

# Relatives of Franco's victims testify in Argentine courts

By Alejandro López  
17 December 2013

Unable to get justice in their own country, 15 relatives of those killed during the Spanish Civil War (1936-1939) and the fascist dictatorship of General Francisco Franco that followed are pursuing their grievances in the Argentine courts.

The case began in 2010 after Argentinian resident Darío Rivas, son of an elected mayor of a Galician town in northwest Spain who was kidnapped and executed by Franco's forces, took recourse to international law under which crimes against humanity have no limitations or jurisdictional boundaries. The trial now includes 120 individual plaintiffs and 62 human rights organisations.

Since the transition to bourgeois democratic rule in Spain in 1978, three years after Franco's death, not one Francoist official has been held responsible for the executions, tortures, forced disappearances or abduction of babies that occurred under the regime.

At the Buenos Aires court, 88-year-old Ascensión Mendieta pleaded for legal assistance to recover the remains of her father, who is buried in a mass grave with 16 other men in Guadalajara, 50 miles northwest of Madrid. Mendieta told the judge how on November 16, 1939, her mother received a telegram from her aunt saying, "Come down to Guadalajara, urgent."

When she arrived, her father had already been shot and buried. She recounted how "my mother came back home alone."

Mendieta told reporters, "I am very happy. I have come back with a lot of hope. Now, if I die, which I will soon, I know that I have done everything I could to recover the remains of my father. I told the judge that I want to at least take one of his bones with me to my grave. Then I can die in peace."

José Luis Galán, son and nephew of Francoist victims, declared, "The fact that we have to fly 10,500

miles to Argentina for our cases says many things about Spain, and that citizens know very little because nobody has told them, it has been hidden under the carpet, as if they had not occurred."

The Buenos Aires court has also heard the testimony of Jon Arrizabalaga, in the torture allegations case against former Civil Guard Jesús Muñecas Aguilar, and from Felipe Moreno in the case against Antonio González Pacheco, known as "Billy the Kid" for his habit of spinning a gun around his finger while he beat his victims.

Moreno described how he was tortured for 13 days non-stop by the Francoist political police in 1975 and later taken to Carabanchel prison, where he was held for two years without any legal defence. He still suffers the psychological and physical effects of his incarceration—a detached testicle, a hiatus hernia, a broken heel and a displaced pelvis.

Charges have also been laid against three former ministers: Rodolfo Martín Villa, Fernando Suárez and José Utrera Molina, the father-in-law of the current Popular Party (PP) justice minister.

Villa was one of those allegedly responsible for the "Vitoria events" which took place on March 3, 1976, a few months after Franco's death, when police shot and killed five people and injured more than 150 during a strike. Villa was then minister of labour relations and soon after was promoted to interior minister (1976-1979), during which time 54 people were murdered.

Villa brushes aside his involvement, declaring that "before and after the events of Vitoria, and in all governments, democratic or not, left or right, there have always been clashes in demonstrations very similar to those that occurred in the Vitoria events." He concluded, "I am very calm and it [the Argentine court

case] has not caused me to lose one minute of sleep.”

The fact that a former fascist minister does not “lose one minute of sleep” for an investigation into alleged crimes of the most heinous nature shows once more the treacherous role played by Stalinism and social democracy during the transition.

These torturers and murderers 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, which were only made possible by the collusion of the Socialist Workers Party (PSOE) and the Stalinist Communist Party (PCE). The then PCE spokesman Marcelino Camacho described it as “the result of a coherent and consistent policy beginning with the national reconciliation policy of our party.... We consider one of the essential parts of the policy of national reconciliation has to be amnesty. How can we reconcile ourselves, those of us who have been killing each other, if not by erasing the past once and for all?”

For decades, any attempts to investigate the hundreds of mass graves that dot the Spanish countryside or exhume the bodies they contain were prohibited. It was only under intense pressure from the relatives of those killed by Franco’s forces that the PSOE administration (2004-2011) under José Luis Zapatero passed a Historical Memory Law in 2006. However, the funding it provided was derisory, and investigations and exhumations were left to volunteers to carry out. The PP government has since cut the funding. Of the approximately 120,000 bodies believed to be in the mass graves, only 6,000 have actually been exhumed.

The United Nations Committee on Enforced Disappearances has recently taken up the pleas of the relatives, declaring, “The search for victims of enforced disappearances and resolving what happened to them are obligations of the state, even when there is no formal claim.... Family members have, among others, the right to know the truth about what happened to their missing loved ones.”

As a result, Spanish justice minister Alberto Ruiz Gallardón has reluctantly sanctioned the extradition requests from the Argentine courts. Muñecas and González have now had their passports confiscated and been told to report to Spanish High Court judge Pablo Ruz on a weekly basis. This does not mean the torturers will be extradited. PP officials continue to insist the Amnesty Law prevents extradition, and Ruz has not

made any decision on their future, merely stating that these measures are to “prevent the possible flight risk and ensure the effectiveness of the principle of international cooperation.”

The PSOE also continues to defend the Amnesty Law, with former minister of the presidency Ramón Jáuregui insisting, “It was a necessary law and we don’t think it is a good idea to annul it.”

His statement makes a mockery of a current PSOE parliamentary motion calling for the creation of a “truth commission” and the exhumation of the remaining mass graves within two years. The PSOE, knowing full well the PP has a majority in Congress and will vote down any such proposal, is once again diverting calls for justice by posing as defenders of the victims of Franco’s crimes and perpetuating the fraud that the Spanish authorities will address them.

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