

By Scott Shane

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WASHINGTON — The Obama administration sought Thursday to prevent a lawyer for a former [C.I.A.](#) officer convicted in Italy in the kidnapping of a radical Muslim cleric from privately sharing classified information about the case with a Federal District Court judge.

In a hearing before the judge, Beryl A. Howell, the Justice Department said that only the executive branch has the power to make decisions about classified information, including whether the lawyer, Mark S. Zaid, can tell the judge what he knows.

“There is no right for the plaintiff to give the court classified information at all,” said Brigham J. Bowen, a Justice Department lawyer. He said Mr. Zaid’s “obligation is to protect against all disclosures, including to the court.”

Mr. Zaid, who has represented many Central Intelligence Agency officers, holds a security clearance. As a federal jurist, Judge Howell is authorized to see classified information that is necessary to resolve a case.

The judge pronounced herself “literally speechless” at the government’s assertions. But she directed Mr. Zaid to answer, in writing, the government’s objections to his request for a closed hearing to convey the classified information, saying she would rule later on whether to order such a hearing.

The dispute came in a lawsuit filed by Sabrina De Sousa, one of 23 people [convicted in Italy](#) in the kidnapping of the cleric, known as Abu Omar. Prosecutors said all 23 were C.I.A. employees.

In one of the best-known cases of the C.I.A. practice known as rendition, Abu Omar was seized on a street in Milan in 2003 and flown to Egypt, where he said he was tortured.

Former colleagues say Ms. De Sousa was a C.I.A. officer posing as a diplomat, the most common kind of cover for intelligence agents working abroad. She has declined to say whether she worked for the agency, noting that she was officially posted to Italy as a State Department employee.

In 2009, Ms. De Sousa sued the State Department, the C.I.A. and several officials in an attempt to force the American government to invoke diplomatic immunity on her behalf in the hope of blocking her prosecution by the Italian authorities.

The State Department did not assert immunity, though it ultimately agreed to pay a lawyer in Italy to represent Ms. De Sousa. She was convicted in absentia in Italy of helping to oversee the kidnapping conspiracy and sentenced to seven years in prison.

The case is on appeal, but Ms. De Sousa could face arrest if she travels to Europe. She said in a brief interview that she is unemployed and believes her conviction in Italy has hindered her ability to find work.

Judge Howell expressed sympathy for Ms. De Sousa's situation, asking whether the government simply had left her "high and dry."

Judge Howell asked Mr. Bowen, the Justice Department lawyer, several questions about an earlier episode in which Mr. Zaid was accused of inadvertently disclosing classified information in court papers, including which intelligence agency was involved. "I can't fully answer those questions publicly," Mr. Bowen said.