

Italy: Presidential pardon for rendition a blow to the rule of law, says ICJ

The International Commission of Jurists (ICJ) today expressed its deep concern at the decision of the President of the Republic of Italy to pardon Colonel Joseph L. Romano III, following his conviction by an Italian court for complicity in the rendition of Osama Moustafa Hassan Nasr, also known as Abu Omar.

"This pardon deals a serious blow to the rule of law and to accountability for CIA renditions and secret detentions, a system which involved torture, enforced disappearances, arbitrary and secret detention and other serious crimes under international law", said Massimo Frigo, Legal Adviser with the ICJ Europe Programme, "Italy stood honourably as the only country where an effective prosecution had been brought against CIA and Italian agents responsible for crimes under international law committed through the CIA rendition programme. This pardon deletes, in a single stroke of the pen, years of relentless efforts of prosecutors, investigators and lawyers to assure accountability for these crimes under international law".

The ICJ emphasised that the pardon granted by the Italian President of the Republic, Giorgio Napolitano, in his last weeks of office, defeats the efforts of the judiciary to uphold the State's international law obligations to investigate, prosecute and bring to justice those responsible for gross violations of human rights.

"By nullifying the effects of years of efforts of the Italian judicial system, this pardon seriously undermines Italy's action against impunity and weakens the very foundations of the rule of law", said Massimo Frigo. "The fact that the President of the Republic justified this action by raising the "peculiarity of the historical moment" of 9/11, thus suggesting that a kind of state of exception for the rule of law could have existed, is an unacceptable position under international law".

The ICJ deeply regrets this decision of the President of the Republic to use his prerogative of pardon to prevent accountability for such an egregious violation of the rule of law in name of US-Italian diplomatic relations. The ICJ condemns this pardon and stresses that it must not constitute a precedent and that other convictions in this case must not be nullified by pardons or amnesties. All European countries must uphold their duty fight against impunity for gross violations of human rights. Any further circumvention of accountability for perpetrators of renditions or other gross human rights violations would only extend the cloak of impunity over the rule of law in Europe.

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