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Portuguese Court Rules Ex-CIA Operative Should Serve Italian Sentence

Sabrina de Sousa and 25 other Americans were convicted in 2009 for kidnapping of cleric



Former CIA operative Sabrina de Sousa, photographed in her home on July 19, 2013, in Washington, D.C., was convicted in absentia in Italy over the kidnapping of Egyptian cleric Osama Mustafa Hassan Nasr in Milan in 2003. PHOTO: BARBARA L. SALISBURY/TNS/ZUMA PRESS

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A Portuguese court has ruled that a former U.S. Central Intelligence Agency operative convicted in Italy for kidnapping under the U.S. rendition program should be turned over to Italian authorities to serve a seven-year prison sentence.

Sabrina de Sousa, a dual citizen of the U.S. and Portugal, [was briefly detained at Lisbon's airport in October](#) while preparing to board a flight to visit her 89-year-old mother in India. Her Portuguese lawyer, Manuel Magalhães e Silva, confirmed the court's ruling Friday and said she would be allowed to remain in Portugal while appealing it.

"Unexpected," Ms. de Sousa wrote via [Twitter](#) early Friday after learning of the ruling.

Ms. de Sousa and 25 other Americans, mostly CIA agents, were tried and convicted in absentia by an Italian court in 2009 for participating in the 2003 kidnapping of Egyptian cleric Osama Mustafa Hassan Nasr, also known as Abu Omar, on a street in Milan. The CIA and Italian police considered the cleric to be a recruiter for al Qaeda. Italian magistrates said Ms. de Sousa and others gave logistical support to the operation in its preparatory phase.

The abducted cleric was sent to U.S. military bases in Italy and Germany before being moved to Egypt, where he says he was tortured and sexually abused. He was released without charges 14 months later, then detained again by Egyptian authorities until 2007, court documents said.

Rendition, the U.S. practice of abducting suspected terrorists and flying them to other countries for interrogation, was adopted by the Bush administration following the Sept. 11, 2001, attacks. The Italian court ruled the practice illegal and in 2009 sentenced most of the defendants to five years in prison. An appeals court lengthened the sentences to seven years. Italy's highest court upheld the sentences in 2012.

None of the defendants has gone to prison. Italy has pursued the extradition of Ms. de Sousa and only one other defendant, Robert Seldon Lady. Mr. Lady [was detained overnight in Panama in 2013](#), but authorities there ignored Italy's calls to hold him longer. Last month, Italian President Sergio Mattarella pardoned one convicted CIA operative and lowered the sentence of another, offering hope to Ms. de Sousa.

Betnie Medero, who had worked at the U.S. embassy in Rome, was fully pardoned, her three-year prison sentence annulled. Mr. Lady, the Milan-based CIA chief, had his sentence reduced from nine years to seven years.

Ms. de Sousa's Italian lawyer, Dario Bolognesi, said last month that Ms. de Sousa was seeking a presidential pardon and hopeful of receiving one.

Ms. de Sousa, a 60-year-old native of the Portuguese colony of Goa, which is now part of India, left the CIA in 2009 but remained in the U.S. until recently. She has said she served as only as a translator for the CIA team that planned the abduction and the Italian intelligence service, adding she was on a ski trip in northeast Italy on the day the operation. She has written on Twitter that she is fighting to clear her name and that only senior CIA officers who planned and authorized the Milan operation should be held accountable.

Italian magistrates disagreed, saying Ms. de Sousa's involvement in preparing the operation justified her conviction.

Following her conviction, Ms. de Sousa sued the U.S. State Department and the CIA for failing to assert diplomatic immunity on her behalf.

A federal district judge in Washington dismissed the case, saying she couldn't rule on a policy decision by the state. But the judge added: "The message that this scenario sends to civilian government employees serving this country on tours of duty abroad is a potentially demoralizing one."

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