

# Spanish court opens investigation of Guantánamo torture allegations

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A court in [Spain](#) has today opened an investigation into [torture](#) allegations against US military personnel at the Guantánamo detention centre.

Meanwhile in Berlin, Barack Obama's attorney general Eric Holder said that about 30 Guantánamo detainees have been cleared for release and urged European allies to take some of them. Holder also signalled the Obama administration might cooperate with the Spanish investigation.

Judge Baltasar Garzón, an investigating magistrate at the National Court in Madrid, said he would investigate allegations made by four detainees who were held at the centre and later released without charges, according to a court document quoted by the Spanish press.

The torture allegations include "sexual abuse", "beating" and the throwing of fluids into prisoners' eyes.

A recent decision by the Obama administration to release documents about Guantánamo helped the judge conclude that a police investigation, which could lead to criminal charges, was necessary.

Holder said in [Germany](#) that while the US created the Guantánamo site, closing it is a shared responsibility for the US and its allies.

"Mistakes were made" in the creation of the Guantánamo programme, Holder said. "Obviously, we would look at any request that would come from a court in any country and see how and whether we should comply with it."

"This is an administration that is determined to conduct itself by the rule of law and to the extent that we receive lawful requests from an appropriately created court, we would obviously respond to it," he said.

The Spanish investigation was sparked by torture complaints from former Guantánamo detainees Hamed Abderrahman Ahmed, Lahcen Ikassrien, Jamiel Abdul Latif al Banna and Omar Deghayes.

The four men, who had terrorism allegations made against them in Spain dropped by the courts, told the judge that they had been tortured "under the authority of personnel from the US Army".

Judge Garzón reportedly cited “documents declassified by the US administration” as giving evidence “of what previously could be intuited: an official plan of approved torture and abuse of people being held in custody while facing no charges and without the most basic rights of people who have been detained.”

He said he would now formally request copies of the documents from the [United States](#).

He also pointed to the possible use of the Bagram military base in Afghanistan as a torture centre involved in “a coordinated system to perpetrate numerous torture crimes against people deprived of their liberty in Guantánamo and other prisons.”

There was evidence that the torture allegations could bring criminal proceedings against “the different structures [involved in] the execution, command, design and authorisation of this systematic plan of torture”.

Garzón’s investigation is parallel to a separate case in which a fellow magistrate, Eloy Velasco, must decide whether the National Court can pursue a criminal investigation against six senior US officials, including former attorney general Alberto Gonzales, for allegedly approving the use of torture.

Garzón has previously used international human rights laws to bring torturers from the Argentinian military dictatorships to trial in Madrid, with military officers from Argentina being found guilty and sent to Spanish jails.

He also tried to extradite former Chilean dictator Augusto Pinochet from Britain on charges of torture and genocide.

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