

U.S.: Wanted ex-CIA officer headed for U.S.

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(Photo: Rodrigo Arangua, AFP/Getty Images)

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PANAMA CITY (AP) — A former CIA base chief convicted in the 2003 abduction of an Egyptian terror suspect is being sent to the United States instead of Italy, which wanted him to serve prison time for his role in the notorious anti-terrorism program known as extraordinary rendition, the U.S. State Department said Friday.

Robert Seldon Lady was detained in Panama this week after Italy and Interpol requested his arrest. After barely two days in detention, he was put on a plane to the U.S. by Panama, a close U.S. ally that offered no explanation for its decision.

"It's my understanding that he is in fact either en route or back in the United States," State Department spokeswoman Marie Harf told reporters in Washington. She declined to disclose other details about his case.

Italy's deputy foreign minister, Lap Pistelli, said in a statement that Italy "acknowledges" Panama's decision, adding nothing more about the case. Italy and Panama have no extradition treaty, Italian diplomats said, but Panama would have been free to send Lady to Italy if it wanted.

Lady had crossed the border into Costa Rica this week and was sent back to Panama where he was detained, according to an Italian official familiar with Italy's investigation of the rendition of Cleric Osama Moustafa Hassan Nasr. The official spoke on condition of anonymity because the official was not authorized to discuss the case.

A Panamanian National Police official said Lady, 59, had been detained Wednesday on the Costa Rica-Panama border. The official also spoke on condition of anonymity due to lack of authorization to discuss the matter.

A senior U.S. administration official said that Lady was detained in Panama on Thursday and that he was "expelled" by Panamanian immigration officials. The official spoke on condition of anonymity because they were not authorized to discuss the details of the case.

"It's just pretty astonishing that this hopeful moment for some accountability turned so quickly on its head," said Katherine Gallagher, a senior attorney at the New York-based Center for Constitutional Rights, which has fought against U.S. practices such as extraordinary rendition and detention of terrorism suspected at the Guantanamo Bay prison.

She said U.S. efforts to help Lady escape punishment in Italy opened the Obama administration to charges of hypocrisy when they are considered in light of a U.S. push to bring National Security Agency leaker Edward Snowden back to the U.S. to be put on trial. Attempts to get Snowden back have included an international push to persuade countries not to give Snowden asylum, or even let him cross their airspace on his way to a country that could let him avoid the U.S. justice system.

"We see a complete double standard here. The U.S. is saying it's so important for Snowden to face charges in the U.S., where there is a great deal of debate over whether those charges are legitimate, as opposed to Lady, where there is a conviction for torture, a universally recognized crime," Gallagher said.

Nasr, also known as Abu Omar, was hustled into a car in February 2003 on a street in Milan, where he preached, and transferred to U.S. military bases in Italy and Germany before being flown to Egypt. He alleged he was tortured in Egypt before being released.

Italy conducted an aggressive investigation and charged 26 CIA and other U.S. government employees despite objections from Washington. All left Italy before charges were filed in the first trial in the world involving the CIA's extraordinary rendition program, under which terror suspects were abducted and transferred to third countries where many were tortured.

All of the U.S. suspects were eventually convicted but only Lady received a sentence — nine years in prison — that merited an extradition request under Italian legal guidelines.

He disappeared for years, offering sporadic comments to the media, until he reappeared in the public eye this week.

Panamanian President Ricardo Martinelli is a right-leaning populist who took office in 2009 and was widely seen as alienating the Obama administration when he first took power with an authoritarian leadership style and attempts to exert control over Panama's legislative and judicial branches.

But Martinelli grew closer to the U.S. as he publicly distanced Panama from leftist governments such as Venezuela and Cuba and expanded ties with the U.S. in trade and security cooperation. The latter was in full evidence this week when Panama, operating largely on U.S. intelligence, detained a North Korean ship carrying Soviet-era weapons from Cuba to North Korea in apparent violation of U.N. sanctions.

A bilateral free trade agreement went into effect in 2012 and the two countries have also signed a raft of security cooperation agreements including U.S. training of Panamanian security agents and American use of Panama's airports and airspace for anti-drug flights. The countries also signed a 2010 deal expanding information sharing about goods and people passing through Panama's international airport, a regional hub long exploited by drug traffickers and other criminals.

Economic ties founded in the U.S. construction and decades-long management of the Panama Canal remain essential to Panama's economy; U.S. investment in Panama is greater than in the rest of Central America combined and has helped give Panama one of Latin America's fastest growth rates.

"We're in a moment of extremely close relations with the United States. Panama is granting all of the favors that Washington requests," political analyst Mario Rognoni said. "The DEA, CIA and other security agencies are here telling Panama what to do on its territory and along its borders.

"It makes sense that they would send him (Seldon) to the U.S. instead of Italy. I reiterate: they're doing everything that the United States asks."

The extraordinary rendition case caused tensions between Rome and Washington, two traditional allies. In April, Italy's president, Giorgio Napolitano, pardoned a U.S. Air Force colonel convicted in the rendition case, a move Napolitano hoped would keep American-Italian relations strong, especially on security matters.

Napolitano said he granted the pardon in hopes of resolving an affair that the United States considered unprecedented because a U.S. military officer for NATO had been convicted for deeds committed on Italian territory.

The colonel, Joseph Romano, was security chief of the Aviano air base in northern Italy, where Nasr was taken on his way to Egypt.

In issuing the pardon, Napolitano's office said the president had taken into consideration that Obama, immediately after his election, had ended the George W. Bush administration's anti-terror practices that both Italy and the European Union considered to be "not compatible with fundamental principles of rule of law."

Lady, who was born in Honduras, left Italy early into the Italian investigation of the abduction. He also retired from the CIA. Interpol had issued a request for Lady's arrest, reflecting Italy's determination to get him back.

"U.S. officials who have thus far evaded any accountability for their role in a global torture program should take today's development as a warning sign," the New York-based Center for Constitutional Rights, which has fought U.S. counter-terror programs such as extraordinary renditions and detention at Guantanamo Bay, said in an emailed statement.

Italy only allows extradition to be requested for people who have been sentenced to more than four years in prison.

A 2006 amnesty in Italy shaves three years off all sentences meted out by Italian courts, meaning if Lady is brought back to Italy, he would face six years in prison.

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