

# Spanish government plan for drastic punishment of war opponents

Ludwig Niethammer  
1 May 2003

Having confronted some of the biggest antiwar demonstrations seen anywhere in the world in recent months, the Spanish government of Prime Minister José Maria Aznar is planning to introduce legislation allowing for the severe punishment of those taking part in such protests. Earlier this month, the Spanish Defence Ministry confirmed a report on plans for new repressive laws that were first revealed by the Madrid daily newspaper *El País*.

A draft law for a new military criminal code states the following: “Whoever, in a situation of armed conflict of an international character in which Spain is taking part, carries out public actions with the aim of bringing Spain’s intervention into disrepute will be punished by one to six years in prison.” The same penalty is provided for those who “circulate false information or reports with the aim of weakening the morale of the population or provoking disloyalty or an absence of fighting spirit among the Spanish military.”

Spanish Defence Minister Federico Trillo claimed he had himself first learned of the plans from the newspaper article. In a revealing comment, however, he added: “We are not planning any reform of the law governing war in this legislative period”.

While a law dating back to the nineteenth century relating to “defeatism” remains on the books, it specifically refers to a “state of war,” which implies a parliamentary vote to declare war. The use of the term “armed conflict of an international character” is aimed at covering the kind of colonial-style wars of aggression like those in Iraq and Afghanistan, which involve no such declaration.

The formulation of the draft law leaves no doubt that the government’s plans are a direct reaction to the mass protests against the Iraq war. On March 15, just four days before the opening of the American assault, 4 to 5

million people took part in mass demonstrations against the war throughout Spain.

An estimated 90 percent of the population rejected the war—more than in any other European country. In addition to his support for the war, Aznar has provoked widespread popular hostility with his disastrous social and environmental policies.

Together with British Prime Minister Tony Blair and Italian Prime Minister Silvio Berlusconi, Aznar proved to be one the closest allies of US President Bush in the Iraq war.

The draft of the repressive new law makes “defeatism” a crime not only in relation to Spain, but when directed at an “allied power” as well, meaning that protesting criminal acts of aggression by Washington can also result in lengthy prison terms for Spanish citizens.

As a consequence of his identification with this deeply unpopular war, Aznar has become totally isolated from the Spanish people. He is given little chance of winning parliamentary elections set for the spring of 2004 in Spain.

Against this backdrop, the proposed new military criminal code represents a serious threat to working people. Should such a law be passed by parliament, it would represent the first major increase in the powers of military judges since the end of the Franco dictatorship in 1975. The article in *El País* correctly concluded: “If this text was already in force, a military judge would be in a position to prosecute for defeatism the millions of demonstrators who protested against the Iraq war.”

For its part the Spanish Socialist Party called the new draft a “path back towards the darkest of times”. Aznar and the Spanish right, however, owe their return to power in large measure to the sweeping attacks on the

rights and conditions of working people carried out by the last Socialist Party government.



To contact the WSWs and the  
Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**