

Argentine judge indicts Spanish Franco-era minister on murder charges

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Argentine judge María Servini de Cubría has indicted Rodolfo Martín Villa, 87, a former minister in Spain's 1939-1978 fascist Francoite regime, on four counts of homicide. The judge ordered Villa, who lives in Madrid, to be detained. So far, the Socialist Party (PSOE)-Podemos government has refused to honor the warrant.

Servini, sitting in Buenos Aires, based her probe on the principle of universal jurisdiction, which allows an investigator to prosecute individuals who are not its citizens or on its territory, but have committed serious crimes, including crimes against humanity, war crimes, genocide and torture.

This is the second attempt to prosecute Franco-era criminals since Baltasar Garzón opened an investigation in 2008 of Francisco Franco's military coup of July 17, 1936, and the disappearances of 114,266 people. Garzón ultimately indicted Franco, 44 former generals and ministers, and 10 members of the Falange party. Over this investigation, Garzón was debarred from the Spanish courts in 2012.

Garzón was accused of perverting justice and breaking the 1977 Amnesty Law passed during the Transition from fascism to parliamentary democracy after Franco's death in 1975 and supported by the Stalinist Spanish Communist Party (PCE). It aimed to prevent any reckoning with fascist crimes committed during the Spanish Civil War (1936-1939), Franco's rule (1939-1975) and the post-Franco interim regime that lasted until 1978. Since then, not a single Francoite has been brought to justice for crimes that include an estimated 300,000 political opponents murdered, 500,000 imprisoned and 500,000 forced into exile.

Hundreds of Spaniards have tried to get around the Amnesty Law by turning to Argentine courts.

The case began in April 2010 after Argentine resident Darío Rivas, son of an elected mayor of a Galician town

in northwest Spain who was kidnapped and executed under Franco, turned to international law under which crimes against humanity have no jurisdictional boundaries. The trial now includes 120 individual plaintiffs and 62 human rights organisations.

Servini indicted Villa with a lengthy 968-page detention order, as part of her investigation over crimes against humanity committed by the Franco regime.

Three of the homicides occurred in 1976 during the so-called Vitoria Massacre, when Spanish police fired live ammunition and tear gas at an assembly of 4,000 striking workers taking place in the church in the Basque city of Vitoria. Five workers died, and hundreds were injured.

The other homicide took place in Pamplona during the San Fermín festivities in 1978, when the police fired on a protest by youth demanding freedom for political prisoners. In the protests after the police intervention, 150 were injured, including 11 by gunshot, and 23-year-old Germán Rodríguez, a member of the Revolutionary Communist League, was killed when he was shot in the forehead.

Since 1962, Martín Villa had held different positions in the fascist institutions that operated during the Franco regime. In 1975, he was appointed Minister of Trade Union Relations in the first government after Franco's death, a role he held at the time of the Vitoria massacre. In June 1976, he was appointed Interior Minister. He was thus in control of police in 1978 during the Pamplona events.

Villa became known as "the baton of the Transition," due to his repeated resort to violent police crackdowns on protests. In 1977 alone, the police violently dispersed 788 demonstrations in Spain, that is, 76 percent of all protests. To block future investigations, under his tenure Villa also oversaw the destruction of tens of thousands of documents and files on police repression under Franco.

Afterwards, Villa enjoyed a lucrative career. In 1997, he

was appointed president of ENDESA, Spain's main electricity company, which he helped privatise. In 2013, he became a member of the Royal Academy of Moral and Political Sciences. In 2006, he was appointed chairman of Sogecable, a Spanish pay-TV provider. Villa is also a member of the advisory committee of FRIDE, a Madrid-based pro-EU think tank.

The case of Martín Villa is not an exception. The vast majority of Franco's political, police and military commanders continued to hold top positions in the post-Franco order, both in the public and private sector, abetted and aided by successive Socialist Party (PSOE) governments after the Transition.

Servini's indictment of Martín Villa is a political exposure of the Transition. The man promoted by the Spanish ruling class as helping effect the reconciliation between Spaniards after the Civil War and open a new era of peace and capitalist democracy under the aegis of the European Union (EU) and NATO, is exposed as a ruthless, unrepentant henchman of the Francoite regime.

In the indictment, the judge writes: "The entire repressive structure set up by the Franco regime continued to function under the direction now of the new political leadership in charge of the Transition process," adding that this structure's members were assured "impunity." This allowed security forces to repress "demonstrations, meetings, etc., in the way they did, with the systematic use of firearms and without caring about killing or continuing to kill."

Similarly, it adds that "Rodolfo Martín Villa knew and promoted the public order policy of that government that he was part of, and that it was the same one implemented during the Franco government."

Martín Villa has reacted to his indictment by telling conservative Spanish newspaper *ABC*, "I am calm. I will appeal."

Villa's reaction is unsurprising. He enjoys near-unanimous support in Spain's post-Franco political establishment. All living former prime ministers since the Franco era—Felipe González (PSOE), José María Aznar (PP), Mariano Rajoy (PP) and José Luis Rodríguez Zapatero (PSOE)—wrote letters to Servini last September defending Villa's track record. Joining them were former leaders of the union bureaucracy, Cándido Méndez and Nicolás Redondo for the UGT and Antonio Gutiérrez and José María Fidalgo for CCOO, as well as the current EU High Representative for foreign policy and former PSOE minister Josep Borrell, among others.

Speaking to Servini in September 2020, Martín Villa

cited Spanish Stalinist leader Santiago Carrillo, the general secretary of the PCE during the 1970s, who died in 2012, to exonerate him in the Pamplona events. Soon after the Pamplona events, Carrillo cynically declared that "in all his life he had not seen an action so transparent, so clean, and with so much immediate decision-making capacity."

The fact that the PSOE and the union bureaucracy are coming to the defence of a Francoite criminal like Villa shows that only a political movement within the working class can bring the torturers to justice and to unveil the full extent of Franco's crimes. This will not come from appeals to the Argentine judiciary, nor from parties like Podemos and the trade unions. They are direct heirs of those who defended the reactionary 1977 Law of Amnesty and are oriented to the PSOE, the main party of bourgeois rule since Franco's death.

Over the past two years, the PSOE-Podemos government has not lifted a finger to facilitate these trials or investigations of fascist crimes. This makes a mockery of Podemos' cynical tweet stating: "Martín Villa's indictment for the crimes of the Franco regime is a great step against impunity, but it is a shame that Argentine justice is doing what should have been done long ago in Spain."

The fact is, the Stalinists and Podemos are bitterly hostile to any reckoning against the Franco regime: such a movement would turn against their pro-austerity, pro-"herd immunity" government. As far-right coup threats are escalating in Spain and internationally, the trade unions and pseudo-left parties like Podemos fear above all the emergence of a revolutionary movement in the working class, opposing the fascists based on a revolutionary and internationalist perspective. This requires building a section of the International Committee of the Fourth International in Spain.



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