

Spanish airport strikers face imprisonment for sedition

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The charges brought against 27 Spanish airport workers, under an anti-terror law passed during Franco's fascist dictatorship, represent a major offensive against democratic rights.

The workers face possible imprisonment on sedition and disorderly conduct charges, arising out of a strike at Barcelona airport in July 2006. More than 400 workers employed in Iberia's handling services (luggage transfers, food deliveries and aircraft cleaning) occupied the runways for 11 hours and brought the airport to a halt. Some 600 flights were cancelled or delayed and about 100,000 passengers affected.

The action was in defiance of union officials, who told the workers to accept the decision by the airport management company Spanish Airports and Air Navigation (AENA) to transfer them to other companies leading to the loss of 900 jobs and the imposition of new contracts on lower wages.

It took four years before the trial began last month in the Court of Barcelona and finished on February 22. Prosecutors reduced their original demand for a three year prison terms for 25 of the workers, which means they will be on probation instead of going to jail. But they insisted on a four year sentence for the two accused of being ringleaders, delegates from the General Workers Union (UGT), which means they will go to prison. The judge is still to pass sentence.

The charge of sedition involves actions that a government deems tantamount to insurrection against the state. That it was passed in Spain under Franco itself indicates the reactionary nature of the legislation. But the World Socialist Web Site has consistently warned that the eventual target of all anti-terror legislation, including that more recently passed in many countries in the name of the "war on terror", is the

working class as a whole.

In a previous period, the unions would have called mass protests against such an attack on the democratic right to strike. In 1972, in the UK, the Trades Union Congress, faced with massive and rising anger, called a national strike to demand the release from prison of five shop stewards known as the Pentonville Five who were arrested whilst picketing. The UK was brought to a standstill and thousands marched on the prison. The government was forced to back down and dispatch a virtually unknown civil servant, the Official Solicitor, with a copy of an ancient and obscure law to order the stewards' release.

Today, the UGT and Workers Commissions (CCOO), like their counterparts throughout Europe, are intent only on continuing a policy of collaborating with the airlines which has seen tens of thousands of jobs lost and wages cuts since the implementation of the "open skies" policy in the 1990s and which has provoked strikes and strike threats in Germany, France and the UK. As a result the Barcelona airport workers have been left isolated. Even if they are not imprisoned, they will be unlikely ever to find work again. Moreover, the fact that the government has been able to hold a trial on such a basis has set a dangerous precedent.

The union's role also dictated the nature of the defence mounted by its two representatives. During the trial the two UGT delegates accused of leading the occupation testified that they had used the megaphones in order to convince the other workers involved to end their occupation. The director of the airport agreed in his testimony that the UGT delegates had indeed tried to stop the occupation and clear the workers from the runways. The leader of the UGT in Catalonia added, "I know that the people of UGT and CCOO tried to get people off [of the runways]... I have to admit that the

situation got out of control.”

The charge of sedition was first raised by Spanish Association of Air Transport Users and Professionals, Asetra, shortly after the occupation but it was the Socialist Workers Party (PSOE) government of José Luis Zapatero that really made it possible. The Minister of Public Works, Magdalena Alvarez, declared the strike “inadmissible” and said that the government would “take all necessary measures from the point of view of the law”.

The Minister of the Interior, José Montilla, stated that although the legitimate right to strike existed, “there was also the right of people to travel.”

Concerned with the damage to businesses and tourism, he declared, “you can’t take a strike at a time like this, without previous warning and in the way it was carried out.”

In the congress of deputies all the main opposition parties joined the PSOE in condemning the strike. The Popular Party (PP) and the Catalan nationalist Convergence and Union (CiU) criticised the police for not acting sooner and evicting the strikers from the runways. The Basque National Party (PNV) called for a law limiting the right to strike.

PSOE ministers gave orders to the State Counsel for the workers to be charged. After days of sifting through CCTV footage and photographs and videos, the police identified 27 workers.

On the first day of the trial defence lawyer Rafael Núñez, declared that the strikers were being charged under “a Francoist, pre-constitutional and fascist law” which, as far as he was aware, had never been incorporated into the constitution. In response, one prosecution lawyer representing AENA complained that the proceedings seemed more like “a trial against Francoism than against the accused.”

Law 209/1964 is one of a number of laws that remained virtually unchanged from the Francoist dictatorship when the PSOE government under Felipe González passed a new Penal Code in 1995. Under it, air crew and other employees, passengers or any person who agrees with them “that rise up collectively at airports or in aircraft for any purposes related to air navigation” are guilty of sedition and punishable by imprisonment. Leaders of seditious movements face tougher sentences if found guilty.

The law was passed just as mass tourism was taking

off in the early 1960s, leading to a rapid increase in aircraft operated by Iberia and charter companies. The Franco regime was determined to prevent strikes, and stop incidents like that in 1961 when six hijackers took over a plane and dropped leaflets over the Portuguese capital of Lisbon denouncing the Salazar dictatorship.

In 1963 the leader of the Communist Party’s underground organization was shot. Two young anarchists, accused of planting small scale bombs, were garroted. Both executions received widespread international condemnation.

It is clear that the Zapatero government and the Spanish ruling elite are making an example of the airport workers in order to intimidate others. Their pursuit of the two delegates is also meant as a warning to the trade unions to make sure they keep control over the workforce and discipline or remove any militants. They are only too aware of the opposition that is developing in Spain as the economic crisis intensifies and they attempt to unload the burden of it on the backs of the working population.

The charging of the 27 is another clear demonstration that the Spanish state and Constitution that was set up in the 1970s following the “transition” from fascism to democracy—a compromise between the fascists, the Communist Party and the PSOE—not only provided a political amnesty to the criminals of the Franco regime. It maintained its many of its repressive laws and judiciary to this day.



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