

Court rules Spanish fascist regime did not commit crimes against humanity

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Spain's Constitutional Court, empowered to determine the constitutionality of all laws in the country, has ruled that the 1939-1978 fascist regime under General Francisco Franco did not commit crimes against humanity. The ruling constitutes an endorsement by a top European Union court for a four-decade fascist regime and its policy of mass murder and repression.

It is part of the unfolding global ramifications of the January 6 coup in Washington spearheaded by Donald Trump, with much of the Republican party and of the state apparatus. Emboldened by the US Democratic Party's calls for "unity" with the fascist coup plotters, the adoption of far-right agenda by European governments, and the role of pseudo-left groups in downplaying the fascist threat, the Constitutional Court can publicly deny the atrocities committed by Spanish fascism.

Workers and youth internationally must be warned. If the crimes of fascism are being rehabilitated, it is because powerful sections of the ruling class are plotting to carry out a preemptive counterrevolution against the mass opposition against social inequality and murderous "herd immunity" policies.

On Wednesday, the Constitutional Court ruled 9 to 3 to reject the appeal filed by Gerardo Iglesias over tortures he suffered under the Franco regime. Iglesias, the former secretary general of the Communist Party of Spain (PCE) and founder of PCE-led United Left, appealed the decision of a regional judge not to hear his complaint in May 2018.

Iglesias filed the complaint along with those of two anti-Franco activists who also suffered tortures, Vicente Gutiérrez Solís and Faustino Sánchez García. The defendant, Pascual Honrado, was a former head of the Political-Social Brigade in the region of Asturias. This was a secret police unit, modelled on Nazi Germany's Gestapo, tasked with repressing opposition movements. Honrado's extradition requested by an Argentine court

was denied by the conservative Popular Party (PP) government in 2015.

Gerardo Iglesias described Honrado as "real beast" in a 2018 press conference. According to the complaint, Iglesias was subjected to police torture on three occasions—in 1964, 1966 and 1974—due to his political and trade union activities.

The Court argued against Iglesias' appeal on the basis that the statute of limitations on the "presumed crimes" has been reached. In addition, the 1977 Amnesty Law, which was backed by the PCE during the Transition, protects all crimes committed by the fascist regime.

Iglesias then argued that they represented crimes against humanity, for which there is no statute of limitations. The judges responded by shamelessly arguing that crimes against humanity did not exist in the Spanish Penal Code at the time—that is, when the fascist regime still held power and was committing these crimes—and provocatively asserted that the alleged crimes do not fit the category.

It is unquestionably established, however, that the torture of Iglesias is part of the crimes against humanity committed by the fascist regime of General Francisco Franco. Despite the attempts to enforce collective amnesia of its crimes, the Spanish ruling class, both under the dictatorship and the current post-Franco regime, have had to face the fact that its crimes were recorded in countless ways—in tens of thousands of books, films, songs and artworks. Moreover, just over half of the Spanish population was born before the Spanish fascist regime founded by Franco fell.

The Francoite regime's crimes include:

- The killing of around 200,000 political oppositionists, intellectuals and left-wing workers during the Civil War. Approximately 75,000 were extra-judicially executed behind fascist lines.
- The deliberate targeting of civilians in bombing raids

which killed around 10,000 civilians.

- Support to Nazi Germany in its war of extermination against the Soviet Union during the Second World War. It sent 45,000 fascists, the so-called Blue Division, to the Eastern Front.

- Detention of between 700,000 and one million people in 300 concentration camps from the Spanish Civil War into the 1940s. Many died of malnutrition and starvation.

- The use of approximately 400,000 left-wing workers as slave laborers for infrastructure construction.

- The theft of 300,000 babies from poor or left-wing mothers.

- Outlawing all trade unions and political parties and criminalizing strikes and protests.

- Widespread torture of political detainees in police stations and jails.

- Censorship of left-wing newspapers and books.

- Suppression of national minority languages and traditions, including those of Catalans, Basques and Galicians.

To date, only one person has been judged over these crimes: Baltasar Garzón. In 2008, the former judge opened an inquiry into the crimes against humanity committed by the fascist forces during the Spanish Civil War and the years that followed. He was accused of abusing his judicial authority. On this basis Garzón's career, spanning over three decades, was terminated.

That the Constitutional Court can claim that all the above are not crimes against humanity exposes the rotten character of left populist Podemos, the main government coalition partner of the Spanish Socialist Party (PSOE). Confident that it will not be opposed by what the ruling elite passes off as left in Spain, the Court can make the most reactionary and grotesque assertions.

To date, Podemos has not even posted a Tweet, let alone made a statement on the reactionary ruling. This is despite the fact that the PCE, to which the torture victim Gerardo Iglesias belongs, is part of Podemos.

The ruling has barely received any media coverage. The last thing Podemos wants is to raise the issue of the fascist threat and the international ramifications of the ruling, concerned, above all, it would spark a movement against its own government.

Podemos only acknowledges the far-right danger when mass anger erupts, but otherwise tries to maintain total silence on the issue. One of the few times it spoke out on the issue was last December, when WhatsApp chats were leaked of a group of dozens of retired generals proclaiming their loyalty to Franco and calling for mass

murder of left-wing voters to "extirpate the cancer." One former general wrote: "I think what I'm missing is to shoot 26 million people!!!!!!!"

Podemos leader Pablo Iglesias remained quiet for days, only to emerge in prime-time public television after mass anger erupted in social media. He brazenly insisted that "What these gentlemen say, at their age and already retired, in a chat with a few too many drinks, does not pose any threat."

In the following weeks, Iglesias cynical ploy was exposed. Videos emerged of Spanish soldiers singing fascist and neo-Nazi songs and making the fascist salute and WhatsApp chats revealed active duty members supporting the fascist generals appeals to kill 26 million people. Then, on January 6, as Trump launched a fascist coup in Washington, retired Lieutenant General Emilio Pérez Alamán sent a letter to Spain's Defence Minister demanding a "change the course" of the PSOE-Podemos government.

All these fascist threats are part of an intensifying coup plot by sections of the Spanish ruling class, now emboldened by the developments in the US and internationally, aiming to establish a dictatorship to impose the banks' "herd immunity" diktat.

This reactionary court ruling of the Constitutional Court underscores that European workers should support the demand of the Socialist Equality Party (US) for an open, public, live-streamed investigation of all aspects and all the allies of the January 6 fascist coup in Washington. The exposure of the coup plotters in Washington will only strengthen the demands for a full exposure of the coup plotters in Spain.



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