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## Spain's Attorney General Opposes Prosecutions of 6 Bush Officials on Allowing Torture

**By [MARLISE SIMONS](#)**

PARIS — Spain's attorney general on Thursday strongly criticized steps to [open a criminal investigation](#) in Madrid into allegations that six former Bush administration officials authorized the torture of detainees at [Guantánamo Bay](#), Cuba.

Cándido Conde-Pumpido, the attorney general, said at a breakfast meeting with journalists in Madrid that he would oppose any legal action in Spain because the proper forum would be an American court and that any investigation should focus on those who actually mistreated detainees.

But in Spain, the attorney general does not have the last word; an investigating judge decides whether a case will proceed. Lawyers familiar with the case said that the stage had now apparently been set for a struggle between judges and politicians.

The judge handling the complaint against the Americans is [Baltasar Garzón](#), the crusading magistrate who ordered the arrest of the former Chilean dictator [Augusto Pinochet](#).

In the past, Mr. Garzón has ignored opinions by politicians and law enforcement officials.

But with Spain's government eager to improve its formerly tense relations with Washington, lawyers familiar with the case said there was evidently political pressure to dismiss it.

The attorney general's public intervention was unexpected and unusual, particularly because he appeared to overrule prosecutors at the Madrid court that was dealing with the complaint.

Last week the prosecutors, who are asked for an opinion before the investigating judge proceeds, wrote that Spain could claim jurisdiction in the case because it was a party to the [United Nations](#) Convention Against Torture and five former Guantánamo inmates, three of them Spanish citizens and two Spanish residents, claimed that they were tortured. Lawyers who had seen the still-unreleased document said it gave the green light for a criminal investigation against the six Americans.

Besides Alberto Gonzalez, the former attorney general, the complaint named [John C. Yoo](#), the former Justice Department lawyer who wrote secret opinions saying the president had the authority to circumvent the [Geneva Conventions](#), and [Douglas J. Feith](#), the former under secretary of defense for policy.

Secret memorandums by Mr. Yoo and other top administration lawyers helped clear the way for aggressive policies like [waterboarding](#) and other harsh [interrogation techniques](#), which the [C.I.A.](#) director, the attorney

general and other American officials have said amount to torture.

The other Americans named in the complaint were William J. Haynes II, former general counsel for the Department of Defense; Jay S. Bybee, Mr. Yoo's former boss at the Justice Department's Office of Legal Counsel; and [David S. Addington](#), the chief of staff and legal adviser to Vice President [Dick Cheney](#).

Mr. Conde-Pumpido said that naming White House legal advisers instead of their bosses was a legal "artifice."

Gonzalo Boye, the lawyer for the human rights group that filed the complaint in March, dismissed the attorney general's arguments as "legal nonsense." He said that in Spain as in most countries, legal advisers can be held accountable for bending or breaking the law. It was not known when Judge Garzón would issue his decision on how he plans to proceed. Lawyers said the case could still be assigned to a different judge.

*Victoria Burnett contributed reporting from Madrid.*

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