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CIA Agents Convicted in Italy Unlikely to Serve Time

By Bobby Ghosh / Washington



Italian prosecutor Armando Spataro speaks to a Milan court on Nov. 4, 2009, at the end of the trial of 26 Americans in the 2003 abduction of terrorism suspect Osama Moustafa Hassan Nasr

Giuseppe Cacace / AFP / Getty

Twenty-two CIA agents who were convicted by a Milan court on Wednesday of kidnapping an Egyptian cleric are unlikely to spend any time in prison. The verdict, announced by Milan judge Oscar Magi, is only the first step in the labyrinthine Italian legal system, and the government of Prime Minister Silvio Berlusconi has shown no desire to pursue the case.

According to the Associated Press, Magi convicted 23 Americans, one of whom is an Air Force officer, for the February 2003 kidnapping of Osama Moustafa Hassan Nasr, under the CIA's controversial "extraordinary rendition" program. Three other Americans were acquitted because they have diplomatic immunity. Two Italian secret agents were also convicted. Five other Italians were acquitted, including the head of the country's military intelligence, who resigned when the kidnapping became public. ([See a pictorial history of the CIA.](#))

Of the 23 Americans convicted, 22 were sentenced to five years in jail; Robert Seldon Lady, the agency's former station chief in Milan, was given eight years. All of the Americans, however, were tried in absentia. Defense lawyers were appointed by the court but had no contact with their clients. The lawyers have said they will appeal the verdict, which came at the end of a nearly three-year trial.

The prosecution charged that Nasr, an imam at a Milan mosque, was grabbed in the street, driven to the U.S. air base in Aviano, put on a plane to Ramstein in Germany, and thence to Cairo. He was released in 2007, after allegedly being tortured. Nasr, also known as Abu Omar, had been linked to the Egyptian terrorist group Jemaaah Islamiah. But the Egyptian authorities brought no formal charges against him.

Prosecutors also alleged that the Italian authorities cooperated with the CIA. But the Italian government denies any involvement in the rendition program. Nevertheless, Nasr had been under scrutiny by Italian investigators, who suspected him of recruiting for the insurgency in Iraq. ([See Silvio Berlusconi's worst gaffes.](#))

The CIA says it will not publicly react to the verdict. "The CIA has not commented on any of the allegations surrounding Abu Omar," says spokesman George Little. But lawyers familiar with the Italian legal system say the 23 Americans need not fear incarceration. Magi's verdict "is worthless; it's only a judgment on paper," says New York criminal defense attorney Joseph DiBenedetto, who has defended clients who were indicted in Italy. "There's a lengthy appellate process, and between the legal and the political wrangling, [the verdict] will probably be whittled down and maybe even tossed."

Nor should the Americans worry about the verdict being executed by other European governments. "I doubt that any country would step on the U.S.'s toes," says DiBenedetto. Berlusconi was also Prime Minister in 2003; neither he nor Romano Prodi, who was Prime Minister from 2006 to 2008, sought to extradite the CIA defendants. Berlusconi is unlikely to press for them to be put in prison.

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