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Spain: Trial of Judge Baltasar Garzón ‘a blow to human rights’

The Spanish Supreme Court’s pending criminal trial of a pioneering investigative judge is a threat to human rights and judicial independence, Amnesty International said today.

Judge Baltasar Garzón, 56, faces trial in Madrid on 24 January on charges he abused his power while leading an investigation into crimes under international law committed during the 1936-1939 Spanish Civil War and the ensuing decades of dictatorship under General Francisco Franco.

The judge is renowned for opening investigations into public officials and others suspected of committing genocide, crimes against humanity, war crimes and torture in other countries – most notably Chile’s former military ruler Augusto Pinochet.

“Given Judge Baltasar Garzón’s success at investigating and prosecuting crimes under international law around the world, it beggars belief that Spanish judicial authorities would seek to prevent him from investigating such crimes in Spain,” said Hugo Relva, Legal Adviser at Amnesty International, who is in Madrid to observe the trial.

“The charges against him must be dropped, as they represent a blow to human rights and efforts to obtain justice.”

Two other criminal trials have been brought against Garzón over allegations he received bribes and facilitated illegal wire-tapping of prisoners’ conversations with their lawyers. He has denied any wrongdoing. Amnesty International takes no position on the merits of these criminal investigations.

A conviction in the trial that begins on 24 January could lead to him being disbarred for up to 20 years, effectively ending his career as a jurist and scuppering his Franco investigation.

Garzón’s investigation, launched in 2008, was the first to look into crimes under international law during the Spanish Civil War and the early years of Franco’s rule. It covers more than 114,000 cases of enforced disappearance that took place between July 1936 and December 1951.

In May 2010, Spain’s General Judicial Committee suspended Garzón after the Supreme Court accused him of wilfully breaking a 1977 amnesty law.

The law has been interpreted as preventing the investigation of crimes committed up to 1976.

Amnesty International supports Garzón’s position that Spain should set aside the amnesty law, as it interferes with obligations to investigate and prosecute crimes under international law.

“Under international law there are no statutes of limitation for enforced disappearance, torture and other crimes against humanity, and Spain has an obligation to investigate and, if there is sufficient admissible evidence, to prosecute the suspects and to provide full reparations to the victims,” said Hugo Relva.

Amnesty International has evidence that several other recent investigations into past crimes in Spain have been prevented from going forward pending the Supreme Court's ruling in the Garzón trial.

“It seems the search for truth, justice and reparation for past crimes under international law in Spain is being held hostage to this trial based on outrageous charges,” said Hugo Relva.

“The Spanish authorities should instead focus their efforts on revealing the fate of the thousands of victims of enforced disappearance, torture, extrajudicial executions and other crimes under international law committed during the civil war and Franco's rule, and bring those responsible to justice.”

Note to editors:

[Spain: Human rights organizations press conference on judge accused of investigating Franco dictatorship crimes](#)