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CENTRAL COURT FOR PRELIMINARY CRIMINAL PROCEEDINGS No. 005
MADRID
PRELIMINARY PROCEEDINGS, ABBREVIATED PROCESS 0000150 / 2009-N

Madrid, October 29, 2009

RULING

RECEIVED	
[coat-of-arms] HONORABLE BAR ASSOCIATION OF MADRID	
RECEPTION	NOTIFICATION
NOV. 12, 2009	NOV. 13, 2009
Article 151.2 L.E.C. 1/2000	

ONE – In the complaint a series of facts concretely referring to Lahcen Ikassrien are identified, from his detention and the circumstances surrounding it to the presumed torture or abuse suffered by the complainant at the American base in Guantánamo.

In that formal document the lawsuit is filed against George W. Bush, Dick Cheney, Donald Rumsfel [sic], General Michel Lehnert and General Geoffrey D. Miller, all of whom have taken part materially in the events.

TWO. – The Office of Public Prosecutor requests that the complaint filed by Lahcen Ikassrien's legal representation not be accepted, on the basis of the arguments contained in its Oct. 14, 2009 report, which is recorded as connected to the case.

LEGAL ARGUMENTS

ONE. - These procedures were filed on April 27, 2009, and in them one of the victims is the present complainant Lahcen Ikassrien, and thus it is related in the facts of that case; therefore he appears clearly entitled to appear as party under arts. 109 and 110 of the criminal code, and hence the complaint must be admitted to the procedure for these specific acts and against whoever is materially and intellectually responsible for them.

It should be kept in mind that the May 26, 2009 Ruling sets some previous requirements for proceeding against such persons; specifically they have to do with the request for information about possible criminal actions in the United States through competent judicial authorities; there has been no reply to the questions presented, and hence that response should be awaited, without prejudice to reiterating the request, as was already done by court order on August 11, 2009, the content of which is now repeated.



TWO - The persons mentioned cannot be identified as defendants except through a description of the specific behaviors having to do with the cases herein investigated, and that is what the formal document does not provide, and therefore it is considered premature to summon them.

Therefore, after the aforementioned procedure is completed, it must be determined who were specific persons responsible for the victims, the system by which they suffered the physical and mental damage and in what context they took place, through which techniques, and who put them into practice and designed them.

Accordingly, and taking into account articles 312, 313, of the Criminal Code and other general applicable articles, including art. 23.4 of the LOPJ [Organic Law of the Judiciary].

I DECIDE TO

- **Admit** the complaint presented as injured party, filed by Lahcen Ikassrien for torture, against the material authors and any others who turn out to be responsible for the events.
- **Dismiss** the complaint filed against the persons who are identified, on the grounds that the events claimed were not specified.
- **Repeat** the Letters of Request sent to the United Kingdom and the United States on June 15, 2009, and recorded on October 11, 2009.

Thus decided, ordered, and signed by Baltasar Garzón Real, Judge-Magistrate of the Central Court for Preliminary Criminal Proceedings. To which I as Secretary attest.

PROCEDURE. - What is ordered is carried out immediately. In witness whereof.