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September 11, 2013

Honorable Giorgio Napolitano
President of the Republic of Italy
Palazzo del Quirinale
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Dear Mr. President:

In 2003, I was a Consular Official in Milan, Italy, appointed and credentialed by the United States Government to the Republic of Italy. In my governmental capacity, I participated in various initiatives, under orders from senior American officials in liaison with senior members of the Italian government. The main objectives of our liaison were to: (1) protect the Italian people from terrorist activity (2) protect the American people from terrorist activity, and (3) protect the European Community from terrorist activity. I was aware, in my Consular position, that various cells of terrorists were operating in and through Milan. In fact, I became aware that certain terrorist cells were connected to the groups responsible for the September 11, 2001 attacks in New York which killed many Italians and Italian-Americans as well as thousands of others from various countries, including my countrymen.

Egyptian cleric Hassan Mustafa Osama Nasr, also known as Abu Omar, was a member of al-Gama'a al-Islamiyya, an anti-government organization that has been linked to the murder of Anwar Sadat in 1981 and the 1997 Luxor massacre that cost the lives of 62 people in Egypt, mostly tourists. The cleric Omar Abdel-Rahman is the spiritual leader of the movement. He was accused of participating in the 1993 World Trade Center bombings and is serving a life sentence in the United States. After Egypt declared the al-Gama'a al-Islamiyya, movement illegal, Abu Omar sought and received asylum in Italy. It was terrorist-connected "recruiters" such as Abu Omar that police and intelligence efforts were designed to infiltrate and thwart before tragedy. Indeed, in my capacity as a Consular officer, I was able to help direct millions of dollars in United States resources and other important support to be placed in the service of Italy. Your advisors will inform you, I am sure, that my efforts and those of my colleagues, in tandem

with the Italian services, were able to stop numerous plans and targets of terrorists operating in Milan and elsewhere in Italy. I can assure you that I worked tirelessly to do whatever I could to help Italy defend its people from people, like Abu Omar, who had been granted asylum by Italy.

Over the years, my wife and I had become so enamored with the people of Italy, that we decided to retire there. I frankly was exhausted with the pressure and responsibility of my work, after 24 years. And I disagreed with certain policies. We purchased a home in Italy with our life savings and I retired from the U.S. Government service.

In 2004, I was made aware that the Milan Magistrate was investigating the alleged illegal kidnapping of Abu Omar and that I was one of the targets of the investigation. I was advised to leave Italy, which I reluctantly did, in 2005. My wife stayed on and we were informed that Magistrate Spataro, in accordance with Italian Law, wished to seize our home and give the proceeds of the property to Abu Omar. Mr. Spataro filed suit in his own name to seize the property. My wife left Italy. Our home and its contents were seized. Ultimately the Bank which had provided a loan on the house, foreclosed and it has been sold. No proceeds were available to Magistrate Spataro to give to Abu Omar. However, the case proceeded, and I was named as a defendant.

I was not permitted, under United States laws, to reveal in my defense the confidential and secret information to which I had access in my government service. A complete defense would also have required that I call to Court in Milan certain senior United States and Italian Officials as my witnesses. These witnesses have complete immunity to the jurisdiction of Italian courts in this respect and could not be compelled to testify. Moreover, I had access to certain confidential and secret information of the Italian government in connection with my liaison activities. In order to mount an effective legal defense, I would have been required to violate both the law of the United States, of Italy and of other allied countries cooperating with our governments. I was not and I am not prepared to do that. I therefore could not participate in the case.

I cannot legally comment on the facts and circumstances concerning the Abu Omar case. I am certain that the Italian government and the American government have discussed the issues of "extraordinary renditions." After the September 11, 2001 attacks, my government took extraordinary steps and extraordinary risks for those extraordinary times, in order to protect lives. As your Office observed in your pardon of Colonel Joseph Romano, President Obama put an end to the approach of the previous Bush Administration concerning certain issues of national security. Indeed, both Italy and the European Union found certain practices of the previous United States Administration not compatible with fundamental principles of the rule of law.



I regret the circumstances which existed in 2003 and I regret my participation in any activities which could be viewed as contrary to the laws of Italy. I can assure you that at all times, I was informed that my activities were in accordance with United States, Italian and International law and vetted by very high officials. Government employees like me have to rely on the legal and political advice given on complicated international issues and I was told that the activities I was involved in were carefully reviewed and sanctioned by competent lawyers and supervisors.

As a former Consular Officer and representative of my country, charged with facilitating the policies formulated and directed by former senior American Officials, I apologize to you in your capacity as President and to the Italian people for the strain this policy and case has caused in the bilateral relations of Italy and America. I ask you and Italy for personal forgiveness and legal pardon.

In requesting this pardon, I would ask you to consider these factors: First, none of the defendants, including myself, had any authority over the policies of the prior American Administration. A former colleague, Sabrina DeSousa, also a Consular Officer in Milan, recently reported in the American Press that any objections to policy instructions were overruled by superiors. I assure you that I relied on advice that any policies were vetted and complied with Italian policy. I never intended to disrespect Italy's sovereignty--- quite to the contrary. Secondly, none of the defendants, including myself could realistically mount any type of defense to the charges in the court case without violating very important laws and sovereign agreements. I have been placed in a legal paradox which has imprisoned me. Thirdly, the Abu Omar case and sober consideration by the Obama Administration has changed a policy of the United States at odds with Italian law, International law and policy. Magistrate Spataro, in that respect, achieved an important objective. Fourth, the high officials who formulated policy and ordered its implementation have never been charged with any crime by any country. Italy has never formally or publicly protested any policy relevant to this case and the United States has never acknowledged fault or its complicity in any unlawful act. Indeed, Italy has never sought the extradition of any defendant in this case from the United States. Fifth, Italy has never requested that the United States relieve me and the other defendants of our legal obligations not to reveal everything we know. Sixth, there could never have been assurance that I could call to court important United States Officials who have personal knowledge of the facts and who could provide the defendants, including me, with complete exoneration. Seventh, in order to provide a complete factual record to the Courts and to Italy, I would have to reveal facts which might prejudice ongoing operations. As a person experienced in hunting terrorists, I could never do that. And I know that you would agree that it is best that sources, methods and strategies be kept secure and secret by both Italy and the United States. Eighth, the relief that I ask you for is exactly the relief that Italy is asking of India in the regrettable **Enrica Lexie** Italian Marines case. The argument of the Ministry of Justice of Italy



claiming functional immunity for the Marines is the argument which the Milan Court rejected in my case. But I believe that Italy is right in the Marines case. You were correct to refer to the Marines case in pardoning Colonel Joseph Romano in April, 2013.

Finally, I would also ask you to take into consideration that government personnel who were directed by senior officials have been severely damaged by these convictions. We have been more than adequately punished. The careers of most of us have been forever destroyed.

In my case, the matter has destroyed my family; we have lost our life savings, our entire property, our reputations and livelihood. My case is unique among all of the defendants. I am the only defendant who is the subject of an international arrest warrant issued by Italy. Italy seeks my arrest in every country but my own, which itself must be a violation of my human rights. Either I am a criminal everywhere or I should not be a criminal anywhere. This stigma has destroyed my ability to support my family. The international Press, knowing that I cannot reveal State Secrets or defend myself, have pilloried me over the years, defamed me and made me and my family objects of ridicule, humiliation and wild speculation.

I realize that this case has put you and Italy in a delicate position. No matter what you do, there will be factions which will criticize your decision. However, I hope that you can end this matter in a way that pardons or commutes the sentence imposed on me. I have never had anything but the best intentions for the people of Italy and I ask its forgiveness. I do not have the funds to pay the fines imposed on me by the Italian Courts.

Respectfully,



Robert Seldon Lady

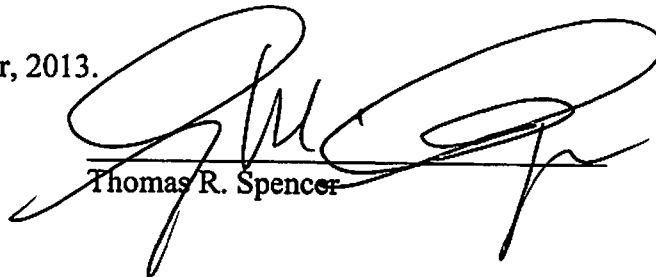
Cc: Dott.ssa Annamaria CANCELLIERI, Ministro della Giustizia

CERTIFICATE OF AUTHENTICITY

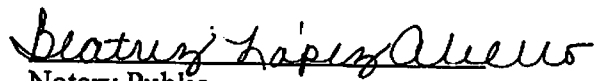
United States of America
State of Florida
County of Miami-Dade:

BEFORE ME, the undersigned Notary Public of the State of Florida personally appeared THOMAS R. SPENCER, 999 Ponce de Leon Blvd., Suite 510 , Coral Gables, Florida 33134, a member of the Florida Bar (Bar License Number 121143) who after first being duly sworn, does hereby certify that the enclosed letter dated September 11, 2013 to President Giorgio Napolitano has been duly signed in my presence by Robert Seldon Lady, whose passport is attached hereto.

Dated this 9th day of September, 2013.


Thomas R. Spencer

I HEREBY CERTIFY that the foregoing document was acknowledged before me this 9th day of September, 2013 by THOMAS R. SPENCER who is personally known to me and who did take an oath.


Notary Public
State of Florida At Large

My Commission Expires:

