

Spain's Socialist Party government suppresses torture probe of Bush officials

Paul Mitchell
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The Obama administration and Spain's Socialist Party (PSOE) government are working in tandem to prevent the prosecution of top Bush officials.

President Barack Obama and Prime Minister José Luis Zapatero were both popularly elected because of their professed opposition to the war in Iraq and abhorrence of unlawful detention and torture in the so-called "war on terror." Instead, they have colluded in a global effort to protect the authors of these crimes.

Spain's attorney general, Candido Conde-Pumpido, earlier this month denied an appeal to prosecute six officials from the Bush administration. The decision was taken by the man appointed by the PSOE government as its foremost legal figure.

The accused were former White House counsel and later Attorney General Alberto Gonzales, former Assistant Attorney General Jay Bybee, former Deputy Assistant Attorney General John Yoo, former Defense Department General Counsel William Haynes, former Undersecretary of Defense Douglas Feith and David Addington, the former chief of staff and legal advisor to Vice President Dick Cheney.

The case against them was brought by the Association for the Dignity of Prisoners, which alleged that the officials were the legal draughtsmen of a policy that led to the torture of six Spanish citizens at Guantánamo Bay. Their charges have been buttressed by the recent release of secret post-9/11 memos by the US Justice Department detailing and approving the use of illegal and abusive interrogation tactics, including waterboarding, against alleged Al Qaeda operatives held by the United States.

Investigative Judge Baltasar Garzón accepted the case and forwarded it to prosecutors at Spain's National Court for an opinion as to whether it could proceed. Conde-Pumpido intervened to shut down the case. "If

there is a reason to file a complaint against these people, it should be done before local courts with jurisdiction, in other words, in the United States," he declared.

He turned on its head the justification used to prosecute the leaders of Serbia, such as former Yugoslav President Slobodan Milosevic, for "command responsibility" for crimes committed during the Balkans war, stating, "If one is dealing with a crime of mistreatment of prisoners of war, the complaint should go against those who physically carried it out."

There are reports that the PSOE government is stepping up pressure to restrict the use of universal jurisdiction pleas to pursue high-ranking officials accused of human rights abuses, and thereby block the ability to initiate such actions in future.

Zapatero's government has domestic concerns in this regard. Last year, Garzón abandoned an investigation into the executions and repression carried out by the fascist regime of General Francisco Franco after a similar intervention by Conde-Pumpido, motivated by fear that undermining the "pact of silence" agreed during the transition to parliamentary democracy following the dictator's death would be politically explosive.

But the main driving force for the decision to halt the prosecution of the Bush officials was pressure exerted by the US government. A series of meetings took place between Zapatero and President Barack Obama over Easter, during which Washington undoubtedly made clear its determination to prevent the prosecution of Bush officials and CIA interrogators.

With Obama doing everything possible to limit the political fallout from press reports that President Bush, Vice President Cheney, National Security Adviser Condoleezza Rice, Defense Secretary Donald

Rumsfeld, Secretary of State Colin Powell and others had approved the CIA's torture tactics, any action by Spanish prosecutors that might cut across these efforts had to be stamped out.

In answer to questions from *CNN Español* interviewer Juan Carlos López about the attempts in Spain to bring the Bush officials to justice, Obama replied, "I'm a strong believer that it's important to look forward and not backward."

Although he claimed he had not been in "direct conversations" with the Spanish government about these issues, Obama admitted that his team had been. Reports have confirmed that the US State Department has been in regular contact with the Spanish government about the case.

Shortly after the Association for the Dignity of Prisoners launched their case on March 17, the US embassy in Madrid "invited" the National Court chief prosecutor, Javier Zaragoza, to explain the nature of the allegations and how and why they were allowed to proceed.

A major concern behind Obama's effort to cover up state crimes committed by his predecessor, including illegal domestic spying as well as torture, renditions and indefinite detention, is a desire to uphold the vast expansion of unilateral executive power of the Bush years, which was at the heart of the dictatorial conceptions laid out in the secret memos. Obama, his advisers and the military-intelligence apparatus before which they are bowing wish to retain the repressive structures and laws enacted under Bush in the face of explosive tensions building up within American society. All the more under conditions of economic crisis, democratic forms become untenable in a society dominated by staggering levels of social inequality, and where a monopoly of political power is exercised by a financial aristocracy through two corrupt and servile parties.

The same basic considerations lie behind the actions of the Zapatero government. The PSOE was swept to power in 2004 on a massive wave of antiwar sentiment, fuelled by anger over the attempt of the People's Party government to blame the Basque separatists of ETA for the terrorist bombings in Madrid, so as to conceal the connection between the bombings and Spain's participation in the Iraq war.

The vote revealed a broad, deep and intense popular

hostility to the war-mongering of Bush, British Prime Minister Tony Blair and Zapatero's predecessor, José María Aznar. At the time, Zapatero felt it necessary to make the most ostensibly left-wing and anti-war statements of any European leader. He immediately announced the withdrawal of 1,300 Spanish troops from Iraq.

But though it viewed the Iraq war as a disaster, the PSOE never had any intention of opposing US militarism. It maintained its troop presence in Afghanistan. This force was increased to 1,000 just last month.

The decision to block the prosecution of Bush officials demonstrates that rhetorical commitments to democratic norms count for very little when it comes to the realities of imperialist politics, whatever the particular political colouration of a given bourgeois government.

At stake in the Zapatero government's moves is not just the need to restore political relations with Washington. With Spanish capitalism in desperate straits and social tensions becoming more acute, anything that might hinder the ability of the ruling elite to further its own global ambitions, including by military means, is intolerable. Above all, the political establishment and security services must be kept free from legal impediments or democratic accountability when it comes to their own repressive actions.

The only basis for a struggle against militarism and in defence of democratic rights is the independent political mobilization and international unification of the working class against all of the representatives of capital, those of the official "left" no less than those on the right.

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