

Prosecution in Spain: Bush officials to be indicted for sanctioning torture

By [Global Research](#)

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Scott Horton from *The Daily Beast* [reports](#) that Spanish prosecutors will seek criminal charges against Alberto Gonzales and five high-ranking Bush administration officials for the sanctioning of torture at Guantánamo Bay, with the public announcement expected on Tuesday in Madrid:

The six defendants—in addition to Gonzales, Federal Appeals Court Judge and former Assistant Attorney General Jay Bybee, University of California law professor and former Deputy Assistant Attorney General John Yoo, former Defense Department general counsel and current Chevron lawyer William J. Haynes II, Vice President Cheney’s former chief of staff David Addington, and former Undersecretary of Defense Douglas J. Feith—are accused of having given the green light to the torture and mistreatment of prisoners held in U.S. detention in “the war on terror.” The case arises in the context of a pending proceeding before the court involving terrorism charges against five Spaniards formerly held at Guantánamo. A group of human-rights lawyers originally filed a criminal complaint asking the court to look at the possibility of charges against the six American lawyers. Baltasar Garzón Real, the investigating judge, accepted the complaint and referred it to Spanish prosecutors for a view as to whether they would accept the case and press it forward. “The evidence provided was more than sufficient to justify a more comprehensive investigation,” one of the lawyers associated with the prosecution stated.

But prosecutors will also ask that Judge Garzón, an internationally known figure due to his management of the case against former Chilean dictator Augusto Pinochet and other high-profile cases, step aside. The case originally came to Garzón because he presided over efforts to bring terrorism charges against the five Spaniards previously held at Guantánamo. Spanish prosecutors consider it “awkward” for the same judge to have both the case against former U.S. officials based on the possible torture of the five Spaniards at Guantánamo and the case against those very same Spaniards. A source close to the prosecution also noted that there was concern about the reaction to the case in some parts of the U.S. media, where it had been viewed, incorrectly, as a sort of personal frolic of Judge Garzón. Instead, the prosecutors will ask Garzón to transfer the case to Judge Ismail Moreno, who is currently handling an investigation into kidnapping charges surrounding the CIA’s use of facilities as a safe harbor in connection with the seizure of Khalid el-Masri, a German greengrocer who was seized and held at various CIA blacksites for about half a year as a result of mistaken identity. The decision on the transfer will be up to Judge Garzón in the first instance, and he is expected to make a quick ruling. If he denies the request, it may be appealed.

As Horton notes, if US Attorney General Holder, the US courts, and federal prosecutors won’t address the matter of torture of detainees in the custody of the United States...foreign

courts indeed appear only too happy to step in.

Horton was a guest on CNN Tuesday morning where he discussed the “immediate implications” for the ex-Bush officials.

“The immediate implication is that they can’t really travel outside the United States,” Horton said, “certainly not to Europe because the judge would have the power, immediately now, to issue arrest warrants if they traveled there. But also Latin America which has extradition arrangements with the Spanish.”

This video is from CNN’s *American Morning*, broadcast Apr. 14, 2009.

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