

ACTION OCS-00

|      |        |         |         |         |         |         |         |
|------|--------|---------|---------|---------|---------|---------|---------|
| INFO | LOG-00 | EEB-00  | AID-00  | ACQ-00  | CA-00   | CIAE-00 | INL-00  |
|      | DNI-00 | DODE-00 | DS-00   | EAP-00  | DHSE-00 | EUR-00  | UTED-00 |
|      | VCI-00 | DIAS-00 | FRB-00  | H-00    | TEDE-00 | INR-00  | IO-00   |
|      | L-00   | ARMY-00 | MOFM-00 | MOF-00  | VCIE-00 | NSAE-00 | ISN-00  |
|      | OES-00 | OMB-00  | NIMA-00 | EPAU-00 | CAEX-00 | PA-00   | PM-00   |
|      | PRS-00 | P-00    | SCT-00  | ISNE-00 | DOHS-00 | SP-00   | SSO-00  |
|      | SS-00  | NCTC-00 | ASDS-00 | FMP-00  | CBP-00  | EPAE-00 | IIP-00  |
|      | PMB-00 | DSCC-00 | LBA-00  | PRM-00  | DRL-00  | G-00    | NFAT-00 |
|      | SAS-00 | FA-00   | SWCI-00 | /000W   |         |         |         |

-----600D85 051550Z /38

R 051534Z MAY 09  
 FM AMEMBASSY MADRID  
 TO SECSTATE WASHDC 0590  
 INFO EUROPEAN POLITICAL COLLECTIVE  
 AMCONSUL BARCELONA  
 FBI WASHDC  
 DEPT OF JUSTICE WASHDC  
 NSC WASHDC

RELEASED IN PART  
B1, 1.4(B), 1.4(D)

UNCLAS MADRID 000440

SENSITIVE  
SIPDIS

FOR EUR/WE, ALSO FOR L/LEI AND CA/OCS, DOJ FOR BRUCE SWARTZ  
AND PAT REEDY

E.O. 12958: N/A  
 TAGS: AORC, PREL, CASC, CJAN, PTER, PGOV, PHUM, PINS, SOCI,  
 KCRM, KJUS, SP  
 SUBJECT: GARZON OPENS SECOND INVESTIGATION INTO ALLEGED  
 U.S. TORTURE OF TERRORISM DETAINEES

REF: A. MADRID 392  
 B. MADRID 393  
 C. 08 MADRID 1280

1. (SBU) Summary: Spanish National Court (Audiencia Nacional) investigating judge Baltasar Garzon has announced he will pursue an investigation into allegations the U.S. tortured terrorism detainees at Guantanamo. He has yet to name any targets of his investigation. This comes days after he was forced to give up a related complaint filed by an NGO against six Bush Administration officials (ref a). At the urging of Spanish prosecutors, the earlier case was reassigned to another National Court judge who now appears to be trying shelve the case.

B1

UNITED STATES DEPARTMENT OF STATE  
 CLASSIFIED BY DEPT. OF STATE, M. GRAFELD, DAS, A/GIS  
 REVIEW AUTHORITY: MARTIN MCLEAN  
 CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)  
 DECLASSIFY AFTER: 4 MAY 2019  
 DATE/CASE ID: 07 SEP 2011 201102842

B1

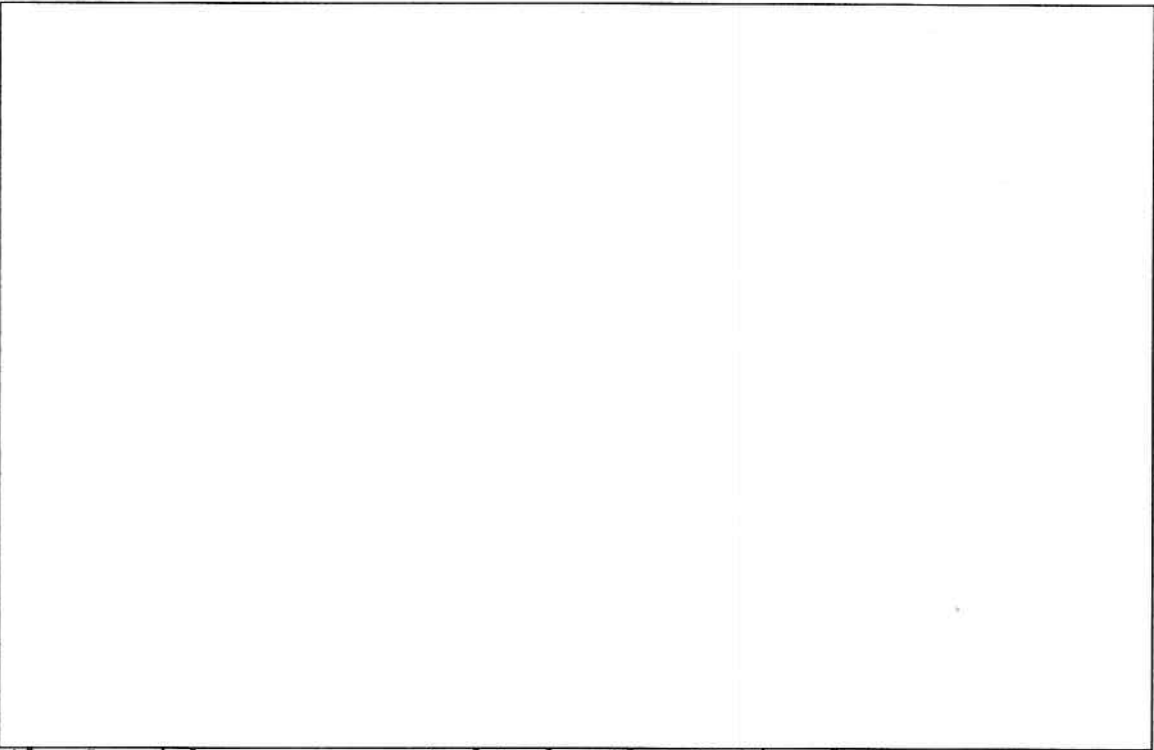
UNCLASSIFIED

2. (U) Garzon bowed to arguments by Spanish prosecutors and April 17 forwarded to National Court docketing authorities a case recently filed against six Bush Administration officials (ref a). That case was duly assigned to investigating judge Eloy Velasco. We learned May 5 that Velasco has declined to process that case saying that before moving forward the USG should be asked if proceedings are underway in the U.S. He also offered to transfer the proceedings to the U.S. under the MLAT. We are waiting for a copy of Velasco's ruling and will advise further when we receive it. Meanwhile, Garzon announced April 29 that he was commencing a separate investigation into alleged U.S. torture of terrorism detainees.

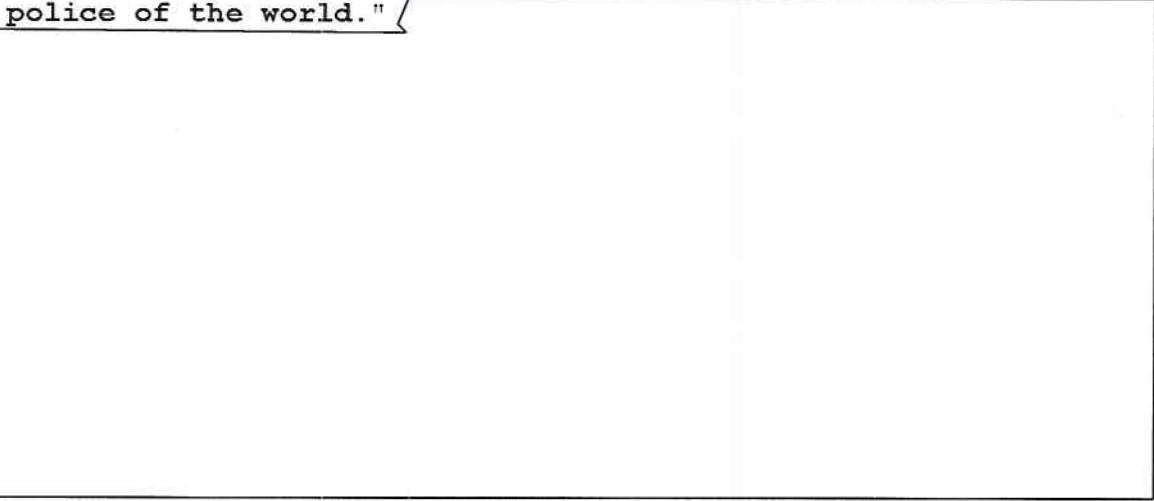
B1

UNCLASSIFIED

UNCLASSIFIED



the Spanish press reported today that National Court investigating judge Fernando Andreu, who is handling a case against Israeli officials accused of war crimes in Gaza in 2002, has refused to drop the case despite a request from prosecutors. The prosecutors had argued that Israel was investigating the matter. In refusing to close the case, Andreu argued that Gaza was not part of Israel and thus Israeli authorities were not the ones who should be investigating crimes allegedly committed there. The press reports that the President of the Supreme Court and Spain's Judicial Council (Consejo General del Poder Judicial), Carlos Divar, is arguing for reforming the jurisdiction of the National Court to avoid having it turned into the "judicial police of the world."



UNCLASSIFIED

B1

UNCLASSIFIED



CHACON

NNNN

UNCLASSIFIED