

# CIA Agents on Trial in Amu Omar Kidnapping

by Claudio Celani

CIA paramilitary activities launched under the Cheney-Bush phony “war on terror” policy went to court in Milan on Jan. 9, when the first preliminary hearing took place in a trial against 26 CIA officials for the kidnapping and torture of an Egyptian citizen, Nasr Osama Mustafa Hassan, known as Abu Omar. Abu Omar was kidnapped on Feb. 17, 2003, in Milan, and flown to Egypt via U.S. military bases in Italy and Germany. He was imprisoned and tortured, but managed to smuggle out an affidavit to Milan prosecutors, with a dramatic description of the treatment he underwent (see *EIR*, Nov. 24, 2006).

Along with the 26 U.S. citizens, two former high officials from Italian military intelligence (SISMI) are also defendants in the trial: former SISMI director Nicolò Pollari and former counterintelligence director Marco Mancini. Another defendant is a Carabinieri policeman, Giuliano Pironi, who participated in the kidnapping.

Pollari demanded subpoenas for numerous current and former Italian government officials. On the U.S. side, the question must be raised whether the chain of command stopped at CIA headquarters, or went further up, to Dick Cheney’s office. It looks improbable that, if Italian involvement goes up to the highest government levels, the U.S. counterparts were “just” the CIA.

## An Open Fight

The Abu Omar case offers leverage to U.S. legislators to help reverse ominous illegal practices run by the Bush-Cheney Administration, and potentially, to provide further ammunition for impeachment. The new political climate in Washington is allowing a fight inside the CIA itself, on “rendition” policies, to come to light, as reported by the *Chicago Tribune* on Jan. 9. After the Abu Omar abduction, the *Tribune* writes, naming senior CIA sources, “an internal review of what went wrong in Milan had generated tension within the Agency.” The same source said that one of those who signed off on the Abu Omar abduction was Stephen Kappes, at the time, the CIA’s associate deputy director for operations, and currently its no. 2 official. Initial enthusiasm for paramilitary operations is now fading at the CIA, writes the *Tribune*.

In the Milan trial, former CIA station chief in Milan, Robert Seldon Lady, could play a decisive role. According to the *Tribune*, Lady seems to have been against the kidnapping, but could not oppose Rome station chief Jeff Castelli, who was

backed by higher-ups. Lady reportedly tried indirectly to stop the operation, by informing his Italian colleague, SISMI Milan station chief Stefano D’Ambrosio. But when D’Ambrosio, who also opposed the abduction, was removed, Lady had to obey orders.

D’Ambrosio told prosecutors that Lady’s opinion of Castelli as a terrorism fighter was not high. “What do you expect someone who is a Buddhist, burns incense in his office, and listens to the music of Bob Marley, to know about terrorism?” D’Ambrosio quoted Lady as saying. Castelli was promoted to a senior position in Langley after the abduction.

Lady is being offered immunity by Italian prosecutors if he takes the stand. However, at the preliminary hearing, Lady’s lawyer unexpectedly resigned. “This is a political case and I am not a political mediator,” said Daria Pesce, adding that her client “does not recognize Italian justice.” Prosecutor Armando Spataro answered, “We were used to hearing this answer from the Red Brigades.”

Lawyers for Pollari called for subpoenas to be issued to former Prime Minister Silvio Berlusconi, current Prime Minister Romano Prodi, former Defense Ministers Antonio Martino and Franco Marini, plus two former Cabinet members. Pollari, who is accused of having collaborated with the CIA commandos in preparing the abduction, says that exculpatory evidence is contained in classified papers. Such papers probably contain reference to U.S.-Italian deals at the government level, struck by Berlusconi and his “good friend” George W. Bush, and maintained by Berlusconi’s successor, Prodi.

Lawyers for former SISMI official Marco Mancini produced a thick stack of documents showing that SISMI kept Abu Omar under surveillance from Sept. 11, 2001 to the day of his abduction in February 2003. Furthermore, they produced a letter from the CIA in May of that year, informing them that Abu Omar was in Egypt.

The Italian government must soon decide whether to accept the prosecutors’ requests for extradition of the U.S. agents and file them with the U.S. government. Of course, it is expected that the Bush-Cheney Administration will turn them down; nevertheless, if the requests are filed, this will be a highly significant political move.

Justice Minister Clemente Mastella, a man with a highly developed sense of political opportunism, has come under strong pressure from a group of senior Senators. The head of the Senate Judiciary Committee, Cesare Salvi; former Milan chief prosecutor Gerardo D’Ambrosio; former Venice prosecutor Felice Casson; and former Palermo prosecutor Giuseppe di Lello (all famous players in past investigations against terrorism and the mafia), along with two more Senators, filed a parliamentary interrogation asking, “Why has the Justice Minister not yet acted on requests by Milan judiciary authorities, for extradition and search through Interpol, in order to arrest 26 U.S. citizens?” The interrogation uses strong arguments: Public opinion must get “a strong testimony of our capacity to ensure respect for legality in our country.”