly returned from abroad.

Allegations of torture are rarely investigated. Hundreds of complaints of torture and other ill-treatment in recent years have been brought to the attention of the authorities by victims, their lawyers or local and international human rights groups. Despite this, the Office of the Public Prosecutor, which has a legal responsibility to investigate such complaints, has repeatedly failed to mount any effective investigations. State officials are therefore able to commit torture with impunity.

In May 2005, while visiting the USA, Egyptian Prime Minister Ahmed Nazif stated that 60 or 70 people had been transferred to Egypt by US intelligence services since September 2001. When questioned about this statement during his visit to London in March 2006, he stated that “[t]hat number would vary over time, so it is very difficult to pin it down.” Neither statement clarified which authorities were responsible for the arrests and detention; where the detainees were being held; and whether or not they had access to the outside world.

### **Amnesty International calls on the Italian authorities to:**

- o Ensure that Italian security services, as well as agents from any other country operating in Italy, act with full respect for international human rights laws and standards.
- o Co-operate fully with ongoing international, regional and national investigations and judicial proceedings regarding rendition and secret detention on the Abu Omar case and any other rendition case.
- o Provide the Italian judiciary with all information at their disposal on the actions of CIA agents and Italian SISMI agents before, during and after the abduction of Abu Omar.
- o Co-operate fully with the Italian judiciary by asking the US authorities for the extradition of the people for whom arrest warrants have been issued.
- o Press the government of Egypt to establish an independent and impartial investigation into allegations of torture or other ill-treatment of Abu Omar and hold accountable any individual responsible.
- o Make immediate representations to Egypt for the return of Abu Omar to Italy unless he is promptly charged with a recognizably criminal offence and tried without any further delay; the proceedings should comply fully with international fair trial standards and exclude the possibility of the death penalty.
- o Ensure that appropriate reparation is provided to Abu Omar and his family by any states found to be responsible for the violation of his human rights.

### **For further information about the US rendition programme, see:**

<http://web.amnesty.org/pages/stoptorture-renditions-eng>

### **For further information on European states' complicity in renditions, see:**

<http://web.amnesty.org/library/Index/ENGEUR010082006?open&of=ENG-ITA>