

THE GOVERNMENT CONTINUES TO CLASSIFY WIKILEAKS CABLES TO COVER UP THEIR TORTURE COVER UP

The government has responded to ACLU's FOIA for a bunch of WikiLeaks cables by releasing redacted versions of just 11 of the 23 cables they FOIAed (I've copied, ACLU's inventory of what they got below the fold).

Some of their redactions are unsurprising—details that show officials from other governments sucking up to the US. But some of the redactions clearly serve only to “hide” details of the government's own cover up of its torture program. For example, consider this passage, which is part of a substantial redaction in the FOIA release.

Meanwhile, the Embassy has been involved in DOJ-led talks to have Zaragoza – who attended the April 16 press conference – lead a four-person team of GOS officials to Washington for a possible meeting with U.S. Deputy AG David Ogden or AG Eric Holder during the week of May 18. Zaragoza's wife, who is Conde Pumpido's chief of staff, would reportedly be one of the four.

The passage only describes internal discussions between Embassy personnel in Spain and DOJ; there's no mention of any Spanish actions or statements.

Yet it's tremendously damaging to the Obama Administration because it explains how discussions between the US and Spain got from this April 1, 2009 suggestion Chief Prosecutor Javier Zaragoza made (this is also redacted but could easily be claimed as one of those

embarrassing exchanges with a foreign government official).

Zaragoza noted that Spain would not be able to claim jurisdiction in the case if the USG opened its own investigation, which he much preferred as the best way forward and described as “the only way out” for the USG.

To Obama’s April 16 assurances there would be no prosecutions for torture, to Eric Holder’s August 24 announcement (in the wake of the OPR Report, which was itself an investigation) of the John Durham investigation. In other words, the redacted paragraph provides key details showing that Spanish legal representatives met with DOJ as DOJ decided to launch an investigation that couldn’t seem to find a crime in years of torture evidence.

Similarly, this entire cable was withheld, including this passage which records only what the US Deputy Chief of Mission said to Germany’s Deputy National Security Adviser (so again, it doesn’t show anything embarrassing the Germans did).

In a February 6 discussion with German Deputy National Security Adviser Rolf Nikel, the DCM reiterated our strong concerns about the possible issuance of international arrest warrants in the al-Masri case. The DCM noted that the reports in the German media of the discussion on the issue between the Secretary and FM Steinmeier in Washington were not accurate, in that the media reports suggest the USG was not troubled by developments in the al-Masri case.

But, as I noted in this post, the passage appears to show Condi using her German counterpart to create the appearance that she had no concerns about German subpoenas.

Now, of course, this evidence of our government's efforts to cover up their own torture isn't really hidden. But so long as the government maintains that it remains classified, no one can use it—say, in a legal proceeding—to show high level obstruction of our own duty to investigate and prosecute this torture.

Cable ID	Full Text Released by WikiLeaks	Cables Released to the ACLU by State Department
07MADRID1805	wikileaks.org/cable/2007/09/07MADRID1805.html	Withheld in full
09MADRID347	wikileaks.c4ss.org/cable/2009/04/09MADRID347.html	Released in part
09MADRID392	wikileaks.org/cable/2009/04/09MADRID392.html	Released in part
09MADRID440	wikileaks.org/cable/2009/05/09MADRID440.html	Released in part
09TUNIS415	wikileaks.org/cable/2009/06/09TUNIS415.html	Withheld in full
07TRIPOLI943	wikileaks.org/cable/2007/11/07TRIPOLI943.html	Withheld in full
08OTTAWA918	wikileaks.org/cable/2008/07/08OTTAWA918.html	Withheld in full
10LUXEMBOURG5	wikileaks.org/cable/2010/01/10LUXEMBOURG5.html	Released in part
05PARIS3118	wikileaks.org/cable/2005/05/05PARIS3118.html	Released in part
05PARIS1699	wikileaks.org/cable/2005/03/05PARIS1699.html	Released in part
08LONDON1412	wikileaks.org/cable/2008/05/08LONDON1412.html	Withheld in full
06DUBLIN1020	wikileaks.org/cable/2006/09/06DUBLIN1020.html	Withheld in full
06LISBON2365	http://www.wikileaks.org/cable/2006/10/06LISBON2365.html	Released in part
10SANAA4	wikileaks.org/cable/2010/01/10SANAA4.html	Withheld in full
08LONDON2651	wikileaks.org/cable/2008/10/08LONDON2651.html	Released in part
09RIYADH670	wikileaks.org/cable/2009/05/09RIYADH670.html	Withheld in full
06BERN141	wikileaks.org/cable/2006/01/06BERN141.html	Released in part
06BERN1804	wikileaks.org/cable/2006/09/06BERN1804.html	Withheld in full
10ROME174	wikileaks.org/cable/2010/02/10ROME174.html	Withheld in full
05THEHAGUE1876	wikileaks.org/cable/2005/07/05THEHAGUE1876.html	Released in part
06THEHAGUE2282	wikileaks.org/cable/2006/10/06THEHAGUE2282.html	Released in part
07BERLIN242	wikileaks.org/cable/2007/02/07BERLIN242.html	Withheld in full