One man’s campaign to expose corruption in Spain’s health service

Paul Mitchell
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Marcelino Victoria Sánchez has been waging a determined campaign to expose corruption in Spain’s health service.

Marcelino, an air traffic controller, was interviewed earlier in the year by the *World Socialist Web Site* about Prime Minister José Luis Zapatero’s Spanish Socialist Workers Party (PSOE) government’s imposition of a 43-day-long “state of alarm” on 2,200 air traffic controllers, during which they were subjected to military discipline and forced back to work.

Paul Mitchell: You are involved in an investigation into fraud and corruption in Spain?

Marcelino Victoria Sánchez: In 2005, I was made aware of a contract signed by senior officials and personalities of my country that established a business of illegal distribution of medicines to the population in Andalucia in southern Spain, where I live. The personalities involved offered unemployed pharmacists their political influence in order to get a licence to set up a front business. In return, these personalities, acting as false employers, asked the worker for a percentage of the profits—up to 95 percent in the contract I saw—and demanded the workers give up their entitlement to basic labour rights, such as retirement and holiday payments.

The contract came to me directly from a pharmacist, who had been blackmailed by these guys for 28 years. She gave me plenty of documentation proving the trade in medicines and drugs had amounted to over €60 million. According to the contract, profits raised by senior officials were hidden from the public Treasury.

I was shocked when I discovered the names of those involved. One of them is a prominent European lawyer, who has built up a reputation in the world of “business and legal ethics” and co-owns one of Spain’s top legal firms along with a partner who has authored a code of ethical conduct for companies involved in the stock market. A number of former high-ranking officials linked to the PSOE were also involved.

PM: What did you do next?

MV: A few months after discovering the fraud, I decided to send a letter to the partner requesting his help. Days later, I received a letter, from the legal firm on official notepaper saying the issues were the lawyer’s “personal business” and warning me, “If you ever contact any member of the staff...in relation to that contract or any other personal matter not linked to the firm, we may exercise legal action against you.”

The next day, the blackmailed pharmacist said drop everything. She said that she had been contacted by someone and told that if I continued with my complaint my professional career would be ended and my life if necessary.

PM: You received death threats? How did you react to that?

MV: The media has refused to publicise anything to do with my case. No judge has been prepared to investigate the death threats I had received over the years, despite me sending them multiple e-mails and the facts being documented by third parties.

I have also had information that a former minister in José Maria Aznar’s Popular Party (PP) government used his influence to prevent my case going to the parliament of Andalusia.

In 2007 and 2008, I sued those involved and presented a formal complaint before the Spanish National Association of Lawyers against the law firm. I took steps to protect my life. I filed a petition at the European Parliament under Article 194, appealing to my status as a European citizen and the obligation of EU bodies to ensure life and freedom of expression (Article 6 and others).

Spanish members of the European Parliament refused to answer more than a dozen e-mails I sent them asking for help. Willy Meyer, representing the [Communist Party-led] United Left, ignored all my e-mails.

In April 2009, the European Parliament and the Commission decided not to accept my petition. They said that balancing the budget and tax fraud in member states (the main reason, I think, for the sovereign debt crisis in Europe), health care fraud, lack of transparency and democracy (the main reason for the “indignados” movement two years later), as well as the protection of my life were not matters

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within its competence. Several key documents relating to my petition mysteriously went missing in the parliament.

I sent a joint letter to Jerzy Buzek (president of European Parliament), Jacques Barrot (European Union commissioner for justice and liberty) and Charlie McCreevy (European commissioner for internal market), among others, alleging that EU bodies were violating European Union law by discriminating against me with respect to other EU citizens and not protecting my life and democracy in my country. I let them know that if they remained silent, the first lawsuit in history of an ordinary EU citizen against the European institutions would take place.

No one acted. Buzek did not even answer. I submitted my case to the European Court in February 2010.

In October 2010, the Court of First Instance in Luxembourg denied all my claims and ordered me to pay the expenses for the six defence lawyers hired by the Commission and the European Parliament. In November 2010, I announced I would appeal to the European High Court (now under way) using loans guaranteed by my own house. As an economist with a degree in business, as an auditor, as an expert in international law, as a citizen and, above all, as a European worker, I refused to give in.

On December 3, 2010, air traffic over Spain collapsed, and the traffic between Europe and South America was interrupted. Most Spanish air traffic controllers felt unable to continue working, feeling victims of a state persecution, and AENA closed the airspace without the use of default contingency procedures. That morning, then-Prime Minister Zapatero with the support of PP leader [now prime minister] Mariano Rajoy issued a new dictatorial measure against the controllers.

Within hours, all existing working agreements with more than 2,000 air traffic controllers were erased. My salary and that of all Spanish air traffic controllers were cut by 50 percent. The government forced us to work 500 hours more a year, while curbing our right to strike and threatening to permanently militarise us.

The Spanish media carried out a brutal campaign of harassment and lies against us and demanded we stop challenging the state.

On December 4, 2010, the government declared a state of national alert and employed the Spanish army and the national police. Twenty percent of all controllers (426) were criminally accused, and Candido Conde Pumpido, general prosecutor of Spain, demanded eight-year prison sentences for controllers. They have still not been cleared of the charges of sedition, kidnapping citizens, abandonment of job, etc. In some cases, the prosecution has been closed temporarily, but the records can be immediately reopened by court order. On top of this criminal prosecution, controllers have begun to receive letters informing them of the opening of administrative proceedings by the Transport Ministry (Air Safety Agency) with fines from €90,000 to more than €200,000 for each controller.

On December 5, 2010, I went to my work and was surrounded by police vans and armed police. As I sat in my control console where I can be dealing with up to 20 airplanes and 5,000 passengers at any one moment, I was told my duty as a soldier, and that my freedom of speech had been partially removed. All our movements were monitored.

In March 2011, Spanish controllers were forced to accept new conditions under threat of being permanently militarised.

PM: What has happened to your case?

MV: Today, my case is still awaiting a final decision by European judges. The legal document [PDF] states that it "relates to the petition that Mr. Victoria Sánchez sent to the European Parliament in 2008 in which it drew that institution's attention to the risks incurred by Spanish citizens who dare to denounce the political corruption and tax fraud taking place in Spain.

"Together with the petition sent to the Parliament he submitted a contract signed by important Spanish personalities—including a named lawyer who works for the largest law firm in Spain and Portugal—which recounted how all of those persons were defrauding the State Treasury and Spanish citizens by means of fictitious undertakings opaque to the Spanish State. The petition was shelved without being granted any attention and no Spanish MEP responded to the subsequent requests for support made by the appellant—in the form of 10 e-mails—in which he requested the cooperation of his representatives to ensure his physical integrity in the light of the threats which he had received."

I know my main weapon of defence against being killed is pursuing this ongoing process, together with the support of my family and few friends. The *World Socialist Web Site* has displayed an incredible courage and independence, and I must thank you for that. You have been the only international media capable of defending and questioning the treatment by Spanish authorities of controllers over the past three years by questioning the failure of the unions.

I encourage all European workers to join my fight. Workers should not pay the expenses of corruption and fraud caused by others.

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