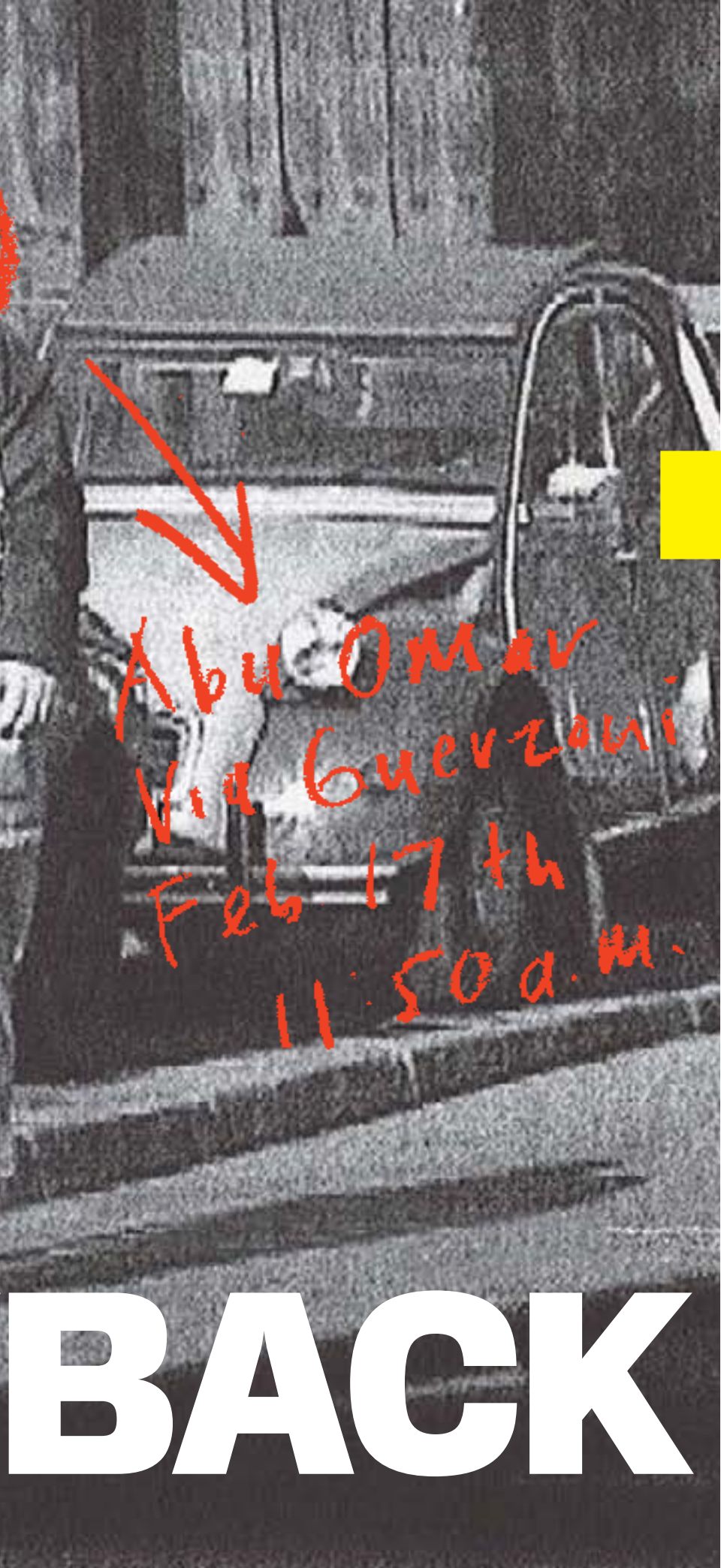


## (TERRORISM)

When a Muslim cleric was snatched off a street in Milan and flown to Egypt to be **interrogated and tortured** in February 2003, it set off an investigation that has led the CIA, for the first time ever, to be charged by a friendly government for criminal wrongdoing. Now, faced with the possibility of American agents going to prison, how has the CIA responded? By turning on its own **by Matthew Cole**



**\* BLOW**



TEN MINUTES before noon on February 17, 2003, a prominent cleric named Osama Mustafa Hasan Nasr left his apartment in northern Milan for midday prayers at a nearby mosque. He was a big, round-shouldered 41-year-old Egyptian with a dark beard that fell to his chest, and he wore a black winter jacket with a white tunic that hung down underneath. Nasr—better known as Abu Omar—walked south through the working-class neighborhood of Zona Maciachini and down Via Guerzoni, the high concrete walls on both sides of the street covered with concert posters and ads. This was a route he knew well, having walked it almost every day, at the same time, for the past three years. He passed parked cars, shabby apartment houses, and a few pizzerias. He passed a side street and a mother with two small girls on the far side of the street. He saw two men standing next to a white van parked on the sidewalk, its back doors facing him. *That's strange, he thought. I just saw those men outside my apartment.*

And then he disappeared. >>>

# BACK

## (TERRORISM)

★ Abu Omar still sits in jail in Egypt. Four years after being abducted, he has yet to be charged with a crime.

AT THAT MOMENT, Robert Seldon Lady was sitting in a café across town, having coffee with a friend. Lady was the CIA's Milan chief and a twenty-one-year veteran of the agency. He was handsome, with a goatee and a thin, delicate nose that made him look much younger than his forty-nine years; his athlete's body had only recently begun to show signs of middle age. Bob Lady was a devout agency man, a former cop who'd been recruited in the early 1980s to join Bill Casey's CIA and help subvert Communism—a threat he had come to know and despise as an American kid growing up in Honduras under the spectre of Fidel Castro. By most accounts, Lady was an exemplary operative. He'd been in his current job for just two years but had already helped dismantle several terrorist cells in northern Italy; Milan, under his guidance, had become one of the CIA's most productive European stations. "Bob was an excellent liaison officer," said a former senior CIA official. "He was an ex-cop, could get along with anyone, and had terrific language skills. He served the agency well."

Meetings like today's—with Bruno Megale, chief of Milan's antiterrorism police (known as DIGOS)—were crucial to that success. They allowed Lady to gather and share intelligence in an informal setting and to talk strategy with key players in Italy's counterterrorism community, and they also gave him an opportunity to prove himself worthy of their trust. In fact, Megale and Lady had become good friends during their time working together. After each major terrorist bust—three active cells had been uncovered in the past two years alone—they made a point of going out for a big dinner to celebrate.

Mostly, though, they got together to talk about Abu Omar, whom they both believed to be one of Italy's most dangerous terrorists. Lady had been among the first to identify Omar as a rising star in Italy's Islamist community, a man who had apparently sent as many as a dozen people to fight and run suicide missions in Iraq. Omar, it turned out, was a middle-class, college-educated militant with, Lady believed, strong links to Al Qaeda, Ansar al-Islam, and the Egyptian terrorist organization (led by the Blind Sheik, Omar Abdel-Rahman) known as Al-Gama'a al-Islamiyya. He'd spent time in an Egyptian prison for his affiliation with Gama'a, which planned the assassination of Egyptian president Anwar Sadat in 1981. From 1983 through the early 1990s, Omar aided the mujahideen in Afghanistan and Pakistan and then spent several years in Albania helping Islamic charities front militant groups during the



Bob Lady was preaching patience: He thought a few more months of surveillance would give the CIA everything they needed to take down Omar. But Lady's superiors had something else in mind.

Bosnian war. He arrived in Italy in 1997 seeking asylum, because he was still wanted in Egypt for his Gama'a membership, and soon became the protégé of Al Qaeda's most senior member in Italy, who groomed Omar to be the Imam of the country's most radical mosque. The CIA thought that he had become a liaison for Europe's Islamist underground railroad, which fielded recruits, facilitated travel, and encouraged young men to fight jihad on battlefields in Kashmir, Chechnya, Afghanistan, and later Iraq. He also gave frequent fiery sermons encouraging attacks on American consulates and embassies in Italy.

Clearly, Omar needed to be taken down, and starting in late 2001, Lady and Megale had put their respective agencies to work, surveilling his activities, tapping his phones, and working informants. Lady gave Megale a transmitter that was hooked up to a pin-sized microphone the CIA had tucked into an Islamic text in Omar's mosque and that would, over the course of the next year, provide a wealth of valuable information. (Megale marveled at the technological sophistication Lady brought to the operation. The CIA was an omnipotent force, Megale told friends, and Bob Lady was its charming face.)

But today, as they spoke over coffee, there was something Lady couldn't tell Megale: A team of CIA officers were tracking Omar as he walked from his home to noon prayers, intending to abduct him,

put him on a plane, and send him to Egypt for "questioning," and that the only reason Lady had scheduled today's meeting in the first place was to keep an eye on Megale, in case something went wrong.

In fairness, it was a plan Lady never believed in. He thought the intelligence being gathered would, in a few months, be enough to ensure Omar's arrest and conviction; why put a promising joint investigation (not to mention Lady's relationship with Megale) at risk by doing something as provocative as kidnapping a man off the street in a major Italian city? Progress was being made; Lady was preaching patience.

But Lady's superiors had something else in mind. His immediate boss, Jeff Castelli, pushed to move ahead with the operation—going against the direct recommendation of not only Lady but also the Counterterrorist Center, the CIA division tasked with extraordinary rendition. Ultimately, Castelli's plan was approved by the brass at Langley and SISMI, the CIA's Italian counterpart. According to a senior CIA officer directly involved, the week before the rendition, CIA director George Tenet met national-security adviser Condoleezza Rice in the West Wing, where Rice approved the mission and fretted over how she was going to tell President Bush.

Once the order was given, Lady wasn't the type to disobey. "The CIA is the vanguard of democracy," he told me. "It was the greatest

## (TERRORISM)

job I ever had.” He had one year left before retirement; this would be his last major operation. He and his wife were about to buy a villa in the Italian countryside, near the Alps—the plan was to move there, relax for a few months, and then start making some real money as a private security consultant. Why put all that at risk by raising a stink now? So Lady chose the time (Omar’s regular noon walk to prayer) and the place (Via Guerzoni, which was protected from view by ten-foot-high walls). And because Lady was so close with Megale, he knew precisely when DIGOS would not be monitoring Omar’s movements. Whether Lady agreed with the plan or not didn’t matter anymore; his fingerprints were all over it.

Lady looked across the table at Megale and checked his watch: a few minutes past noon. It was time. He sat back in his chair and waited for Abu Omar to disappear.



ABU OMAR stepped off the curb, out into the street, to make his way around the van. A man with blond hair and black sunglasses stopped him and started talking in Italian.

“I do not speak Italian,” Omar said. “English?” “Can I see your residency papers?” the man asked.

Omar retrieved some forms from his jacket. The officer inspected them and appeared to make a phone call. Suddenly, the van doors opened and two masked men dressed in black jumped out, pepper sprayed Omar, and shoved him into the back of the vehicle as it sped away. His head was forced down against the floor, a knee was pressed into his lower back. “Keep still or I’ll kill you,” he was told.

Five hours later, the van pulled into an American air base north of Venice. Several English-speaking interrogators stripped off Omar’s clothes, put him in blue overalls, and photographed him. Then they started asking questions: *What are your connections to Al Qaeda? Did you send recruits to fight in Iraq? What is your relationship with Islamic radicals in Albania?*

# Suddenly, the van doors opened and two men dressed in black jumped out, pepper sprayed Omar, and shoved him into the back of the vehicle as it sped toward an airfield north of Venice.

Omar said nothing. The interrogators punched him in the stomach and slapped him across the face. Then they wrapped his head in a sticky bandage, cut some breathing holes into it, and put him on a Learjet.

When he landed seven hours later, he was in Cairo. “Welcome home, Osama,” an Egyptian interior-ministry official said, using Omar’s formal name. “If you help us in Milan, we will send you back to Italy in forty-eight hours. If you do not, you will bear the consequences of your decision.”



ARMANDO SPATARO, a 58-year-old prosecutor and chief of Milan’s antiterror unit, took over the Omar case after news of the cleric’s whereabouts finally surfaced in April 2004, more than a year after he was kidnapped. A phone tap picked up a conversation between Omar and his wife, their first contact in fourteen months. Omar had been released by Egyptian intelligence, and he quickly called his wife, laying out some of the particulars: He’d been kidnapped, taken by English- and Italian-speaking men, and put on a plane with an American flag on it.

“I was very close to dying,” Omar told his wife. “But I don’t think about death anymore.... I am deeply saddened because I wasn’t able to do what I had planned to do in Italy.”

Spataro wasn’t exactly shocked to learn that Omar had been rendered. He told me last May that he’d assumed all along the CIA had played a role in the operation—after all, as many as 200 men have been snatched in the years after September 11—but he also had a hunch that Italian intelligence officials had a hand in it as well.

He intended to find out. He considered this rendition a national embarrassment and a clear violation of Italian sovereignty and law—it was a kidnapping, in his eyes—which guaranteed Omar protection from deportation and the right to asylum. “Our system requires my office to open an investigation if there is reasonable belief that a crime has been committed,” he told me. “In this case, Omar’s phone call to his wife was what we needed to investigate.” In a less-than-subtle show of his toughness and determination, he also mentioned that he had run fourteen marathons and now planned to run another—in other words, his pursuit of Bob Lady and the CIA would not be ending anytime soon, no matter how heavy the political or diplomatic pressure got.

He began to build his case.



EVENTUALLY, SPATARO located the young mother of two who saw Omar disappear into the van, and she would describe what she saw: a bearded Muslim man walking alone on Via Guerzoni; an Italian officer stopping the Muslim man; the Italian officer making a phone call; and two men in black jumping out and forcing the Muslim man into a van as he yelled for help.

The mention of the phone call would give Spataro his first solid lead: He immediately sought the records of all calls made in the area at noon on February 17, and using mobile positioning—a technique that determines a caller’s location by pinpointing the cell tower the call was relayed through—he came up with a list of seventeen phones used on Via Guerzoni that day. The next step was finding out whom the phones belonged to. Spataro discovered that nearly all seventeen were registered to fake names or unwitting Italians; not one yielded a solid identification. Each phone had been activated at around the same time and then deactivated not long after Omar’s disappearance.

His investigators also noticed that calls had been placed to Langley, Virginia—home to CIA headquarters—before, during, and immediately after Omar’s abduction.

Spataro then took all this cell-phone data and tried to determine where the abductors had stayed in Milan. It didn’t take him long.

\* The spot where Omar was snatched, on Via Guerzoni, was chosen because of the ten-foot-high walls that lined the street and shielded the operation from view.



## The operation took much longer to complete than the CIA had planned, and as it dragged on, discipline on the eleven-member abduction team broke down.



★ Armando Spataro (left) is Milan's chief antiterrorism prosecutor and the driving force behind the investigation and subsequent charges against the CIA.

He found that the CIA team members had turned their phones on each morning when they woke up—which, in turn, transmitted a signal to cellular towers. It's basic knowledge that as soon as a phone is switched on, it can be used to isolate its owner's location. This careless mistake lit up the Abu Omar operation like a Christmas tree and helped Spataro trace the CIA team's movements down to the minute—what hotels they slept in during their six weeks in Milan, where they were the moment Omar was kidnapped, where they took him after forcing him into the back of the van.

Once Spataro knew where the agents had been staying in Milan, he wanted their names. He checked the hotel registers for American guests between November 2002, when the CIA surveillance team first arrived, and February 17, 2003, when Omar was taken. He discovered names on registers that were clearly aliases; and many of these names listed, as contact numbers, cell phones that had been used during the operation. Spataro then matched the names and phone numbers to rental cars, which led to passport photocopies and Visa and Diners Club cards...and six months after launching his investigation, Spataro had uncovered nearly every trick the CIA uses to facilitate its operations: credit card numbers, fake passport numbers, telephone numbers, addresses, even photos of agents—some of America's most closely guarded secrets.

"It was a good op, but it was done sloppy," said the former senior CIA official, with direct knowledge of the rendition. "The cell phones were the fuckup, just a terrible decision. If they had been my guys, I would have fired their asses."

There were levels and levels of sloppiness that even Spataro would never discover. The operation, it turns out, took much longer to complete than the CIA had planned, and as it dragged on, discipline on the eleven-member abduction team broke down. Two agents used their cell phones to call home. At least two others decided to use the trip for romantic encounters in rooms at some of Milan's

swankier hotels, like the Sheraton Diana Majestic and the Principe di Savoia, on the CIA's dime. One team member, believed to be a freelance contractor, used his real name when checking in to hotels. Worst of all, Langley had given the team walkie-talkies to use for operational communications—a \$20 solution that would have kept the operation airtight. (The former senior CIA official told me the agents felt the two-way radios "made them look too much like spies" when they were on Via Guerzoni and scrapped them for cell phones.)

"This was amateur hour with a bunch of Keystone Kops," said former CIA officer Milt Bearden.

"They were told to stop using their phones and stop calling home, but they did it anyway," said the former senior CIA official, who approved the plan. "The responsibility for this operation falls on COS [chief of station] Rome. This was Jeff Castelli's operation from the beginning. He ran a very good station, but he had a history of not paying attention to details." This former official also said that Castelli, a rising star and a skilled bureaucratic infighter, knew the rendition team was being sloppy with the phones but never alerted anyone in Langley. Of course, this operation was one that he—and CIA leadership—had been pushing for all along, to "show the wimps in the NSC and the House Intelligence Committee that the agency didn't need help from foreign governments," said the former official.

In the wake of this debacle, the CIA has promoted Jeff Castelli twice in three years, deep into senior management.

Bob Lady hasn't been so lucky.



THE CELLULAR network Spataro uncovered would yield one more big break: One of the phones, he discovered, had been used to contact Bob Lady just moments

after his coffee meeting with Bruno Megale. (Lady's official cover was as a diplomat working from the U.S. consulate in Milan, and his cell phone was registered to the U.S. embassy in Rome.) Tracking Lady's movements through cell-phone records, Spataro then found that Lady had traveled to Cairo for three weeks shortly after the rendition. When Spataro's investigators raided Lady's villa in mid-2005, they discovered his flight itinerary to Egypt, an e-mail from a former colleague telling him to flee Italy, and surveillance photos—one of which showed Omar a month before the rendition in the exact spot where he was later snatched.

"Bob should have been a minor figure in this operation," said the former senior CIA official. "Unfortunately, that is not how things played out. It's sad, really. He should not have put anything work-related on his home computer. That was just stupid."

To make matters worse for Lady, Spataro revealed last May that he had a witness: Luciano Pironi, the blond-haired CIA asset and friend of Lady who had stopped Omar on the street and asked him for his residency papers. Pironi told Spataro that the rendition team had put itself in place to take Omar more than a dozen times in January and February, only to abort at the last minute due to unexpected pedestrians or patrolling police cars.

With Pironi's testimony, Lady's fate was sealed, and on June 24, 2005, he became one of twenty-five CIA officers eventually charged in connection with the kidnapping, marking the first time the CIA had ever been criminally charged by a friendly government. Worse, Spataro publicly named all the officers involved and published the operational details. It was a massive embarrassment for the CIA, and it came at a time when the agency was trying to prove its worth in the wake of the September 11 attacks. The Omar operation was meant to be the post-September 11 crown jewel of CIA covert operations, proof that the CIA was still the world's preeminent clandestine institution and *the* agency to do the president's dirty work abroad. Though the White House has refused to comment on the case specifically or to elaborate on their rendition program generally, Spataro's charges removed any doubt about the U.S. hand in human-rights violations and our complicity in the torturing of men who, like Omar, were sent to foreign countries for interrogation.

In the intelligence community, there is a name for the unintended consequences that result from a covert operation gone bad: blowback. "After we grabbed Omar, senior management went around the seventh floor of Langley bragging about this op," the former senior CIA official involved told me. "They're not bragging anymore."

A FEW DAYS earlier, Abu Omar had been in Milan, on his way to prayers, just another Monday afternoon. Now he was sitting in a small, dank room in Cairo with three Mukhabarat agents, his hands cuffed behind his back. The interrogators asked him repeatedly about his recruiting network and which Al-Gama'a al-Islamiyya members were working with him in Milan. Omar sat impassively, saying nothing.

As Omar stonewalled, several Cairo-based CIA officers watched on a video monitor in a room nearby. During a break in questioning, the CIA officers offered to help break the impasse. They told the Egyptians a story—a story they picked up from a bug they had planted in Omar's house—as a way of speeding things along. In the days before Omar was snatched, his youngest son, Ibrahim, had come to his father with a dilemma. He had gotten into a fight at school with a friend named Ahmed and felt great shame about it. “Tell me what to do, Father,” he had said. Omar had told his son that the Koran says fighting is wrong. “You cannot fight with Ahmed, Mish-Mish,” Omar told him. (*Mish-mish* means “sweet thing” in Arabic and was Omar's pet name for his son.) “You must apologize to Ahmed. You must ask his forgiveness. This is the way of Islam.”

Armed with this story, the Egyptians reentered the cell. “We have a message for you from Mish-Mish,” they said. Omar's eyes widened. “He says he has apologized to Ahmed. He says that he will not fight with Ahmed anymore.” Omar dropped his head to his chest and sobbed. Then he began to talk. And talk. He ended up talking through the night, telling them who in Milan was involved in his recruiting efforts and which Egyptians helped obscure his money transfers. Having gotten what they needed, the Americans went home and left Omar behind, in Egyptian custody.

That's when the torture began. Omar was beaten and hung upside down. He was exposed to extreme heat and then dragged into a freezing-cold room. He was denied sleep and was forced to listen to hours and hours of music at ear-splitting levels. For months at a time, he was not permitted to bathe. He was subjected to a device the Mukhabarat calls the Mattress: He was tied to a wet mattress, his shoulders pinned by an agent sitting on a wooden chair, as electricity was fired through the mattress coils. The former senior CIA official said the Egyptians were known to torture, but only *after* they got the information they wanted. “They're a good intel service,” he said. “They use sedatives and psychological manipulation to get someone to talk. If they're mad or you're of no use—that's when they get mean.”

Fourteen months later—still imprisoned, although never formally charged with a crime—Omar was told that he could return to Alexandria, where he was born. But first he had to sign a statement saying that he

“Leaders used to protect those below from the top as they went up,” Bob Lady says. “It's a way of harnessing the loyalty of those they led. Now they protect the top. They step on anyone below.”

came back to Egypt of his own volition, and that he had been treated well in captivity. Back in his cell, he asked the other incarcerated jihadis what he should do.

“No one leaves this prison alive,” they told him. “Sign the paper.”

But Omar didn't follow the rules. Once he got out, he called his wife in Italy. He told her the truth about why they hadn't spoken in more than a year. (This was the call that set the Spataro investigation in motion.) What he didn't know was that his wife's phone was tapped, and within three weeks of the phone call, he would be rearrested.

He's been imprisoned ever since.



BOB LADY SITS in a strip-mall café in Florida, his eyes scanning the room, his back to the wall, his fingers nervously stroking his graying mustache. He is alone now, three years into retirement, but he can't shake the feeling that he is being watched. His wife of thirty years left him a week ago, tired of the constant moving, the unpredictable cash flow, the fear that some militant might seek revenge for her husband's role in the kidnapping of Abu Omar. The house they bought in Italy has been seized by Spataro and will be confiscated if Lady is convicted. “I'll probably be convicted,” he says. “But I won't go to the trial, and I'll never see Italy again.” All the antique furniture, the bottles of wine, the memories and mementos of their life together—it'll all be seized by the Italian state.

“I don't blame her,” Lady says of his wife's decision. “She's been living with a guy who is frustrated and powerless. I can't take this stuff out on anyone, so she has to bear the load. It's too much. Why should she have to deal with this?”

His “former employer” refuses to acknowledge that Lady was their man in Milan, that he opposed the operation from the start, that they overrode his objections, or anything else related to the case. Lady was the only officer who was retired when Spataro announced the charges (making him the perfect fall guy), and the only one with a contentious relationship with Jeff Castelli. Worse, another former CIA official told me, the agency's leadership threatened Lady if he ever acknowledged his role in the rendition.

“The agency has told me to keep quiet and let this blow over,” Lady says. “But it's *not* blowing over for me. I pay \$4,000 a month on a mortgage to a house I can't live in.” Each month he has to go to Langley

for update meetings, but he's not allowed to have a lawyer. “No one's called me for support. No one has helped. I keep thinking, Fuck it, I've got nothing to lose.”

Yet another former CIA officer, who knows Lady well, says the agency threw Lady under a bus. “Bob got screwed because he was a good soldier, a perfectly subservient CIA officer. The agency could have given him some funds so he could get his own lawyer. He's retired, so they didn't have to do anything. But they could have done *something*. He got fucked big-time.” One of Lady's former superiors agrees. “To leave Bob hanging in the wind—that's not right,” he says. “He deserves more than that.”

Lady sips espresso from a plastic cup and shakes his head. “Leaders used to protect those below from the top as they went up,” he says. “It's a way of harnessing the loyalty of those they led. Now they protect the top. They manage down and step on anyone below. What happened to me—and it happened to many good people—is that I worked too hard. I was decent. The agency is dying. Even bureaucracies must die.”

Lady's trial, which is likely set for this spring, will be held in absentia. All twenty-five CIA officers (along with an air-force officer) face up to four years in an Italian prison if convicted of kidnapping. Spataro offered Lady a deal to stay out of prison and retain his house if Lady would testify against the agency. Lady passed. Testifying against the agency, despite the way he's been treated, is not an option. “If I lose respect for the outfit,” he says, “then I lose respect for twenty-four years of my life.”

Spataro also brought charges against five Italian-intelligence officials, including the director of SISMI and his deputy. His attempt to link former prime minister Silvio Berlusconi to the rendition has so far fallen short, though not for lack of effort. For Italy, the Omar scandal has been its version of the Iran-contra affair.

Abu Omar, however, doesn't get a trial. He claims he's innocent, but he doesn't get a hearing, doesn't have the right to speak publicly about what happened to him, doesn't get to raise his children or sleep with his wife. He sits in a Cairo prison cell. And because the U.S. government used officers like Bob Lady to kidnap militants like Omar, we have turned patriots into criminals and terrorists into victims. ❌

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