

docket. Not only is it not in the docket, but the docket starts with the arrest on September 29 (notice the docket lists his arrest twice, on both September 29 and October 11), but the numbering starts with the amended complaint (normally, even if there were a sealed original complaint, it would be incorporated within the numbering, such that the docket might start with the amended complaint but start with number 8 or something).

Two things might explain this. First, that there was an earlier unrelated complaint—say on drug charges, but the charges are tied closely enough to this op such that this counts as an amended complaint. Alternately, that Arbabsiar was charged with a bunch of things when he was arrested on September 29, but then, after at least 12 days of cooperation (during which he waived Miranda rights each day), he was charged with something else and the new complaint incorporated Ali Gholam Shakuri's involvement, based entirely on Arbabsiar's confession and Shakuri's coded conversations with Arbabsiar while the latter was in US custody.

Both of those scenarios suggest that what we see—the WMD and terror charges—might be totally different charges than what the original complaint included (or just focused less closely on Arbabsiar). In any case, the presence of an original complaint, even putting the docket weirdness aside, makes it pretty likely that Arbabsiar decided to cooperate because of what was in that complaint.

Now look at his status. "Detention on consent without prejudice." Arbabsiar wants to be in jail. Given that his cooperation and implication of the Qods Force has turned into an international incident, I don't blame the guy.

All of which does sort of make you wonder what medical attention the court ordered for Arbabsiar.

Now we may find there are perfectly reasonable explanations for why an already funky complaint

that goes to great lengths to pretend the spooks weren't involved in the case when they played an explicitly critical role has some oddities in its docket. But I would suggest—and I hope to at more length tomorrow—that DOJ's records system might be the wrong place to look for background information on Manssor Arbabsiar.

And at the very least, the gaps in the docket mean that DOJ is currently unwilling to tell us when and on what charges Arbabsiar was first charged, and on what basis he cooperated with the authorities.

Update: This post was tweaked for clarity.

Update: As I was responding to EH, I realized something. As I said to him, the least damning explanation for the two complaints is that the original complaint had the same charges—WMD, terrorism, etc.—but charging just Arbabsiar.

But that's not right! Three of the four charges are conspiracy charges (the exception was Foreign Travel and Use of Interstate and Foreign Commerce Facilities in the Commission of Murder-for-Hire). Unless the government were preparing a really crazy prosecution theory, **you don't charge just one person with conspiracy**. Which raises real questions about what the charges in the original complaint were, particularly given the only evidence they had were money transfers not tied directly to Qods Force. And some tapes (as well as some key conversations that were not taped). The missing tapes would be particularly problematic given that Arbabsiar claims he was not sent to do murder for hire, he was sent to do kidnapping, and those missing tapes might explain how the plot evolved).

Update: I think I finally got the August/September fix right. Thanks, MD.