

By Andrea Vogt

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*Osama Moustafa Hassan Nasr, also known as Abu Omar, claims he was tortured in prison in Egypt after being kidnapped in Milan. Photograph: EPA*

[Italy](#)'s highest criminal court on Wednesday upheld the convictions of 23 Americans found guilty of kidnapping a Muslim cleric from a Milanese street and transferring him to a country where torture was permitted. The court of cassation's ruling is the final appeal in the world's first judicial review of the [CIA](#) practice of abducting terror suspects and transferring them to third countries, a practice also known as extraordinary [rendition](#).

The 23 Americans were all convicted in absentia following a trial that lasted over three years. The verdict paves the way for the Italian government to seek redress and could put the Americans at risk of arrest if they travel to [Europe](#).

"It went badly. It went very badly," lawyer Alessia Sorgato told the Associated Press. "Now they will ask for extradition."

Osama Moustafa Hassan Nasr, also known as Abu Omar, was kidnapped while walking to noon prayers at a Milan mosque on 17 February 2003. He had been under investigation in Italy for allegedly recruiting jihadi fighters. Prosecutors claimed CIA operatives snatched him with the help of two Italian intelligence officers, drove him to Aviano Air Force base, and then flew him to a Nato base in Germany en route to Cairo, Egypt. When Nasr emerged from an Egyptian prison four years later, he claimed he had been tortured.

Among those whose conviction was upheld Wednesday was US Air Force Colonel Joseph Romano, who was in charge of Aviano AF base security. His lawyers said they intend to appeal to the EU human rights court in Strasbourg.

The court confirmed the seven-year sentences for 22 Americans (all but one of whom prosecutors identified as CIA agents, who are likely now in the US) and a 9-year sentence for former Milan station chief Robert Seldon Lady. The two Italian accomplices, former SISMI military intelligence officers Nicolò Pollari and Marco Mancini, were ordered to be retried in the Milan court of appeals. They had previously been acquitted on appeal citing a state-secrecy injunction.

The court also ordered €1m in damages to be paid to Nasr and €500,000 to his wife. The justice ministry plans to request extraditions, Ansa news agency reported

The Milan anti-terrorism magistrate who guided the prosecution, Armando Spataro, lauded the decision, telling the Associated Press it was the equivalent of finding extraordinary rendition "incompatible with democracy".

Successive Italian governments denied all knowledge of the case and consistently ruled out extradition, and the judges appeared intent on holding US authorities accountable.

Some agents decried being made into international fugitives for following orders from more

senior CIA and state department officials in Washington, who called for the extradition while an anti-terror investigation in Italy was underway. Mark Zaid, a US lawyer representing one of the prosecuted women, said the court ruling damages the integrity of the system of diplomatic immunity.

"Diplomats around the world should consider themselves at greater risk today," Zaid said.