

Victims of Spain's fascist junta testify in Garzón trial

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Last Wednesday, victims of the Franco regime testified in front of Spain's Supreme Court during the trial of Judge Baltasar Garzón.

In a case brought by the fascist Falange and the fascist trade union Clean Hands (Manos Limpas), Garzón is accused of abusing his judicial power by launching an investigation into the crimes committed during the Civil War (1936-1939) and the dictatorship that continued until Franco's death in 1975. He is deemed to be guilty of breaking the Pact of Forgetting, the rotten agreement between the Stalinists, social democrats and fascists to close the door on any investigation or prosecution of the crimes of the Franco regime.

Since 1997, Clean Hands has pursued 17 complaints, allegations and grievances against Garzón. All of them have been dismissed by the courts. When he began investigating the crimes carried out during the Franco regime, however, Clean Hands' complaint was accepted for the first time, and the entire political and legal machinery was mobilised against Garzón.

The trial has backfired somewhat, as many of the cases that were due to be investigated have now been aired in court and broadcast around the world—as has the spectacle of rightist judges defending Franco and prosecuting someone who wants to investigate his crimes.

The first witness to appear was María Martín López. Almost whispering, the frail 81-year-old woman described the difficulties she had faced in trying to find out what happened to her mother through official channels. Government officials did “nothing” to help her even though she had sent letters to “a lot of them.”

Finally, she filed a complaint to the National Court, which was eventually accepted, along with other cases,

by Garzón. As a result of his investigations, Garzón demanded the regime be held accountable for murder, ordered mass graves to be opened and compensation paid to Franco's victims.

Martín López described how the fascists came and killed her mother on September 21, 1936, when she was only six years and two months old, and how she knew exactly where her mother was—“at the side of the bridge, in an *ensanche* [development area] where later they put three metres of earth on top.”

On the same day, the fascists killed another 27 people.

At the door of the court, Martín López told journalists that her mother had been “executed...they found her without clothes.”

Maria del Pino Sosa, age 75, heads the Canary Islands Association for Historical Memory, one of the first organisations to file a complaint to the National Court in December 2006 denouncing the disappearance of more than 500 people under fascism.

Del Pino described how the fascists kidnapped her father, leaving her mother never able to sign the death certificate. “They took them from our homes, they beat them, imprisoned them, they took the breadwinners from our homes,” she said.

The lawyer for the Falange and Clean Hands objected to these witnesses, stating that he did not understand their presence when “here we are judging Baltasar Garzón.” He asked del Pino if her association received public funds, to which she responded no.

The last witness of the day was Ángel Rodríguez Gallardo, historian and member of the Pontevedra Historical Memory Commission, who stated that his association had filed a complaint to the National Court based on “violent crimes, a lot unresolved” going back to 1936.

“We wanted to know how these deaths had occurred and where the missing were. Many people were unaware of the whereabouts of their parents. With the complaint we were trying to find out how these processes had ended.”

Gallardo described how his investigations revealed a “systematic plan” to eliminate political leaders of the Second Republic, the bourgeois regime overthrown by Franco. During the investigations, he had encountered many bureaucratic and juridical difficulties when he tried to access government archives. “If we could actually access the prison, Civil Guard and police files, we could determine the systematic plan,” he explained. “A plan prepared a year before the coup d’état,” which involved “acts of genocide”.

The trial of Judge Garzón has exposed the opposition of the ruling elite to any investigation into the crimes of Francoism. Its material interests are inextricably linked to a regime born in a coup, in mass executions and repression to crush a revolutionary movement of the working class.

The current constitution was drawn up by a section of the old regime and the leaders of the Communist Party and the Socialist Workers Party, who constitutionally enshrined the “peaceful transition from fascism to bourgeois democracy.”

The current king, Juan Carlos, was officially designated heir-apparent and swore loyalty to Franco’s National Movement when the dictator restored the Bourbon monarchy in 1969. The ruling Popular Party (PP) was formed out of the remnants of Franco’s party, and most judges in the Supreme Court that are currently putting Garzón on trial were promoted to the upper echelons of the judiciary under Franco.

The Stalinists and social democrats agreed on the Pact of Forgetting with Franco’s heirs both to conceal their role in engineering the defeat of the Spanish revolution—by allying themselves with the “democratic bourgeoisie” and opposing a seizure of power by the workers—and to restabilise capitalism in the tumultuous period following the dictator’s death.

Two events on the same day as the trial reveal the chasm that separates the ruling elite from the victims of fascism.

In Seville, the bones of 15 of the so called “17 roses of Guillena”, executed 74 years ago for being family members of republican militiamen, have been

uncovered. The chief archaeologist at the mass grave explained the “cruelty” that must have taken place. Fifty shell casings from three different weapons have been unearthed, 48 of which were shot at point-blank range from a 9-mm pistol.

That day, the president of the Spanish Senate, Pío García Escudero, declared that he is going to propose the installation of a bust of the recently deceased former PP president of the Galician regional government, Manuel Fraga, in the upper chamber. A street will also be named after him in Madrid. Fraga, who founded the PP, served as Franco’s propaganda minister, disseminating lies about death row inmates and signing the death warrants of political prisoners. He justified shaving the hair of the wives of Asturian miners who went on strike in 1963 and in 1976, as head of the Interior Ministry, supervised the notorious crackdown in the Basque Country ordering the Civil Guard to throw tear gas through the windows of a church in which workers were meeting and then shooting anyone who came out. Five workers were killed and 100 injured.



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