

Spain: Fascists intimidate plaintiffs in Franco-era crimes case

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Fascists are intimidating plaintiffs who have launched a lawsuit investigating the crimes committed by the forces of General Francisco Franco during the Spanish Civil War (1936-39) and the dictatorship that followed.

During that period up to 400,000 people were killed or disappeared and up to 300,000 children were abducted from jailed or executed parents. Not one Francoist official has ever been held responsible. They have escaped justice for so long because of the immunity guaranteed by the Amnesty Law passed in 1977 and the so-called Pact of Forgetting, made possible by the collusion of the Socialist Workers Party (PSOE) and the Stalinist Communist Party (PCE).

Nothing has been done about the recent fascist intimidation either. One plaintiff, Gema Carretero from Leganés, a satellite-city of the capital Madrid, describes in her online petition, that “I am threatened with death by extreme right groups. You have only to see the photo. And no one listens to me when I ask for protection, I ask you for help.

“My name is Gema, and my father was killed by the dictatorship in 1965. Because of a lack of justice in Spain I had to go to Argentina to make a complaint to the judge Servini seeking justice in a prosecution for crimes against humanity in the war, after the war and the dictatorship.

“And for that reason there are people who live near my house that keep harassing me and threatening me. I have recently experienced graffiti in large letters on the front of my house, bearing the swastika, containing serious insults and death threats.

“I proceeded to denounce the situation. I met with the City Council and made a complaint to the court, but nothing has been done to defend our personal integrity. They have also smashed our door lamps and sprayed the neighbourhood with abrasive products.

“I’m terrified, I have fear and I fear for the safety of my family.

“Therefore I ask that you support me with your signature, to request that the Ministry of Interior and the Leganés Council undertake to provide the necessary protection for my family and the people, who like us, are threatened with death by right-wing terrorist groups.”

Because successive Spanish governments have not only refused to investigate these crimes in Spain but have severely punished those who have attempted to do so, Carretero and other relatives of those murdered by the Franco regime have sought justice in Argentina. A lawsuit was filed there in April 2010 by human rights lawyers in the name of six relatives who now live in that country.

Behind the lawsuit is Spain’s Association for the Recovery of Historical Memory. Set up shortly after the Zapatero Socialist Party (PSOE) government came to office in 2004, it was intended as an exercise in damage control over rising demands for a proper investigation of the Franco period, and has no teeth or authority. Also involved is Baltasar Garzón, the Spanish judge who was debarred in 2010 when he attempted to start an investigation into the torture and executions under the Franco regime and declared them crimes against humanity.

Argentine Federal Judge María Servini de Cubría was appointed to investigate the accusations under international law, in which crimes against humanity have no limitations or jurisdictional boundaries.

As soon as the lawsuit was launched, the present right-wing Popular Party (PP) government of Mariano Rajoy pressured the Argentinean government not to allow Servini to use the Argentine Embassy in Spain to interview the victims and relatives, and also put every

obstacle imaginable in the way of obtaining interviews over the Internet. As a result, over 200 plaintiffs and their lawyers have been forced to fly to Buenos Aires to give evidence, with hundreds more unable to go because of the cost or old age.

In September 2013, Servini issued international arrest warrants for four former Spanish officials accused of torture, only two of whom are still alive—policemen José Antonio González Pacheco, known as “Billy the Kid,” and Jesús Muñecas Aguilar. Only after pressure from the United Nations Committee on Enforced Disappearances did Spanish Justice Minister Alberto Ruiz Gallardón reluctantly acknowledge the extradition requests and confiscate their passports.

This month, Servini has indicted 11 former Francoist ministers who are still alive, including José María López de Letona (Industry Minister 1969-74), Licinio de la Fuente (Labour Minister 1969-75), Alberto Monreal (Finance Minister 1969-73), Antonio Barrera (Finance Minister 1973-74), Fernando Liñán (Information and Tourism Minister 1973-74), Antonio Carro (Head of the Ministry of the Presidency 1974-75), Fernando Suárez (Labour Minister 1975), José María Sánchez-Ventura (Justice Minister 1975), José Utrera (Housing Minister 1973-74), and Rodolfo Martín (Interior Minister 1976-79).

However, Servini declared, “I want to clear up the fact that the ministers’ personal histories are not being scrutinized here, but simply their roles as active ministers in the Franco regime, which had a policy of committing gross violations of human rights.”

Servini’s conciliatory sentiments were echoed by Galician Association for the Recovery of Historical Memory secretary, Rubén Afonso Lobato, who said, “We have no special grudge against these people but we simply want them to tell us what they did and for them to be judged for their actions. No matter how old they are, they still have to own up to their actions.”

This week equally conciliatory statements were made by lawyers from the Association for the Recovery of Historical Memory and other human rights organisations, who are pleading with Spain’s National Court chief prosecutor Javier Zaragoza to be the “voice” of the victims and allow the extradition of Pacheco and Aguilar. In what is clearly an attempt to thwart the Argentine case, Zaragoza said that he would be willing to open a lawsuit in Spain “because those

were crimes committed by and against Spanish people,” only to add, “If the case were opened, we should take into account the amnesty and the statute of limitations on legal claims.”

In the unlikely event the National Court ordered the extradition, the Council of Ministers would be able to veto the decision.



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