



INTERNATIONAL COMMISSION OF JURISTS

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" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

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Abu Omar case: no more concessions on accountability

The International Commission of Jurists (ICJ) today expressed satisfaction that the Italian judiciary and prosecutors have begun to address some of the worst human rights abuses arising in the post-11 September environment. The Tribunal of Milan convicted 23 of 26 CIA agents charged with the kidnapping of Nasr Osama Mustafa Hassan (known as Abu Omar) in February 2003. Abu Omar was abducted by CIA agents from the streets of Milan in February 2003, with the cooperation of Italian officials, and transferred through Germany to Egypt, where he was subjected to torture.

"Today's ruling by the Italian Court, delivering the first convictions for criminal involvement in the US-led programme of renditions, marks an important first step in the efforts to end impunity for crimes in counter-terrorism. We hope that it is the beginning of the end of concessions on accountability for torturing and "disappearing" people, in the name of countering terrorism," said Gerald Staberock, Director of the Global Security and Rule of Law Initiative of the ICJ. It is now urgent that full investigations are pursued in other countries in Europe and in the United States.

The practice of rendition, led by the United States and carried out with the collusion of other governments, involved multiple violations of human rights, including torture, enforced disappearance and arbitrary detention. The convictions by the Italian courts against agents of US and Italian intelligence services are due to the efforts of Italian Public Prosecutors and the victim's lawyers, which set an example for prosecutors and judges in other jurisdictions.

The trial in Italy has exposed how some governments have sought to undermine legal accountability of their intelligence services for involvement in serious crimes. The trial was threatened by the government's reliance on secret of state privileges, which led to the acquittal of a number of agents of the Italian Military Secret Service, including its former Director. The Italian executive refused to seek the extradition of the 26 indicted US officials, which forced a trial of the CIA officials *in absentia*.

"The protection of state secrets must not obliterate accountability for human rights violations, including torture and enforced disappearance. On the contrary, governments must do all in their power to support investigations of crimes committed in the name of countering terrorism, including by actively seeking extradition of suspects and bringing them to justice," said Gerald Staberock.

The system of renditions, secret detentions and torture has involved more than an isolated aberration of the rule of law. As characterised by the Rapporteur of the Parliamentary Assembly of the Council of Europe, Dick Marty, it is a "global spider's web" of abuses and crimes. As more and more information about those violations and accounts of complicity by intelligence services has come to the fore, it is disturbing to see that next to nothing has been done to ensure accountability. Few remedies have been provided to the victims of such policies, even when the abuse is well documented.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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It is urgent that States draw the necessary lessons and increase the oversight and accountability over their intelligence agencies to prevent future abuse. The ICJ provided compelling evidence, in a recent global study (*The Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights*) of a dramatic trend towards intelligence and security services acquiring new powers and resources without legal and political accountability keeping pace.

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