

Extraordinary Rendition Case Study II

Abu Omar's story

Abu Omar, also known as Hassan Osama Nasr, was born in Egypt. He lived in Albania and, reportedly, in Germany, before moving to Italy where he was an imam at a mosque in Milan. In February 2003, he was abducted on the streets of Milan and rendered to Egypt via Germany. He has been imprisoned there ever since, except for a short period of release in 2004. Then, he contacted his wife and others in Italy by phone and told of his abduction by Americans and subsequent torture in Egypt. He was detained again shortly afterwards, and nothing has been heard from him since.

In December 2005, a Milan court issued a European arrest warrant for 22 CIA agents suspected of kidnapping an Egyptian cleric while he was walking in the street in February 2003. Milan magistrates suspect a CIA team grabbed Hassan Mustafa Osama Nasr and flew him for interrogation to Egypt, where he said he was tortured. Justice officials believe Nasr, also known as Abu Omar, is still in custody in Egypt.

In November, prosecutors asked the Italian Justice Ministry to seek the extradition of the suspects from the United States, but Justice Minister Roberto Castelli has not yet decided whether to act on the request.

A European Union warrant is automatically valid across the 25-nation bloc and does not require approval of any government. Prosecutor Armando Spataro told Reuters he had also asked Interpol to try to detain the suspects anywhere in the world.

Italian Prime Minister Silvio Berlusconi said he did not believe CIA agents had kidnapped Nasr, but added that governments were not going to defeat terrorism by playing by the rules.

Following his abduction in 2003, nothing was heard from Abu Omar for more than a year, until he telephoned his family in Italy saying that he had been kidnapped by US forces, taken to Egypt and tortured. His story is long and complex. It has been extensively covered in the *Chicago Tribune* newspaper, which is the source for much of what follows.

Four days before Abu Omar vanished, three American visitors, two men and a woman, checked into the Milan Hilton Hotel. Their passports, visa cards and driving licences appeared genuine enough. But the names on these documents were bogus. So was their shared corporate address, a non-existent company with a post office box in Washington. According to the Italian authorities, the three Americans were members of a larger covert team assigned to snatch Abu Omar off the street and ship him back to Egypt.

Although the CIA refuses to talk about the Milan abduction or even acknowledge that it occurred, documents obtained by the *Chicago Tribune* clearly link the intelligence agency with the identities, addresses and cell phones used by several of the American operatives.

Egyptian Prime Minister Ahmed Nazief, whose country has received more renditions than any other, told a group of *Tribune* reporters and editors that he was aware of '60 or 70' cases in which US agents have seized Egyptian nationals abroad and flown them to Egypt. In most of the known renditions, suspects have been arrested by the local authorities in such countries as Indonesia, Sweden and Macedonia before being handed over to the CIA.

In the case of Abu Omar, the absence of any prior arrest has left the CIA open to kidnapping charges. Indeed, the police in Milan, who had been tapping Abu Omar's telephone, were as surprised as his wife and friends by his sudden disappearance. When they learned he was gone, the police opened a missing-person investigation.

Armando Spataro, the Milan prosecutor who requested the arrest warrants, said the names of those accused were taken from the passports and other documents used at hotels and car rental agencies in Milan. He believed that most of the names were probably not the true identities of the accused kidnapers. But his team have pictures of the suspects taken from photocopies of their passports made by hotels.

'We have a convention for mutual cooperation with the US in criminal matters,' Spataro said. 'I will ask them to identify some people, and I will ask them to interrogate [the suspects], because I don't believe they will surrender them to Italy voluntarily.' Spataro dismissed suggestions that Abu Omar's abductors, who like many CIA officers working abroad may have been posing as American diplomats, might enjoy diplomatic immunity from criminal prosecution. 'If we have evidence of their involvement in kidnapping, there is no immunity for that,' he said.

A senior official with the prosecutor's office, speaking on condition of anonymity, confirmed that one of those accused was a CIA officer posing as a US diplomat in Milan at the time of Abu Omar's abduction. The official said that the diplomat was well known as the CIA's representative in Milan and that the dozen other suspects charged had been in cell phone contact with him during their stay in Milan. The diplomat is believed to have left Italy.

The Italian court also issued a warrant for the arrest of Abu Omar. The 103-page document consists mostly of transcripts of conversations picked up by police wiretaps and microphones before his abduction. Prosecution sources said the warrant was sought principally in the hope of forcing Egypt to return Abu Omar to Milan. The Egyptian government has ignored two formal diplomatic requests, sent last year through the Italian Justice Ministry, asking for confirmation that Abu Omar is in Egypt and an explanation of how and why he entered Egypt.

Spataro also is seeking permission to interview Abu Omar's mother, his two brothers, his sister and a prominent lawyer, all of whom are believed to be living in the Egyptian port city of Alexandria. 'We asked the Egyptian authorities for their cooperation, but they haven't responded,' Spataro said.

Judging from the information gleaned by Spataro's investigators, the abduction of Abu Omar on the afternoon of 17 February 2003 was an elaborate and expensive operation. The 18 people brought into the city for the operation spent at least \$150,000 at the Marriott, Hilton, Sheraton and Westin hotels, according to documents obtained by the *Chicago Tribune*. Nearly all gave post office boxes as their home or business addresses. Those names and addresses are linked to what appears to be a CIA network of dozens of post office boxes in the Washington area with hundreds of names attached.

Hotel records show that several of the 13 suspects visited Milan in early January and then left, suggesting that the abduction operation was put on hold at the beginning of 2003. The first to return, on 1 February 2003, was a 33-year-old woman with a Hispanic-sounding name whose passport said she was a native of Florida. She was joined two days later by six other alleged team members and five more the day after that. They included a 64-year-old man whose passport said he had been born in Alaska, a 57-year-old woman whose passport said she had been born in Florida, and a 50-year-old man whose US passport said he had been born in the former Soviet republic of Moldova.

The Moldovan-born man listed his US employer's address as a post office box in Arlington, Virginia, across the Potomac River from Washington. His name is linked, via a half-dozen post office boxes in the Washington and Boston areas, to a Massachusetts company, Premier Executive Transport Services, that until last year was the nominal owner of a Gulfstream executive jet spotted at the scene of post-September 11 'renditions' in Pakistan and Sweden.

Most of the aircraft known to have been used in CIA renditions are executive jets, such as Gulfstreams or Learjets, that are either owned by the agency through front companies like Premier Executive Transport or chartered for upwards of \$5,000 an hour.

The plane that carried Abu Omar to Cairo was not a CIA aircraft but a chartered Gulfstream owned by Phillip H. Morse, a multimillionaire Florida businessman and a co-owner of the world champion Boston Red Sox. Morse confirmed to the *Boston Globe* in March that he charts his plane to the CIA and other clients when it is not being used for Red Sox business. But Morse said he knew nothing about the uses to which the intelligence agency had put the plane.

Abu Omar's abduction began on a busy street in broad daylight, as he was walking to a mosque. The startled imam was hustled inside a parked white van that, according to a passer-by, drove away at high speed, followed closely by another vehicle.

The police, who had been keeping tabs on Abu Omar, had no idea where he had gone, although it seemed unlikely that he would have run away from his wife and friends in a country where he had been living lawfully. Abu Omar was granted political asylum by the Italian government after arriving in Milan in 1997, apparently on the grounds that his membership of a radical Egyptian Islamic organisation, *Jamaat al Islamiya*, which he had joined as a university student, left him at risk of political persecution if he returned home to Egypt.

Inspector Bruno Megale, the chief of Milan's police anti-terrorism unit, began

the investigation into his disappearance by collecting the numbers of all the cell phones in use in the area where he disappeared. Megale and his investigators looked first for phones that had moved across the Italian cellular network in the direction of Aviano, the site of a large joint US-Italian air base some 175 miles from Milan, where Abu Omar's abductors had put him aboard a Learjet Model LJ-35 that was using the call sign 'SPAR 92.' SPAR is short for Special Air Resources, a military airlift service that uses Learjets and other executive-style jets to transport senior military officers and important civilians.

At 6:20pm on 17 February, SPAR 92, with Abu Omar aboard, departed from Aviano and headed to an air base at Ramstein, Germany, where Abu Omar was moved to the Red Sox Gulfstream. At 8:31pm, the Gulfstream took off and turned southeast, headed for Cairo, where it arrived in the early hours of 18 February.

Records showed that the phones singled out had also been in use at a number of Milan hotels in the weeks preceding the abduction. When the hotel registers were scoured, police learned that a few of the operatives, including the Moldovan-born man, had given the hotels their cell phone numbers. In all, 17 cell phones were identified as belonging to members of the abduction team. Records showed numerous calls among the team members and several others that proved interesting: to a US Air Force colonel at Aviano, to the American Consulate in Milan, and to four numbers in northern Virginia, where the CIA headquarters is.

Fourteen months after Abu Omar disappeared without a trace, the telephone rang in his Milan apartment. His wife, whom Abu Omar married after moving to Italy, still had no clue what had become of her husband. Now she was astounded to hear him explaining that he had just been released from an Egyptian prison, reportedly after a ruling by an Egyptian judge that he was not a terrorist threat.

The police in Milan had continued tapping his telephone in his absence. While their tape recorders turned, Abu Omar told his wife he had been held incommunicado in Egypt since being grabbed off the street in Milan. During that call and in a later conversation with another Egyptian imam in Milan, Mohammed Reda, whose cell phone was also tapped, Abu Omar said he had been tortured by the Egyptian security service.

According to Reda's account of that conversation, published in the Italian newspaper *Corriere della Sera*, Abu Omar 'underwent terrible tortures' after arriving in Cairo. 'He told me that the initial seven months were very tough,' Reda said. 'They hit him day and night. They made him listen to sounds at full blast, which was the reason why his hearing was impaired'.

Shortly after his telephone conversations with his wife and Mohammed Reda, Abu Omar was rearrested by Egyptian authorities. He has not been heard from since'.

Why was Abu Omar abducted?

Why would the US government go to elaborate lengths to seize a 39-year-old Egyptian who, according to former Albanian intelligence officials who have spoken to the *Chicago Tribune*, was once the CIA's most productive source of information within a tightly knit group of Egyptian exiles living in Albania?

One senior US official, who spoke on condition that she not be identified, asserted: 'The world's a better place with this guy off the streets.' But evidence gathered by prosecutors in Italy indicates that the abduction may have been a bold attempt to turn him back into the informer he once was. According to the prosecutor's original application for 13 arrest warrants, made in June 2005, when Abu Omar reached Cairo on a CIA-chartered aircraft, he was taken straight to the Egyptian interior minister. If he agreed to inform for the Egyptian intelligence service, Abu Omar 'would have been set free and accompanied back to Italy,' the document said.

Alternatively, the senior official said, the Americans may have hoped the Egyptians could learn something by interrogating Abu Omar about planned resistance to the impending war on Iraq.

Abu Omar refused to inform, according to the document, and spent the next 14 months in an Egyptian prison facing 'terrible tortures.' After a brief release in April 2004, he was imprisoned again.

The source of the prosecution's information is Mohammed Reda, another Egyptian imam living in Milan and one of the first people Abu Omar called during his brief release. Asked to assess Reda's credibility, the prosecution official asserted that 'in this case, he had no reason to lie. And when he made his first statements, he was unaware he was being intercepted' by a police wiretap on his cell phone.

Abu Omar was first offered a chance to inform in Albania in 1995. According to former officials of ShIK, the Albanian National Intelligence Service, he was far from reluctant. At the behest of the CIA, Albanian Intelligence had created an anti-terrorist unit that, former Albanian officials said, was essentially an arm of the CIA. In those years, the Albanian government, increasingly worried that it might be playing host to Islamic terrorists, accorded the CIA far more leeway than most other countries to operate within its borders.

The real boss of the anti-terror squad, according to its former second-ranking official, Astrit Nasufi, was a CIA officer known as Mike who worked in the American Embassy in Tirana, the Albanian capital. Mike, who spoke fluent Arabic, set up the Albanian Intelligence unit's office and taught Nasufi and the dozen or so other operatives about Islamic terrorism, how to conduct interviews and how to monitor suspects. The CIA even provided the badly paid Albanian agents with better clothes and food for their families, Nasufi said.

Albanian Intelligence sprang into action in August 1995, when the Egyptian foreign minister, Amr Moussa, visited Albania. There was no evidence that an assassination plot against Moussa was in the works. But two months before, exiled Egyptians had tried to kill President Hosni Mubarak during Mubarak's visit to Ethiopia.

Nasufi and Flamur Gjymisha, the chief of the First Intelligence Directorate, said Mike told Albanian Intelligence to detain a dozen or so Egyptians living in Tirana who might pose a threat to Moussa. A few days before Moussa's arrival, Albanian Intelligence got the pick-up list. It included seven or eight members of *Jamaat al Islamiya* ('The Islamic Group') and a few from another Egyptian exile

group, the Islamic Jihad, which later was said to have merged with al Qaeda.

Nasufi said Abu Omar, an Egyptian, had been living in Albania for four years and working for a Muslim charity, the Human Relief and Construction Agency (HRCA). His name was not on the pick-up list, Nasufi said, because 'no previous suspicion' had been attached to him, and he had never been mentioned in the CIA's requests for information about individuals in Tirana.

The CIA also gave Albanian Intelligence the licence plate numbers of four cars, including a dark green Land Rover that allegedly belonged to the Human Relief and Construction Agency. 'We started looking for the cars on August 27 in the morning,' recalled Nasufi. By mid-afternoon they had found the Land Rover in a parking lot near the former Institute for Physical Education. When Albanian Intelligence checked the registration, the person listed as responsible for the vehicle was Osama Nasr – Abu Omar.

According to Nasufi, the Land Rover looked like it hadn't been driven for months. Nevertheless, two CIA operatives arrived from the United States and checked the vehicle for any trace of explosives. Nothing was found, Nasufi said, but the CIA told Albanian Intelligence to pick up Abu Omar anyway. Around 10 pm on August 27, Albanian police showed up at Abu Omar's Tirana apartment and led him away. He was held for about 10 days, Nasufi said.

What was essentially an accidental arrest proved to be a great coup for Albanian Intelligence and its CIA overseers. Abu Omar was taken to the main police station for interrogation by Nasufi and another Albanian Intelligence agent, Ferdinand Nuku. Nasufi described Abu Omar as 'smooth and calm, probably because he wasn't under pressure from us. He was never aggressive with us. We didn't use a lot of physical pressure on him. He was well-behaved and gentle.'

At first Abu Omar refused to talk, then abruptly changed his mind. 'After a week, we had a full file,' said Nasufi, who doesn't remember Abu Omar as a particularly zealous Muslim, recalling that he interrupted the interviews to pray only twice in 10 days.

To Albanian Intelligence, Abu Omar admitted he had fled Egypt because he belonged to *Jamaat al Islamiya*, and that *Jamaat* had about 10 people working for three Islamic charities in Albania, including the Al-Haramain Islamic Foundation and the Revival of Islamic Heritage Society.

Abu Omar told the Albanian Intelligence agents that, for *Jamaat* members like himself, Albania was a 'safe hotel' – a country where fundamentalist Muslims believed they could live without fear of political repression. For that reason, Abu Omar insisted, the *Jamaat* members in Albania had no plans to kill Amr Moussa. Such a move would have cost *Jamaat* its haven, Abu Omar explained.

Abu Omar was the first Arab willing to inform to Albanian Intelligence, which was amazed by its good fortune. So, Nasufi said, was the CIA. After each interview, Nuku gave handwritten notes to the US Embassy's new CIA representative, 'Francis,' who had replaced 'Mike.' 'It was the first case that we provided the Americans with totally independent information,' Nasufi said. 'We became a main player for the first time. We weren't just tools. We gave them a

clear idea of who was monitoring the US Embassy for [*Jamaat*], who was coming in and out of the country.’

At the time, the CIA in the Balkans was primarily interested in keeping tabs on the former *mujahedeen* joining the Bosnian Muslims in their struggle against Serbia and Croatia.

Nasufi said Abu Omar was believed to be credible. Of the 100 or so items of information he offered, 20 or 30 were confirmed by information Albanian Intelligence received from the CIA. After Abu Omar was allowed to return home, the collaboration deepened. He talked to ShIK about *Jamaat* branches in the United Kingdom, Germany and Italy – including Milan, where *Jamaat* had close relations with the Institute for Islamic Studies on Via Quaranta.

ShIK had a strict rule against offering money to informers, Nasufi said, but ShIK did offer Abu Omar help in mediating a dispute with the landlord of the bakery he had just opened, and smoothing out problems with his residence permit that had arisen from his marriage to an Albanian, Marsela Glina. Abu Omar gratefully accepted ShIK’s help, Nasufi said. But a few weeks after he began collaborating with ShIK, Abu Omar, Marsela and their daughter Sara suddenly left Albania. Abu Omar’s hasty departure struck ShIK as odd, Nasufi recalled, because the Egyptian had seemed so willing to cooperate and had appeared happy that ShIK was offering him assistance with his problems. When Flamur Gjymisha asked Ferdinand Nuku what had happened to Abu Omar, Nuku said the CIA had told him Abu Omar was living in Germany.

Abu Omar, without his Albanian family, surfaced again in Rome in 1997, where he was accorded political refugee status. Moving north to Milan, he gravitated to the Islamic Institute on Via Quaranta. There Abu Omar served for a time as the deputy chief imam.

According to what the police were hearing on his telephone, Abu Omar also was helping recruit Muslims to fight against the coalition in Afghanistan. A Milan magistrate recently ruled in an unrelated case that recruiting fighters for foreign battles is not illegal under Italy’s anti-terrorist laws. Nor, it seems, did the police have much evidence that Abu Omar had been plotting terrorist attacks.

When Milan prosecutors applied for an arrest warrant for Abu Omar, the only charges listed were ‘association with terrorists,’ aiding the preparation of false documents and abetting illegal immigration. Although police had grounds for Abu Omar’s arrest, the tap on his phone and the microphones hidden in his apartment and the Via Quaranta mosque made him far more valuable as a window into the comings and goings of other jihadists. ‘When you find an important member of an organisation,’ the senior prosecution official said, ‘you don’t arrest him immediately, you follow him. When Nasr disappeared in February [2003], our investigation came to a standstill.’

What mystified the Italian authorities was why the CIA would want to take Abu Omar out of circulation – especially since they were sharing with the CIA the fruits of their electronic surveillance of Abu Omar – and why the Egyptians would want him back.