

"An Offense to All Democratic Forces in the World"

THE TRIAL OF JUDGE BALTASAR GARZON

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In 1936, a democratic government was forced to face a military coup led by General Franco. The coup succeeded because it had the support of the majority of the Spanish armed forces which were well-equipped and supported by Hitler in Germany and Mussolini in Italy. Without that assistance, the coup would not have prevailed. The purpose of the coup was to stop the popular reforms carried out by the democratically elected progressive government opposed by the Church, banking community, finance companies, large employers, armed forces, and the usual cast of characters that became the major axis of the horrible dictatorship that was established at that time in Spain and which lasted until 1978.

To ensure its survival, the dictatorship required and maintained an enormous apparatus of repression carried out by the Fascist party, La Falange, the armed forces and the Church. For every political assassination Mussolini ordered in Italy, Franco killed 10,000, according to Professor Malekafis, expert in European fascism. As a result of that fascist repression, Spain became the European country with the largest number of people who disappeared due to political

assassinations. Even today, their families do not know where they are buried. How can that be?

To be able to answer that question, it is necessary to understand the enormous limitations of Spanish democracy (1978-2011), the outcome of a transition from dictatorship to democracy that took place during the period 1976-1978 under the dominance of the ultra-right wing forces that supported and benefited from the fascist state. The transition was based on a pact of silence, Ley de Amnistia, according to which all political forces, including the left wing parties, had to agree not to look at the past, that is, not to look for responsibility or accountability for those terrible crimes committed during the fascist dictatorship in Spain. That silence meant the disappeared persons remained disappeared and their memory lost. But the grandchildren of the disappeared started asking what had happened to their grandparents and where they were buried. They wanted to have a tomb they could visit and bring flowers to once a year. And they wanted to pay homage to their fight for freedom, the cause for which they were assassinated. In this way, a popular movement began which demanded the Spanish state (supposedly a democratic state) find the disappeared and honor them. The state, governed then by the socialist party, resisted any response to that demand, even though many of the disappeared were members and sympathizers of that party in the 30s and 40s.

But responding to that pressure, Judge Baltasar Garzón, who had become known internationally because of his intention to judge the dictator Augusto Pinochet (an admirer of General Franco and trained in the Spanish military school), started an investigation and requested the state find the disappeared and pay homage to those whose bodies had not yet been found. Judge Garzón soon discovered the numbers were much higher than previously believed. The numbers started with 30,000 and by the end of 2008 they had

increased to 152,000. And still the numbers continue to grow. People began to lose their fear and came out publicly with the names of their dead, proving they had been assassinated, but not knowing where they had been killed and where their bodies were. It soon became a mass phenomenon and the numbers grew so large that many believe the killings of the disappeared could be referred to as genocide.

As predicted, the right wing forces and some voices within the left immediately mobilized, accusing Judge Garzón of not respecting the Ley de Amnistia that was supposed to have put to rest any possibility of judging these crimes. And none other than La Falange, the fascist party, still legal in Spain, and other allied forces brought Judge Garzón to the Supreme Court to stand trial. The Supreme Court accepted the legal arguments and recently started proceedings against Judge Garzón.

A few days ago, January 24, this judge had to sit in front of the Supreme Court for daring to ask the Spanish state to find and honor the disappeared ones and find those responsible for their killings. It started a process unique in Europe at this time where a judge defending human rights, freedom and democracy is put on trial for upholding the honor and dignity of democratic forces. This trial is an offense to all democratic persons in the world and a mobilization of protest should occur worldwide against what is occurring in Spain at this time.