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Viewing cable 07MADRID2282, AMBASSADOR'S MEETING WITH SPAIN'S CELEBRATED AND

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Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was. The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject. The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables (browse by origin to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

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Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags #cablegate and a hash containing the reference ID e.g. #07MADRID2282.

Table with 5 columns: Reference ID, Created, Released, Classification, Origin. Row 1: 07MADRID2282, 2007-12-21 12:12, 2010-12-02 12:12, CONFIDENTIAL, Embassy Madrid

VZCZCXRO8023 PP RUEHAG RUEHROV DE RUEHMD #2282/01 3551204 ZNY CCCC ZZH P 211204Z DEC 07 FM AMEMBASSY MADRID TO RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY RUEHC/SECSTATE WASHDC PRIORITY 3990 INFO RUCNMEM/EU MEMBER STATES COLLECTIVE RUEHGB/AMEMBASSY BAGHDAD 0192 RUEHBUL/AMEMBASSY KABUL 0148 RUEHLA/AMCONSUL BARCELONA 3207 RUCNFB/FBI WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 MADRID 002282 SIPDIS SIPDIS EO 12958 DECL: 12/20/2017 TAGS PREL, PGOV, PTER, SP SUBJECT: AMBASSADOR'S MEETING WITH SPAIN'S CELEBRATED AND CONTROVERSIAL JUDGE BALTASAR GARZON REF: MADRID 2251 MADRID 00002282 001.2 OF 002 Classified By: Ambassador Eduardo Aguirre Jr. for Reasons 1.4 (b) and (c) ¶1. (C) The Ambassador met on December 14 with Judge Baltasar Garzon, a high-profile investigative magistrate in Madrid's powerful National Court (Audiencia Nacional). Garzon was upbeat in his comments and said that he has a good understanding of U.S. law enforcement and counterterrorism policy, even though he does not always agree with it. He appreciates the close contact he has with the Embassy and said he considers the U.S. a friend. He also believes we have much to gain from continued collaboration. In his view however, the U.S. is missing opportunities to cultivate relationships with his five colleagues, all fellow investigative magistrates (Jueces de Instruccion). Garzon explained to the Ambassador that judges in Spain are a hybrid of a U.S. prosecutor and judge, and can lean more to one side or the other depending on their inclination. The six investigative magistrates that preside over National Courts 1-6 are (respectively): Santiago Pedraz, Ismael Moreno, Fernando Grande-Marlaska, Fernando Andreau, Baltasar Garzon, and Juan Del Olmo. The Ambassador informed Garzon that our Embassy Legal Attache did indeed have good working relationships with some of the other investigative magistrates (including Del Olmo, who was lead investigator on the March 11, 2004, Madrid train bombings), but that we were always interested in ways to work more closely together. In that spirit, and because U.S. and Spanish judicial laws are quite different, Garzon said that Spain should have a judicial attache in Washington to streamline cooperation on key cases, similar to relationships his country already has in the UK, France, and Mexico. (Embassy comment: We continue to work closely with the U.S. Justice Department and Spanish government to gain mutual approval for the position of a judicial attache based out of the Spanish Embassy in Washington. End Comment.) //THE AL-KASSAR EXTRADITION// ¶2. (C) Garzon then provided the Ambassador with his thoughts on the pending extradition of Syrian arms dealer Monzer al-Kassar (REFTEL). He said that the judicial part of the extradition had been settled in favor of the U.S., but that the Spanish Council of Ministers still had to give its final approval. Al-Kassar would appeal to the Constitutional Court on the grounds that his human rights had been violated, but the court may not order a halt to the extradition during the

approximately 30 days it will take to render its decision. Garzon said it was therefore vital that the Council have the chance to decide on the case at its next meeting, scheduled for December 28, so that Al-Kassar could be transferred to U.S. custody as soon as possible. Garzon reminded the Ambassador that he had prosecuted Al-Kassar in the past, and that he regrets not being able to put him away. He believes Al-Kassar will "start singing like a canary" the moment he is in U.S. custody to try and cut whatever deal he can. Garzon clearly has no love lost for Al-Kassar and said "I hope you get him."

¶3. (C) Judge Garzon ended the meeting by giving the Ambassador a brief readout of his recent visits to Afghanistan and Iraq. Spanish press has reported that Garzon is working with Spanish public television to put together a documentary for broadcast in January that will focus on the current situation in those two countries. Garzon told the Ambassador he was grateful for the treatment and level of access he was given by U.S. officials. He said the security situation in Iraq has improved, but he gives the credit more to the willingness of Iraqi sheikhs and tribal leaders to work with Coalition forces against the terrorists than to the surge in U.S. forces. Although Spanish press reports have speculated the Garzon's documentary would be critical of U.S. CT policy, the Judge did not share specifics on what might be covered in the program.

//COMMENT//

¶4. (C) Judge Garzon has been a storied and controversial figure in recent Spanish history, whose ambition and pursuit of the spotlight may be without rival. He has investigated everything from corruption in the former Spanish government of Felipe Gonzalez to alleged Dirty War atrocities committed by past Argentine governments, and even went after General Augusto Pinochet for genocide, terrorism, and torture. MADRID 00002282 002.2 OF 002
However, he has never prosecuted anyone associated with crimes committed during the Franco dictatorship. He clearly has an anti-American streak (as evidenced by occasional scathing editorials in the Spanish press criticizing Guantanamo and aspects of what he calls the "U.S.-led war on terror"), and we are certainly under no illusions about the individual with whom we are dealing. There is a very good chance that his documentary next month will indeed be a hatchet job on the U.S. However, Garzon has also doggedly pursued many important terrorist cases and there have been and will continue to be numerous areas where our interests overlap. For instance, Garzon is very active in investigating terrorist pipelines based in Catalunya that feed would-be suicide bombers to Iraq. One of these individuals was recently detained in Iraq before committing a terrorist act and Garzon will soon take his deposition. This Embassy has a good working relationship with Garzon and his door has always been open to the Ambassador and members of our Country Team. Embassy Legat has tried to foster relationships with all six of the investigative magistrates, with varying degrees of success. Some are responsive to our outreach and attend Embassy-organized conferences and events, others do not. We will continue to explore ways to deepen our cooperation with these individuals, as Garzon is correct that they all wield significant authority and latitude to investigate and prosecute cases of interest to the U.S. AGUIRRE