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SPAIN - FRANCO

Judge launches investigation into Franco-era dead

FRIDAY 05 SEPTEMBER 2008

Spanish Judge Baltasar Garzon has launched an investigation into the deaths of thousands during the military dictatorship of Generalissimo Francisco Franco, despite the objections and discomfort of many Spaniards.

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By Tree ELVEN, Adeline PERCEPT, Clément PERROUAULT (text)

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“Garzon's enquiry holds out enormous hope for me. Perhaps the last hope,” says Manuel Perona, President of the [Association for the Recovery of Historic Memory](#) in Catalunya.

It's an emotional subject for Perona-all the more as 44 years have passed since he started investigating the fate of his uncle, one of the 'disappeared' under Spain's 1936-1975 Franco regime. “We know that my uncle was at the Battle of the Ebro, the Republicans' last major offensive in Spain's Civil War in 1938. He was 18 at the time,” says Perona. “Finally we found a letter explaining that he'd been transferred to a hospital. But after that? We can't find a single trace of him.”

Archives from the regime of Generalissimo Francisco Franco are spread out all over the country and, until now, thousands of families trying to find out what happened to someone close have had little help except from certain volunteer organizations. Crimes committed under Franco were pardoned under a 1977 amnesty passed during the country's democratic transition. (Franco died in 1975.)

A mammoth task

Despite the huge challenge involved, Spanish Judge Baltasar Garzon has decided to act on requests from 13 different organisations.

On September 1, Garzon, who is internationally known for pursuing investigations into former Latin American dictators like former Chilean dictator Augusto Pinochet, opened preliminary inquiries into evidence of crimes committed in Spain during the 1936-39 Civil War and under Franco's dictatorship.

Specifically, the Judge sent out information requests that affect the Spanish government, the Episcopal Council, several city councils, and the University of Granada. He is asking these organisations to make any information or archives they have, relating to the 'disappeared,' available to judicial police.

To this day, the exact number of people killed under the Franco regime is difficult to determine. According to Franco-era historian Julian Casanova, “100,000 people were shot dead during the Civil War and 50,000 afterwards, under the dictatorship. These were people who were registered as killed somewhere, so we know there is documentation. Then I'd say the number of 'disappeared' – ie people for whom there are no records – was around 25,000. We're dependent on word of mouth for them.” Garzón aims to establish the circumstances in which tens of thousands were shot: the date of their execution, and where they were buried. It's a massive undertaking.

Heated debate

In a Spain which is still hugely divided over its past, this move has added further fuel to the existing controversy. The Episcopal Council has already declared itself “not qualified” to respond to the Judge's request that the bishops allow judicial police access to the archives of Spain's 22,827 parishes. According to the Council, it is up to each of the parish churches involved to decide what happens with its archives.

Spain's Catholic hierarchy isn't the only one putting up resistance. “The best thing about the 1978 Constitution is that we, the Spaniards, resolved together to face forwards and work towards a better future. And I personally am not in favour of re-opening the wounds of the past, no matter who's requesting it”, were the words of the conservative Popular Party leader, Mariano Rajoy.

Right-leaning newspapers have also laid into the judge: “We can deduce that Garzon is not including in his investigation the murders committed by Republicans or their supporters,” says an editorial in the daily El Mundo. “Garzon's initiative is reminiscent of the General Cause trial ordered by Franco in 1940. The aim of that was to document and report the crimes committed by the Republicans from April 1934 onwards. Its purpose was to intimidate the defeated. It's hard to say what Garzón hopes to achieve with this, but it looks as though he's trying to recover his status as a darling of the media”.

Some think Garzon's investigation oversteps the mark. For example, the judge has sent a specific petition to the Santa Cruz Monastery at the Valley of the Fallen, where Franco is buried along with some 20,000 to 40,000 'fallen' Republicans. Their names are recorded in the monastery's archives, which have never been made available to the public. Historian Julian Casanova says of trying to get access to the archives, “The monks shut the door in my face. It's very odd that one can't have access. After all, the Valley of the Fallen is classified as a national heritage site, so the archives should be governed by the Ministry of Culture like the others”.

According to Emilio Silva, President of the Association for the Recovery of Historic Memory in Madrid, part of Spanish society is beginning to confront its past. “Since the year 2000, we've dug up mass graves, we've been able to give answers to hundreds of victims' families. It's a beginning, but a growing number of Spaniards believe that it's the State, where judicial power lies, that should be taking action. They don't trust something that hands human rights over to a group of volunteers, or that this is an issue for associations and archaeologists”.

Then there's all the resistance against Judge Garzon which has been unleashed from political, religious and media circles. This is the other side of Spain, the one that refuses to “re-open the wounds of the past”. Julian Casanova says, “there is resistance because there's still a whole swath of society in Spain which is linked to Francoism. These are people who've adapted their Francoist convictions and fitted into democracy. There's a kind of umbilical cord between them and the Francoist past which mustn't be touched, it's taboo”.

Judge Baltasar Garzon is due to give his report on the preliminary hearings and



DR
Julio Fernandez Martinez and Maria Alonso Ruiz were shot dead on October 9, 1936. Their bodies were identified in a mass grave uncovered last week by Archaeologists from the Association for the Recovery of Historic Memory.



DR
Franco's supporters shaved Maria Alonso Ruiz's head before they shot her.

[All about Judge Garzon on Elpais.es \(in Spanish\)](#)

[El Mundo's editorial on the investigation \(in Spanish\)](#)

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3

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