

MARI SANCHEZ  
SALVADOR  
19 AÑOS  
CAMARERO  
OLIVA

MINGOYA ESPINILLA  
ROSARIO  
37 AÑOS  
LABORES  
ASTURIAS

NAVARRO DASI  
JOSE  
25 AÑOS  
LABRADOR  
PUEBLA LARGA

SALA GRAU  
RAFAEL  
34 AÑOS  
LADRILLERO  
VILAFAR

BOSCH COTANDA  
MIGUEL  
50 AÑOS  
LABRADOR  
LIRIA

BRELL PIÑO  
JOSE  
21 AÑOS  
CARPINTERO  
MASAMAGRELL

UTIEL LOPEZ  
GABRIEL  
43 AÑOS  
GUARDIA SEGURIDAD  
VILLAGORDO

LLACER OLIVA  
JUAQUIN  
38 AÑOS  
ALBAÑIL  
ALCACER

MUÑOZ TORMO  
VICENTE  
42 AÑOS  
LABRADOR  
ALBAJAT DLS SORELLS

BAS TOMAS  
MIGUEL  
31 AÑOS  
CHOFER  
MOGENTE

CAMARASA SANV. TE  
VICENTE  
33 AÑOS  
LABRADOR  
GUADASUAR

# MASS GRAVES OF

ARCHAEOLOGY,  
ANTHROPOLOGY AND MEMORY

# FRANCOISM

GUIMENEZ MORENO  
ANTONIO  
42 AÑOS  
TOPOGRAFO  
CASTELLAR

SEGURA TOLSA  
ANTONIO  
46 AÑOS  
JORNALERO  
MOGENTE

GREGORI CHULIA  
FRANCISCO  
36 AÑOS  
MAESTRO  
BELLREGUAT

BOU SANCHEZ  
SALVADOR  
22 AÑOS  
LABRADOR  
GULLEPA

PASTOR PASTOR  
JOAQUIN  
53 AÑOS  
COMERCIANTE  
BELLREGUAT

RAUSELL CEBRIA  
MIGUEL  
58 AÑOS  
ALBAÑIL  
BENICALAP

GARCIA VANACLOGA  
JOAQUIN  
22 AÑOS  
PANADERO  
VICORD

MELIS GOMEZ  
MIGUEL  
38 AÑOS  
LABRADOR  
ALQUERIA D LA CONDESA

FERRER PERUGA  
OLEGARIO  
31 AÑOS  
LABRADOR  
SAGUNTO

TA. CATALINA MINANA  
VICENTE  
45 AÑOS  
LABRADOR  
MAT D VALDIGNA

CATADOR HUERTAS  
JOSE  
38 AÑOS  
EMPLEADO  
JATIVA

PUNTES LORENS  
SALVADOR  
49 AÑOS  
LABRADOR  
PUEBLA D VALBONA


FERRI ORGUIN  
FCO  
30 AÑOS  
PANADERO  
ALBAJAT D RIVERA

NAVARRO ANCHEL  
JOSE  
38 AÑOS  
LABRADOR  
PICAÑA

ARNAL MORENO  
FCO  
53 AÑOS  
NAQUERA  
CHOFER





 Diputació  
de València

Memòria  
Històrica

 L'ETNO



# MASS GRAVES OF FRANCOISM

ARCHAEOLOGY,  
ANTHROPOLOGY AND MEMORY

**MASS GRAVES OF FRANCOISM.  
ARCHAEOLOGY, ANTHROPOLOGY AND MEMORY**

De julio 2023 a abril 2024

**DIPUTACIÓ DE VALÈNCIA**

**President**

Antoni Francesc Gaspar Ramos

**Delegate for the Area of Culture**

Xavier Rius i Torres

**Delegate for Historical Memory**

Ramiro Rivera Gracia

**DELEGATION FOR HISTORICAL MEMORY**

**Head of the Delegation for Historical Memory**

Francisco Sanchis Moreno

**Specialist in Historical Memory**

Eva García Barambio

**Picture archive**

María Jesús Blasco Sales

**VALENCIA PREHISTORY MUSEUM / ETNO**

**Director of the Valencia Prehistory Museum**

María Jesús de Pedro Michó

**Head of the Unit of Dissemination, Education and Exhibitions at the Valencia Prehistory Museum**

Santiago Grau Gadea

Santiago Grau Gadea

**Director of ETNO. Valencia Ethnology Museum**

Joan Seguí Seguí

**Exhibition Production Unit, ETNO.**

**Valencia Ethnology Museum**

Jose María Candela Guillén and Tono Herrero Giménez

**Administrative management**

Ana Beltrán Olmos and Manolo Bayona Gimeno

**Image design for the project “The mass graves of Francoism.**

**Archaeology, Anthropology and Memory”**

La Mina Estudio

*Based on the art work of Dionisio Vacas, Grave 126, Paterna Cemetery*

**Photograph of the art work**

Chisco Ferrer

**Restoration of materials**

**Restoration laboratory of the Valencia Prehistory Museum:**

Trinidad Pasíes, Ramón Canal Roca and Janire Múgica Mestanza. Con la colaboración del Institut Universitari de Restauració del Patrimoni - Universitat Politècnica de València: M<sup>a</sup> Teresa Doménech Carbó, Jose Antonio Madrid García, Pilar Bosch Roig, Sofia Vicente Palomino, M<sup>a</sup> Antonia Zalbidea Muñoz and del Departamento de Química Analítica - Universitat de València: Antonio Doménech Carbó

**Restoration laboratory, ETNO:** Isabel Álvarez Pérez and Gemma Candel Rodríguez. Con la colaboración de: IVCR+i Institut Valencià de Conservació, Restauració i Investigació: Gemma Contreras Zamorano, Mercè Fernández and María José Cerdón

**Restoration of textile materials:** Carolina Mai Cervoraz, Núria Gil Ortuño, Carlos Milla Mínguez and Albert Costa Ramon. Control biológico y conservación preventiva: l'Institut Universitari de Restauració del Patrimoni - Universitat Politècnica de València: Pilar Bosch Roig

**Programme of complementary activities**

Begonya Soler Mayor, Yolanda Fons Grau, Tono Vizcaíno Estevan and Andrea Moreno Martín, Francesc Cabañes Martínez, Ana Sebastián Alberola, Rosa Martí Pérez, Ivana Puig Núñez, Amparo Pons Cortell, Albert Costa Ramon, Isabel Gadea Peiró, M<sup>a</sup> José García Hernandorena, Francisco Sanchis Moreno, Eva García Barambio

**Production and installation of exterior graphics**

Simbols

**Printing of the poster and the programme of activities**

Imprenta Diputació de València

**PUBLICATION**

**Authors**

Eloy Ariza Jiménez, Xurxo M. Ayán Vila, Zira Box Varela, Isabel Gadea Peiró, María José García Hernandorena, Baltasar Garzón Real, Lourdes Herrasti Erlogorri, Aitzpea Leizaola, María Laura Martín-Chiappe, Miguel Mezquida Fernández, Andrea Moreno Martín, Carmen Pérez González, Francisco Sanchis Moreno, Queralt Solé i Barjau, Mauricio Valiente Ots, Tono Vizcaíno Estevan

**Scientific coordination**

Andrea Moreno Martín, Tono Vizcaíno Estevan, María José García Hernandorena, Isabel Gadea Peiró, Francisco Sanchis Moreno

**Technical coordination**

Eva Ferraz García

**Design and layout**

La Mina Estudio

**Translation and correction in Valencian and Spanish**

Joaquín Abarca Pérez and Sarrià Masià. Serveis Lingüístics

**Images and photographs**

Eloy Ariza Jiménez-Asociación Científica ArqueoAntro, Albert Costa Ramon. Colección Memoria Democrática L'ETNO, Isabel Gadea Peiró, María José García Hernandorena, Xurxo M. Ayán Vila,

Lourdes Herrasti Erlogorri, Sociedad de Ciencias Aranzadi, Aitzpea Leizaola, María Laura Martín-Chiappe, Matías Alonso, Bruno Rascão, Colección particular València, Colección Familia Roig Tortosa, Familia Pastor, Familia Chofre, Familia Gómez, Familia Coscollà, Familia Peiró, Familia Pomares, Familia Gomar, Familia Llopis, Familia Morató, Familia Alemany, Familia Miguel Cano and María Navarrete, Ministerio de Cultura y Deporte - Centro Documental de la Memoria Histórica, Agencia EFE, Biblioteca Nacional de España.

© de los textos: la autoría

© de las imágenes: la autoría, archivos y colecciones

© de la presente edición: Diputació de València, 2023

## ACKNOWLEDGMENTS

A la Plataforma de Asociaciones de Familiares de Víctimas del Franquismo de las Fosas Comunes de Paterna, a las Asociaciones de Familiares de las fosas 21, 22, 81-82, 91-92, 94, 95, 96, 100, 111, 112, 114, 115, 120, 126, 127, 128, los nichos 43-44 and la Agrupación de familiares de Víctimas del Franquismo de las Fosas Comunes del Cuadro II del Cementerio Municipal de Paterna.

A Enrique Abad Aparicio, Llorenç Alapont, Dolores Albuixech Domingo, Montserrat Alemany, Vicente Alemany Morell, Magdalena Almiñana Solanes, Matías Alonso, Pedro Luís Alonso, Mercedes and Jaime Amorós Gómez, Maruja Badia, Amparo Belmonte Orts, Pepa Bonet, José Calafat Ché, Paz Calduch, Lola Celda Lluesma, Rosana Copoví, Amparo Cortelles Raga, Rosa Coscollá, Fernando Cotino, Celia Chofre Rico, Rocío Díaz, Francisco De Paula Rozalén Martínez, Mireia Doménech Alemany, Aure Escrivá Ferrer, Joaquín Esparza Morell, Fina Ferre, Nati Ferrero, María Frasset, Palmira Flores Carreres, Palmira Ros, Sara Ros and Geles Porta, Vicent Gabarda Cebellán, Daniel Galán Valero, Iker García, Vicent García Devís, José García Martínez, María Gómez, Salvador Gomar Pons, Carmen Gómez Sales, Carlos and Amparo Gregori Berenguer, Tina Guillem Cuesta, José Guirao Giner, Juan Guirao Ortuño, Josefina Guzmán Navarro, Vicenta Juan, Amèlia Hernández Monzó, Eva M<sup>a</sup> Ibáñez Cano, M<sup>a</sup> Rosa Iborra Gimeno, Charo Laporta Pastor, Gloria Lacruz León, José Ignacio Lorenzo, Concepción Llin Garcia, Pilar Lloris Macián, Mercedes Llopis Escrivá, Paqui Llopis, Teresa Llopis Guixot, Ernesto Manzanedo Llorente, Aurora Máñez, Matilde Martí Avi, Sonia Martínez, María Asunción Martínez, Carolina Martínez Murcia, José Ramón Melodio, Rafael Micó, Silvia Mirasol Fortea, Laura Mollá, Paco Monzó y Toni Monzó Ferrandis,

Josep Joan Moral Armengou, María Morató Torres, María Morió Gómez, José Vicente Muñiz y Helena Aparicio, María Navarro Giménez, Miguel Navarro, Óskar Navarro Pechuán, M<sup>a</sup> Ángeles Navarro Perucho, Vicente Olcina Ferrándiz, Roser Orero, Eduardo Ortuño Cuallado, David Pastor, Josefa Peiró, Pepita Peiró, Vicenta Pérez Martínez, Conchín Pia Navarro, Carmen Picó Monzó, Juan Luis Pomares Almiñana, Eduardo Ramos, Jordi Ramos, Raquel Ripoll Giménez, Verónica Roig Llorens, María José y Charo Romero Ortí, Andrea Rubio, Benjamín Ruiz Martí, Juan José Ruíz, Carmen Sanchis Bauset, Mercedes Sanchis Bonora, M<sup>a</sup> Carmen Sancho Albiach, Pablo Sedeño Pacios, Núria Serentill y Julio Morellà, Laura Simón, Saro Soriano Llin, Pilar Taberner Balaguer, Laura Talens, Silvia Talens, Sergi Tarín Galán, Dionisio Vacas Cosmo, Progreso Vañó Puerto, Fernando Vegas.

AARFO-Asociación de Represaliados/das por el Franquismo de Oliva, Ateneo Republicano de Paterna, Museo de Cerámica de Paterna, Asociación Científica ArqueoAntro, ATICS, PaleoLab, Museu Virtual de Quart de Poblet, Cementerio Municipal de Paterna.

## *IN MEMORY OF ALL THE VICTIMS OF THE FRANCOIST REPRESSION*

## **VALENCIA PREHISTORY MUSEUM**

### **Director**

María Jesús de Pedro Michó

### **Head of the Unit of Dissemination, Education and Exhibitions**

Santiago Grau Gadea

### **Exhibition: The Archaeology of Memory. The mass graves of Paterna**

#### **Exhibition curators**

Andrea Moreno Martín, Tono Vizcaíno Estevan, Eloy Ariza Jiménez and Miguel Mezquida Fernández

#### **Coordination**

Eva Ferraz García and Santiago Grau Gadea

#### **Museum project**

Rosa Bou Soler and Kumi Furió Yamano. LimoEstudio

#### **Scientific advisers**

Asociación Científica ArqueoAntro

#### **Display coordination**

Rosa Bou Soler, Kumi Furió Yamano, Eva Ferraz García, Laura Fortea Cervera e Isabel Carbó Dolz

#### **Registration and presentation of exhibits**

Begonya Soler Mayor and Ramón Canal Roca

#### **Teaching programme**

Arantxa Jansen, Laura Fortea Cervera and Eva Ripollés Adelantado

#### **Dissemination and social media**

Begonya Soler Mayor, Lucrecia Centelles Fullana, Vanessa Extrem Medrano and Francisco Pavón Tudela

#### **Reporting and news**

Gala Font de Mora Martí

#### **Exhibition image design**

Rosa Bou Soler and Kumi Furió Yamano. LimoEstudio

#### **Translation and correction of display texts in Valencian and Spanish**

Sarrià Masià. Serveis Lingüístics

#### **Translation of display texts into English**

Michael Maudsley

#### **Translation of display texts into Italian**

Centro G. Leopardi

#### **Translation of display texts into French**

Christine Comiti

#### **Families and institutions that loaned exhumed items**

Colección Memoria Democrática - L'ETNO and las asociaciones de familiares de las fosas 2I, 22, 8I-82, 9I-92, 94, 96, 100, 111, 112, 114, 115, 120, 126, 128, los nichos 43-44 y la fosa 2 del segundo cuadrante.

Colecciones particulares de Enrique Abad Lahoz, Manuel Amorós Aracil y María Sánchez Gomariz, Manuel Bauset Tamarit, Juan Bautista Solanes, Miguel Cano and María Navarrete, Daniel Galán Valero, Regino García Culebras, Manuel Baltasar Hernández Sáez and Gracia Espí Roca, Pepita Iborra, Lacruz, Salvador Lloris Épila, Manuel Lluesma Masià, Gregori Migoya, Vicente Muñiz Campos, M<sup>a</sup> Ángeles Navarro Perucho, José Orts Alberto and Asunción Granell Martí, José Peiró Calabuig,

Conchín Pía Navarro, César Sancho de la Pasión, Carlos Talens and de las familias Carreres Duato, Ché Soler, Gómez Sales, Monzó Cruz, Morell Pérez, Murcia-Ródenas, Ortí-Fita, Picó Monzó, Roig Tortosa, Taberner Giner and Vañó Puerto.

#### **Individuals and institutions that loaned documents and photographs**

Archivo ABC; Archivo Vicaría de la Solidaridad. Museo de la Memoria y los Derechos Humanos, Chile; Arxiu General i Fotogràfic de la Diputació de València; Auschwitz- Birkenau Memorial; Agencia EFE; Biblioteca Historicomèdica «Vicent Peset Llorca» - Universitat de València; Biblioteca Nacional de España; Biblioteca Valenciana Nicolau Primitiu. Fons Finezas; Buchenwald Memorial Collection; Col·lecció particular Matías Alonso; Colección particular Rosario Martínez Bernal; CRAI Biblioteca Pavelló de la República - Universitat de Barcelona; Dachau Concentration Camp Memorial Site; Fundación Sancho el Sabio Fundazioa (Vitoria-Gasteiz). Fondo Sociedad de Amigos de Laguardia; Fundación Biblioteca Manuel Ruiz Luque. FBMRL; GrupoPaleolab® and UNDERBOX; Mauthausen Memorial; Ministerio de Cultura y Deporte. Centro Documental de la Memoria Histórica; Ministerio de Defensa. Archivo General e Histórico de Defensa; Museo Sitio de Memoria ESMA, Argentina; Museu Virtual de Quart de Poblet; US National Archives at College Park. National Archives and Records Administration.

#### **Photographers**

Eloy Ariza Jiménez, Paco Grau, Paloma Brinkmann, J. Cabrelles Sigüenza, Santi Donaire, David Fernández, Maysun Visual Artist, Bernhard Mühleder, Ahmed Jallanzo, Hermes Pato, Joaquín Sanchis Serrano «Finezas», Pawel Sawicki and Nathalie Valanchon.

© Stefan Müller-Naumann, Peter Hansen, Gervasio Sánchez, Vicente Ballester, Wila, VEGAP. València. 2023

#### **Illustrators**

Flavita Banana, Manel Fontdevila, Eneko las Heras Leizaola, Gema López «Kuroneko», José López «Lope», Ana Penyas, Bernardo Vergara and Frente Viñetista. Asociación de humoristas gráficos.

© Andrés Rábago «El Roto», VEGAP. València. 2023

#### **Audiovisual resources**

##### ***Genocidios y arqueología forense*** (audiovisual)

Script: Eloy Ariza Jiménez, Andrea Moreno Martín and Tono Vizcaíno Estevan

Editing: Alicia Alcantud and Pablo Vigil

##### ***Paterna, la memoria de la represión y de los crímenes de postguerra*** (audiovisual)

Script: Eloy Ariza Jiménez, Andrea Moreno Martín and Tono Vizcaíno Estevan

Illustrations: Gema López «Kuroneko»

Photography and video: Eloy Ariza Jiménez

Editing: Alicia Alcantud and Pablo Vigil

##### ***Los sonidos de una exhumación*** (paisaje sonoro)

Script: Eloy Ariza Jiménez, Andrea Moreno Martín and Tono Vizcaíno Estevan

Recordings: Eloy Ariza Jiménez

Editing: Marcos Bodi

*Las voces de las familias* (audio)

Script and editing: Santi Donaire

*Resiliencia al olvido* (motion graphics)

Pieza artística: Guillem Casasús Xercavins

and Gerard Mallandrich Miret

Motion: Àlex Palazzi Corella

Editing: Joan Campà San José

**Production and installation**

Rótulos Gallego & Burns S.L.

Carpintería paramentos: Sergio Carrero Melián

Pintura paramentos: Sebastián López

Suelo técnico: Pinazo Decoraciones

**Framing**

Marc-Imatge

**Transport**

Tti International Art Services

**Image and sound**

Sonoidea

**Insurance**

Allianz

**Organization and production**

Diputació de València - Museu de Prehistòria de València

## **ETNO-VALENCIA ETHNOLOGY MUSEUM**

**Director**

Joan Seguí Seguí

**Exhibition Production Unit**

Jose María Candela Guillén and Tono Herrero Giménez

**Exhibition: 2238 Paterna. A place of perpetration and memory**

**Exhibition curators**

Albert Costa Ramon, Isabel Gadea Peiró and María José García

Hernandorena

**Museographic project**

Estudio Eusebio López

**Display coordination**

Jose María Candela Guillén, Albert Costa Ramon and Tono

Herrero Giménez

**Teaching programme**

Sarah Juchnowicz Perlin and Sílvia Prades Moliner (Exdukere S.L)

**Dissemination and social media**

Francesc Cabañés Martínez, Ana Sebastián Alberola, Rosa Martí

Pérez, Ivana Puig Núñez, Francisco Alba Ros, Sandra Sancho Ruiz

**Image design**

Estudio Eusebio López

**Translation and correction of display texts in Valencian and Spanish**

Jose María Candela Guillén and Carles Penya-roja Martínez

**Translation of display texts into English**

Robin Loxley

**Families and institutions that loaned exhumed items**

Colección Memoria Democrática - L'ETNO, Familia de Juan

Ferrer Vázquez, Familia de Miguel Galán Domingo, Familia

de Salvador Gomar Noguera, Familia de Vicente Gómez Marí,

Familia de Blas Llopis Sendra, Familia de Salvador Llopis

Sendra, Familia de Vicente Martí Ruiz, Familia de Vicente Mollá

Pascual, Familia de José Morató Sendra, Familia de José Orts

Alberto, Familia Peiró Roger, Familia de Juan Luis Pomares

Bernabeu, Familia de Federico Rico Cabrera, Familia de Germán

Sanz Esteve, Familia de Basiliso Serrano Valero, Familia de

Mariana Torres Esquer, Familia de Vicente Guna Carbonell,

Familia de Joaquín Revert Gilabert, Familia de Daniel Simó

Biosca, Familia de Luis Ocaña Navarro, Familia de Vicente Mollá

Galiana.

**Audiovisuals**

*Mujeres Rapadas*

Script: Isabel Gadea and Peiró, M<sup>a</sup> José García Hernandorena

Photography: Archivo Art al Quadrat, Archivo Pura Peiró

Voice: Teresa Llopis

Editing: Pau Monteagudo Aguilar

*Homenajes políticos*

Photography and video: Archivo Pep Pacheco, Archivo Sergi

Tarín and Óskar Navarro

Editing: Pau Monteagudo Aguilar

*Primeras exhumaciones científico-forenses*

Fragmento vídeo: “Dones de Novembre. Les fosses clandestines del franquisme”

Script and direction: Óskar Navarro, Sergi Tarín

Photography: Antonio Arnau Iborra, Esther Albert Navarro

Music: Jorge Agut Barreda

*Movimiento asociativo y nuevos rituales*

Images: Raúl Pérez López

Editing: Pau Monteagudo Aguilar

**Creation of sound in the cemetery of Paterna**

Edu Comelles Allué

**Art work Patio 3**

Anaïs Florin, Judith Martínez Estrada

**Tiles production**

Aacerámicas (Almàssera)

**Production and installation**

Art i Clar, Sebastián López Valero

**Technical support**

*Collections and Restoration Unit*

Jorge Cruz Orozco, Miguel Hernández Oleaque

and Pilar Payá Ferrando

**Insurance**

Allianz

**Organization and production**

Diputació de València – L'ETNO



## ARCHAEOLOGY

17

### Beyond exhumation: Building Memory through Archaeology and Museums

*Andrea Moreno Martín,  
Tono Vizcaíno Estevan,  
Eloy Ariza Jiménez  
& Miguel Mezquida Fernández*

35

### The archaeology of memory: the application of forensic archaeology to the graves of the Civil War and the postwar period

*Lourdes Herrasti Erlogorri*

53

### The forgotten bodies of the war

*Queralt Solé i Barjau*

69

### This archaeology will be the tomb of fascism, or it will be nothing. The role of community archaeology in uncovering the common graves of Francoism

*Xurxo M. Ayán Vila*

## ANTHROPOLOGY

91

### Where does memory live?

*Maria-José García Hernandorena  
& Isabel Gadea i Peiró*

113

### Objects and memories: the material dimension of the mass graves

*Zira Box Varela*

127

The past, present and future of the objects in the mass graves

*Aitzpea Leizaola*

145

A look at Paterna to revisit the contemporary exhumation process: possibilities and tensions in the fight for memory(ies)

*María Laura Martín-Chiappe*

## DEMOCRATIC MEMORY

165

Graves and Democratic Memory

*Francisco J. Sanchis Moreno*

175

The right to truth with regard to the human rights violations during the Franco regime

*Mauricio Valiente Ots*

189

First and foremost, the victims. Principle of Justice

*Baltasar Garzón Real*

201

International Law, Reparation and Democratic Memory: The Case of Spain

*Carmen Pérez González*



## *Toni Gaspar*

PRESIDENT OF THE PROVINCIAL COUNCIL OF VALENCIA

*La historia que no se escribe*, prescribe: roughly translated, “the history that is not recorded is lost”. The sentence in Spanish, with the rhyme of “*escribe, prescribe*”, may sound like an advertising jingle, but I think it actually has a political intent: to reflect the collective principle of a people, the moral obligation of any free society. Reclaiming what was concealed, talking about what was silenced, bringing to light what was suppressed: this, in a nutshell, is historical memory.

The Valencia Provincial Council is proud to have established itself in recent years as an institutional reference point in the recovery of memories, testimonies, and remains of people who were hunted down and shot for their convictions, or simply for not being part of an undemocratic and repressive regime.

Thirty-five mass graves have been opened, more than 1,200 victims have been exhumed, and more than eight million euros has been assigned to groups, associations and town halls over the past six years. The Historical Memory section of the Valencia Provincial Council has led the way in ensuring that the memory and dignity of hundreds of families from the region is not forgotten.

The way to silence the ideology of oblivion is to develop projects and allocate funding for institutions and associations engaged in the recovery of memory, a mission that is so important for achieving historical justice for a people.

I would like to thank all the experts from different disciplines who have helped us in this task of recovering and identifying several hundreds of the people who disappeared during the Franco dictatorship. Thanks are also due to the staff of the Provincial Council of Valencia for their dedication to the project. We will continue our task of recovering this memory, in the absolute conviction that to live life we must look forward to the future, but that, to understand it, we must look back to the past.

# ARCHA

# EOLOGY

- 17 **Beyond exhumation: Building Memory through Archaeology and Museums**  
*Andrea Moreno Martín, Tono Vizcaíno Estevan, Eloy Ariza Jiménez  
& Miguel Mezquida Fernández*
- 35 **The archaeology of memory: the application of forensic archaeology to the graves of the Civil War and the postwar period**  
*Lourdes Herrasti Erlogorri*
- 53 **The forgotten bodies of the war**  
*Queralt Solé i Barjau*
- 69 **This archaeology will be the tomb of fascism, or it will be nothing. The role of community archaeology in uncovering the common graves of Francoism**  
*Xurxo M. Ayán Vila*

A mi querida esposa  
 e hija en las ultimas  
 horas de mi vida solo  
 os pido sepais libraros  
 de los que an atentado  
 cometer esta injusticia  
 contra vuestra ser  
 querido

Anteriormente calle de  
 San Pedro N.º 53  
 quien lo recoja que lo  
 entregue a esta  
 direccion  
 Vicente Mollá Galiana

JUN. 1938  
 FOT. BLAYA  
 ONFEMENTE

The front and back of a photograph with a farewell message  
 Vicente Mollá Galiana, Grave 94, Paterna  
 Mollá Galiana family collection  
 Photo: Eloy Ariza-ArqueoAntro Scientific Association





Clay dominoes  
Salvador Lloris Épila, Grave 21. Paterna  
Salvador Lloris Épila family collection  
Photo: Eloy Ariza-ArqueoAntro Scientific Association

# Beyond exhumation: Building Memory through Archaeology and Museums

*Andrea Moreno Martín,  
Tono Vizcaíno Estevan,  
Eloy Ariza Jiménez  
& Miguel Mezquida Fernández*

CURATORIAL TEAM, "THE ARCHAEOLOGY OF MEMORY: THE MASS GRAVES OF PATERNA"



*“With a steady hand and a clear conscience, I am writing my last words because in a few hours I will have ceased to exist. I am going to be executed”.*  
Bautista Vañó Sirera, 15 July 1939.

On 15 July, 1939, Bautista Vañó Sirera was shot in front of the wall known as the *Mur del Terror*, in Paterna. The Franco regime accused him of rebellion and, after a very short trial in which he had no legal defence, a military court sentenced him to death. Bautista, born in 1898 in Bocairent and a weaver by trade, was married and the father of four children. According to his descendants, he was devoted to the culture and politics of his town and his times: under the pseudonym of “Progreso” he published articles on social and political issues, participated in the *Sociedad Amanecer* and was part of the Bocairent Popular Executive Committee during the Civil War. His affiliation to the anarchist groups the CNT and the FAI, and his campaigning for a fairer, freer world, provided the dictatorship with more than enough reasons for murdering him.

Bautista’s story is by no means unique. Like him, thousands of men and women were victims of the structural and systematic violence perpetrated by the Franco regime.<sup>1</sup> In Paterna alone, at least 2,237 people<sup>2</sup> were shot between 1939 and 1956. Their bodies were thrown indiscriminately into mass graves, of which there are thousands all over Spain. These murders sought the physical annihilation of dissent and imposed a State policy to silence and erase the lives of these people after their deaths, as well as the ideals they defended.

Even today, many of these bodies remain under the ground. The stark reality is that many of the graves in Spain are still to be located and exhumed. In fact, some will never be excavated because they have been destroyed or because other structures have been built on top of them.

Opening up the earth is a radical act of great symbolism, triggering a complex but necessary process that recovers bodies and memories, breaks down silences, addresses traumas, and generates conflicts. Above all, it represents an opportunity to do justice, and to create a context for individual and collective reparation. In this process, archaeology plays a vital role: it makes it possible to locate, exhume, identify, analyse and interpret the material remains preserved in the graves in a truly scientific way.<sup>3</sup>

The archaeological record is made up of the human remains of the victims, along with the material items they had with them at the time of their death: from personal objects (clothing, shoes, buttons, rings, pencils, glasses, medallions), through the material evidence of the crimes (bullets, cartridges, rope used to tie the hands), to the

### 1

According to Francisco Espinosa, the figures for Spain as a whole are 49,426 victims on the home front and 140,159 at the hands of the regime. In the province of Valencia, Vicent Gabarda sets the corresponding figures at 6,415 and 6,386 respectively (2020: 20-21).

### 2

Although the most recently published number is 2,238, we are trying to corroborate the identity of a person whose confirmation as a victim of the post-war repression remains pending. In this text we state that at least 2,237 people were killed; these are the people whose names and surnames and date of execution are known based on the studies of Vicent Gabarda (2020).

### 3

Archaeological practices require the authorization of the Ministry of Culture and Heritage (Law 4/1998 and Decree 107/2017) and are subject to the regulations set out in the Democratic Memory Act (Law 14/2017). Exhumations in Spain must comply with the *Protocolo de actuación en exhumaciones de víctimas de la guerra civil y la dictadura* (Order PRE/2568/2011).



Glass bottle recorded next to the body of César Sancho de la Pasión during the exhumation of the mass grave. Photo: Eloy Ariza-ArqueoAntro Scientific Association. Grave 120, Paterna Municipal Cemetery.

evidence of the families' mourning and remembrance (bouquets of flowers, bottles with handwritten notes, panels bearing the personal data of the victims as memorials). Apart from the objects themselves it is important to understand where and how they appear, in order to be able to reconstruct the events and study their value – symbolic, historical, scientific, social, and personal. Obviously, the scientific interpretation of this material culture must be based on the context in which it is recovered.

Contrary to what many people may think, archaeology does not seek to empty out the subsoil in search of objects, but rather, as a social science, it studies these objects – and their contexts – to learn more about the people behind them, whether they are from remote societies or from the recent past. In the specific case of mass graves, forensics is an important new dimension to add to the spatial context. Since the aim of these procedures is to locate, identify and recover people who were victims of human rights violations, archaeology applies specific protocols and employs

interdisciplinary teams of anthropologists, forensic medicine specialists, historians, sociologists, psychologists and lawyers. The field of forensic archaeology<sup>4</sup> intends to shed light on crimes against humanity, but also to understand the memory-building processes around these events, to think about the mechanisms for dealing with the trauma and the management of the conflicts in the family and in the public sphere, and to encourage the creation of spaces for reflection and debate. Although neither the work of archaeology nor any other discipline can ensure that crimes of this kind will not be repeated, at least it offers tools for reflecting on them, with the aim of raising public awareness of our history.

4 Forensic archaeology is associated with forensic anthropology, legal medicine and humanitarian law; thus, it differs from funerary archaeology, whose purpose is the study of death (rituals, burials, associated remains) in order to analyse these practices in human societies from a social and cultural point of view.



The purpose of archaeology is, therefore, to build and disseminate knowledge of the past – a past that, we must not forget, begins yesterday – based on a firm engagement with the realities of the present. The temporal dimension does not limit the practice of archaeology, as this is a discipline that can be methodologically and epistemologically applied to any chronological context. And when it centres on the recent past, archaeological research also has access to sources of other kinds of a crucial importance, such as oral testimonies, historical documentation and personal records.

Families are key actors in the exhumation processes, and often accompany technical teams at the site. Pepita Peiró in front of the grave where her father lay (Eloy Ariza-ArqueoAntro Scientific Association, Grave 112, Paterna Municipal Cemetery).

Forensic archaeology is a key part of the study of recent times. Unfortunately, in Spain it is still in its infancy. Although in the last two decades some local governments have started to promote public policies on memory, above all by providing funding for exhumations, and although historical memory has attained a certain presence in the media, we are still a long way from achieving an effective commitment to the triad of “truth, justice and reparation” – at least not at institutional level, because the truth is that the citizens’ associations that make up the historical memory movement have been claiming these rights for decades. In fact, the families have never forgotten those that disappeared, and have been the real drivers of these processes from the very beginning – some even from the moment of the execution. This is why, despite the control and repression imposed by the regime, the transmission of memories in the private sphere has allowed many of the stories of the victims of reprisals to come down to us today.

Pepita Peiró holding the photo of her family on All Saints' Day, visiting the grave of her father, José Peiró. (Photo: Eloy Ariza, Grave 112, Paterna Municipal Cemetery).



Let's turn back to the story of Bautista Vañó Sirera. A few hours before the shooting, and fully aware of the crime that was about to be perpetrated, he wrote his farewell letter. The words are a forceful expression of his feelings: "in a few hours I will have ceased to exist". On that 15 July, 1939, they took his life. But, despite his loss, he never "ceased to exist", because Magdalena Puerto Mora, his wife, kept his memory alive and transmitted it as a legacy to his children, who still maintain and disseminate it today.

This is how the memory of the people who were shot or who disappeared has usually been preserved, in the family sphere, where women have always played the leading role (Moreno, 2018; García Hernandorena and Gadea Peiró, 2021). Under the dictatorship this form of resistance – the decision not to forget, and to speak out and tell others – was a private survival mechanism, and after the return of democracy it remained an intimate, low-key ritual, the result of stigmatization and the lack of public recognition. Only recently have these family stories been listened to attentively, and now they have become part of the public dimension of memory. This "democratic memory", as it has come to be called, is built through the joint participation of institutions, professionals in the field, and civil society (Baldó, 2021). As we understand it, memory is a right that goes beyond the private sphere and must take on meaning for all citizens.

In this reconceptualization of memory, archaeology has a great deal to say. Once again avoiding the entrenched stereotypes, archaeology does not just describe the remote or recent past; it also has a place in the present and future. The knowledge it provides of the past and its material heritage enable us to rethink and transform our reality and the reality to come. This is the idea behind currents such as public archaeology, which proposes a change of perspective: namely, making the people of the present the true protagonists.

This understanding of archaeology, together with an awareness of the complexity of exhuming the mass graves of the Franco regime and the need to enrich the public debate on democratic memory, form the cornerstone of the exhibition *The Archaeology of Memory. The mass graves of Paterna*.

The exhibition is based on the research carried out by the ArqueoAntro Scientific Association in the Municipal Cemetery of Paterna. For more than a decade, the association has been working on the recovery and identification of victims of the war and of the Franco dictatorship in different parts of Spain, especially in the Valencian region (Díaz-Ramonedá, et al., 2021; Mezquida, et al. 2021; Moreno et al., 2021). In Paterna, between 2017 and 2023, more than twenty graves have been exhumed. In parallel to the

field work, ArqueoAntro has brought the project to a wider public through the publication of articles and the organization of conferences, courses, guided tours and exhibitions. In 2018 ArqueoAntro collaborated in the exhibition “*Prietas las Filas. Daily life and Francoism*” in L’Etno, where some of the materials exhumed in the mass graves of Paterna were exhibited for the first time (Moreno and Candela, 2018).

With these precedents, the project for the current exhibition was put forward in late 2019, with a specific aim in mind: to present the material culture exhumed in the graves of the Municipal Cemetery of Paterna from an archaeological perspective, applying a comprehensive approach that explains and contextualizes the scientific process of exhumation, and demonstrating the uniqueness of Paterna in several areas: as a place of memory since the post-war period; as a site of barbarism and horror, due to the numbers of victims and the use of the cemetery as a mass burial ground; and as an unusual example of conservation, as some of the remains have been preserved in an exceptional condition due to a process known as saponification<sup>5</sup>.

To meet the multiple challenges posed by the project, it was decided to form an interdisciplinary curatorial team, comprising experts in exhumation processes, heritage management and public memory policies, and museum management. Specialists from the fields of photojournalism, art and design also took part. Most importantly, in an act of enormous generosity, the families of the victims have loaned certain objects that they kept at home in memory of their missing relatives (for example, photographs, letters, personal items) and allowed the us to display some of the exhumed objects, enveloping them in significance and affection with their personal stories. The close relationship between the technical team and the families, following years working together and meeting at the foot of the grave, made this joint participation possible. To all the families, once again, we express our most sincere thanks<sup>6</sup>.

Given the archaeological nature of the project, the curatorial team felt that the ideal venue for the exhibition was the Museum of Prehistory of the Provincial Council of Valencia. The museum is a reference centre for archaeology in both Valencia and Spain as a whole, and its geographical proximity to Paterna is another reason for its choice. The project represented a major challenge for the museum; there are hardly any precedents of analyses of the role of archaeology in the construction of the historical memory linked to the mass graves of the Franco regime, or exhibitions in which exhumed materials constitute the central theme. This is why it

## 5

Saponification is a process induced by a high level of humidity in the subsoil that favours the body’s preservation. It occurs through a process of chemical change that affects the body fat, which is transformed through hydrolysis into a compound similar to wax or soap. In Paterna, saponification has been documented in several graves, at depths of more than four metres, and has allowed the exceptional preservation of anthropological remains, clothing and a set of other items (Moreno et al., 2021).

## 6

Particular thanks to each and every one of the families and associations that have accompanied us in this exhibition project for their enthusiasm and commitment; for the care and affection with which they described their family objects; for the trust they showed in us in sharing their most intimate and personal memories, and for allowing us to tell their stories.





is important to emphasize the museum's firm support and engagement in the project<sup>7</sup>.

The launch of the project had three main objectives in mind. First, the exhibition is a tribute and a public recognition of the victims of Franco's repression and their families, and of the groups and individuals who, for decades, have fought for the preservation of their memory. Second, to highlight the work of the scientific and technical teams which have exhumed the graves, identified the victims and recovered their life stories. And, third, to establish a dialogue with society about the need for public policies of memory, in order to face the traumas of the past, to raise public awareness of the issue, and to address the challenges of the future.

The exhibition is structured in five large areas, and takes visitors on a journey that moves intermittently between the present and the past. The starting point is the celebration of the role of archaeology in the study of contemporary world, in particular in the field of conflicts and traumatic episodes around the world during the 20th and 21st centuries. First, we situate our case study in the international context of human rights, and connect it with the principles of forensic archaeology in its role in compiling expert evidence of crimes.

<sup>7</sup> The exhibition *The Archaeology of Memory: The mass graves of Paterna* owes its existence to the dedication of María Jesús de Pedro, director of the Museum of Prehistory, and Santiago Grau, head of the Dissemination, Teaching and Exhibitions Unit, and the curators and technical staff: Eva Ferraz, Begoña Soler, Ramon Canal, Trinidad Pasiés and Yanire Múgica. Their work in the field of management, restoration and museography and the contributions that arose in the work sessions and informal conversations were fundamental for the success of the project.



Carolina Martínez, granddaughter of José Manuel Murcia Martínez (Grave 94, Paterna Municipal Cemetery) during the process of transferring objects for the exhibition. (Photo: Eloy Ariza, Museum of Prehistory of Valencia).



Rendering of the exhibition "The archaeology of memory: the mass graves of Paterna" at the Museum of Prehistory of Valencia. (Design: Rosa Bou and Kumi Furió).

From here, we begin our first incursion into the past so as to contextualize the ideological, political and social reality of the post-war period in which the crimes of the Franco regime took place<sup>8</sup>, and where the duality between the victims and perpetrators is clearly defined.

Next, the Municipal Cemetery of Paterna and the *Mur del Terror* are presented together as a unique example of this repression. The explanation proceeds diachronically, seeing the cemetery as a site of violence in the past, but also of memory and resistance, and one that takes on new meaning in the present. The families of the missing persons, the memorialist movement and the local government appear in this passage through time, as do the technical teams. We then explain the scientific procedures and multidisciplinary inherent in the process of the exhumation of mass graves today.

## 8

Our exhibition is limited to post-war crimes: that is to say, those committed after the declaration of the end of the war on 1 April 1939. The repression lasted until the death of the dictator in 1975, when the regime came (at least officially) to its end. We should not forget that violence and repression can take forms other than murder, and are manifested in many spheres of daily life (Rodrigo, 2008).



With the recovery of the human remains and the objects we go back once again to the past, in order to remember the people who were killed and thrown into the graves. This area is the centrepiece of the exhibition. It is presented as a dialogue between the objects exhumed and the objects belonging to the families, which, together, help to reconstruct the socio-political context and the links that were

Event held by the Platform of Associations of Relatives of Victims at the mass graves of Paterna (Photo: Eloy Ariza, Paterna Municipal Cemetery, 2018).

woven between the prison and the outside world, and between the inside of the grave and outside. The exhumed materials bear witness to the precariousness of prison life and to the constant threat of a violent death, but they also tell us about personal identities and strategies of resistance. For their part, the family objects, accompanied by the stories of their owners, help us to name and reconstruct the personal and political projects destroyed by the dictatorship. Together, these objects constitute the elements from which the memory of this past is built.

The family stories bring us back to the present, to connect with the final section of the exhibition, which is an open space for individual and collective reflection on the historical events and on how memory is constructed. The journey closes with a final tribute projecting the names of all the people shot in Paterna between 1939 and 1956.

In addition to the exhibition inside the hall, there is a small display in the museum courtyard, dedicated to the representation of Franco's graves in vignette illustrations. This display is designed specifically for the educational visits scheduled by the museum as part of the exhibition.

Bearing in mind the role of the exhibition and the museum, we also contacted archaeologists who work in the field of historical memory in different parts of Spain. Queralt Solé, from the Department of History and Archaeology of the University of Barcelona, explores in *The forgotten bodies of the war* the historical contextualization of violence in the Republican rearguard and the violence of the Rebels during the Civil War. Establishing the reasons for the deaths and for the treatment of the dead during and immediately after the war is essential in order to understand the ways in which human remains appear in exhumations in Spain. Precisely, Lourdes Herrasti, from the Anthropology Department of the Aranzadi Science Society in the Basque Country, focuses on the methodologies and tools of forensic archaeology in her text *The archaeology of memory: the application of forensic archaeology to the graves of the Civil War and the postwar period* used to compile the information needed to restore the identity and memory of those murdered. Talking about memory and identity inevitably raises the issue of the agency of the families of the disappeared, and also the need to create spaces to prove that the crimes existed, and to deal with the trauma. In a study based in Galicia, Xurxo M. Ayán Vila of the Instituto de História Contemporânea of the Universidade Nova de Lisboa defends the therapeutic, mnemonic, pedagogical and political function of community archaeology in his paper *This archaeology will be the tomb of Fascism, or it will be nothing. The role of community archaeology in uncovering the common graves of Francoism*. The voices of Xurxo, Lourdes



Handmade pendant made in prison by Vicente Roig, shot in Paterna, for his son. (Photo: Eloy Ariza, Roig Tortosa family collection).

and Queralt help to reflect the plurality of ways of thinking and the cross-sectionality that the archaeological perspective brings to a highly complex subject of study.

Above we stated that this project has raised multiple challenges. The most profound of all is, without a doubt, the extremely sensitive (and chilling) nature of the subject matter and the material culture that accompanies it. The exhibits, both exhumed and family items, are sensitive in many ways. Unlike other materials in an archaeological museum, they constitute forensic evidence; due to their state of preservation, they are particularly fragile; they recall a traumatic past; above all, they are sensitive because they have an incalculable sentimental value for the families of the victims.

The emotional charge of these objects and stories has deeply affected the museographic approach to the project. We understand the museum as a space of negotiation and conflict, where reflection and dialogue must be encouraged in a multidirectional sense that abandons the idea of a single truth emanating from the institution. By immersing oneself in the context, the museum can become a safe

## 9

The expression of these principles in a museum scenario was made possible by the work of Rosa Bou and Kumi Furió, the designers of the exhibition, who have scrupulously respected our wishes and have responded to our concerns with exquisite professionalism. We would like to show our gratitude to them here.

Anthropologists analysing the piled-up bodies in a mass grave, prior to the start of their exhumation. (Photo: Eloy Ariza Arqueo-Anthro Scientific Association, Grave 112, Paterna Municipal Cemetery).

space in which to talk about complex issues, conflicts, and controversies. This is why it was so important to gather together different voices from the professional field, the memorialist movement, and the families. This is also why we wanted to think of the exhibition as an experiment, testing the potential of museums to approach the memory of the traumatic past in a critical and reflective way (Arnold-de Simine, 2013).

Based on these approaches, we decided to establish a series of red lines when conceiving and designing the exhibition<sup>9</sup>. These three red lines, with their particular derivations, have ended up constituting a road map that guided us through the entire process.

As a starting point, we were determined to avoid the twin traps of making the display either excessively spectacular or excessively banal, in the light of the growing media interest in the subject and certain distortions in its treatment (Aguilar Fernández, 2008; Vinyes, 2011; Cadenas Cañón, 2019). The exhibits require a careful scientific contextualization in order to avoid the risk of their fetishization or even sacralization. It is necessary to balance the need for social and public dissemination with respect for the items and their owners.





From the very first moment we ruled out the display of human remains (a widespread practice in archaeological exhibitions devoted to other eras and cultures). Even the use of photographic material is limited to cases in which the explicit presence of human remains in the grave was necessary to illustrate the scientific process of exhumation, to bear witness to the systematic practice of mass murder, or to show the gruesome nature of the graves of Paterna. The aim, far from being to play down the brutality of a bloody and traumatic reality, is to guarantee respect for the victims and families, many of whom are still in the process of mourning. So the bodies of the victims are not on display, but their presence can be felt through the objects and their life stories; in the same way, from the outset their deaths are described as criminal actions. The challenge is to be able to stir people without upsetting them, to move without being sentimental, to cause a certain unease – based on a profound respect – without generating overkill.

Secondly, in our story, we have avoided statistics. It is true that numbers and figures are essential in scientific studies, as they help to reconstruct the facts with empirical data. They also feature heavily

Consuelo Pérez Fenollar with the photo of her father, Rafael Pérez Fuentes, shot in Paterna. (Photo: Eloy Ariza, ArqueoAntro Scientific Association, Grave 22, Paterna Municipal Cemetery).

## IO

An artistic creation by Guillem Casasús Xercavins and Gerard Mallandrich Miret, whom we want to thank for their participation in this project.

Fragments of a diary, mounted on the original document. This is a cartoon by the illustrator Bluff (Carlos Gómez Carrera, also shot in Paterna) that was exhumed in Grave 111 of the Paterna Municipal Cemetery, associated with Individual 79 (Photo: Eloy Ariza ArqueoAntro Scientific Association).

in the media and in political discourse, because they are straightforward and easy to understand: so many graves exhumed, so many people identified. The reality, however, is that focusing on numbers runs the risk of dehumanizing the story, by making the names and life stories invisible, and by turning the people shot into a homogeneous mass of victims, into a mere statistic. Above all, we have cited personal names wherever possible. In fact, one of the meta-narratives of the exhibition is the transition from anonymity to recognition: from the cardboard boxes containing human remains and the use of scientific terms such as “individual” or “forensic unit”, the identity of people is gradually defined – through their DNA, their personal objects, or their family histories – until they can be named. The exhibition culminates with the memorial *Resilience to oblivion*<sup>10</sup> and with a book where visitors can consult the data available on all the people shot by the Franco regime in Paterna. This may encourage families who do not have information about their missing relatives, or do not know that they existed, to explore further.

Thirdly, the need to humanize the story has also led us to rethink the way we present the objects. Compared to the standard taxonomy-based displays usually found in archaeological museums, where the objects usually appear classified as an inventory with identifying placards focusing on technical aspects, we opted for more organic



compositions and descriptions that place the emphasis on the people behind the objects. The exhibition’s discursive potential centres on the objects and their ability to arouse empathy with the stories told, and so it is vital that the museographical resources support this ambition. This approach, we think, opens up interesting reflections on the potential of archaeology in the construction of new imaginaries around historical memory.



Obviously, in addition to the professional challenges referred to above, any research process entails a whole series of personal and emotional engagements that are not always reflected in the final result. In this case, however, we feel it necessary to mention them. From the moment when we took the first steps to define the project until right now, as we write these final lines, the object of study has moved us, on a personal level, in a particularly intense way. No one can be indifferent to the shocking experience of opening a grave containing a heap of bodies piled up in a totally inhumane manner; or to sharing in the anxieties, concerns and longings contained in the letters written by those who were in prison, and also of their families suffering in their homes; or to noting the indefinable smell of the boxes where the materials that have undergone saponification are stored; or to holding in your hands a piece of clothing that the family has hidden in a chest of drawers for so many years – a priceless treasure, the only material memory of the missing relative; or to listening to the testimonies of people who have experienced in silence the loss of a parent they never met or who were murdered when they were barely a few years old; and to those of the new voices of the “post-memory generation” (Hirsch 2015), who, although they did not experience these events first hand, have inherited the stories and now demand that justice be done.

The work process has been very demanding both personally and professionally, but it has been exciting as well. It has required a firm ethical commitment and a rigorous approach. It has not always been easy to deal with the diversity of viewpoints and, above all, with the interests that come into play (and clash with each other) when dealing with such delicate and conflicting issues. Nevertheless, and despite the dangers of politicization and opportunism, for us the commitment to the families of the victims and to scientific research prevails, and the conviction that, as an exhibition organized by a public museum institution, *The Archaeology of Memory. The mass graves of Paterna* will stimulate reflection on our traumatic recent past and invite us to think about the scenarios of coexistence that, as a democratic society, we would like to build for the future.

“I have a few hours left, I will never see you or our children again. Keep this letter as a memento. Your husband Bautista Vañó. Goodbye forever”.

## Bibliography

- Aguilar Fernández, P. (2008): *Políticas de la memoria y memorias de la política. El caso español en perspectiva comparada*. Alianza Editorial, Madrid.
- Arnold-de Simine, S. (2013): *Mediating memory in the museum: trauma, empathy, nostalgia*. Palgrave Macmillan, Basingstoke.
- Baldó, M. (2021): «Memòria democràtica i política de memòria», en V. Gabarda (Dir.), *Violència, conceptualización, memoria, represión, estudios, monumentalización, exhumaciones. Valencia 1936-2020*, València: 39-58.
- Cadenas Cañón, I. (2019): *Poética de la ausencia: formas subversivas de la memoria en la cultura visual contemporánea*. Cátedra, Madrid.
- Díaz-Ramoneda, E.; Vila, A.; Sancho, S.; Calpe, A.; Iglesias-Bexiga, J.; Mezquida, M. (2021): «Les fosses de Paterna, testimonis de la maquinària repressiva del règim franquista al País Valencià», *Revista d'Arqueologia de Ponent*, núm. 31, 239-258.
- Espinosa, F. (2021): «La investigación de la represión franquista 40 años después (1979-2020)», en V. Gabarda (Dir.), *Violencia, conceptualización, memoria, represión, estudios, monumentalización, exhumaciones. Valencia 1936-2020*, València: 91-114.
- Gabarda, V. (2020): *El cost humà de la repressió al País Valencià (1936-1956)*. Universitat de València-Servei de Publicacions, València.
- García Hernandorena, M.J.; Gadea-Peiró, I. (2021): *Etnografía d'una exhumació. El cas de la fossa 100 del cementeri de Paterna*. Diputació de València-Delegació de Memòria, València.
- Hirsch, M. (2015): *La generación de la posmemoria: escritura y cultura visual después del Holocausto*. Carpe Noctem, Madrid.
- Mezquida, M.; Iglesias, J.; Calpe, A.; Martínez, A. (2021): «Procesos de investigación, localización, excavación, exhumación e identificación de víctimas de la Guerra Civil y del Franquismo en el Levante peninsular», en V. Gabarda (Dir.), *Violencia, conceptualización, memoria, represión, estudios, monumentalización, exhumaciones. Valencia 1936-2020*, València: 295-314.
- Moreno, A.; Mezquida, M.; Ariza, E. (2021): «Cuerpos y objetos: la cultura material exhumada de las fosas del franquismo», *Saguntum-PLAV*, 53: 213 - 235.
- Moreno, A.; Mezquida, M.; Schwab, M. E. (2021): «Exhumaciones de fosas comunes en el País Valenciano: 10 años de intervenciones científicas», *Ebre 38: revista internacional de la Guerra Civil, 1936-1939*, 11: 125-152.
- Moreno, A.; Candela, J.M. (2018): *Prietas las filas. Vida cotidiana i franquisme*. Museu Valencià d'Etnologia-Diputació de València, València.
- Moreno, J. (2018): *El duelo revelado. La vida social de las fotografías familiares de las víctimas del franquismo*. CSIC, Madrid.
- Rodrigo, J. (2008): *Hasta la raíz: violencia durante la Guerra Civil y la dictadura franquista*. Alianza Editorial, Madrid.
- Vinyes, R. (2011): *Asalto a la memoria. Impunidades y reconciliaciones, símbolos y éticas*. Los Libros del Lince, Barcelona.

**A model of a sandal carved out of an olive bone**  
Individual 144, Grave 115. Paterna  
ETNO Democratic Memory Collection  
Photo: Eloy Ariza-ArqueoAntro Scientific Association

# The archaeology of memory: the application of forensic archaeology to the graves of the Civil War and the postwar period

*Lourdes Herrasti Erlogorri*

DPTO. ANTROPOLOGÍA, SOCIEDAD DE CIENCIAS ARANZADI



In the mass grave of Priaranza del Bierzo in the province of León, in the year 2000, a methodological approach combining archaeology and anthropology was applied in the exhumation and analysis of clandestine burials of victims of the Spanish Civil War for the very first time. This intervention by archaeologists and anthropologists launched a process that has now gone on for more than twenty years, which has come to be called “the recovery of the historical memory”. Over this period, the methods used have become more sophisticated, but at all times the aim has been the recovery of the remains of the people murdered, in order to record the information necessary to restore their identity and their memory.

Now that more than twenty years have passed, it is time to take stock of the process and to examine the contribution of archaeology to the historical understanding of the repression perpetrated by the Franco regime.

Nothing tells us more about the horror and injustice of an age than the sight of human skeletons crowded together in a common grave.

## Introduction

Forensic archaeology is heir to the branch of the discipline known as the “archaeology of death”, from which it has adopted the methods needed to recover skeletal and other remains from individual or collective burials. Archaeology becomes “forensic” when it focuses on people who died not of natural causes but by acts of violence, and provides evidence that can be presented in court or in legal debate.

In the English-speaking world this area of study tends to be called “forensic anthropology”. The two disciplines are complementary: in archaeology the focus is on the process of recovery of remains and documentary evidence, while anthropology studies the biological profile of the buried; in turn, legal medicine analyses the cause of death. When forensic archaeology is applied to the analysis and recovery of historical memory, it can be termed the “archaeology of memory”.

The action protocol for the exhumation of victims of the Civil War and the Dictatorship, dated 26 September 2011, describes it as an interdisciplinary activity involving historians, archaeologists and forensic specialists. The latter include anthropologists and forensic odontologists, as well as specialists in legal medicine.

Archaeological methods unearth remains in mass graves, allowing them to be collected and then sorted. First, drawings are made of the positions of the bodies and of the graves themselves, and photographs

are taken of each individual and of all the features of interest. The results of this exhaustive documentation process are recorded with data on each individual and the spatial relationships between them, in order to carry out the exhumation in an orderly fashion.

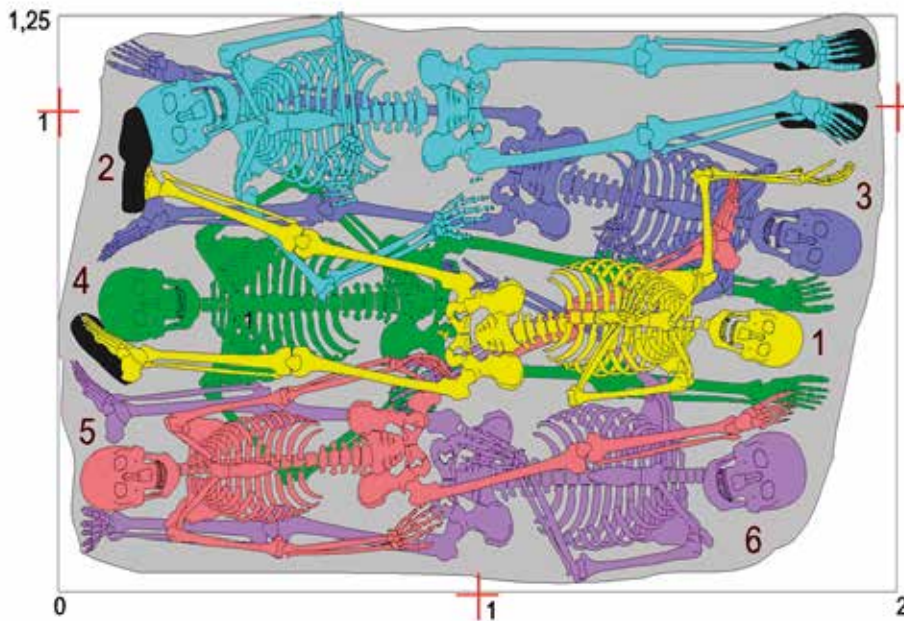
The testimonies of the people who lived through the events or who heard accounts of what had happened are crucial, because they provide information about the location of the graves. The same can be said of the information supplied by witnesses who were children at the time, and who saw the murders and clandestine burials from their hiding places. A clear example is the mass grave in Barcones, Soria, which serves as a model for the discussion of several key aspects.

Recording of testimonies and information from relatives at the grave. La Andaya IV (Burgos).



Importance of the eyewitness offering testimony. Grave of Barcones (Soria).

The procedure for the search, removal and exhumation of human remains is described in the article by Polo-Cerda et al. (2018). The excavation exposes the skeletal remains by removing the soil above and around them; using a technique known as the pedestal method, the remains stand out in relief against the ground. Sometimes it is practical not to preserve the side walls of the grave, because this makes it easier to access the remains around the entire perimeter, allowing a clearer view of the interior. In trench graves, however, it is better to preserve the walls in order to highlight the grave's use as an improvised burial place.



Exhumation process at the grave of Barcones (Soria).

### Types of grave

Mass graves are usually rectangular in shape, deriving from the depositing of one or several bodies lying on the ground. In general, the bodies tend to be laid out in a fairly orderly way adapting to the space available, regardless of who was in charge of the burial the corpses. Thus, they might be arranged in alternate head-feet positions, with a body in each corner, or aligned and overlapping. In the grave in Barcones, Soria, the six bodies were placed very close together, alternating heads and feet.

On other occasions the graves were dug into already existing ditches, a practice that was much easier and particularly attractive when the diggers were in a hurry or were frightened. The bodies would be arranged in lines, sometimes overlapping, sometimes not.

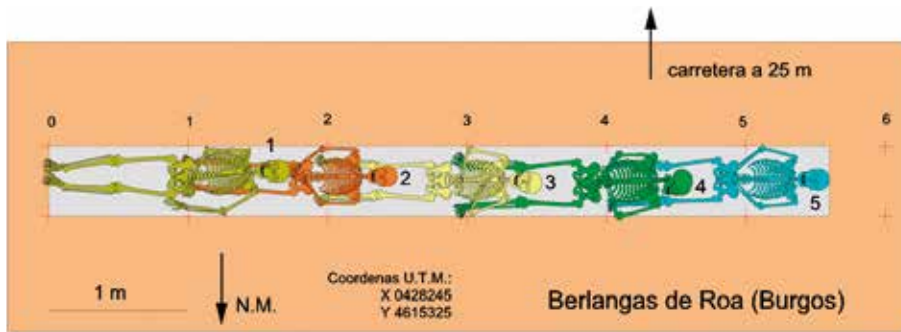


Grave of Barcones (Soria).  
Arrangement of individuals in the pit.

A clear example of this type is found in Berlanga de Roa (Burgos), where it is known that a road labourer, who may have known the victims, buried the five men (among them a father and son); the bodies overlapped and were arranged with care and respect. In other cases, a wide ditch was dug that allowed the bodies to be arranged cross-sectionally, as in La Pedraja (Burgos), where a total of 105 individuals were buried in 10 successive graves; in Fregenal de la Sierra (Badajoz), with 47 victims in seven graves, and in Villamayor de los Montes (Burgos), where 45 men were found in two graves. Elsewhere, the bottom of the grave was covered with several bodies and then others were thrown on top of them. In the graves of Estépar (Burgos), the bodies of 96 men who had been taken there from Burgos Prison were recovered.

The perpetrators, or the gravediggers, often made use of wells, mines, and pit caves to get rid of the corpses. There are many examples in Navarre, Extremadura, and the Balearic and the Canary Islands.





The placement of victims in the pit. Grave of Berlanga de Roa (Burgos).





Grave 2 of Estépar  
(Burgos).

At the Sima del Raso in Urbasa, Navarre, the corpses of ten people were thrown into the cave on three different occasions. This suggests that it was the same people who murdered the victims at the mouth of the cave then threw them inside.

But the commonest practice was to take the corpses to the cemetery. Bodies found in ditches by the side of the road, if they were not buried nearby, would be loaded onto pack animals or carts and taken to the cemetery where the gravedigger himself, perhaps with other townsfolk, would bury them on the edge of the cemetery, or in the civil cemetery so as not to contaminate the area where the upstanding residents of the town were buried.

Many mass graves contain victims of extrajudicial killings in the cemeteries, deaths that occurred during the first months of the war, in 1936, but many others hold the remains of people sentenced to death from 1938 onwards. Cemeteries attached to prisons and concentration camps have also been exhumed: at the prison cemetery of

Valdenoceda, Burgos, a total of 106 corpses of prisoners have been recovered, and in Castuera, Cáceres, the bodies correspond to people who died or were murdered in the concentration camp. The large cemetery of La Tahona de Uclés in Cuenca holds more than 570 bodies of combatants from the war hospital and others who died in prison. The frontline hospitals tended to have a space behind the building that was used as a cemetery for those who died there. Examples in Catalonia are Soleràs in Lleida, and Pernafeites de Miravet and Mas de Santa Magdalena in Tarragona, with more than a hundred individuals in each one.

### Belongings

The objects that the individuals had with them when they were killed are often highly personal. The most numerous are items of clothing: shirt buttons, belts, buckles, loops and trouser fly buttons, and even zips and garters. Although these are simple, everyday items, they can be transformed into objects of memory. In one instance in which the remains of an identified person were handed over to family members, they were interested in some buttons and the remains of a buckle that appeared photographed in the report. One of the relatives asked to be able to keep a mother-of-pearl button because “I am certain that it belonged to my grandfather”. In this way, a simple button became a relic.

A good example of the variety of the objects recovered is found in the grave of La Mazorra in Burgos: items of clothing such as berets, zips and footwear; personal items such as earrings, a comb, a lighter and a carpenter’s meter, and objects related to health such as a hernia support and a dental prosthesis.

There are also more specific objects that might once have helped in the identification of their owner. Objects such as rings, watches and cufflinks could have been associated with a particular person; but now, since so many years has passed, these memories have disappeared and the information has been lost.

Sometimes the objects retrieved are personalized. An example is a silver belt buckle, found in the grave in Bóveda (Álava), belonging to an *indiano* (a Spaniard who had made his fortune in Cuba) and which bore an engraving of the initial of his last name. The historical data provided strong indications of the man’s identity, which was then confirmed by genetic tests. Other finds include rings with initials and the dates of a wedding. In grave 3 at Estépar, for instance, a gold ring was found bearing two initials, “P and E”, and a date; a member of the team located a marriage certificate in which the two initials coincided, suggesting that the man in question was a teacher named Plácido

→  
Objects recovered from the grave of La Mazorra (Burgos). The image shows that the thirteen victims in the grave had their hands tied when they were murdered and buried.

The images show the following objects (and an injury); clockwise from top left: woman's cap and comb, dental prosthesis, clothes worn, sweater zip, notch where the projectile entered the jaw, wick lighter, reinforcements of the ends of a carpenter's measuring instrument, hernia truss attached to the left hip, beret, earrings and shoes.



who was married to a woman called Emilia. From the genetic information, it has been possible to identify the group of the other 26 victims who were with him in the grave, all of them murdered on 9 September, 1936, after being taken to the site from the prison in Burgos.

One exceptional find was the discovery of an identification document preserved inside a bottle. In the prison cemetery known as Las Botellas, where 131 people who died in the San Cristóbal de Ezkaba prison in Pamplona were interred, each of the victims was buried with a bottle placed between their legs, containing an official document with the prison's own letterhead, *Ezkaba Sanatorio Penitenciario de San Cristóbal*, which recorded the name of the deceased, their place of birth, affiliation, offence and the sentence imposed, as well as the cause of death – usually tuberculosis, an endemic disease in prisons, especially in one that called itself a sanatorium. This process of documentation complied with the order issued by Franco in January 1937, ordering the identification of those killed in combat and in prisons.



### Biological profiles of the bodies exhumed

The remains of the victims in the graves are collected individually with their associated belongings, in separate boxes, and are then transferred to the anthropology laboratory. There, the analyses are carried out with a standardized methodology for appraisal of the person's sex, age, possible pathologies, dental features and injuries related to the cause of death.

The vast majority of the victims recovered in the graves of the Civil War are males. It is estimated that fewer than 3% are women.

Almost half of the men were young adults, between 20 and 40 years of age, and around 30% were aged over 40. The third group were over 50 years of age, and a fourth group aged under 20. However, because of the poor state of preservation a more precise estimation of the age is often impossible, and in these cases the remains are included under the generic category of adults.

Bottle placed between the tibiae. Inside was the deceased's affiliation document. Cemetery of the bottles. Ezkaba. Pamplona.

### **Different graves for different types of victim**

The graves can be differentiated according to the victims buried there:

*a) Graves containing victims of extrajudicial killings.* During the first months of the war, particularly between the months of July and November 1936, the period known in Spanish as the “hot terror”, thousands of extrajudicial killings took place, the product of indiscriminate and uncontrolled violence. This repression was particularly harsh in the provinces where the *coup d'état* triumphed and gained territory as the front line advanced. As the historian Francisco Espinosa emphasizes, these deaths were caused not by the war, but by the repression. The regions most affected were Castile-León, Galicia, Navarre, La Rioja and Cáceres.

The victims of this period were the civilian population, men and women who were arrested for long periods before being taken to their place of execution. These final journeys were euphemistically known in Spanish as *paseos*, or “walks”. The victims were illegally detained, handcuffed, and often killed and buried with their hands tied. An example is the grave of La Mazorra in Burgos, in which the bodies of 13 people were buried, two of them women, all with their hands tied. It is said that the bodies appeared abandoned on the roadside, because they were seen by passengers on a passing bus. Several local people collected the bodies and decided to bury them there in a rectangular grave, laid out in a relatively orderly fashion, still with their hands tied.

Graves of this type constitute the most important and numerous group. Examples are the cemeteries of El Carmen in Valladolid, with more than 200 victims; Magallón in Zaragoza with 84, La Carcavilla in Palencia, with 108; Porreres in Mallorca with 104; La Pedraja in Villafranca Montes de Oca, Burgos, with 136, and four graves in La Andaya in Quintanilla de la Mata, Burgos, with 96, and so on.

*b) Graves containing victims of “legal” repression.* From 1937 the authorities sought to legalize executions through summary trials in which the sentence was nonetheless a foregone conclusion. These executions were carried out in specific sites such as the walls of the cemetery. The most notorious example is the wall of the Paterna cemetery in Valencia, a place where, according to the documentation compiled by Vicent Gabarda, 2,238 victims were sent for execution. When death and murder became routine, the same pattern was repeated: four people on one day, five the next day, seven, fifteen... all sent to the wall to be shot. The chaplain Gumersindo de Estella describes that he had to assist many of these victims who were about to be executed;

in his book he describes their last moments in the Torrero cemetery in Zaragoza. There, too, more than two thousand were killed.

There can be little doubt that the large graves in cemeteries that have been exhumed in recent years contain the victims of summary executions. They include Paterna in Valencia, Pico Reja in the San Fernando cemetery in Seville, and the San Rafael cemetery in Córdoba.

*c) Graves containing the bodies of combatants.* A third type of victim comprises those killed in the hostilities, both combatants and non-combatants. These are, for the most part, individual burials of bodies that were abandoned where they died at the front, and were not collected and removed at the end of the war, or once the frontline moved on. Many corpses were collected by the residents of the area to prevent scavenging by dogs and the spread of vermin and disease. The graves of a small number of combatants have been exhumed in the area of the Battle of the Ebro and on the Northern Front. The ditches of the trenches at the front were also used to bury bodies quickly. In El Rellán in Grado (Asturias), for example, more than 30 people, combatants and residents of the region have been found. In Alcaudete de Jara in Toledo a total of 41 civilian victims were buried, who had been subjected to reprisals after the war ended. On Mount Altun in Zeanuri, Bizkaia the residents buried five militiamen from the Perezagua communist battalion who had died in the battle on the same day. Based on the historical documentation, the exhumation, the discovery of soldiers' dog tags and the confirmatory genetic analyses, the remains have been identified and delivered to the families.

*d) Graves containing victims who died in captivity:* in prisons or in concentration camps. These people perished in deplorable conditions, subjected to hunger, cold, damp, lice, neglect and abandonment. In these dank, overcrowded places infectious diseases, especially respiratory diseases, were easily transmitted.

In the San Cristóbal prison mentioned above, which had been converted into an anti-tuberculosis prison sanatorium, the high mortality rate forced the military authorities to build a cemetery to bury the prisoners who died there. It was built on the north slope, on the least visible area of the mountain.

*e) Finally, graves containing guerrilla fighters.* After the war, anti-Franco fighting groups were formed, mostly comprising communists, who took refuge in mountainous areas and sought to harass the Franco regime using guerrilla tactics. The task of countering these guerrilla fighters, known as *maquis*, was entrusted to the Civil Guard, which arrested, abused and tortured family members and contacts in order to

obtain information. They also infiltrated the groups and created counter-guerrillas. The clashes took place in the mountainous areas of Galicia and León, Asturias and Cantabria, further east in Cuenca, Levante and Aragón, and to the south in Sierra Morena, Cáceres, Toledo, and Andalusia. In one of these graves, in Albalat de Tarongers in Valencia, the bodies of nine guerrillas were placed with their heads to the sides and their legs in the middle, opposite each other. It is a clear example of a guerrilla grave because it combines several defining features: an eyewitness report of the murder, documentation from the Civil Registry, autopsy reports, careful registration during the exhumation and positive genetic identification of six of the nine individuals.

### Identification

The main objective of the exhumation of a grave, comprising the archaeological intervention and the subsequent anthropological analysis of the skeletal remains, is to identify the victims through the reconstruction of the historical account. However, the endeavour faces several major obstacles: the insufficient historical information and documentation, the deterioration of the skeletal remains that makes it impossible to obtain a genetic profile, and the lack of a suitable candidate from the family for comparison. All these factors reduce the chances of obtaining a positive identification.

If the process is successful, the remains identified can be delivered to the family, either in private or in public. If an official event of some kind is held, political institutions are represented. In recent years, regional governments have played a more active role in commemorative tributes of this kind in which the remains are returned to the families of the victims.

### The evolution of the exhumations over time

The exhumation of Priaranza del Bierzo in the year 2000 is considered to have been the first one to be carried out using archaeological methods and with the participation of archaeologists, anthropologists and a forensic doctor. The exhumation of graves advanced very slowly in 2001 and 2002. In the following year, 42 graves were uncovered, many of them individual. Until 2006, the number of exhumations from graves remained low, between 27 and 30, but in 2007, the passing of the Historical Memory Act<sup>1</sup> by Rodríguez Zapatero's Socialist government led to a notable rise in the number of graves exhumed and the number of victims recovered, which now rose above 300 for the first time, and in fact surpassed 600. The peak period of exhumations was between 2008 and 2012, when between 60 and 90

<sup>1</sup> Order PRE/2568/2011, of 26 September, publishing the Agreement of the Council of Ministers of 23 September 23, which orders the publication in the Official State Gazette of the action protocol for exhumations of victims of the Civil War and the dictatorship.



graves were excavated and between 385 and 630 victims recovered per year. In 2011, a protocol was published to establish the correct methodological procedure for performing exhumations. That year, 66 graves were intervened and the remains of more than 400 people recovered, and in 2012 the remains of 500 people were recovered from 65 pits. However, with the change in government in late 2011, financial aid for exhumations was suspended, and in 2013 the numbers fell dramatically – only 14 graves were exhumed, containing 55 victims.

As of 2014, and particularly from 2016 onwards, the regional governments have taken on the responsibility for recovering the historical memory. Since then there have been notable increases in the number of graves exhumed and in the number of remains recovered, which exceeded 600 each year and reached 1,000 in 2021. In fact, since 2020 the financing plan has been renewed by the Secretary of State for Democratic Memory, either through the provision of direct aid or through the Spanish Federation of Municipalities and Provinces.

Also in this latter period, an intense exhumation programme has begun in cemeteries where the number of victims was very high, such as Paterna in Valencia, with more than 2,000, and Pico Reja in Seville, with more than 3,000, 1,500 of whom were victims of repression.

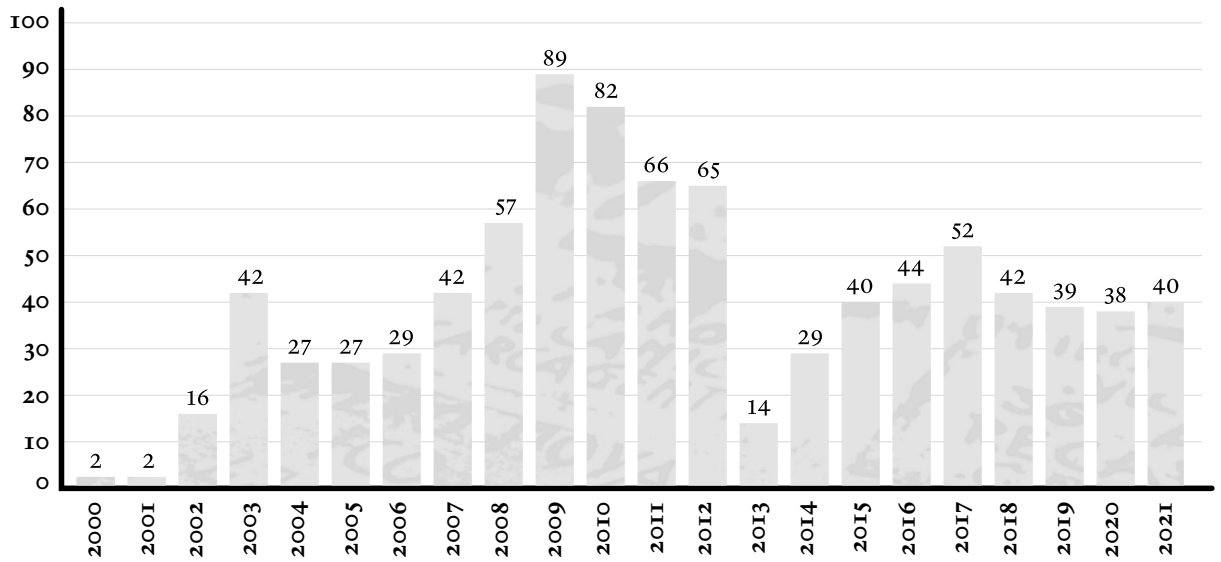
Since 2000, many groups and teams of archaeologists and anthropologists have led the exhumations. In all, up to the end of 2021, a total of 850 graves have been exhumed and the remains of more than 11,500 victims have been recovered.

### **Dissemination of the results**

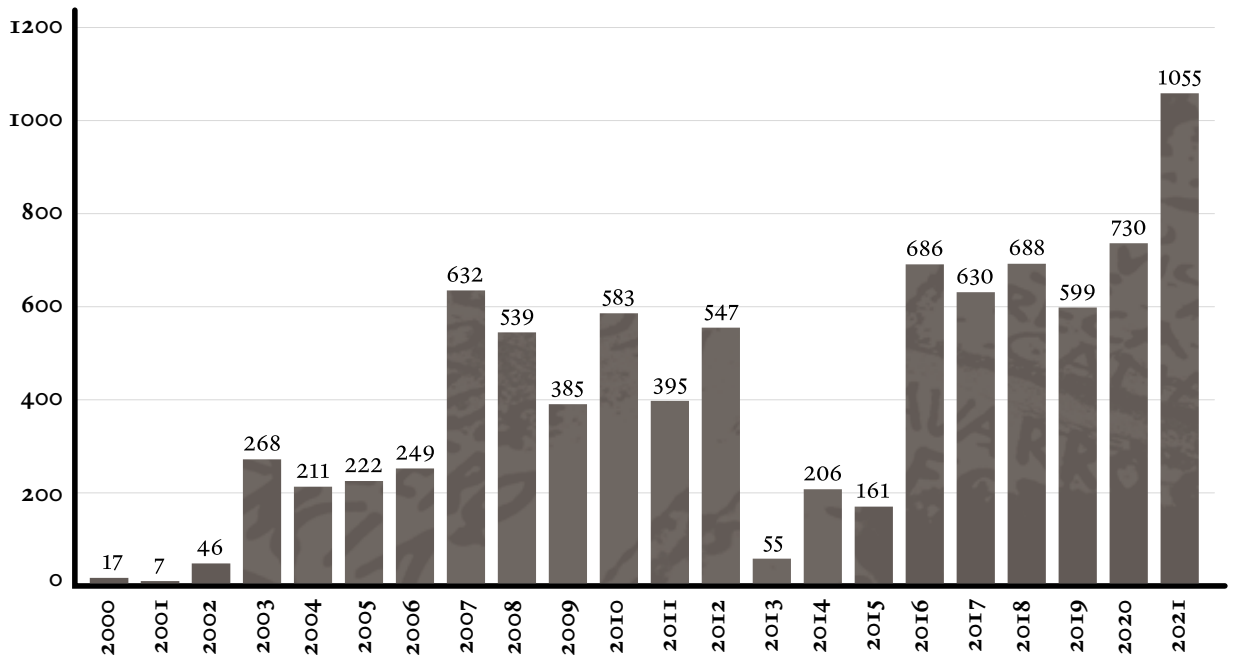
During the exhumations, the researchers gave talks informing relatives and visitors of the progress made, with the idea of encouraging them to engage with the project and feel part of it. In the grave of La Pedraja in Burgos, in the years 2010 and 2011, a routine was established in which at the end of the afternoon's work the team would describe how the exhumation was advancing. Every day, more people came to listen. The team encouraged them to take part and to make comments and contributions. The exchanges of information were very valid and fruitful, but, above all, they offered the public the chance to express and share their feelings and responses to the project. The experience was repeated in Estépar in Burgos and in the cemetery in Porreres in Mallorca, where the team gave their descriptions of the exhumations live on local television. In this way, the archaeological process became a social event.

Media coverage of the development of the exhumations has also increased. The presence of schoolchildren and students from nearby schools and universities centers has played a key role. The Navarre Institute of Memory, for example, has devised a Memory programme

### Nº of graves exhumed



### Nº of victims exhumed



Evolution over time of the number of graves excavated and the number of victims recovered.

for schools with the aim of involving pupils directly in activities to broaden their historical, social and political knowledge of the Civil War and the dictatorship.

### Conclusions

There is no doubt that the exhumations have meant a shift in the historical analysis of the repression against the civilian population exerted by the regime that came to power after the *coup d'état* of July 1936.

The sight of the skeletons piled up in common graves is testimony to the violation of the right to life of the victims. The gunshot wounds observed demonstrate beyond any doubt that they were murdered.

Through the process of recovering the historical memory and the application of forensic archaeology, other objectives have also been achieved: the exhumation itself, the return of the remains to the relatives, the confirmation of the history of repression and the events that caused so many to disappear without trace; and, above all, the recovery of a memory that has been hidden and silenced.

Descriptions of the exhumation process to the general public. Grave of La Pedraja (Burgos) (2010).



## Bibliography

- Espinosa, F. (2006). «La memoria de la represión y la lucha por su reconocimiento». In: *Dossier: Generaciones y memoria de la represión franquista: un balance de los movimientos por la memoria*. Hispania Nova. Revista de Historia Contemporánea, N. 6.
- Espinosa, F. (2010). *Violencia roja y azul. España 1936-1950*. Barcelona, Ed. Crítica.
- Etxeberria, F. (2017). «Antropología y patología forense como elementos de prueba en las fosas de la Guerra Civil y dictadura franquista». *Actes de la II Jornada d'Arqueologia y Patrimoni de la Guerra Civil al Front de l'Ebre*. Tortosa, 79-107.
- Etxeberria F (coord.). (2020). *Las exhumaciones de la Guerra Civil y la dictadura franquista 2000-2019. Estado actual y recomendaciones de futuro*. Madrid. Ministerio de Presidencia, Relaciones con las Cortes y Memoria Democrática, Madrid.
- Etxeberria, F. y Pla, K. (2014). *El Fuerte de San Cristóbal en la memoria: de prisión a sanatorio penitenciario. El cementerio de las botellas*. Pamplona. Edit. Pamiela.
- Etxeberria, F.; Herrasti, L.; Serrulla, F. y Márquez-Grant, N. (2015). «Contemporary exhumations in Spain: recovering the missing from the Spanish Civil War». En: *Forensic Archaeology. A Global Perspective*, de Groen, W.J.M.; Márquez-Grant, N.; Janaway, R.C. Edit. Wiley Blackwell, 489-497.
- Etxeberria, F.; Serrulla, F. y Herrasti, L. (2014). «Simas, cavernas y pozos para ocultar cadáveres en la Guerra Civil española (1936-1939). Aportaciones desde la Antropología Forense». Donostia-San Sebastián, *Munibe (Antropología-Arkeología)*, 65: 269-288.
- Ferrándiz, F. (2013). «Exhuming the Defeated: Civil War mass graves in 21st-century Spain». *American Ethnologist* 40 (1): 38-54.
- Ferrándiz, F. (2015). «Exhumar la derrota». En: *Políticas de memoria y construcción de ciudadanía*. Madrid: Postmetrópolis Editorial: 255-263.
- Herrasti, L. y Etxeberria, F. (2014). «Exhumación y análisis de los restos del cementerio del Sanatorio penitenciario de San Cristóbal en el monte Ezkaba (Ansoain, Navarra)». En: *El Fuerte de San Cristóbal en la memoria: de prisión a sanatorio penitenciario. El cementerio de las botellas*. Pamplona, Ed. Pamiela: 113-152.
- Herrasti, L. y Jiménez, J. (2012). «Excavación Arqueológica de los enterramientos colectivos de la Guerra Civil». *Boletín Galego de Medicina Legal e Forense* 18: 29-45.
- Moreno Gómez, F. (2016). *Los desaparecidos de Franco. Un estudio factual y teórico en el contexto de los crímenes internacionales y las comisiones de la verdad*. Editorial Alpuerto: 375 pp.
- Polo-Cerdá M, García-Prósper E; Crespo Alonso S, Galtés I, Márquez-Grant N, 8,9 6,10 11 García-Rubio A., Armentano N., Muñoz Hernández V. (2018). «Protocolo de búsqueda, levantamiento y exhumación de restos humanos». *Revista de AEAOF*, 7-23.



# The forgotten bodies of the war

*Queralt Solé i Barjau*

DEPARTMENT OF HISTORY AND ARCHAEOLOGY, UNIVERSITY OF BARCELONA



With the failure of the *coup d'état* in July 1936 and the outbreak of the Spanish Civil War, it was immediately clear that there would be deaths, though few would have anticipated how many people would die, or in what circumstances.

The initial widely-held assumption was that casualties would occur at the front, among the troops and the militiamen. Few thought that there would be so many deaths in the rearguard, due to fighting, bombing raids, starvation, disease and repression. At the end of the war, it was common knowledge that tens of thousands of men (and some women) had died at the front, and that tens of thousands more civilians had been killed in the cities behind the lines. The ways in which Republicans and Rebels died varied little. What differed markedly on the two sides was the policy regarding the dead and their treatment: the way in which they were buried and in some cases exhumed, and thus the way in which their dignity and memory were preserved in their families.

To understand the reasons for the exhumations of the Civil War dead in the twenty-first century, an essential first step is to find out how they died and how their bodies were treated, both during the war itself and then later under the dictatorship. In fact, the exhumations of the dead began very soon, albeit with major differences in the way they were carried out by the Republican and Rebel armies, or by the Republican and Rebel governments. These differences would become more accentuated with the establishment of the dictatorship and its desire to emphasize the division between the victors and the vanquished. In this regard, an important distinguishing feature was precisely how the dead and victims were treated in the respective rear-guards during and after the armed conflict.

### **Soldiers killed at the front**

On 17 July 1936, the troops of the protectorate of Morocco rose up against the government of the Republic. The Rebel commanders were committed to the cause, but the army also had many recruits who participated in the *coup* without having any choice in the matter. Those who tried to oppose it, both in North Africa and from 19 July onwards in the peninsula, were killed without ceremony (Villarroya, 2009). In an attempt to dismantle an army that proved largely hostile to it, the Republican government ordered the factional units to be disbanded. The Army of the Republic was not restructured again until October, when the Mixed Brigades were created and incorporated the volunteer militias that had sprung up since July. After almost three months of war, it was clear that the conflict would be a long one, and the Republic was aware that it needed a professional army. The

→  
 Inside page of LIFE  
 magazine, 12 July 1937,  
 with a report on the  
 Spanish Civil War. Private  
 collection, Valencia.

## SPANISH WAR BY HEMINGWAY (continued)

Page 22



"THE LOUD-SPEAKER OPENS THE PROGRAM WITH THE REPUBLICAN NATIONAL ANTHEM, GREETED WITH SHOTS FROM REBELS, FOLLOWED BY DANCE MUSIC."



"THEN COMES A SPEECH. IF THIS IS LISTENED TO IN SILENCE BY THE REBELS THERE WILL PROBABLY BE MORE DESERTIONS THAT NIGHT."



"THE VILLAGERS OF FUENTEDUENA ON THE MAIN MADRID-VALENCIA HIGHWAY IRRIGATE THEIR LANDS TO GROW FOOD & WINE FOR THE SOLDIERS."



"GRAPE PLANTING AT FUENTEDUENA. PEASANTS SCRATCH OUT IRRIGATION DITCHES THAT THEIR FUGITIVE LANDLORDS HAD FAILED TO PROVIDE. ED."



"THIS IS A MAN WHO HAD NOTHING TO DO WITH THE WAR - A BOOK-KEEPER ON HIS WAY TO HIS OFFICE AT EIGHT O'CLOCK IN THE MORNING."



"THE FAMILY IS DEAD. HIGH IN THE SKY AND SHINING SILVER, DEATH CAME TO ALL WHO HAD NO PLACE TO RUN, NO PLACE TO HIDE."



Rebel army was in no need of restructuring: once the loyalty of the majority of the military had been secured, they retained the classic organizational hierarchy under direct command.

Immediately there were deaths. In the Spanish protectorate of Morocco, where the *coup* started, the study of the graves of the victims of reprisals (both military and civilian) began only recently (Ramos y Feria, 2017). In the peninsula, the first to die were also military and civilians who opposed the uprising. In the Spanish cities, where there were street fights to preserve or gain control of power, the dead were initially left lying in the gutter. After the first days, the killing of civilians continued: for ideological reasons, due to differences in class, or for attitudes to religion. After a while, as will be seen, the Republic started to investigate and prosecute these criminal acts in some of the areas under its control; on the other side, in the areas where the uprising had triumphed, the structure put in place by the Rebels to act as a government (known as the “government of Burgos”) not only failed to prosecute these acts but actively encouraged them.

At the front the first deaths were recorded, although news of the casualties did not reach the rearguard. In fact, attempts were made to conceal them. In Catalonia, at the meeting of 10 September 1936 the Central Committee of Anti-Fascist Militias ruled that the bodies of those who died in combat at the front should not be moved: “Send an order to the columns and organizations that form the Committee indicating that the dead comrades, whatever their category and condition, should be buried at the front and that under no pretext should they be moved to other places without the express agreement of the Central Committee.”<sup>1</sup> The order was not always heeded, but at another meeting on 25 September it was stressed that the remains of the militiawoman Lina Òdena should not be sent to Barcelona: “Inform the cruiser *Llibertat* which, according to the press, is bringing the remains of the heroic militiawoman Lina Òdena to Barcelona, of the agreement made by the Committee that the dead comrades be buried at the front and should not be moved without express agreement of the Committee, and to warn it that in the event that the ship has already set out for Barcelona, it should dock and bury the body without a public demonstration.”<sup>2</sup> Even today it is not clear where Òdena was buried<sup>3</sup>; in any case, she was immediately mythologized as a heroin of the mobilization of the Spanish people against Fascism. Apart from this order issued by the Committee of Anti-Fascist Militias, no other order has yet been found indicating how Republican militiamen or soldiers killed on the front were to be buried.

Neither the diaries nor the testimonies of those who participated in the burials of comrades in the Popular Army refer to instructions

1

“Central Committee of the Antifascist Militias of Catalonia. Agreements made at the meeting of 10 September, 1936”. GC-35\_E001\_D011 Montserrat Tarradellas Macià Archive (Poblet Monastery).

2

“Central Committee of the Antifascist Militias of Catalonia. Agreements of the meeting of 25 September, 1936”. GC35\_E001\_D018 Montserrat Tarradellas Macià Archive (Poblet Monastery).

3

In his article “Lina Òdena, communist and militiawoman”, José Miguel Hernández López notes that there is no record of her burial in Montjuic cemetery in Barcelona, where she was presumed to have been interred, nor is there any way of knowing whether she was buried in Granada, since the archives of the Registry between 1936 and 1939 were destroyed. *El incormista digital, periódico independiente del subsuelo*, 25 September, 2021. <https://www.elinconformistadigital.com/2021/09/26/lina-odena-comunista-y-miliciana-jose-miguel-hernandez/> [consultation August 2022. Unless otherwise stated, this is the date of consultation of all the websites cited].



of any kind, although some striking accounts of the coexistence with death have come down to us. A soldier from the *Leva del Biberón* (“the baby bottle levy”, so called because its members were only 17 or 18 years old when they were called up in 1938) remembered the number of casualties after a battle on the Segre front. “It was ten in the evening when they gave us the order to withdraw. Horrible, monstrous. After five hours, 120 of the 700 men – who were barely adults – remained. We didn’t understand. Between dead, wounded, prisoners and missing we had lost 580 men. That operation was worse, far worse for the members of the 224th Mixed Brigade than the Battle of the Ebro!” (Portella i Massamunt, 2001).

Until the graves of Republican soldiers began to be exhumed in the twenty-first century, the circumstances of their burial were unknown. In their diaries or testimonies, the witnesses described experiences that reflected the disorder, but also their ability to adapt to the circumstances. Pere Tarrés, then a young doctor, dug graves: “We buried them in a field, on the side of the ravine. The captain and the paramedic and a soldier from the 24th. All three of them were lying stretched out on the ground. The moon shone its pale light on their faces, which made them look even whiter. I dug a pit for each of them, very deep. Around twelve o’clock at night, we buried them. One by one we placed them in the pit, in a very dignified way. The moon had kissed them farewell. There was a full moon that night. And then they covered them with earth using spades. It was very moving!” (Tarrés, 2004).

The exhumations of Republican soldiers that have taken place all over Spain since 2000 have made it possible to corroborate the circumstances of their burial – that is, that there does not seem to be any specific order, and the burials were adapted to the conditions of the front and the terrain. Very often the bodies exhumed correspond to soldiers who were buried where they had fallen. Graves of this type have been found in places where there was fighting, such as the Basque Country, Asturias, Extremadura, Catalonia in the area of the Battle of the Ebro or along the XYZ line in Valencia (Muñoz-Encinar, 2016; Herrasti, 2020; Ramos and Busquets, 2021).

But soldiers did not just die at the front; they also died in military hospitals, many of which had been schools, spas, or convents converted to meet the needs of the conflict. In the cemeteries of the towns that housed these makeshift hospitals, soldiers were buried – on the Republican side, without following any particular order. The state of the graves attached to the military hospitals that have been exhumed suggests that the diggers acted in the same way as at the front, that is, adapting to the circumstances. In Uclés in Cuenca, in Pernafeites or Mas de Santa Magdalena in Tarragona and in El Soleràs in Lleida





Poster for the 2nd National Conference of Antifascist Women. 29-30 and 31 October, 1937. Artist: Luis. Source: Spain. Ministry of Culture and Sports, Documentary Center of Historical Memory PSCARTELES, 351.

4  
Exhumations of the Civil War in Euskadi. Gogora library, Department of Equality, Justice and Social Policies and Aranzadi Science Society, s/d. [https://www.gogora.euskadi.eus/contents/informacion/gogora\\_documentoak/es\\_def/Exhumaciones-de-la-Guerra-Civil-en-Euskadi.pdf](https://www.gogora.euskadi.eus/contents/informacion/gogora_documentoak/es_def/Exhumaciones-de-la-Guerra-Civil-en-Euskadi.pdf)



5  
General Military Archive of Ávila, L8 RI22 C100. Document also referenced and reproduced in Etxebarría et al. (2011).

Republican soldiers were buried in collective graves containing two, three or four bodies or even dozens of piled up corpses, in stark contrast to the way the Francoists buried their dead.

In most of the graves where the bodies of Republican soldiers have been exhumed, it has not been possible to establish their identity. In some cases, items such as bracelets with identification numbers in graves in the Basque Country have allowed researchers to identify of the remains<sup>4</sup>. Certain graves attached to military hospitals have preserved documents from the doctors who attended to the dying soldiers, or lists of buried soldiers kept in town halls, as in Pradell de la Teixeta (Tarragona) (Hervàs, 2014). In general, however, the identity and the place of burial of Republican soldiers went unrecorded.

The case of Franco's troops was very different. On 22 January 1937, Franco's headquarters issued the following order: "To ensure that the burials of personnel killed in action or in accidents are carried out following the same rules on all fronts, and thus to facilitate proper identification, show the respect due to those who have fallen in this struggle and to allow the adoption of the necessary hygienic measures, the following instructions must be observed ..." The instructions for burying the soldiers ran for an entire page: "The burial will take place in the cemetery close to the event, if it is not too far from the battlefield or place of the accident. Should the distance or number of deceased make it difficult to transport the bodies to the said place, a burial plot measuring 15 x 24 metres will be made on soft terrain and on a slope, for every hundred corpses, divided into one hundred numbered graves correlatively from left to right and from top to bottom, and a drawing will be made indicating each one. In these graves, which will be individual and in which the corpse will be covered by a layer of tamped earth of at least 0.5 metre, once the burial has been completed, a wooden cross will be placed at each head, with the vertical arm nailed at a height of 0.5 metre of tamped earth and protruding 0.3 metres which will bear, in black paint, the number of the grave, and on the horizontal arm, on the front, the name and surnames and on the back, the deceased's post or capacity. The corpse will be buried with the upper part of the regulatory identity badge; if the badge is missing, a stoppered bottle will be placed between the legs and will contain a concise description of the deceased's parentage."<sup>5</sup>

In general, this order was followed: when the graves of Francoist soldiers began to be exhumed in 1958, to be moved to the Valle de los Caídos, they were found lined up, in an orderly fashion, with bottles between their legs or next to the skulls with a piece of paper that recorded the dead man's parentage. Although the regime belittled its fighters, keeping them buried in cemeteries all over Spain and



later moving them like freight to the Cuelgamuros monument, the families were officially informed of the place where their loved ones had died and in most cases the deceased could be identified when exhumed. It should be noted, however, that some of the graves of Francoist soldiers that have been opened contained remains that were respectfully arranged but were not identified, for example in Figuerola d'Orcau in Lleida (Armentano et al., 2020) and in Abánades in Guadalajara, the bodies were just piled up without any kind of identification (Martínez and Alonso, 2014).

### The death of civilians

The number of deaths on the home front due to the war could not have been anticipated – nor could the degree of violence unleashed when the *coup d'état* failed in July 1936, and later once the military conflict ended. Civilians died in bombing raids, from starvation, while fleeing the front line, or were executed with or without a council of war sentencing them to death. Some of those on Franco's side, however, were honoured and remembered in perpetuity at the end of the war. Their side had won and their victory had to be proclaimed constantly, through the continuous presence of the memory of the heroes and martyrs of the cause. The others, those who had lost, often did not know where their loved ones were buried or, if they did, were unable to honour and mourn them freely. The victors' adulation of their dead and the consequent contempt for all the others was an essential element in the shaping of the new Francoist identity.

Most of the victims in the Republican rearguard were buried in mass graves, then called “clandestine cemeteries”. Studies carried

Boxes with remains exhumed and sent from different Spanish provinces to the Valley of the Fallen, near the town of San Lorenzo de El Escorial, Madrid, for burial there. In the foreground, remains from Castellón de la Plana, Ávila, Alcora, Aldeaseca and Suera 1959. Source: Agencia EFE.

out throughout Spain have shown that a total of 49,272 people were killed in the cities of the Republic (Ledesma, 2010). The crucial role of the trade unions in defeating the Rebel troops in many Spanish cities meant that they took control of public order, and many saw in those moments of chaos and violence the chance to achieve the longed-for revolution. To change the world it was necessary to wipe the slate clean, break with the past and eliminate the class enemy. By burning notarial documents, revolutionaries felt that they were contributing to the abolition of property, something that these papers officially recorded; by burning churches and ecclesiastical buildings they were helping to bring down an institution that they saw as the great ally of the class enemy, the exploiter of the workers – an institution which, at the same time, held society in its iron grip through the imposition of religious beliefs. For some, killing priests and nuns, property owners and the wealthy formed part of the war that had to be waged if the revolution was to succeed. The province where the most deaths on the home front were recorded was Madrid, with around 10,000 victims (though this figure is not definitive, Payne, 2012), followed by Barcelona, with 4,713 (Solé and Villarroya, 1989). In the province of Valencia, however, Vicent Gabarda (2007) reports a total of 5,996 victims.

Already before the end of the war, when the Republican authorities had regained control of public order, they prosecuted the crimes that had been committed in the home front. In Catalonia, a special court was created to investigate clandestine cemeteries; the remains of more than 2,000 bodies were exhumed and 200 people were prosecuted (Dueñas and Solé, 2014). Finally, due to the evolution of the war itself and political confrontations, no one was tried, but the tasks of exhumation and recognition of these victims by their relatives were carried out in the middle of the conflict in an attempt to counter the vision that Francoism was spreading of the Republic as a government which was out of control and which sanctioned murders. It was important for the Republic to demonstrate its integrity to the international community and to show that justice was independent of any political power, and it did so by resolutely prosecuting the crimes of the first months of the war.

At the end of the war, the Francoist authorities ordered the exhumation of all the victims in the Republican rearguard. Paradoxically, therefore, it is impossible to know what methods the extremist revolutionary groups used to kill and bury their victims during the first months of the conflict. The regime controlled the graves that were opened all over Spain from 1939 onwards, and from April 1940 through what was known as the *Causa General*, an investigation of wartime atrocities that emphasized the difference between victors



Poster *Bolshevism, social injustice, politicians, masons, separatism, F.A.I.* Spanish, anonymous. Ca. 1938. Source: National Library of Spain.

and vanquished at all times. The losing side had no rights regarding their dead; missing persons could not even be recorded in the Civil Registry, as published in the Official State Bulletin of 10 August, 1939, which specified that registrations of missing persons could be made “whenever they were persons who adhered to the *Glorioso Movimiento Nacional*”. For the Dictatorship, the physical disappearance of the enemy was not enough: prohibiting the registration of the death in the Civil Registry left a cloud of doubt about the very existence of the person in question. With this order the regime provided an instrument of repression to the victors who wanted to use it, but in fact many families on the losing side were able to record their dead in the registers – something that they had to do, despite the regime’s stance,

because otherwise many situations to do with inheritances or orphanhood or widowhood could not have been resolved. Interestingly, historians have found registrations of Republican soldiers who died during the war in the records of deaths in 1939, and then find them again from 1976, when their relatives were finally able to record their missing persons in the register without fear of reprisals.

The regime's control over the management of the dead was so strict that on 4 April 1940 (State Bulletin 5 April) another order was published which in this case converted the graves of those "Fallen for God and for Spain" into holy places, specifically specifying that "the Town Halls must adopt measures that guarantee respect for the places where the victims of the Marxist revolution are buried" (Saqqa, 2022). The regime decided the graves that were opened, the people who were to open them and the reports that were to be written, and encouraged each municipality to pay tribute to these victims and rebury them collectively in the cemetery, under a monument that denounced the memory of revolutionary violence. At the same time, plaques were placed on the façades of all the churches in Spain bearing the names of the dead who, according to the dictatorship, deserved to be remembered – that is, those of the victors.

The regime glorified one side and denigrated the other, consigning it to oblivion. In the cities in the Francoist zone, orders to practise extreme violence were followed from the beginning. General Mola, one of the *coup* plotters, issued a reserved instruction (number 1, 25 April 1936) that specified all that needed to be done to establish a Dictatorship: "Point 1: The conquest of power must be carried out taking full advantage of the first favourable moment and the Armed Forces must play their part, together with the contributions made by political groups, societies and individuals who are not affiliated to parties, sects and unions that receive inspiration from abroad: namely, socialists, freemasons, anarchists, communists, etc. Point 2 [...] The actions must be of extreme violence in order to bring down the enemy, which is strong and well organized, as soon as possible. Of course, all the leaders of political parties, companies or unions not affiliated to the movement will be imprisoned and will receive exemplary punishments so as to strangle rebellious movements or strikes. Once power has been conquered, a military dictatorship will be established with the immediate mission of restoring public order, imposing the rule of law and reinforcing the army as necessary in order to consolidate the *de facto* situation that will eventually become law."

The application of extreme violence did not end with the termination of hostilities, but continued in the post-war period. There were no longer home fronts: the dictatorship was a totalitarian regime





that sought full control over everything – including who should live and who should die, and how. With the war over, from 1 April 1939 onwards there were few murders and most of the deaths were sanctioned by military justice or by the enforcement of the laws on fugitives (Fernández Pasalodos, 2021). While the victors exhumed mass graves and praised their dead with ephemeral tributes and permanent monuments, the losers had on way of knowing where their dead lay; in addition, they continued to suffer “the actions of extreme violence” championed by General Mola, since the summary trials sentenced men and women to years in prison or imposed the death penalty. On many occasions, the punishment endured, in so far as the families were unable to mourn the person who had faced the firing squad.

In all the provincial capitals of Spain, people sentenced to death were executed, and everywhere the procedure was similar: a trial, without any legal safeguards, of multiple defendants which lasted just a few hours and ended in long prison terms or death sentences. Indeed, the process flouted the legal principle of presumption of innocence; the accused were assumed to be guilty at the outset and were obliged to prove otherwise. Those condemned to death awaited the dictator’s authorization and, when it arrived, a day was set for the execution. The families were not notified of the date of the execution or the site of the burial. Usually the victims were buried in the cemeteries of the provincial capital (though there were exceptions, such as Paterna) in mass graves in which identification was impossible.

Funeral procession for the people murdered in Paracuellos del Jarama in November 1936. The tribute was accompanied by posthumous honours and a military parade. February 1940.

Photographs of the bull ring in Valencia, used as a classification centre for republican soldiers after the occupation of the city by Franco's rebel army in April 1939. Source: National Library of Spain



For the relatives of the victims, the punishment was multiple: the uncertainty as to whether their loved ones had been executed; the secrecy regarding the place of burial; and finally, once they had located the cemetery, the impossibility of identifying a place to mourn. The Dictatorship wanted to control the life, death, memory and pain of the vanquished, and it was not until the twenty-first century that the first steps were taken to shake off this imposed inheritance.

## Bibliography

- Armentano, Núria; Ramos, Jordi; Busquets, Cesc (2020) “Excavació de la fossa comuna de la Guerra Civil espanyola situada fora del cementiri de Figuerola d’Orcau (Isona i Conca Dellà, Lleida)”, *Segones Jornades d’Arqueologia i Paleontologia del Pirineu i Aran, Generalitat de Catalunya*; Consell Comarcal del Pallars Jussà; Institut Català de Paleontologia; Institut de Recerca de Cultures medievals, Lleida.
- Aróstegui, Julio (1996), *La Guerra Civil, 1936-1939*, Historia de España, 27, Historia 16, Madrid.
- Dueñas Iturbe, Oriol; Solé, Queralt (2014), “El juez Josep Maria Bertran de Quintana (1884-1960): compromiso político y cementerios clandestinos”, *Hispania: Revista española de historia*, Vol. 74, Nº 246, págs. 151-176.
- Etxeberria Gabilondo, Francisco; Herrasti Erlogorri, Lourdes; Bandres; Antxon (2011). *El cementerio de las botellas: enterramientos de presos republicanos en el monte Ezkaba (1942-1945): exhumación y análisis de los restos*. Sociedad de Ciencias Aranzadi, Donostia.
- Feria Vázquez, Pedro y Ramos Toscano, Félix (2017), “Camino hacia la tierra olvidada. Guerra Civil y represión en el Protectorado Español de Marruecos, 1936-1945.” Foro por la Memoria Histórica de Andalucía, Sevilla.
- Fernández Pasalodos, Arnau, (2021), “La “ley de fugas” durante la lucha anti-guerrillera en España (1936-1952) el exterminio por encima de la imagen internacional”, *Historia social*, Nº 101, p. 125-143.
- Gabarda Cebellán, Vicent (2007), *Els afusellaments al País Valencià (1938 – 1956)*, Publicacions de la Universitat de València, València.
- Herrasti Erlogorri, Lourdes. (2020). *Arqueología de la memoria: el método arqueológico aplicado a la investigación de la historia reciente*. Tesis doctoral inédita Universidad del País Vasco. Directores: Francisco Ferrándiz Martín i Álvaro Arrizabalaga Valbuena.
- Hervás Puyal, Carlos (2014), *La xarxa hospitalària a Catalunya durant la Guerra Civil (1936-1939)* Arxiu Històric de les Ciències de la Salut, Manresa.
- Ledesma Vera, José Luis (2010), “Una retaguardia al rojo. Las violencias en la zona republicana.” En Espinosa Maestre, Francisco, *Violencia roja y azul. España, 1936 – 1950*, Crítica, Barcelona.
- Martínez Barrio, Candela; Alonso Muela, Andrea L. (2014), “Excavaciones arqueológicas en los restos de la Guerra Civil en Abánades (Guadajara). Campaña de 2012. Informe Antropológico” <https://digital.csic.es/handle/10261/95915>.
- Muñoz-Encinar, Laura (2016), *De la exhumación de cuerpos al conocimiento histórico: Análisis de la represión irregular franquista a partir de la excavación de fosas comunes en Extremadura (1936-1948)*, Tesis doctoral inédita. Universidad de Extremadura, director Julián Chaves Palacios.
- Payne, Stanley G. (2012), *The Spanish Civil War*, Cambridge.
- Portella i Vilanova, Sebastià; Massamunt i Marqués, Josep (2001), “Els biberons. Els seus escrits, vivències, trobades i ofrenes florals”, (1938-2000), Editorial de Ponent, Lleida.
- Saqa, Míriam (2022), *Cuerpos nación. Las exhumaciones de los “Mártires y Caídos por Dios y por España” (1936-1951)*, Tesis doctoral inédita, Universidad Complutense de Madrid, Directores Francisco Ferrándiz Martín y Jesús Antonio Martínez Martín.

- Ramos i Busquets, Jordi; Busquets Costa, Cesc (2021), “Les fosses dels camps de batalla de la Guerra Civil de 1936-1939. Una aproximació arqueològica a les exhumacions de soldats al front de l’Ebre”, *Revista Arqueologia Ponent*, n°31, Lleida, pp.143-161.
- Solé i Sabaté, Josep Maria; Villarroya i Font, Joan (1989), *La Repressió a la re-raguarda de Catalunya: 1936-1939*, Publicacions de l’Abadia de Montserrat, Barcelona.
- Tarrés, Pere (2004), *El meu diari de guerra*, Publicacions de l’Abadia de Montserrat, Barcelona.
- Villarroya, Joan (2009): “Militars contra el cop d’estat de juliol de 1936”, *Segle XX. Revista catalana d’història*, 2, pp. 83-106.  
<https://revistes.ub.edu/index.php/segleXX/article/view/9827/12643>

**Matchbox belonging to Vicente Ortí Garrigues**  
Grave 111, Paterna. Donated by the Ortí family  
ETNO Democratic Memory Collection  
Photo: Eloy Ariza-ArqueoAntro Scientific Association

This archaeology will be  
the tomb of fascism, or it  
will be nothing. The role  
of community archaeology  
in uncovering the common  
graves of Francoism

*Xurxo M. Ayán Vila*

INSTITUTO DE HISTÓRIA CONTEMPORÂNEA, UNIVERSIDADE NOVA DE LISBOA



Cemeteries are ideal places for destroying evidence. Burying the dead in the cemetery guarantees that they will be covered up by other dead; the victims of reprisals, mixed together with vagabonds and suicides; the graves, undone or disfigured. The people who excavate these infernal graves today know this well.

The ditches at the side of the road are the memory of political violence in war. But to understand the true nature of Franco's repression, you must also explore the cemeteries.

*Alfredo González-Ruibal (2022)*

The exhumations in the cemeteries of Paterna, Málaga and Seville are the palpable proof of two defining features of the Francoist repression in the centre and south of Spain. The first is the elimination of political opponents, carried out on a practically industrial scale, which back up those historiographic claims that these actions constitute a genuine extermination. The second is the continuation of this practice throughout the postwar period, supporting the notion that the regime continued to wage an irregular war that persisted until the early 1950s. Today, the infernal graves in the large cemeteries in the cities of Andalusia and Valencia are the reflection of a specific socio-political context that has prompted the efforts to revive this memory – with regional governments devoted to the mission, the creation of historical memory associations and the involvement of teams of professionals with years of experience in the exhumation of the victims of Francoism.

When the organizers of this exhibition suggested that I should write a text, with the idea of highlighting the community aspect of this cemetery archaeology, I decided to address the subject from our experience in a geographical setting far away from Valencia – rural Galicia. I could have chosen to describe the work done by our team in cemeteries associated with concentration camps such as Castuera in Badajoz, or on the frontlines of the war in Alcarria or the Ebro, but I felt that the research carried out at the micro scale, in a rural context like Galicia, with small graves in the cemeteries of peasant communities, would provide illuminating insights into the community archaeology carried out at the sites of memory of Fascist political violence. This approach is all the more necessary given the Galician regional government's disregard for the need of a public policy supporting historical memory since 2009.

In 2007 I began to investigate a skirmish that took place in Repil, next to my maternal village (Cereixa, Pobra do Bollón, in the province of Lugo) on 20 April 1949, between the Spanish Civil Guard and a guerrilla detachment. Several villagers in Cereixa who had links to

the guerrillas were tried and sent to prison. Many years later, in 2016, we started archaeological excavations in Repil, and only then did the extent of Franco's repression in the landscape of my childhood begin to dawn on me. As a historian, I had to reach the age of 40 to find out that in the cemeteries of all the parishes adjacent to Cereixa (Fornelas, Abrence, Castroncelos, Saa) there were Republicans buried like vermin in common graves. The Fascist pedagogy of violence and the policy of oblivion appeared to have triumphed. The graves were invisible; the dead, dehumanized, did not exist. But their memory lived on in the traumatic collective consciousness of these rural communities. At the age of forty I realized that I had been brought up in the midst of an absent, politically neutered landscape, marked by the communities of the dead but intentionally kept apart from the communities of the living – a landscape that, nonetheless, could be exhumed via the application of archaeology.

### **Just one yard more**

The brothers José and Ricardo García Moral lived in the parish of Montefurado (Quiroga, Lugo) when they were arrested by Fascist gunmen on 6 September, 1936. After an interrogation in the Falange barracks, the two brothers were put on a train that took them from the station in Montefurado towards Monforte de Lemos. The Falangists forced the prisoners to get off at A Pobra do Bollón, and then shot them. José received three bullets, Ricardo four. The two bodies were left on the road that leads to Quiroga, in front of the house of a certain Bernardino. In A Chá de Castroncelos the bodies were inspected by the judge and the doctor. It is still surprising that this inspection should have happened in the earliest days of the Franco period, and is something that would be unthinkable in modern-day Spain: no judge would make their way to a common grave bearing victims of Franco. From there, the bodies were taken by oxcart (the great icon of repression in Galicia) to the atrium of the church of Santiago de Castroncelos. There, they were buried together, as described in the military report: “next to the church in an open grave, close to the wall of this church (and four yards away from the corner) on the northwest side, measuring a yard and a half and two yards long, together without a coffin and with the heads placed facing northwest”.

In July 2018, Pepe Ogando, grandson of one of the victims, requested help from the Association for the Recovery of Historical Memory (ARMH) to exhume the remains of his grandfather, just as he had promised his mother and grandmother. According to oral testimonies, the two brothers were buried under the altar of the church. How would that have been possible? It transpired that, decades later,



a parish priest decided to knock down the old church and build a new one, in a style combining kitsch and gore, and oriented it from north to south rather than from east to west. This crazed renovation work changed the appearance of the site forever and meant that the indications in the document were no longer of any use.



Pepe Ogando shows us a family photo on his tablet during the exhumation of Castroncelos. The women in the family had kept alive the memory of repression in their grandmother's house in Montefurado.

This attempt to recover the bodies of these victims was not the idea of the residents of Castroncelos. In fact, the exhumations performed have always been promoted from outside the local community, for instance by historical memory associations, or supported by people who are politically committed to this cause. The brutal repression, Franco's propaganda, the imposition of the landscape of the victors, emigration for political reasons, the control by local party bosses and the new elite that usurped local power are all factors that help explain why rural communities adopted silence and inaction as their strategies for survival. Nevertheless, the culture of death in the Galician countryside has a sufficient weight in the peasant moral economy to generate a collective need for reparation. The graves of the victims are open scars in the community ethos. Although the Galician right sidelined the Historical Memory Act of 2007, since then, the media have followed and reported with great respect the exhumations carried out. But that was all. This exhumation of Castroncelos exemplifies very clearly how an activist archaeology can

develop in this particular socio-political context. This would not have happened without the involvement of Rafael Castillo, secretary of the Town Council of A Pobra do Bollón, grandson of the Republican Mayor shot in 1938, whose commitment to the project was vital. The symbolic support of the municipal government was also vital, in this case of the Galician nationalist party, which has promoted a range of acts and events to honour the victims of Franco.

Just as our Valencian colleagues in Arqueoantro organized concerts with heavy metal tribute bands to raise money for DNA tests to identify Civil War combatants in the hills of Castellón, our group sold wine and t-shirts advertising the Castro of San Lourenzo archaeological project at local fairs to be able to buy a power shovel. For its part, the ARMH team involved in this project also has an intake of foreign volunteers. A Californian student from Duke University came here to do the work that Spanish universities prefer to ignore, perhaps because taking up a political position may have dire consequences for the CV of an aspiring academic. While Galician public television has not covered a single exhumation so far, Castroncelos welcomed the team of the Spanish producer Newtral, with the journalist Ana Pastor at the head, to record a piece about the recovery of historical memory. Two other audiovisual professionals who work for the US chain HBO and were recording a documentary about the crimes of Franco also covered the event. Although they knew that this exhumation was very difficult and was very unlikely to be successful, they recognized something that our research team has been stressing for some time: namely, that the processes set in action when we dig are more important and more interesting than the results of the investigation itself.

As for the local community, the residents are divided. The older people who wanted to participate, more than anything due to family ties, and who kept the memory of the events, were reluctant to speak in public or visit the site; we had to go to their homes to talk to them and record the information. We were lucky to have the help of the writer Olga Novo, winner of the National Poetry Award, who lives in the town. She contacted the older women who looked after the church and the surroundings, borrowed the key to the church to let the journalists in, persuaded the elderly to provide their testimonies and urged the priest to continue the work in the future. Carmen García-Rodeja of the ARMH also came to our rescue. Being with the relatives of the victims during exhumation is fundamental: a carousel of emotions, of frustrations and hopes accompany each shovel-load of soil as it was removed.

On the other hand, many villagers were indifferent to the project – the majority, in fact – and another sector opposed what they termed



“moving the dead around”. There were even some who complained and blamed the ditches we dug for the appearance of cracks on one of the walls of the church: they were more concerned about the old scars on the walls than the graves they step on every Sunday.

The absence of any support from the State was compensated for in Castroncelos by the cooperation of residents, volunteers and archaeologists who were militant defenders of historical memory. Pepe Ogando asked us to try to dig further in the area surveyed two years previously. When we felt that there was nothing more to be found there, we asked the digger, nicknamed the Flea, to stop. At that time, on the point of tears, Pepe had come up to us and asked if we could please just dig a couple of feet more. We felt so sorry. Once again, the oral tradition had been confirmed: the change of orientation of the church floor plan in the postwar period meant that the bodies of the García Moral brothers (if they are there) are lying in a recess near the main altar, inside the new church. It is very hard to have to stop just a few inches from the truth.

At the foot of the famous cracked wall, in 2016 a commemorative plaque was installed in tribute to the García Moral brothers so as to preserve their memory. So far it has not been vandalized. The writer Olga Novo brought her pupils from the school A Pinguela in

Opening of a prospective ditch in the atrium of the Church of Castroncelos, at the foot of the stone block and plaque in memory of the García Moral brothers. Relatives, journalists, volunteers and archaeologists are shown.

Monforte de Lemos to this place of memory: an act to reaffirm the pedagogy of love against the pedagogy of terror. The fact that this educational visit was quite exceptional in Galicia, a pioneering event, is a reflection of the abnormal situation that still reigns in this country, even in times of democracy.

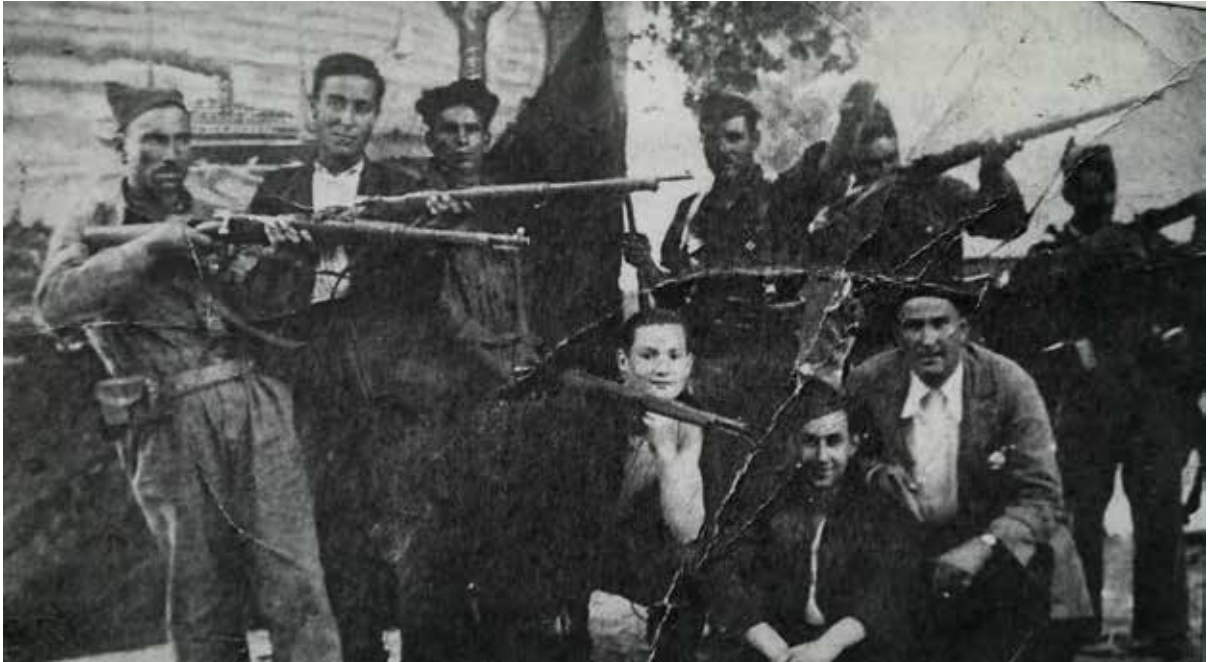
Class given in the atrium of the Church of Castroncelos by the teacher and writer Olga Novo to the pupils of A Pinguela (Monforte de Lemos).



### **The summer they killed “The Winter”**

From Castroncelos, in the same month of July 2018 we moved on to the neighbouring parish of Saa to try to exhume the remains of Jesús Casas, also known as *O’Inverno* (“Winter” in Galician) who had lived in the village of Eirexalba. For many years his granddaughter Isabel, who now lives in New York, had been leaving flowers near the site where her grandfather was killed on 6 August, 1936, near the Alto de Santa Lucia. After knocking on many doors, without success, Isabel had requested help from the ARMH to find the exact place. Both Saa and Eirexalba have a traumatic past that casts a shadow over the present. In Saa, several families had a prominent role in the local Falange and Eirexalba had been home to the main group of gunmen who sowed terror in the region, the self-styled “Black Squad”. As late

as 1944, with the presence of anti-Franco guerrillas in the area, a local newspaper in Sarria issued the following admonition to the civilian population: “Warning: Watch out for the Black Squad!” Their extreme cruelty and their continuous abuses even led the authorities to condemn their leaders to death (Ermida, 2017).



Before launching into the study of this delicate subject, we asked the secretary of the Town Council if we could hold a meeting with the residents in order to compile information and describe the project to them. The villagers’ response to our invitation was lukewarm and, as in the case of Castroncelos, we obtained most of our information from relatives of older people who invited us into their homes. During the exhumation we received hardly any visits. One very special exception was the visit of the parish priest who asked to meet me, the director of the exhumation, in person. We received written permission from the Bishopric of Lugo to carry out the works as long as the “good harmony” among the villagers was not disrupted and that the digging “did not affect coexistence” inside the parish. As we can see, this exhumation interrupted the silence imposed for decades and raised hackles among certain members of the local community who accused us, again, of disturbing the rest of the dead and of reopening the wounds of the past.

The murderers of Jesús Casas: The Black Squad of Eirexalba (in Ermida 2017).

The oral accounts and the available documentation suggested three possible sites where *O'Inverno's* remains might lie. One of them was in the old cemetery. This area, limited by a shale masonry wall, is occupied by an illegal landfill. Bedframes, pots, mattresses, shoes and debris were strewn everywhere, especially in the part closest to the road, within easy reach for people wanting to throw away things they no longer want. The people who ranted about archaeologists not letting the dead rest in peace were the ones who dumped rubbish in the cemetery where their ancestors are buried.

*O'Inverno* was a member of the CNT, the anarchist trade union movement. He returned from Cuba with progressive ideas and had a gift for public speaking. With the victory of the Popular Front, he stood out for the speeches he gave on land ownership in O Incio and for opposing the privatization of the communal hill in his parish. According to the Fascist justice, "by the use of terror he had forced the majority of the residents of the parish to share his destructive ideas." With the news of the military uprising of 18 July 1936, the Republicans of O Incio and A Pobra do Brollón joined together to block roads, requisition weapons and stop the advance of Rebel troops. When the situation became desperate, *O'Inverno* fled to the mountains, taking refuge in the house of some relatives in the village of Covadellas. But he was betrayed; on 6 August, 1936, the Black Squad of his town, Eirexalba, arrived in Saa at five in the afternoon.

The village elders remember perfectly well what happened, and their accounts confirm the official records. According to *O'Cachete*, a ninety-year-old resident of Saa, who has since died: "Some unknown men arrived, they said they were Falangists from Sarria. They arrived in Covadellas and *O'Inverno* was eating with the owners of the house: They said "Come on, he's had enough to eat and drink!" and they took him to Saa, beating him all the way. One said: "Look at the fat legs on this rabbit," and they hit him in the shins with their rifle butts. It was very hot, and he was wearing short trousers. Covered in blood, he fell over at practically every step, with his hands tied. The Falangists did not take him along the road, but turned through the village called Pousa, in view of everyone. A woman asked them not to beat him, and said that she wanted to give him a glass of water: "No, *señora*, he already had enough to eat and drink up there". They went towards the hill of Santa Lucía, and when they reached the pines of O'Xexo, they told him to choose whether to die facing them or with his back to them. He chose to be shot in the back, looking to the north towards his village of Eirexalba. They killed him right there and left the body sprawled out on the road. The local authorities were informed and two men went to the Church to fetch the platform used to carry the



On the left, Carlos, the quarryman. On the right, another Carlos, a retired miner, a volunteer of the ARMH. Both are the grandsons of victims of reprisals. They are standing in one of the possible locations of *O'Inverno's* grave, although this site was later ruled out after the excavation.

statue of the Virgin in processions. The next day his widow arrived with two young girls, two of his daughters”.

The story of this man's martyrdom became part of the collective imaginary, which took the ordeal of Christ as reference. The popular account, so descriptive when addressing this man's tragic destiny, does not include his place of burial. The tradition situates *O'Inverno's* grave just at the entrance of the atrium, to the left of the stairway, in a quadrangular recess in the wall. For decades this area was used to launch fireworks on the day of the village feast, held precisely in the month of August. Some of our informants tell us that bunches of flowers occasionally appeared at that precise spot. But the exploration of this site proved fruitless, as did the study of the ditch dug in the old cemetery. Finally, we found out that the original location

of the pit corresponded to the description found in the municipal records: “Next, in the cemetery of the parish of Saá the autopsied body was buried in an open grave next to the wall of the south side and six yards away from the west side.” At this same point, recently added niches have destroyed the remains located in the subsoil. In other places, the memory of the victims has endured, and the tradition forbade any further burials or changes; here, though, it was different, so much so that *O’Inverno* rested under the niche of

Recently made niches in the atrium of the church of Saa that destroyed *O’Inverno*’s resting place.





families of Falangists. And this is where the dramatic circle of a man who died for his ideas closes. His granddaughter Isabel still receives anonymous threats in Eirexalba for wanting to know what happened to her grandfather.

### **When time stopped in O'Decimal**

Love in the times of anger. Despite the fear, the war and the threat of the death squads, the young folk tried to enjoy the last days of that tragic summer. A young lad from Piño, over the valley of the River Teixugo, set out, all spruced up, in the direction of Fornelas. At the town's feast a month earlier, he had danced with a girl, and since then, he had meant to court her. As they say in these parts, "he was going to Fornelas for courting." That September night, the suitor came across something surprising: a truck, motionless at the side of the road with the headlights on and the engine running. Shouts and insults could be heard from the rear. Scared, he hid behind some bushes a few yards away. That plot of land went by the name of "A Bernarda", but in recent times a sign had been added on the side of the road indicating the distance from the village: one kilometre. Since then, the place had been known as "O'Decimal". Now, the roads were to become part of a whole cartography of terror.

That day, time stopped in O'Decimal. The suitor saw everything. Armed men with Falange insignia, forced two men with their hands tied behind their backs to get off the truck. One of them, older and thickset, managed to fight off one of the Falangists, and had even got hold of his weapon. The driver of the truck approached the prisoner from behind and hit him over the head with the motor crank. Then the shots rang out; the suitor could hardly believe his eyes: it was all he could do to hold back the screams he could feel building up in his throat. A few minutes later, the truck roared off down the road towards Nadela. And then ... silence.

This is the version passed down through the generations in the parish of Fornelas about the events of 7 September 1936, when the Fascists murdered the socialist Gervasio González and a stranger. Gervasio's granddaughter, María José, went to the ARMH to ask for help in finding her grandfather's grave in the cemetery of Fornelas. Unlike the cases of the neighbouring parishes of Saa and Castroncelos, and despite the COVID-19 pandemic, the local community were keen to take part in the exhumation carried out in August 2020. In Saa and Castroncelos, the murderers had been from other municipalities, but in Fornelas one of the executioners was a local – a troublemaker who would later kill another man in an argument over land hitting him over the head with a hoe. Paradoxically, this collaborator

of the Fascist gunmen ended up in a Francoist prison. The involvement of a villager in that abject event was felt as a collective stain on the community, something that Fornelas had to atone for. The need to cure that wound probably helps to explain the villagers' engagement in the process of exhumation.

Residents of Fornelas provide information to Gervasio's granddaughter, María José during the exhumation in the parish cemetery.



During the excavation we found that Gervasio's grave had been destroyed by later burials, in particular by a niche built for an emigré who had returned from Cuba. While Gervasio was left to rest for decades like vermin, the Fascist doctor of Fornelas and the Francoist mayor of A Pobra de Brollón lie in the finest mausoleum in the cemetery. The collaborator in the murder has a side niche. The archaeological excavation brought to light this entire traumatic story, and served as collective therapy and a teaching resource for new generations. Of course, to obtain the unanimous support of the people of Fornelas the name of the collaborator was omitted; his descendants are part of the community and are not responsible for their grandfather's misdemeanours. Our magnificent relationship with Fornelas that developed during the exhumation led us to launch a new digging campaign in the summer of 2022 in a prehistoric deposit known as Muradella.

The inauguration on 30 July, 2022 was capped by a session inside the parish church where our forensic anthropologists Márcia Hattóri and Candela Martínez described the details of the exhumation of 2020 and the subsequent research. The church was full to bursting – 80 residents, that is, the entire parish, were reunited with their past and were able to heal the scars of the wound opened in 1936.



Open day at the church of Fornelas (30 July, 2022). Anthropologists Márcia Hattóri and Candela Martínez describe the exhumation of 2020.



### Conclusion

As Alfredo González states in the quotations at the beginning of this text, cemeteries are living entities that grow and remove the traces of the people who disappeared during the times of Franco. The passing of time plays to the advantage of a Fascist movement that planned both the physical elimination of its political opponents (as is clearly seen in Paterna) and the progressive destruction of these graves and bodies. The three exhumations we describe in this text share three major common features. In all of them, the press printed headlines such as “Unsuccessful exhumations; the archaeologists fail; digs end without success”. It is true that we were unable to find José, Ricardo, Jesús or Gervasio, but their names have returned to the public arena; their grandchildren (Pepe, Isabel, María José) have felt supported, and through our committed and courageous digging we have tried to repair the wrongs of the past.

What is more, these excavations are an ethnoarchaeological emergency, an endeavour that has arrived late in the day – though there is still time to record the testimony of people in their eighties and nineties, like *O’Cachete* in Saa, and Ramón from Piñeiros (Castroncelos) who passed away in these last three years. Collecting this oral memory is essential to reverse the process of invisibility and to break the silence imposed on the tombs of Fascism. And, finally, these three exhumations underline the need to persevere with community-based archaeology, even if it takes place in difficult and sometimes hostile contexts. Excavating the truth is a powerful weapon, since it breaks down the hegemonic story of the victors of the war and provides communities with evidence of the crimes of Franco. Whether they decide to acknowledge the traces unearthed is another matter. The process of opening and disseminating these infernal graves, whether or not the victims of the reprisals appear, implicates these small rural populations of the present in their recent past. In my opinion, this community archaeology, brave and always controversial, never ends in failure; it achieves valuable symbolic victories, such as the commemoration of the García Moral brothers in the cemetery of Castroncelos, the media impact of the recovery of the figure of *O’Inverno* and the identification of his murderers, or the cathartic day of memory in Fornelas attended by the entire community. Thanks to the efforts of volunteers, residents, and social and human scientists, José, Ricardo, Jesús and Gervasio have returned from the community of the dead to the community of the living. Our Valencian colleagues are fighting to do the same for the thousands of their compatriots whose remains are trodden over in the plots of the cemetery of Paterna.

This exhibition is another milestone on this road which, in many places, has opened up only very recently – without any aid from the State.



Replacing the original soil after the exhumations. Volunteers from the Castro de San Lourenzo site (2020) sow seeds to regenerate the grass in the cemetery of Fornelas.

**Bibliography**

- Ermida Meilán, X. R. (2017) «Para nós o matar é unha honra». As Escuadras Negras de Falanxe. En X. R. Ermida Meilán, Fernández Fernández, E., X. C. Garrido Couceiro e D. Pereira González (coords.): *Os nomes do terror. Galiza 1936: os verdugos que nunca existiron*: 63-80. Sermos Galiza.
- González Ruibal, A. (2022) «Las grandes fosas de la Guerra Civil no están en las cunetas». *Público*, 11 de septiembre de 2022.

**ANTHRO**

JORNALERO  
ALEXIA

# POLOGY

- 91 Where does memory live?  
*Maria-José García Hernandorena & Isabel Gadea i Peiró*
- 113 Objects and memories: the material dimension  
of the mass graves  
*Zira Box Varela*
- 127 The past, present and future of the objects in the mass  
graves  
*Aitzpea Leizaola*
- 145 A look at Paterna to revisit the contemporary  
exhumation process: possibilities and tensions  
in the fight for memory(ies)  
*María Laura Martín-Chiappe*





Postcards sent from prison  
by Francisco Sanz Herráez to his family  
Grave 127, Paterna  
ETNO Democratic Memory Collection  
Photo: Albert Costa. ETNO



**Glasses, pencil and stamps**

Individual 124, Grave 115; Individual 99, Grave 127, Paterna

ETNO Democratic Memory Collection

Photo: Albert Costa. ETNO

Knitted sweater, with a necktie of the same fabric,  
belonging to Francisco Peiró Roger  
Grave 111, Paterna. Donated by the Peiró family  
ETNO Democratic Memory Collection  
Photo: Albert Costa. ETNO

# Where does memory live?

*Maria-José García Hernandorena  
& Isabel Gadea i Peiró*

CURATORS OF THE EXHIBITION «2.238. EL CEMENTERI DE PATERNA:  
LLOC DE PERPETRACIÓ I MEMÒRIA»



Where does memory live? Or more specifically: Where is the memory of Francoist repression and where has it been? Those questions are central to the discourse of the exhibition: “2238. *El cementeri de Paterna: memòria i perpetració*” [2238. Paterna Cemetery: Memory and Perpetration]. Based on ethnographic research and taking Paterna cemetery as our case study with more than one hundred mass graves located there, this site is both exemplary and pragmatic to reply to those questions<sup>1</sup>.

Within this framework, this exhibition provides a fundamental tool to understand the emergence of a number of contemporary claims by Valencian society, those who lost everything after the end of the Spanish Civil War due to repression for their political ideology. They had lost it all, but they never lost their memory. Despite the efforts by the Dictatorship to physically and symbolically bury everything that challenged its legitimacy, a thread, strengthened generation by generation, has kept it alive and given continuity to it through time.

There are three spaces where we can find the memory of Franco’s repression associated with Paterna cemetery: the cemetery itself, the mass graves and the homes of the victims. In addition to the territorial limits, the material culture associated with repression, i.e., the objects, comprise mobilising agents of memorial processes, projecting voices that are capable of affecting individual and social reality (Bustamante, J., 2014). Hence, and continuing with this author, while these processes remain inside those places of memory, the objects are activators and the actions and practices are activated through and by them.

The exposition is a diachronic journey of voices, interests, politics and ways of how the repression was felt and expressed in a confrontation of spaces. On the one hand, the private, closed off, claustrophobic places: a mass grave, a chest of drawers or a cupboard in the house of the victims of reprisals, who safeguard and transmit an inconclusive dowry or mourning. On the other hand, an open, public space: Paterna cemetery. In addition to these spaces, everything they either contain and/or have contained in the past is striking, comprising a game of different mirrors and journeys that explain why part of Valencian society still feels indebted to memory. A debt that entails recovering the bodies of their relatives, but also public recognition through repairs for injustice, economic and moral compensation, among others.

Approaching the exhumation of a mass grave today and its current impact on society is also the subject matter of this exhibition, through a perspective that goes beyond the deep hole in the ground

**I**  
This text is accompanied by images that are interwoven into the events that occurred and are a significant part of the story. The images were produced in different contexts and for different purposes, and so their format, and their quality, may vary. Each one of them was vital to the research necessary to make this exhibition possible.

comprising the grave itself. The exhibition widens our outlook on the lives of the people whose days ended in those graves and their families, to take a closer look at the objects and places that have been transmitted over time, and which are witnesses, bearers and transmitters of their memories.

These dynamics cannot be understood without a gender approach: whereas the mass graves in Paterna are mainly masculine<sup>2</sup>, the cemetery and the places where the memories of repression are kept and transmitted are mainly feminine. This inheritance has been able to take place partly thanks to the objects kept in the households of the victims, held and hidden by the families as the evocative materiality of the bodies they were unable to receive to end their mourning, and transformed in “profane altars” (López, J and Picazo, L., 2011).

When interpreting the cemetery and the mass graves in Paterna from an ethnographic perspective, in terms of gender, we put emotions, feelings, experiences and the subjectivity of the narratives at the centre, and we try to respond to those who still question the relevance of their claims.

### The cemetery

It was the inside of the places and spaces where repairing and commemorative activities were traditionally performed for the victims of traumatic events and past conflicts, in order to vindicate, repair, honour and remember them, as mentioned earlier. In the case of the Region of Valencia, Paterna cemetery and the mass graves in and around it (the firing squad wall, the road of Blood) has become one of those powerfully paradigmatic, symbolic places to observe and analyse processes of remembrance and homage to all those who were executed during Franco’s dictatorship between 1939 and 1956.

Furthermore, a cemetery is more than just somewhere where the dead are laid to rest. It is a place where a number of rituals are performed, understood as collective acts that lead to cohesion and balance within a community, where social relations and actions take place over time as a reflection of the surrounding society. In the case of a cemetery such as Paterna, where there are over one hundred mass graves dating back to the days of repression by the Francoist dictatorship following the war, those relations, interactions and actions are even more poignant. They ask us what we should expect of a full democracy as citizens, but not only that, those questions are asked to us as social investigators involved in subjects on democratic memory and human rights.

Likewise, it is the place where exhumation processes of over one hundred mass graves takes place, following the established

2

Let us remember that between 1939 and 1956, out of the 2238 people put before the firing squads in Paterna, 2219 were men, and only 19 were women. Most of those women were murdered because of their active participation in the 2nd Republic and/or during the Civil War. Many of them were teachers and members of the militia who held public offices traditionally assigned to men, and their political involvement cost them their lives. In addition to those women, many others suffered social, economic and sexual repression that the regime reserved for the “reds”. In the latter case, it was often those women who, despite not having transgressed the domestic scope that was assigned to their gender, they were slandered, shaved and humiliated through because of the fact they were related to a “red”. They were mothers, sisters and colleagues of the victims, all those first generation women who made the cemetery a feminine place.

scientific/forensic and archaeological protocols with the aim of repairing the pain and anguish of the families of the victims, returning the exhumed mortal remains of their loved ones to them. From 2016 onwards<sup>3</sup>, in response to the demands by relatives of the victims, exhumations began in this town in the l'Horta region, financed through public funds by means of a policy of subsidies to defray the costs of exhumation of the mass graves. The objective of the exhumation process is to identify the 2238 executed victims and return their remains to the relatives who ask for them so that they can be laid to rest and honoured wherever they wish.

In this volume, regarding the case of Paterna Cemetery, the anthropologist, María-Laura Martín Chiappe from the Autonomous University of Madrid (UAM) proposes “Revisiting the contemporary exhumation process of the victims of Francoism, describing some of the layers of memory that link the memorial stages and the practices inherent to each of them, but also the possibilities and limitations, continuities and tensions that surround them”.

The role of women in the cemetery becomes fundamental, and even today it is barely acknowledged<sup>4</sup>. In the specific case of this site, one of the main particularities differentiating it from other places where executions were perpetrated is the fact that it is a site of memory from the very moment of the executions, thanks to the women and their open mourning practices that successive generations have inherited.<sup>5</sup> We therefore uphold, as mentioned above, that while the mass graves are a masculinised space, the cemetery itself is feminised.

In order to analyse the biography of this place of memory, we have mapped the presence, struggles and resistance that took place around the mass graves over all these years. As for feminine presence, there is a gender genealogy linked to the cemetery dating back to the attendance of women from 1939, when the first mass graves appeared. The appearance of bunches of flowers during the contemporary exhumation process is evidence of the footprint of the first generation of women, the mothers, partners and sisters of the victims, many of whom went to the cemetery on hearing about the fate of their relatives and loved ones, with the intention of taking their bodies away and giving them a dignified burial<sup>6</sup>. They have never stopped going there since then.

The repression of these families also included the prohibition of any outward demonstration of mourning. That is why the presence of those mourning women filling the graves every 1st of November is a symbol of resistance against the Regime, a fight against oblivion. That is how it was interpreted by the fascist authorities who tried to evict them, and that fact is kept in the collective memory of

3

Following the example of a wider movement in the Spanish State in 2000 started by Emilio Silva, who demanded exhumation and identification of his grandfather and 12 other victims executed by the members of the Falange movement and thrown into a ditch in the roadside in Priaranza del Bierzo (León) in 1936.

4

There are few places in Spain where that role of women transmitting and keeping the memory of Francoist repression is acknowledged. The most relevant is the Barranca Memorial in La Rioja region.

5

The analysis of custody and transmission of memory allows us to differentiate between three different generations of women. Regarding this subject, we furthered our ethnographic investigation (García & Gadea, 2021) and also the text where we reconstructed the female family trees related to the mass graves in Paterna cemetery (Gadea & García, 2022).

6

Only a small minority managed to take the bodies of their relatives to their respective hometowns or bury them individually in a niche in the cemetery itself.



Bunches of flowers left inside the mass graves in Paterna, exhumed by the teams of archaeologists.



Grave 115. Widows, sons and daughters of those executed in Paterna cemetery. Undated. Photograph loaned by the Pastor family.



Grave 135. Widow and grand-daughters of an executed person in Paterna cemetery. Year 1959 Photograph loaned by the Chofre family.

Grave 112. Widows, sons and daughters of some of the people executed in Paterna cemetery. Undated. Photograph loaned by the Gómez family.





Paterna cemetery. Furthermore, they did everything within their power to appropriate the graves, to dignify them and bring their loved ones out of anonymity from a hole in the ground covered with soil and lime. Despite the financial struggles of the victims of Francoism, many of those women made and placed the first memorials, using humble ceramic tiles. The violence against the “reds” also targeted their memorials, which the Regime’s guards deliberately destroyed. Nevertheless, the women did not give up and they relentlessly replaced them over and over again.

The mourning without closure and the rituals associated with it were inherited by the next generation of daughters. Many of the women in that generation drew up new claims surrounding the graves, as is the case of the fight to declare them exempt of payment and to dignify and maintain that place of memory. Those women who went to Paterna throughout their lives saw how the political parties and trade unions joined together to honour the victims of Francoism following the death of Franco, by erecting memorials or holding different acts of remembrance. Hence, on 1st November, new dates were added to the memorial calendar, such as the 14th of April and the 1st of May.

Granddaughters and great-granddaughters took over the tradition of visiting the cemetery on those dates. Furthermore, as promoters of contemporary repairing practices, several procedures have been implemented that directly affect Paterna cemetery. As mentioned earlier, the exhumation processes are the practices that are most in the public eye, and in these cases the direct consequence on the cemetery is the opening of the graves and the many effects that this entails, at family, association, scientific, political, media, social and cultural levels (García & Gadea, 2021). Unfortunately, the goal pursued through these practices of recovering and identifying the bodies buried in those graves places emphasis on the cemetery as the place where executions were perpetrated (mostly targeting men), rather than a place of remembrance (mostly involving women).

Consequently, from our perspective, it is indispensable to narrate the biography of the cemetery (Gadea & Garcia, 2022) as a place that is explained through the acts of the living. In the exhibition at the Museu Valencià d’Etnologia different materials are displayed that bear witness to the history of the cemetery as a place of resistance and struggles, of family remembrance, but also collective, associative and political remembrance.

Grave 100. Granddaughters and great-granddaughters of victims.  
Photograph of the authors.



### The mass graves and objects that are painful to see

Lime

Soil

Bones

Spherical projectile cartridge (10 mm)

7 mm Mauser projectile

Thirty-two wooden buttons

Seven bone buttons

Thirty-three metal buttons

Seventeen Bakelite buttons

Nine nacre buttons

A wire spool

Two alpargata sandal soles

A pocket lighter

A silver spoon

Two penknives

Four trouser buckles

Two belts with buckles

Two pieces to fasten clothing

Four pencil leads

Three gold teeth

Fragments of a truss

Fragments of a zip

Fragments of alpargata sandal soles

Fragments of clothing  
Fragments of a pill box  
Fragments of a wallet

This list of objects is just an example of the type of items that appear along with the bones when bodies are exhumed from a mass grave in Paterna. In this case, they are remains of twenty-one men executed by firing squad on 2nd November 1939 after the end of the war, and buried in a mass grave, grave 100 located in the first quarter to the left of the cemetery.

In 2021 the Museu Valencià d'Etnologia started to show interest in the cemetery on commission by the Valencia Council, and particularly in regard to the exhumations of the mass graves of the Francoist Regime. The museum started to assess and consider the importance of the objects and other types of materials associated with the bone remains which have been unearthed since the scientific/forensic exhumation processes of the Paterna mass graves began in 2016. That is how the process to collect these materials started, a process taking us closer to the families, to the teams of archaeologists working on exhumation of the graves and the public administration who holds custody of those items in view of the legal circumstances at the moment. It is interesting to observe the process through which the items change from very little being known about them, through conservation conditions and the unease they cause by putting them in plain view and turning them into heritage and museum exhibits.

In this paper we can find the text by the anthropologist from UPV/EHU, Aitzpea Leizaola, which deals with this subject in other places around Spain and through her experience with the Aranzadi Sciences Society. To quote her: "The nature of those objects, their status, and their future destination are the central theme of this text to further discuss the material side of memory, the need for a heritage framework to tackle the subject of transmission of those objects within the context of exhumations".

The exhumed items bear witness to the terrible events of the past. We are able to hold dialogue on subjects as varied as the prison conditions of the people sentenced to death under Franco's regime, their hopes, daily life in the prison (health, hygiene, how they dressed and their footwear, writing, how they spent their time when waiting). They humanise the victims and present them as people not so far removed or different from us, not the "red horde" with whom we have nothing in common, but rather normal, ordinary people who ate, washed, wrote, read and played, and who were also made to suffer.

The materials are hard to conserve, exhibit and explain. They represent the nearest, direct presence of the victims of Francoism, and bear clear witness to the violence they suffered, and once again we are shocked by that horror.



Loan by a family of objects from a mass grave at the Ethnology Museum of Valencia.

Collection of items from the mass graves in Paterna cemetery by the Ethnology Museum of Valencia.

Boxes where the items exhumed from the mass graves in Paterna are stored. Valencia Council Warehouse, Bétera.

Trays where the items exhumed from the mass graves in Paterna are classified and conserved. Valencia Council Warehouse, Bétera.



## Houses and objects of mourning

Tears

Kisses

Silences

Seventeen photographs of executed victims

Six family photographs

Three marriage photographs

Three photographs of sons and daughters

A group photograph at an assembly

A medallion with a photograph of an executed victim

Six birth certificates

Six death certificates

Ten prison sentences

Five summary judgements

Eight municipal acts in respective villages

A newspaper cut-out

Two political party membership cards

An esparto cord with five knots (one for each daughter)

Esparto alpargata sandals in children's size made in the prison

A handkerchief embroidered in the prison

Three wooden boxes made in the prison

A cigarette lighter

A pipe

A paper with a chess board drawn on it made in the prison

A fountain pen

Wooden tags with names

Two blankets

A bar of soap

A policeman's personal diary

Forty-six letters and postcards from the prison

Eleven farewell letters

Five pieces of clothing worn during execution

A bullet

This list encompasses the objects related to twenty-one men who were executed on 2nd of November 1939 and thrown into grave 100 in Paterna cemetery. The items have been kept by their families since then. It is only a small sample of mourning objects, those that were hidden in tin and cardboard boxes, cupboards and drawers, between woven sheets, silence and tears.

As can be seen, many of these objects are the same as those exhumed with the bones, lime and soil that covered the bodies for over eighty years. The difference between objects that hurt and objects of mourning is related to the rituals and practices that accompany one and the other over the years, which we try to explain through disciplines such as social anthropology. Therefore, while the objects that hurt represent the bodies of the victims and the impact that contemporary opening up of the graves has over eighty years later, the mourning objects materialise and trap the open mourning that was passed down from female generation to female generation over the years.

In order to understand the importance and function of these objects, we need to look at the everlasting mourning of the families of the victims on the one hand, and on the other, the gender socialisation model on which the duty to mourn fell, particularly on the women. Firstly, it has historically always been women who have taken on the role of material and symbolic upholding of the family, in accordance with the gender system, prototypical of the patriarchal culture. Along with the housework and care for the offspring, the remembrance and custody practices of memory are part of the knowledge alleged to be inherent to the feminine sex. In other words, biological, cultural and symbolic reproduction is considered to be the responsibility of women (Troncoso and Piper, 2015)<sup>7</sup>. Part of the symbolic sustenance of the family includes keeping the memory of the dead alive and being in charge of the associated rituals and practices, hence the link between gender and mourning.

Secondly, and on the basis of the above, the murder of the victims of Francoism brought about changes to the rituals of death that were practised at the time. Indeed, the families could not prepare for the death of their loved ones (the preliminary stage encompassing practices prior to passing away, such as prevention), nor could they prepare for a dignified burial (the liminal stage including death, wake and burial). Moreover, the culture imposed by the perpetrators forbade any outwards manifestation of mourning and cult by the “reds”, which would usually be a part of the later stage of mourning. The impossibility of passing through the different stages to guarantee a “dignified death” led to open mourning as a symptom of an “undignified death”.

The women, mothers, partners and sisters of the victims, were socially, economically and sexually repressed due to the links or relationship with the victim, and they disobeyed the prohibition of showing mourning and honouring their loved ones, insofar as the ritual mourning practices that they were able to cling to. Hence, post-liminal

7

<sup>7</sup>Hence, along with the figure of the “Angel of the home” the role of “Guardian of memory” goes hand in hand with it, in charge of keeping the memories, histories, objects, photographs and everything else related to remembrance” (Gadea y García, 2022:218).

rituals became practices of resistance against the Regime, through their inconclusive mourning in subversive, subtle, private and daily mourning.

Among the resistance to forget, on the one hand is the fact that they kept their mourning to the privacy of their homes and were denied participation in any social acts. Silence and sadness became their distinguishing features, and the fact that they would be in mourning until the end of their days. Although this is also related to rituals comprising part of the culture of death at the time, on the other hand we can also find rituals that acquired greater significance owing to the context of an “undignified death”. In this case, the practices involving objects are of particular note.

Pieces such as those on the mourning objects list ended up becoming “profane altars”<sup>8</sup> (López García, J. 2011) which were sacred for their families, insofar as they represented the memory of death (Fig. Page 108). Indeed, the first generation women (mothers, partners and sisters) would take those objects out of their hiding places in the privacy of their bedrooms and pray and cry over them, with this ritual helping them to shed their imposed silence. To quote Cate-Arries: “the significance of the objects of memory in a cult of fear, in which the silent witnesses of the past managed to conserve the memory of the deceased when the crying relative ‘was afraid to speak’” (2016: 140). The fact that those family amulets were hidden is a sign of the repression and fear that those silent women suffered, who hid those small treasures as part of the strategy of silence required to survive and protect their descendants.

From among the pieces displayed in the domestic altars are photographs, which acquire great value insofar as they substitute the body of the absent loved one. Many of those photographs are still kept by the families today resulting from photo-montages and enlargements (Moreno, J. 2020). Using the bromoil process, some of the photographs brought together all the members of the family despite their physical absence. Likewise, these montages permitted dressing and shrouding the bodies who could not otherwise be given a decent burial, at least in the photographs.

We can also find documents bearing witness to the fatal outcome of their relatives, such as death certificates, prison sentences, summary trials and the documents on investigations into criminal offences during Francoism, known as the “*Causa General*”. It must be said that these documents are included as pieces of the objects of memory passed on to the third generation of relatives. In other words, those papers were not a part of the domestic altars of grandmothers and mothers. Searching through the archives and requesting this type of

## 8

“Sometimes those thin, delicate objects became one of the items which, along with the last belongings of the relatives (letters, scarves, packets of cigarettes, etc.) were used to make a type of profane altar where they were kept in memory of those men” (López García, y Pizarro, 2011: 580).

Blas Llopis and Trinidad Sanchis with their son, Blas. Drawing made from a photograph. Loaned by the Llopis family.



Vicent Coscollá in a photo-montage with his wife, Leonor Ferrer. Loaned by the Coscollá family.



material is part of the procedures and processes that the granddaughters and great-granddaughters have to carry out for exhumation, since those items are considered proof that their grandfathers were actually buried in those graves.

Those documents are part of the perpetrator culture, and as such they have to be placed in context. Reading documents of that type without considering the reference framework can sometimes lead to anguish and unease among the relatives. In this sense, we believe that the success of imposing the perpetrator culture as the only one and the lack of democratic teaching regarding the repression imposed by Franco's Regime leads to those feelings when the information is taken at undisputed face value

In regard to the documents that accredit political militancy and participation by their relatives, they also tell us about the bravery and courage by the women who kept those items, since in a context of repression, keeping documents of that type could be dangerous.

Communist Party membership card belonging to Juan Luis Pomares. 1938. Loaned by the Pomares family.







Amidst the coldness of those documents we also find the warmth of the objects that the victims crafted for their partners, sons and daughters from the prison. Along with these prison-crafted objects, the everyday, common objects that they used on a daily basis in the prison can also be found, such as a bar of soap, a cigarette lighter, which become priceless for the families after the death of the victims.



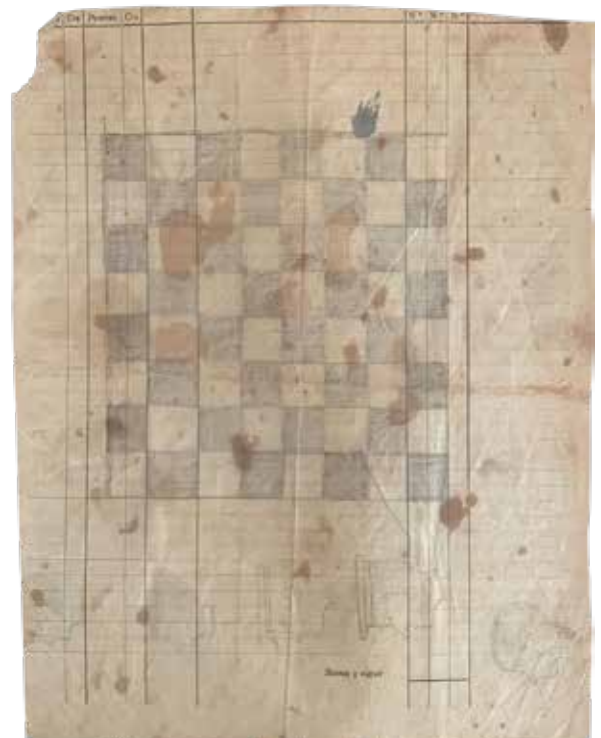
A handkerchief embroidered in the prison by Salvador Gomar. Loaned by the Gomar family.

Children's alpargata sandals made by Salvador Gomar while in prison for his son. Loaned by the Gomar family.



Details of a wooden box carved in prison by Blas Llopis. Loaned by the Llopis family.

A chess board drawn on a piece of paper by Blas Llopis while in prison. Loaned by the Llopis family.

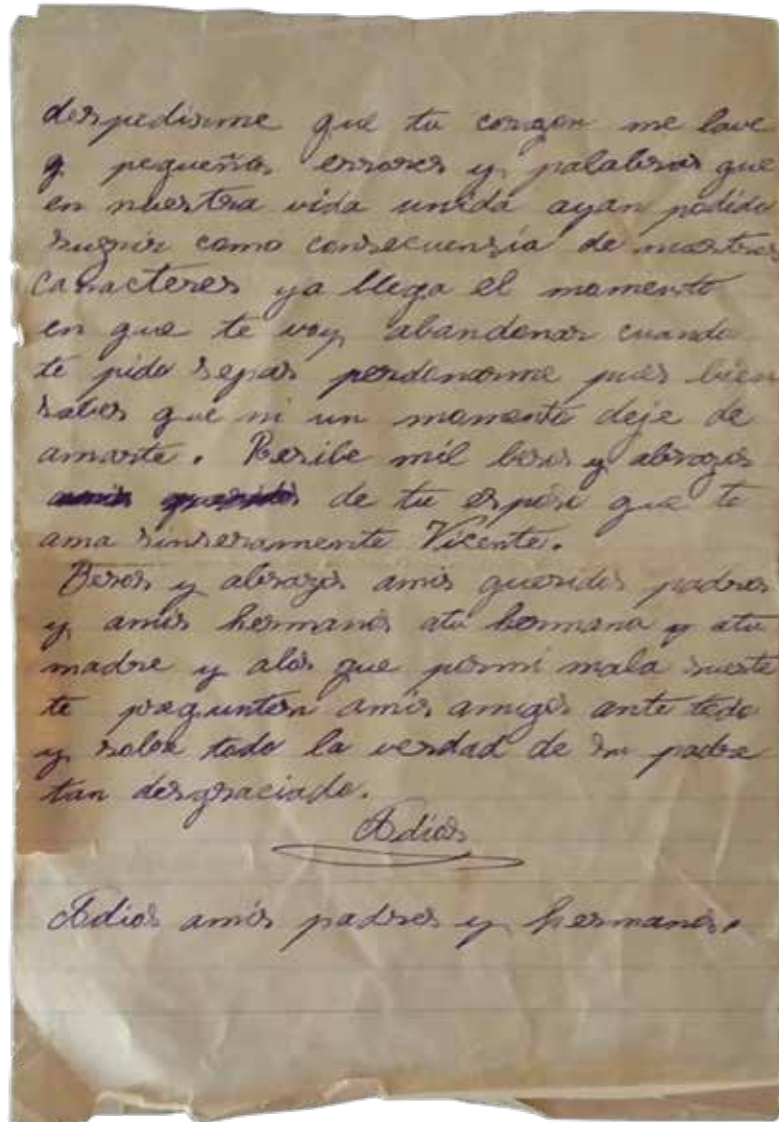


The correspondence exchanged by the victims and their families is worthy of a special mention (López, J. and Villalta, A., 2015; Sierra, V., 2016). Through censored postcards or letters that managed to slip through the prison control system, the social function of writing from prisons had two goals: to keep in touch with the family and to resist. The last farewell letters or “chapel” letters add some nuances to the said function, since they bear witness to events. Beyond the distribution of assets, those final words by the victims expressed their moral values and ethics that they wanted to pass down to the next generations, and also the need of the family to honour their memories, and through that, their innocence.

Valencia 28 Septiembre (El año de la Victoria)  
 Queridos padres. Por ser la primera  
 carta que quiero por obligación me he ido y  
 es debido el respeto, que ostengo y ostendo  
 siempre. Hoy me decido a tomar la pluma  
 que es de mi pensamiento a voso-  
 tros que os debo lo que soy y valgo, os in-  
 fo para demostrar que me encuentro bastante bien  
 de salud. Claro que me da pena, por no poder  
 estar juntos y estar bien pocas penas por  
 mi y cuidar de mis hijos y de mi esposa  
 como si fueran todo se resuelve  
 todo con ayuda de Dios  
 Recuerdos a mis hermanos  
 a Antonio y a los. Nuestro hijo Pepe  
 Viva Cristo Rey

Letter from José Morató  
 to his parents. Censored.  
 1939. Loaned by the  
 Morató family.

Page 4/4 of the farewell letter from Vicente Alemany to his wife, Consuelo. Loaned by the Alemany family.



despedirme que tu congoja me lave  
 y pequeña, errores y palabras que  
 en nuestra vida unida ayán podido  
 surgir como consecuencia de nuestros  
 caracteres ya llega el momento  
 en que te voy abandonar cuando  
 te pido dejar pendiente que bien  
 saber que en un momento deje de  
 amarte. Peribe mil besos y abrazos  
 amor querido de tu esposo que te  
 ama tiendosamente Vicente.

Besos y abrazos amor querido padre  
 y amor hermano a tu hermano y a tu  
 madre y a los que por mi mala suerte  
 te preguntan amor amigos ante todo  
 y saber todo la verdad de mi padre  
 tan desgraciado.

Adios

Adios amor padre y hermano,

Finally, the fragments of clothing that the victims were wearing when they were executed, or the bullets that put an end to their lives are objects which talk to us about the presence of women at Paterna cemetery from the early days of the mass graves, in addition to bearing witness to their undignified end.

Those objects were also significant for the next generation, the generation of the sons and daughters of mourning. The age or just how aware those boys and girls were when their fathers were executed would condition their knowledge of the facts and their understanding of their mothers' silence. Indeed, regardless of those factors, all of them would suffer the stigma of being a son or daughter of a "red".



As mentioned earlier, it was the women who kept and transmitted the memory of their loved ones, and therefore it was also the women who inherited and received it. It was the daughters who inherited the silence of their mothers, along with the mourning items and the commitment and responsibility of maintaining family memory. In short, the daughters took over the open mourning and its rituals as an unavoidable legacy. This link between memory, mourning and gender means we are able to talk about mourning as a part of the dowry of the “reds”. The symbolic burden of this association becomes stronger and more explicit when dealing with the items of mourning that were kept with the dowry, such as embroidered sheets.

It would not be until the third generation, the one known as the “post-memory generation” (Hirsch, M. 2021), of granddaughters and great-granddaughters when these items of mourning, and the memories of their grandfathers, were publicly displayed and given places outside of the tin boxes and the drawers where their grandmothers and mothers had kept them. As we can see, the movements and transfer of those mourning items are connected to the transmission of memory through the different generations, in the same way as each generation is related to memory and materiality in a different way. Regarding transmission, we must point out that there is a generational leap that on many occasions means that the first generation grandmothers are able to speak to their granddaughters about things that they kept from their own daughters. This link between granddaughters and grandmothers emphasises the weight of the effects on vicarious, indirect memory, a characteristic feature of the post-memory generation.

Small box container/ altar where the items belonging to Juan Luis Pomares are kept. The items include some pieces of the clothing that the gravedigger of Paterna, Leoncio Badía kept for possible future identification of the bodies. Loaned by the Pomares family.

In many cases, this generation of women convert the open family mourning in a spark of activism for memory. Indeed, we can see that on the one hand many of them inherited their political and social engagement from their grandfathers during the Transition period and the early years of Democracy, and on the other, the inheritance from their grandmothers has led them to seek repair for the harm caused by Francoist repression. In these cases, they feel responsible for restoring the memory of their grandfathers, making the use of rights that their grandmothers, aunts and/or mothers did not have (Egizabal, M. 2017).



T-shirts of several associations designed for the Paterna mass graves exhumation. Loaned by Teresa Llopis (Grave 100 Association Platform) and Daniel Galán (Grave 128).

The relationship that this generation establishes with the mourning items also has its own peculiarities. As we have already seen, the repairing practices that are carried out and which place peripheral memories in the limelight, bring out new documents that are added to the items already comprising the family treasures. There is also another feature of this generation which is that the granddaughters are who publicly display those objects, the photographs in particular, even at public events, in the press or on social media. Through these actions, those objects acquire another dimension beyond the family sphere, insofar as they comprise solid grounds on which public memorial vindication is based.

Even so, the sacredness acquired by the profane altars made by previous generations of women is still valid for the third generation, and some nuances are included regarding their materiality, feel and encounter with the past. The author describes it as follows: “the objects are particularly susceptible to invoking sensitivities, since their haptic properties connect them to our touch (they were touched in the past; they have been touched by the passing of time and often bear traces of it, of that time span, which remains in them and forms a part of them” (Rosón, M. 2021:8). In that same sense, we could say that the particularity of vicarious memory of the post-memorial generation, who did not directly experience the events of the past or personally know their grandfathers, makes their meeting with the past through objects that their ancestors touched and used, more significant. Likewise, the importance of the attachment that memory is linked to also has the same effects on the objects, in that they were held in the hands of their grandfathers, aunts and mothers, who caressed, touched and safeguarded them.

Exhumation of the mass graves dating back to Franco’s dictatorship has become one of the main repairing practices. Indeed, beyond the political, economic and social factors that facilitate the opening up of the mass graves, if it had not been for the custody and conservation by the previous generations of women, the processes started by granddaughters and great-granddaughters would never have been possible. In the same way as intimate, family memories have brought about collective public repairing practices, we can also claim that at the same time, the mourning objects are the things that have brought about the unearthing of the items that appear during contemporary exhumation, the objects of pain.

A more general outlook on the importance of the material culture from a social sciences perspective is given in this volume by Zira Box from Valencia University, who highlights their potential to establish a discourse on memory within the framework of new materiality.

By way of conclusion, this exhibition puts memory in the limelight, and in this case, it also means putting women in the same limelight. Those women are the people who are truly responsible for bringing the histories of the victims of Francoist repression to us today, for bringing those histories out of the mass graves of Pater-na cemetery. The same women who established domestic practices and rituals to fight against oblivion through those objects. The same women who have made the site of perpetration, a site of memory too. It is in them that memory lives on.

## Bibliography

- Bustamante, Javiera. (2014). *Las voces de los objetos: vestigios, memorias y patrimonios en la gestión y conmemoración del pasado*. Tesis doctoral, UB, Barcelona.
- Cate-Arries, Francie. (2016). «De puertas para adentro es donde había que llorar: El duelo, la resistencia simbólica y la memoria popular en los testimonios sobre la represión franquista», *Journal of Spanish Cultural Studies*, 17(2): 1-30.
- Egizabal, Maribel. (2017). «Algunas aportaciones desde la antropología al estudio de la memoria histórica», *Kobie Serie de Antropología Cultural*, 20: 101-112.
- Gadea i Peiró, Isa, & García Hernandorena, M<sup>a</sup> José. (2022). «Memorias, genealogías femeninas y lugares de perpetración. Etnografía de las exhumaciones contemporáneas de fosas del franquismo en el cementerio de Paterna (Valencia)», *Thémata. Revista de Filosofía*, 65, pages 203-225.
- García Hernandorena, M<sup>a</sup> José, y Gadea i Peiró, Isa. (2021). *Etnografía d'una exhumació. El cas de la Fossa 100 del cementeri de Paterna*. Valencia. Diputación de Valencia.
- Hirsch, Marianne. (2021). *La generación de la posmemoria. Escritura y cultura visual después del holocausto*. Madrid. Editorial Carpe Noctem.
- López García, Julián, & Pizarro Ruiz, Luis F. (2011). *Cien años para la libertad: Historia y memoria del socialismo en Puertollano*. Ciudad Real. Ediciones Puertollano.
- López García, Julián & Villalta Luna, Alfonso. (2015). «Cartas y cuentos desde las cárceles de Franco». *Vínculos de Historia*, 4, 147-173.
- Moreno Andrés, Jorge. (2020). *El duelo revelado: La vida social de las fotografías familiares de las víctimas del franquismo*. CSIC (Consejo Superior de Investigaciones Científicas).
- Rosón, María. (2021). «La memoria de las cosas: Cultura material y vida cotidiana durante el franquismo». *Kamchatka. Revista de análisis cultural*, 18:5-14.
- Sierra Blas, Verónica. (2016). *Cartas presas. La correspondencia carcelaria en la Guerra Civil y el franquismo*. Madrid. Marcial Pons.
- Troncoso, Leyla i Piper, Isabel. (2015). «Género y memoria: articulaciones críticas y feministas». *Athenea Digital. Revista de Pensamiento e Investigación Social*, 15 (1): 65-90.



**Small bottle containing a note with personal details**  
Manuel Lluesma Masia, niche 645. Paterna  
Manuel Lluesma Masia family collection  
Photo: Eloy Ariza-ArqueoAntro Scientific Association

# Objects and memories: the material dimension of the mass graves

*Zira Box Varela*

UNIVERSITY OF VALENCIA



“What is done with the objects belonging to the dead?” The Mexican author, Cristina Rivera Garza, asked that question in “Liliana’s Invincible Summer”, the book dedicated to her sister, a victim of femicide in 1990, whose belongings remained in boxes for thirty years, “in sight, but out of reach” in a part of a wardrobe.

What to do with objects belonging to the dead is a question that also needs to be addressed in the context of exhumation. What to do with those photographs, letters, pieces of cloth or everyday belongings of the victims of Franco’s repression, whose bodies were thrown into mass graves, is actually a question that has always been there: What use were they to their widows, mothers and sisters who kept them? Who would inherit them afterwards and what can those objects teach us about violence, remembrance and the memories they contain?

Beyond the restorative work involved in recovering the bodies and the forensic work helping to measure the nature of repression by Franco’s regime, the mass graves have a material side to them due to the objects surrounding them, such as those that have been brought to light by the analyses from cultural perspectives, including the focus on new materialisms. They are important at least for the five reasons explained as follows:

### **1. The objects have materiality.**

First of all, the objects are important because they confer a minimum amount of the necessary materiality and physicality to the absence of loved ones in order to overcome their loss. In the context of the explicit disregard that Franco’s dictatorship had for the victims, first through concealing their bodies in mass graves, and afterwards through denying any form of rituals and externalising mourning by their families, the recovered objects were an intermediate stage to alleviate the absence of the victims.

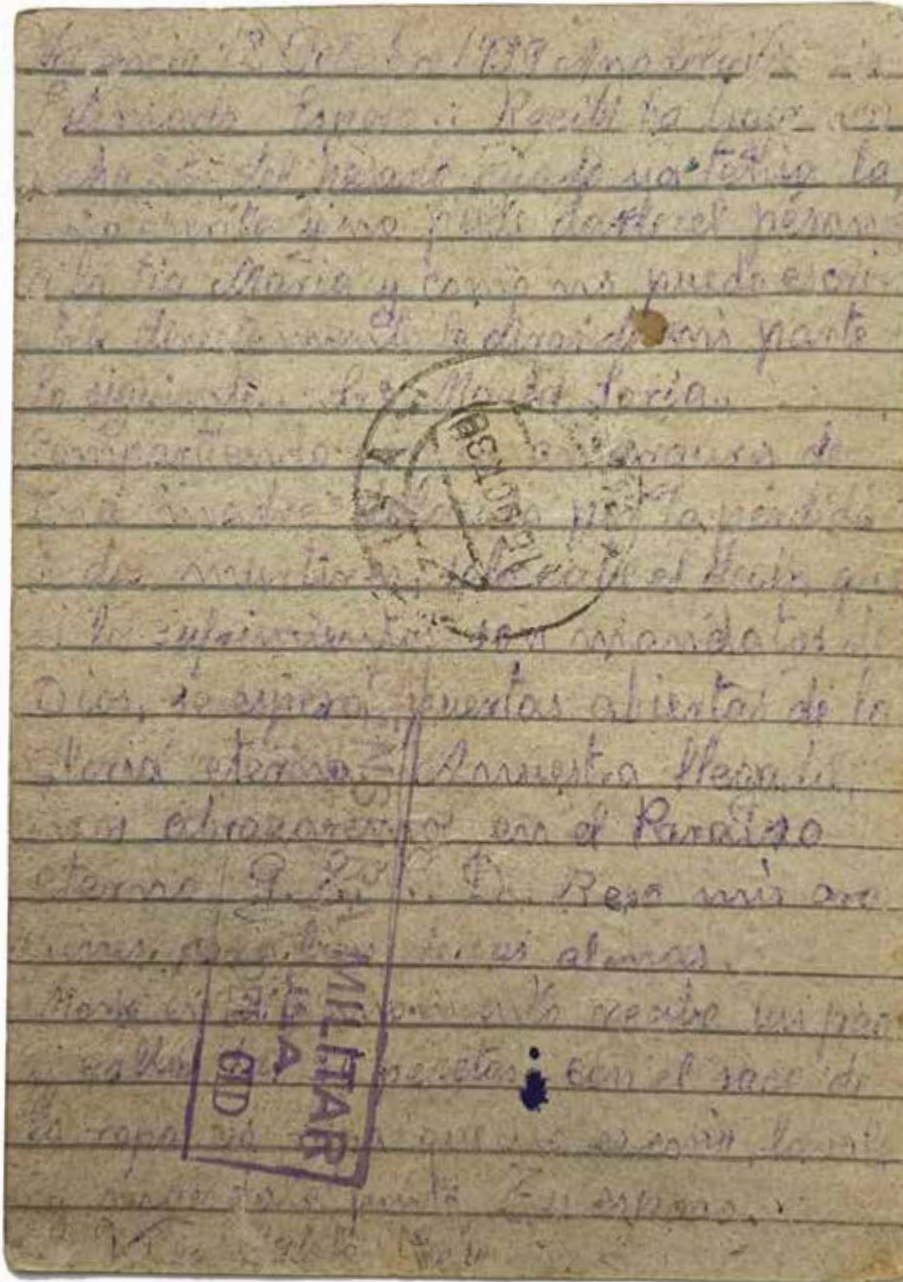
Concerning this matter, photographs of the dead are a paradigmatic example of this, which were kept by the relatives, and to quote Jorge Moreno, they permitted problematizing relationships with people who were no longer there. The author goes on to say: “The disappearance of the body makes the memory of the missing person fade, whereas photographs remind us of the appearance of their bodies, the look that we would end up forgetting without an image. That is why relatives chose photographs, when they were available, as a form of speaking to the dead, since the clarity of portraits is perceived as the place where conversations with those no longer among us can take place more clearly, more transparently, a direct connection to those who have gone” (Moreno, 2021: 3).

Photographs bring presence through an image, but not only this, they are not only seen, but they are also touched, felt, cherished and even smelled and therefore they become objects in themselves (Edwards and Hart, 2005). It is then that approaches that have shown interest in materiality gain interest, as pointed out by Diana Coole and Samantha Frost (2010: 3) in their introduction on the perspective of new materialisms. According to the anthropologist Michael Schiffer, we are living in an undeniably material world and interaction with the objects and artefacts around us may be the irrefutable empirical reality of our species: what other animals do without any mediation, humans do with the constant interference of artefacts (Infold, 2012). On the basis of this premise, it is therefore hardly surprising that the absence of those who have left us acquire a form of life that they were denied while living, through the objects recovered by their relatives, and these objects can also be touched, felt and handled (Rosón, 2021: 8). A rather poignant example of this is found in the research by Zoe de Kerangat (2020) on exhumations carried out during the Spanish transition period. At a time when DNA identification procedures had not been developed, the simple fact of recovering and having some bones, even if one was not sure whether or not they belonged to the relative in question, served as some comfort for the relatives to bring some type of closure to their mourning.

## **2. Objects are not passive items.**

Objects are not merely passive items in which to store memory, but rather they are artefacts that have to be *relived* so that those who care for them can establish their specific link with the past that they represent from their specific present (Jones, 2007: Chapter 1). In this sense, objects are also important because they are not simple inert, external things, but rather they have *agency* insofar as they are able to demand and question whoever approaches them whilst also affecting and conditioning the lives and actions of the people who conserve them. Use of the verb “affect” is common in work on new materialisms, attempting to emphasise with that word that the world affects us, hurts us or heals us, for example, and it does so *materially* (Bennett, 2010; Labanyi, 2021).

The agency that the objects of the victims of Franco’s dictatorship show have perhaps reached their maximum expression through the emotions that they invoke in the people who safeguard them. If the relationship by Cristina Rivera Garza with the belongings of her murdered sister was outside her ability to retrieve them, what feelings does one have after having now recovered them so long after the tragedy and knowledge about the tragedy? That was something she asked



Postcard written from prison by José Morató. The writing is now illegible, washed away by the tears of the person reading it; the tears represent the pain of several generations of women. Loaned by the Morató family.

regarding the testimonials of the relatives of the bodies in the graves, compiled through different pieces of ethnographic work, highlighting the consolation that was found through them. And how now to mourn in public what was denied to them in private, that intimacy of defeat? to quote Francisco Ferrándiz (2014: 70), which worked as a catalyst for feelings (Cate-Arries, 2016: Garcia Hernandorena and Gadea i Peiró, 2021).

Objects act by transporting and invoking emotions, but also *reactions* in families. It is interesting to see how the subject of custody and possession has led to different behaviours and responses among the different generations who have safeguarded the objects. Whereas it caused silence due to fear and pain in the first generation, namely the widows, mothers or sisters, who initially collected the objects, in more contemporary generations, namely granddaughters and great-granddaughters, the objects have led to a wish to finally place the memories that were kept in private for so long, in a public space (Aragüete-Toribio, 2017). In the intermediate period, the generation of the daughters of the victims inherited the silence of their mothers, but from a position outside of direct pain, but rather a pain that was passed on by their mothers. It is consequently a generation in a rather vague position, as poignantly highlighted by the film director Chantal Akerman (2020) in her short monologue “Family in Brussels”, a soliloquy written to give a voice to her Jewish, Polish mother who survived Auschwitz, in an attempt to give words to something that had until then been shrouded in silence, by describing her childhood.

### 3. Objects tell us about the gender of memory

“The Gender of Memories”, is how Elizabeth Jelin (2002) titled one of the chapters of her book “The Work of Memory”. In that chapter, the Argentinian sociologist points out that gender has not only been present in repression of the Southern Cone dictatorships, there being evidence that violence did not have the same impact on men and women, and also different specifics, but remembrance and how the atrocities are remembered is also different: whereas men were more prone to showing it in public, women mostly channelled their memories within the scope of family relationships, taking on the role of “living for others” and “bearers of memory” in the family circle, as per the commonly used expression.

Jelin points out that the Argentinian or Chilean dictatorships were not much different from Franco’s dictatorship. Indeed, just as in our case, there is evidence that violence was *sexualised*,<sup>1</sup> and a gender dimension can also be established in regard to memory: whereas the mass graves were mostly filled with male victims, the cemeteries and conservation of memory was essentially something for women (García Hernandorena & Gadea i Peiró, 2022).

The foregoing claim entails the understanding that it was mainly women who safeguarded the memories of the victims, as mentioned earlier. In regard to this, the objects are once again a key factor to rebuild those stories of mourning and pain, dictatorship and repression of women, and which run the risk of being sidelined, along with

#### I

The concept of sexualised violence is a subject that has been discussed by the French scholar of Hispanic culture Maude Joly (2008) to showcase the different forms of violence that men and women were subjected to during the war and Franco’s dictatorship. Joly’s research has mainly focussed on the violence against Republican women.



A woman's high-heeled shoes. Individual 23, Grave 115, Paterna. ETNO Democratic Memory Collection. Photo: Eloy Ariza-ArqueoAntro Scientific Association

the memory of the victims. The moving of these objects therefore becomes important again, because they help us to understand and delve into “the many lives that the powers at large made invisible and silenced”.<sup>2</sup>

The fact is that the objects invite us to listen to the silences of those widows or sisters who held on to the little that was left of their loved ones inside the protective walls of their homes. As described by Jo Labanyi (2009) following the investigations into fascism by the Italian historian, Luisa Passerini, those silences were not a form of forgetting nor did they entail any form of conformism, but rather they revealed how veiled, subversive mourning was lived which impels us to acknowledge the agency, understood as the ability to decide and act, by a generation of downtrodden women who were more than just victims.

The idea of “subversive mourning” is wonderfully set out in the detailed ethnography by the anthropologists Maria Jose Garcia Hernandorena and Isabel Gadea i Peiro (2021) on mass grave 100 in Paterna cemetery. Through interviews with the victims’ relatives, the authors stated that: “Since in public areas any form of grievance or mourning related to those who were killed was denied, forbidden and annihilated, the homes were the only place where this form of

2

The quote is from the foreword written by the Mexican author Valeria Luiselli for the novel “The Colour of Milk” by the British author Nell Leyshon. The novel is about Mary, the daughter of an English farmer in the early 19th century, where she sets out her counterfactual situation, and as Luiselli suggests in the foreword, which histories we would have had if so many voiceless women, poor, illiterate women, had been able to tell their stories.

resistance could be carried out, where the women tried to keep, know and converse. Letters, photographs and objects were key elements in those silent, dissident rituals”.

“Subtle resistance” was the term used by the historian Zoe de Kerangat in her research to underscore elements similar to those observed by Garcia Hernandorena and Gadea i Peiro. Actions such as wearing mourning attire, religious traditions such as All Saints’ Day or keeping items belonging to the victims became their form of resistance to the brutal power that denied them almost everything. Acknowledging that memory is genderised therefore helps us to understand the resilience of the subordinate groups, not only women, whose memories are kept in the interspace of power (Leydesdorff *et al.*, 2017).

The fact that thanks to what the objects belonging to the victims are able to express, we can see the aforementioned ability of agency that the downtrodden women had within the context of the dictatorship in the war and then shed light on something that historians have been insisting on for a long time: that beyond the binomial of submission/resistance or assumption/transgression, those women showed an array of much more complex behaviours than would be apparent at first site, because all the structures, even the harshest such as authoritarian systems, show a certain flexibility when accommodating them. In regard to this, the ethnographic work by Francie Cate-Aries (2016) on mourning by the relatives of the victims of the Dictatorship in Cadiz, is significant, precisely because it is based on the work by the historian Ana Cabana on Galicia, using her concept of “symbolic resistance”.

#### **4. Inter-generational and intra-family objects.**

One of the questions that the studies on memory deal with is how to create and recreate the past in the different sociocultural contexts, and this question is closely linked to how memories are passed down and communicated. From this point of view, as discussed by Astrid Erll (2011) in her work on the subject, taking families into account is fundamental, as proved by the fact that since the early 1920’s in work by Maurice Halbwachs, research on memory has considered the institution of the family as a fundamental agent of transmission.

Objects play a key part in the role of the family in conserving and keeping memory alive: those remains, photographs or belongings of the victims materialise their absence and give life to memory that comes about in an inter-family way, as mentioned earlier. This has been proved in the work performed on mass grave 100 in Paterna, and also the work by Francie Cate-Aries on the victims in the Sierra



de Cádiz. When the researcher describes the memory that Ana Venegas has of her grandmother, Isabel, placing a white flower next to the photograph of her grandfather who was killed in Ubrique on 15th August 1936, or when Garcia Hernandorena and Gadea i Peiro quote Irene Domenech, the great-granddaughter of one of those murdered in the mass grave of Paterna, remembering how her great-grandmother slept with the letters written by her husband under her pillow. This shows the irreplaceable role of the “bearers of memory” in conserving memory, and it also shows how memory is passed down from mothers to daughters within the family circle.

Studies on how memories are passed down have confirmed that the success of this transmission does not exclusively depend on the consistency or effectiveness of what is actually passed down, the symbolic power of the objects or the coherence and consistency of the narrative, for example, but rather the contexts in which this takes place are also important, i.e., the opportunity the family has to receive the past. It is here where the detailed analyses on changing circumstances and biographical contexts of the different generations within the same family become important, because although the symbolic power of letters or photographs is always the same, the conditions and possibilities that families have to integrate them in their own lives are different.

In the above lines reference was made to the silence of the people who experienced the violence, and far from being interpreted as passiveness, that silence should be interpreted as mourning. The subsequent generations were also referred to. First of all, reference was made to the “daughters of mourning”, those who lost their fathers and inherited silence, fear and the social stigma that accompanied growing up in a dictatorship with the absence that still pained their mothers. This was a generation which, despite not always knowing what to do and how to face a loss for which there were no words, several papers have referred to the confusion of that generation that at the same time knew and did not know (Valverde Grefaell, 2014), and took over from their mothers to take charge of the objects containing the memories of the victims. To quote García Hernandorena and Gadea i Peiró (2022: 18), that generation of women, socialised in the first two decades of Franco’s dictatorship in accordance with the strict gender codes, they took it on themselves to look after the memories of their loved ones in their families: taking on the “*dot*” (a word in the Valencian language that means grieving and mourning) was a part of the “*dot*” or dowry and inheritance.

This was different in the case of granddaughters and great-granddaughters, a generation referred to as the “post-memory generation”



A number of objects that belonged to Blas Llopis preserve his memory. Loaned by the Llopis family.



Recuerda esposa y mi querido  
 hijo, madre y padre hermano y  
 hermana, cuantos cuantos sobrinos  
 y sobrinos y toda mi familia  
 amigos y amigos. He despedido de  
 todas por ultima vez, perdonar  
 me todos, de todo sabéis que  
 he sido buena y no malo, per-  
 donarme.  
 Dese una advertencia para  
 mi hijo, que si llega a ser hom-  
 bre que no pertenezca a ninguno  
 partido y ni a ninguna sindical  
 que sea amigo de todos, y que  
 sea bueno como mi padre, y que  
 aprenda mucho para que sea  
 un hombre.



es esto que dice la  
 dirección de que mujer  
 y el nombre fue  
 Indecente que está  
 en el padre.  
 De mi parte, los dices  
 mujer abrego a nuestra  
 padre a toda nuestra  
 familia. A nuestra hermana  
 y sobrinos y sobrinos.  
 mujeres abrego que he  
 mujer y hijo, y los dices  
 un adon de los dices.  
 nos a mi mujer y a mi hijo  
 en muchos años para  
 de mi hermano que  
 os, gode porlan y todo  
 y que es todo en el alma  
 y que es todo en el alma  
 D. Varela



in line with the pioneering approach by Marianne Hirsch. As is known, the aforementioned author coined the phrase to refer to those who inherited an indirect memory that they did not experience first-hand, and therefore it would be mediated by the subjectiveness of those who passed it down. In the case of the third and fourth generations of the victims of Franco's repression, their own reality, that of living in a democracy and their relationships with the "bearers of memory", the fact that access to the memory given to them by their grandmothers and great-grandmothers was carried out in a democratic context, and therefore one where fear no longer reigned, thus made it possible to engage in dialogue that would have been impossible in the intermediate generation. On the other hand, both in the public sphere and among civil society, leading to the rise of the memorial movement from year 2000 onwards, many women belonging to the post-memory generation brought their grievances out of their private lives to reclaim the bodies of their relatives buried underground, and also as mentioned earlier, to bring the silent family archives out of the cupboards in their homes (Garcia Hernandorena and Gadea i Peiro, 2021).

### **5. Objects transmit information.**

In a recently published book coordinated by the historians Adrian Shubert and Antonio Cazorla (2022), a small group of experts explained the Spanish Civil War and Franco's dictatorship through one hundred objects, images and places, with the stimulating aim of dissemination. Objects such as the microphone used by Queipo de Llano to broadcast his violent tirades during the first few months of the uprising in July 1936, or the helmet of a fascist volunteer soldier that the authors use to describe the furious fighting. Others, such as the letter written by Julia Conesa in a chapel, who was executed in August 1939, one of the 13 Roses, or the rationing vouchers for food, are described as the signs of pain and suffering that the population underwent.

The aforementioned collective work approach helps us to contemplate the latter aspect that the authors of the text want to underscore in regard to objects: how they are able to tell the stories and narrate part of history. We have already discussed that the belongings kept by the families that are used to pass down memories, tell of histories that help us understand what Franco's regime was like from other viewpoints. Nevertheless, in conjunction with the above, the objects are able to express even more. The fact is that when we pay attention, not only to the families who kept the objects, which talk about how they affect those who survived the victims in that case, but

to the objects themselves, both the questions and the answers vary. This is the case of the objects found in the mass graves that were exhumed along with the bodies of their owners, a subject that Aitzpea Leizaola discusses in this volume: they give a different insight into the opening question of this chapter “What to do with them?”, since on this occasion the objects appeared at the moment of exhumation, and therefore are dealt with differently in regards to bureaucracy and the legal system, in order to establish who they belong to and what is to be done with them (Jiménez and Herrasti, 2017). At the same time we are given different answers, since they no longer talk to us about families, but rather dead victims, providing valuable historical information working as an “instant photograph of those people” that “allow us to analyse the nature of their death and some aspects of their lives” (Moreno Martín *et al.*, 2021: 220). For example, when bandages and ropes are unearthed from the mass graves, the violence the victims were subjected to in the prisons and at the moment of their execution can be reconstructed. By revealing their clothing and personal items, we can delve deeper into the social class the victims belonged to and how their different professions were carried out in the 30’s and 40’s: by examining their personal hygiene objects we can get an insight into the conditions of the prisons. In short, by exhuming the bodies we are also exhuming the violence they were subjected to, and revealing the faces of the victims, to quote an expression by the archaeologist Laura Muñoz-Encimar (2019: 762), thus corroborating the idea once again that the objects found when exhuming the mass graves *do actually matter*.

## Bibliography

- Akerman, Chantal. (2020). *Una familia en Bruselas*, Madrid, Tránsito, 2020.
- Aragüete-Toribio, Zahira. (2017). «Confronting a history of war loss in a Spanish family archive», *History and Anthropology*, 28 (2), pages 211-234.
- Bennett, Jane. (2010). *Vibrant Matter. A Political ecology of things*, Londres, Duke University Press.
- Cate-Arries, Francie. (2016). «“De puertas para adentro es donde había que llorar”»: El duelo, la resistencia simbólica y la memoria popular en los testimonios sobre la represión franquista», *Journal of Spanish Cultural Studies*, 17 (2), pages 133-162.
- Coole, Diana & Frost, Samantha. (2010). «Introducing the New Materialisms», D. Coole y S. Frost (eds.), *New Materialisms. Ontology, Agency and Politics*, London, Duke University Press, pages 1-46.
- Edwards, Elizabeth & Hart, Janice (2005). *Photographs, Objects, Histories. O the Materiality of Images*, London, Routledge.
- Erl, Astrid (2011). «Locating Family in Cultural Memory Studies», *Journal of Comparative Family Studies*, 42 (3), pages 303-318.
- Ferrándiz, Francisco. (2014). *El pasado bajo tierra. Exhumaciones contemporáneas de la Guerra Civil*, Barcelona, Anthropos.
- García Hernandorena, María José y Gadea i Peiró, Isabel. (2022). «Memorias, genealogías femeninas y lugares de perpetración. Etnografía de las exhumaciones contemporáneas de fosas del franquismo en el cementerio de Paterna (Valencia)», *Thémata. Revista de Filosofía*, 65, pages 203-225.
- García Hernandorena, María José y Gadea i Peiró, Isabel. (2021). *Etnografía d'una exhumació. La fossa 100 del cementeri de Paterna*, València, Diputació de València.
- Ingold, Tim (2012). «Toward an Ecology of Materials», *Annual Review of Anthropology*, 41, pages 427-42.
- Jelin, Elizabeth. (2002). *Los trabajos de la memoria*, Madrid, Siglo XXI.
- Jiménez, Jimi & y Herrasti, Lourdes. (2017). «Objets associés des fosses de la guerre civile en Espagne», *Les Cahiers Sirice* 19, pages 41-54.
- Joly, Maude, (2008). «Las violencias sexuadas de la guerra civil española: paradigma para una lectura cultural del conflicto», *Historia Social*, 61, 2008, pages 89-107.
- Jones, Andrew. (2007). *Memory and Material Culture*, Cambridge, Cambridge University Press.
- Kerangat, Zoé de. (2020). *Remover cielo y tierra. Las exhumaciones de víctimas del franquismo como fisuras del silencio en la transición*, Tesis Doctoral, UAM/CSIC.
- Labanyi, Jo. (2021). «Pensar lo material», *Kamchatka*, 18, 2021, pages 15-31.
- Labanyi, Jo. (2009). «The Languages of Silence: Historical Memory, Generational Transmission and Witnessing in Contemporary Spain», *Journal of Romance Studies*, 9 (3), pages 23-35.
- Leydesdorff, Selma, Passerini, Luisa & Thompson, Paul (eds.). (2017). *Gender and Memory*, London, Routledge.
- Luiselli, Valeria, “Prólogo”, in N. Leyshon, *Del color de la leche*, Madrid, Sexto piso, 2020.
- Moreno Andrés, Jorge. (2021). «Etnografía de una ausencia. Los sentidos de la fotografía familiar en la transmisión de la memoria traumática», *Disparidades. Revista de Antropología*, 76 (2), pages 1-19.

- Moreno, Andrea, Mezquida, Miguel & Ariza, Eloy. (2021). «No solo cuerpos: la cultura material exhumada de las fosas del franquismo de Paterna», *Sagvntvm*, 53, 2021, pages 213-235.
- Muñoz-Encinar, Laura. (2019). “Unearthing gendered repression: an analysis of the violence suffered by women during the civil war and Franco’s dictatorship in Southwestern Spain”, *World Archaeology*, 51 (5), pages 759-777.
- Rivera Garza, Cristina, *El invencible verano de Liliana*, Barcelona, Penguin Random House, 2021.
- Rosón, María. (2021). «Presentación» (*La memoria de las cosas: cultura material y vida cotidiana durante el franquismo*), *Kamchatka*, 18, pages 5-14.
- Shubert, Adrian & Cazorla, Antonio (eds.). (2022) *La guerra civil española en 100 objetos, imágenes y lugares*, Barcelona, Galaxia Gutenberg.
- Valverde Gefaell, Clara. (2014). *Desenterrar las palabras. Transmisión generacional del trauma de la violencia política del siglo XX en el Estado español*, Barcelona, Icaria.

**Exhumed braid of hair, found in the pocket of Miguel Cano**  
Grave 128, Paterna Municipal Cemetery  
The family of Miguel Cano and Maria Navarrete  
Photo: Eloy Ariza-ArqueoAntro Scientific Association

# The past, present and future of the objects in the mass graves

*Aitzpea Leizaola*

ANTHROPOLOGIST, UNIVERSITY OF THE BASQUE COUNTRY (UPV/EHU)





For nearly two decades, the materiality of the bone remains in the mass graves of the Civil War and the repression by Franco's regime has been posing questions to society, forcing it to face up to a past that is increasingly less present, in a complex scenario that is not lacking tensions, and where the duty to remember is built, "between vigilance and updating of memory" to quote Marc Augé (1998). The duty to remember lies with the descendants struggling between being forgotten, the disappearance of the survivors and handing the past down to future generations in which exhumations have played a central role. Despite the enormous number of images of the remains of bones (Ferrándiz, 2005), the objects or remains thereof that have been found in the mass graves have played a minor role in the extensive bibliography that has been written about these exhumations in the last two decades. The nature of those objects, their status, and their future destination are the central theme of this text discussing the material side of memory, the need for a heritage framework to tackle the subject of transmission of those objects within the context of exhumations. Therefore, this text is based on multi-site, ethnographic field work regarding the exhumations of the mass graves of the Spanish Civil War and repression under Franco's regime by the Aranzadi Science Society between 2005 and 2011 in towns of the regions of Navarre, Gipuzkoa, Burgos and Cantabria.

In the period between 2000 and 2017 the Ministry of Justice recorded a total of 2457 mass graves (Serrulla y Etxeberria Gabilondo, 2020), from which over 9000 bodies were exhumed, 89% of which were identified as republican civilians (Herrasti *et al.*, 2021), and this figure continues to increase over time as new exhumation work takes place<sup>1</sup>. A wide variety of other objects have been found along with this huge number of exhumed corpses, from almost complete deterioration of the remains, such as the case of the mass grave in Iragorri-Katin Txiki, to intact complete items of clothing recovered from the saponified bodies in the Paterna mass grave (Moreno Martín *et al.*, 2021). The technical exhumation reports follow a systematic pattern to record the findings. Photographs of skulls or other relevant bone remains are displayed on the same pages as photographs of personal items such as glasses, buttons, toothbrushes, folding cutlery, and even bullet casings, all of which are displayed next to a reference for scale over a neutral background. This is what forensic archaeologists and anthropologists call "material culture" or "associated objects".

#### I

On balance over the two decades during which exhumations from mass graves has been carried out, experts claim that 20,000 individuals could still be recovered from mass graves that have not yet been exhumed (Serrulla & Etxeberria Gabilondo, 2020).



Decayed bone remains from seven individuals, as well as fragments of a beret and footwear found in the Irigorri Grave in Oiartzun, 2007. Photo by the author.



*Exhumación restos humanos Guerra Civil (Altable, Burgos) – agosto 2006*



Altable 01

Cuatro botones blancos correspondientes al individuo 01.



Altable 01

Visión frontal del cráneo del individuo 01.



Registration of associated objects and a photo of a skull with a bullet entry hole. Report of the exhumation of the grave in Altable cemetery, Burgos (2006). Aranzadi Science Society.

### Non-bone materiality

Since exhumations began in the year 2000 employing scientific methods in Priaranza del Bierzo, following a request by the grandson of Emilio Silva Faba, his body along with twelve others and objects with the bodies were recovered. They are described in detail and photographed at scale in the first report. This exhumation process, with participation by a multidisciplinary team employing archaeological, forensic pathology and anthropological techniques, became a benchmark for the subsequent processes (Herrasti *et al.*, 2021), while establishing the foundations for a working methodology that was presented three years later (Etxeberria, 2004) and then defined as an exhumation protocol endorsed by the Spanish Government (Order PRE/2568/2011).

In view of the votive offerings linked to the cult of death in the excavations of the necropolis known as “grave goods”, the objects found in the mass graves holding the victims of the Civil War and Dictatorship, insofar as they are crime scenes and places to hide corpses, remind us of the circumstances surrounding the violent deaths of the people buried there. Compared to other warring contexts prior to WWII, most of the bodies that have been recovered from the mass graves are civilians, which to a large extent determines the nature of the materials found with them. Unlike the corpses of soldiers often buried in their uniforms and with their combat gear, the objects in these mass graves are mainly everyday items, fragments or items of clothing, prosthesis and other personal items belonging to the victims (see Herrasti, in this paper). In addition to this, there are bullets, casings and remains of lime, which mean we are able to determine the causes of their deaths and the circumstances surrounding their burial.

Other singular objects have been used to identify the buried corpses. Such is the case of the glass bottles, which were carried with a document inside to identify the person, following the order of 22nd January 1937 signed by Franco pursuant to burials in battlefields. This use of bottles has been recorded at Paterna cemetery (Moreno Martín *et al.*, 2021), and also at the Fuerte de San Cristóbal prison cemetery in Ezkaba, converted in a prison hospital, where the cemetery is known as the “Bottle Cemetery” with 131 bottles having been found between the legs of the dead prisoners (Herrasti & Etxeberria, 2014).



A volunteer from the Aranzadi Science Society shows a block of quicklime to local residents and family. Fustiñana, 2005. by the author.

### **Exhumation as a revealing process**

After finding the site and delimiting the area of the mass grave, the exhumation process begins. During the course of this meticulously slow process in which the remains start to take shape through the archaeologists' tools, there is a constant transit between the area of exhumation, cordoned off by tape, or the bottom of the grave separating the team of experts from the rest of the people attending the process. Outside of this delimited area where the members of the team of experts carry out their work, relatives and/or those behind the exhumation lobbying process, members of memorial associations, investigators (historians, social and psychological anthropologists, among others), students, journalists and photographers all wait expectantly.



Exhumation of the Cemetery of the bottles. Fuerte de San Cristóbal, 2007. Photo by the author.

They all comprise the social life of the exhumation process and take part in it in different ways.

Exhumation can take several hours, days or even months, and is carried out in a rather peculiar atmosphere, one that is serious, although with an air of great anticipation, and it usually takes place in silence only broken by the sounds of the experts' tools and work and questions by the public. Occasionally, at least in exhumation in the field, there are murmurs of banal conversations, which remind us that life goes on outside of the exhumation process. As progress is made in the excavation and the bones are uncovered, the interaction between those who are inside the grave and those who are outside of it increases. It is common practice to show the skulls to the congregated public so that they can see the entry and exit hole of the *coup de grâce*, but also other items of clothing such as buttons, buckles, footwear or other items. This interaction between the team of experts and the attendees accompanying the unearthing of bones brings about emotive reactions. This is the affective side to exhumation (Renshaw, 2010).



Several generations of family members participate in the sifting tests, under the supervision of members of the scientific team. Fustiñana, 2005. Photo by the author.



The forensic scientist F. Etxeberria describes a discovery made during the exhumation to the participants, among them a group of UEU students. Altable, Burgos 2006. Photo by the author.

Sensory aspects are central to the process: the gradual revealing of skeletons that contrast with the photographs of the victims in life, the noise of the tools scraping away at the earth, the feel of the bones or objects that are placed in the hands of the relatives for a few short moments.

Looking at a photograph of a skull with a bullet hole in it in the press is not the same as actually seeing it with your own eyes, while the archaeologist or forensic anthropologist explains the trajectory of the bullet, or holding a button in your hands still covered in soil after recently being uncovered along with the bones of a wrist. The objects mean that a form of dialogue can be established between archaeologists, relatives and attendees, and materiality is given to the buried individual beyond what are strictly the remains of their bones. Although some body parts are easily identifiable, such as the femur, ribs or skull, not all the human bones are so easily recognisable for the general public. On the other hand, as mentioned by one of the relatives “boots speak louder than a few bones” (Renshaw, 2011). The soles of shoes, a wedding ring or a simple shirt button humanise the individual whose skeleton is being uncovered.

The archaeologist shows the remains of a pocket of a cotton shirt, holding a folded sheet of newspaper, to relatives and attendees at the exhumation. Fustiñana, 2005. Photo of the author.







Relatives of a man shot by firing-squad observe the remains of a foot inside a shoe found in the grave of Altable cemetery, Burgos 2006. Photo by the author.

The archaeologists at Aranzadi who had taken part in the exhumation process at Peidrafita de Babia in León, one of the first scientific exhumations (2003), spoke to me about the distress by some of the attendees when they saw a pair of red soles appear under the archaeologists' instruments. For the then young archaeologists at Aranzadi struggling with the excavation of the grave, exhumation was something entirely new to them, not because of the procedure itself, but rather because of the conditions under which it was taking place and the emotional toll it had on them. One of the archaeologists, who I interviewed in 2003, described it as follows: "One of the people attending the exhumation process became very agitated when the soles were revealed, and jumped into the grave and I almost had to restrain physically restrain him. He turned out to be the nephew of one of the victims, who knew that his uncle was wearing footwear like that when

he was *taken away*". Those soles meant that one of the men buried there could then be identified.

After being shown to the people attending exhumation, the objects are returned to the place where they were found in the same position to be photographed before proceeding to remove the remains. The fact that they are mostly common, everyday items makes the scope of this drama even more tangible. Unlike the military gear uniformly standardising them, the everyday items of the victims on the "*sacas*" or execution lists and the summary executions, often by other armed civilians, remind us of their circumstances at the time of their arrests or their professions, mainly the clothes and footwear they were wearing at the time they were taken prisoner. Beyond the potential to help identify them (García-Rubio, 2017) the objects help to humanise the bodies and to individualise them.

Objects returned to the grave before the final photographic record of the grave was made. Exhumation in Fustiñana, 2005. Photo by the author.



The remains of bones invoke the notion of a corpse and necessarily entail a task of rebuilding to invoke the notion of a person (Delacroix et al., 2022). The way a body is identified, either by means of a code number or provisional identity, by the team of experts in the exhumation context, which needs to be subsequently verified via a laboratory analysis, helps to connect the remains of the bones to the individuality of each victim, along with the vision of the objects in situ. Objects such as dentures or glasses help to establish the age range, ruling out or provisionally indicating one identity or another when the graves contain people whose identities are known beforehand. In the context of exhumation, the objects play a central role to individualising the bodies for their relatives, since it means that they are somehow able to claim the bodies, even without a name.

### **From one limbo to another**

Too recent to be considered as archaeological remains, yet too old to be processed as a crime in current legislation (A. Leizaola, 2007), the legal limbo meant that from year 2000 the first exhumations could be carried out using scientific methods. Those first exhumations established the foundations for the memorial movement thanks to the willingness by the owners of the land where the mass graves were located. Nevertheless, this situation with no legal regulations, was no guarantee: the landowner could simply refuse to give permission and exhumation would therefore be rendered impossible. We would have to wait until the passing of Law 52/2007, otherwise known as the “*Ley de Memoria Histórica*” [Historical Memory Act], for relatives and the memorial movement to be able to act under the protection of the law.

Although administrative and legal measures have been implemented since then regarding exhumation, how the materials and bones have been assigned or destined has been and still is very variable. To date, they have not been assigned to any type of heritage that is not strictly individual. Since the crimes are no longer covered by the legal system, as they were committed over eighty years ago, there are no measures to guarantee their integrity other than the need to safeguard the chain of custody of the remains and other evidence regarding documentation and identification of the exhumed individuals (Herrasti et al., 2021). According to the forensic protocols that are applied to exhumation processes in the last decade (Order PRE/2568/2011), when nobody claims the bodies, the items recovered from the mass graves must be buried along with the bones. This does not guarantee their preservation (Moreno Martín et al., 2021), nor does handing them over to relatives. The recently approved Democratic Memory Act (Ley 20/2022) has not included any changes regarding this matter.

### When materiality is set in other media

The latest film by Pedro Almodovar, “Parallel Mothers” echoed the discovery of a rattle in a mass grave. It is interpreted as homage to the memorial movement and is considered as one of the Spanish director’s more specific nods to politicians. The film is based on a true case, that of the exhumation of Catalina Muñoz Arranza in Carcavilla, Palencia. Including a reference to an object of memory in a fictional work of art is nothing unusual, A long time before the film director Patricio Guzmán took the discovery of a shirt button embedded in a metal beam recovered from the bottom of the Pacific ocean in his acclaimed film “The Pearl Button” (2015), the Galician author, Manuel Rivas, had published the “The Carpenter’s Pencil”<sup>2</sup> in 1998.

Nearly twenty years separate these two pieces of work, and much has transpired in between, but both of them share the fact that they are based on a common object to elaborate narratives on the effects of past political violence and to question today’s society. Other than serving as a title for the novel and the film, the objects allow the authors to define the elements on which their respective cinematographic and literary narratives are built. To achieve this, they put the crude reality of a common, everyday, family item at the centre of a story of political violence. The three cases remind us of how objects have the power to evoke beyond their simple materiality (Appadurai, 1991).

The pencil and the rattle remind us of the impact of repression through their very materiality. Both of them are objects that are directly related to the moment of execution, although in different ways. The pencil that the jailer pulls out of the painter’s ear after shooting him is reminiscent of the items stolen from the victims, a common practice in the context of the execution lists and extrajudicial executions: items of value such as jewellery and watches that the aggressors shamelessly wore, or clothing and footwear, even everyday items that changed hands after execution. There are many testimonials in which the sons and daughters of the victims of the firing squad saw their fathers’ watches on the wrists of their executioners. There are other shocking cases, such as that of Ramón Barreiro from Barro in Pontevedra, whose body was riddled with bullets and subsequently mutilated by his executioners to remove a ring. In addition to the common practice of confiscation of land, possessions and property belonging to the victims and their families during the war, the everyday sight of these objects worn by their executioners was a crude reminder for the relatives of the victims of their absence, and the impossibility of knowing where their bodies had been buried. This all took place in a climate of absolute impunity for the aggressors. Those are the items that never actually made it to the graves.

2 Guzmán’s chilling documentary on disappearances in Chile during Pinochet’s dictatorship, makes a parallel comparison to the extermination and disappearance of the indigenous people. Translated from the original in the Galician language “*O lapis do carpinteiro*”. The novel was adapted to a screenplay by Anton Reixa in 2003.

In 2011, exhumation of a mass grave in the old Palencia cemetery, later converted in La Carcavilla Park by the Aranzadi Sciences Society, uncovered 108 bodies out of a total of 310 that were buried there, among them a young woman, initially identified as skeleton 10 211, the only female skeleton found in the grave and one of the few cases in that exhumation process where “potential identification” objects were found next to the body (García-Rubio, 2017).

Nearly eight years later, the El País newspaper published a graphic report in 2019 about the rattle found next to the body of Catalina Muñoz Arranza, shot in Palencia in September 1936. The photograph of the rattle, an emblematic object of infancy, invoked tenderness, in stark contrast to the crudeness of the resting place of her skeleton in a mass grave. The woven shape of the rattle, with a modern appearance similar to plastic, and its bright colours, led to doubts about whether it was actually an object dating back to the 1930's. Further analysis of the material (Leizaola 2012) verified that it was an old celluloid object, which was a common material in the manufacture of a large number of everyday items at that time. The passing of time had not dulled the bright colours of the rattle, which she probably had in her apron pocket to keep the youngest of her four children entertained, who was barely eight months old. Beyond the exceptional nature of this specific object, and other objects found in other graves, the rattle has the power to probe us from its resting place.

### Conclusion

In addition to being inter-generational and intra-family (see Box in this paper), the objects take part in activating memory, as is evident in the study of their role in other warring contexts (Saunders, 2004). Analysing the status of the objects found during exhumation, and that of those who enabled identification of mass grave sites and identification of the remains after exhumation in terms of belonging, preservation and conservation, leads us to reflect further on the materiality of memory and the different ways it has declined, both inside and outside the graves.

The legal provisions currently governing exhumations in response to the demands by relatives and memorial associations, mainly focus on how the bodies are managed. Along with the bone remains, the teams of experts hand over the objects and other material remains that they find. If the decision about what to do with the bodies is not always an easy task, and nor is there consensus about it, as we can see in some of the cases analysed by Ceasar (2016), this not only affects the bones, but also the other items found along with them. That is the “dual life of objects”, before and after exhumation (Baby y Nérard, 2017), once again linking the dead to the living. Conducting a detailed study on the work of memory of different generations is rather revealing in this sense, such as the case of the ethnography of Mass Grave 100 in Paterna (García Hernandorena y Gadea, 2021).

In the absence of any significant museum pieces and a heritage policy to provide for showcasing these items and ensuring their safeguard, their future lies in the hands of relatives once the teams of experts have handed over the items. They do not necessarily have the means to properly conserve those items, whose significance in a museum or an exhibition would go far beyond the fact of belonging to and representing the memories of a family or a specific individual, and would stimulate the collective memory. In this sense, it is interesting to observe the increasing amount of cover in the media focusing on those objects, or the publication of books such as *Voces de la tierra* [Voices from the Earth] (Robés, 2020) which discusses a selection of 25 objects found in different mass graves. All of those items contribute to setting a material dimension to the mass graves in other media. The photographs by the teams of experts will be the only proof of the existence of the objects found in the mass graves in the future, owing to a lack of a general heritage policy encompassing the context of the Spanish Civil War and all other aspects of violence during the dictatorship, including conservation and preservation of those objects.

## Bibliography

- Appadurai, A. (Ed.). (1991). *La vida social de las cosas. Perspectiva cultural de las mercancías*. Grijalbo.
- Augé, M. (1998). *Les formes de l'oubli*. Payot & Rivages.
- Baby, S., & Nérard, F.-X. (2017). Les objets des disparus. Exhumations et usages des traces matérielles de la violence de masse. *Les cahiers Sirice*, 19(2), 2.
- Ceasar, R. C. (2016). <<Kinship across conflict: Family blood, political bones, and exhumation in contemporary Spain>>. *Social Dynamics*, 42(2), 352-369.
- Delacroix, D., Losonczy, A.-M., Delacroix, D., & Losonczy, A.-M. (2022). Introduction. In *Le cadavre et ses avatars. Approches anthropologiques en contexte de sortie de violence* (pages 9-30). Editions Petra.
- Etxeberria Gabilondo. (2004). Panorama organizativo sobre Antropología y Patología Forense en España. Algunas propuestas para el estudio de fosas con restos humanos de la Guerra Civil española de 1936. En E. Silva & A. Alvarez (Eds.), *La memoria de los olvidados: Un debate sobre el silencio de la represión franquista* (1. ed, pages 183-219). Ámbito ; Asociación para la Recuperación de la Memoria Histórica.
- Ferrándiz, F. (2005). *La memoria de los vencidos de la guerra civil. El impacto de las exhumaciones de fosas comunes en la España contemporánea: Vol. Las políticas de la memoria en los sistemas democráticos : poder, cultura y mercado (vol. XI)* (J. M. Valcuende del río & S. Narotzky, Eds.; pages 109-132). FAAEE, Fundación el Monte, ASANA.
- García Hernandorena, M. J., & Gadea i Piró, I. (2021). *Etnografía de una exhumación. El cas de la fossa 100 del cementerio de Paterna*. Diputación de Valencia, Delegación de Memoria Histórica.
- García-Rubio Ruiz, A. (2017). *Identificación de los restos exhumados en el cementerio de la Carcavilla, Palencia*. Universidad Autónoma de Madrid.
- Herrasti Erlogorri, L., & Etxeberria Gabilondo, F. (2014). El cementerio de las botellas: Las botellas. En F. Etxeberria Gabilondo (Ed.), *El Fuerte de San Cristóbal en la memoria: De prisión a sanatorio penitenciario. El cementerio de las botellas*. Pamiela.
- Herrasti, L., Márquez-Grant, N., & Etxeberria, F. (2021). Spanish Civil War: The recovery and identification of combatants. *Forensic Science International*, 320, 110706.
- Ley 20/2022, de 19 de octubre, de Memoria Democrática., Pub. L. No. «BOE» núm. 252, de 20/10/2022 (2022).
- Leizaola, A. (2007). La mémoire de la guerre civile espagnole: Le poids du silence. *Ethnologie française*, 37(3), 3.
- Leizaola, F. (2012). *Informe pericial sobre una pieza hallada en el cementerio de la Carcavilla (Palencia)*. Sociedad de Ciencias Aranzadi Zientzia Elkartea.
- Moreno Martín, A., Mezquida Fernández, M., & Ariza Jiménez, E. (2021). No solo cuerpos: La cultura material exhumada de las fosas del franquismo en Paterna. *SAGVNTVM. Papeles del Laboratorio de Arqueología de Valencia*, 53, 213.
- Renshaw, L. (2010). The scientific and affective identification of Republican civilian victims from the Spanish Civil War. *Journal of Material Culture*, 15(4), 4.
- Renshaw, L. (2011). *Exhuming Loss. Memory, Materiality and Mass Graves of the Spanish Civil War*. Left Coast Press.

Robés, J. A. et al. (2020). *Voces de la tierra*. Alkibla.

Saunders, N. J. (Ed.). (2004). *Matters of conflict: Material culture, memory and the First World War*. Routledge.

Serrulla, F., & Etxeberria Gabilondo, F. (2020). Recomendaciones relativas a los procesos oficiales de exhumación e investigación forense de las fosas de la Guerra Civil Española y la Dictadura. In Etxeberria Gabilondo (Ed.), *Las exhumaciones de la guerra civil y la Dictadura franquista (2000-2019). Estado actual y recomendaciones de futuro* (pp. 140-154). Presidencia de Gobierno.





**Sunglasses**  
Individual 83, Grave 111, Paterna  
ETNO Democratic Memory Collection  
Photo: Eloy Ariza-ArqueoAntro Scientific Association

A look at Paterna to revisit  
the contemporary exhumation  
process: possibilities and  
tensions in the fight for  
memory(ies)

*María Laura Martín-Chiappe*

AUTONOMOUS UNIVERSITY OF MADRID



## Introduction

Prior to being invited to contribute to this volume, I had never been to Paterna Cemetery, and although I was aware of its existence, I had never stopped to think about its details. I knew that exhumation processes of people murdered by Franco's regime was taking place, although I had not stopped to think about the context, to think about whether the victims were victims of reprisals or firing squads, if there was just one mass grave, several or many, whether they were actually inside or outside the cemetery, if they had been integrated in the cemetery in subsequent extensions or if they had always been there. Neither had I considered the number of people we were talking about, or whether they were mostly men or women. I had also forgotten about the role the city of Valencia played in the Spanish Civil War, and the exemplary and fierce repression there must have been following the end of the war... One thing is true though; despite the contemporary exhumation process and the memorial practices being my subject of study, I had considered Paterna to be "*just another place of repression*" on the map of mass graves of people murdered by the dictatorship around Spain. An interesting place perhaps, but "*just another one*", and nevertheless when I actually went there and saw it closer, its particularities were evident and the things it had in common with other places of repression and memory, quickly making it an interesting subject matter for analysis that would permit reflecting on some of the aspects that would enable and limit the exhumation process in Spain in the 21st century, and on the disputes regarding the memories encompassing it.

Exhumations of the mass graves from the Civil War and post war period have undergone different stages over the eighty years of history separating us from the coup that took place between the 17th and 18th of July 1936, making those of the 21st century only the last in a long line of succession contrary to the narrative on many occasions, and which did not begin in the year 2000<sup>1</sup>. Even so, it is only fair to acknowledge the exhumation on 20th October 2000 in Priaranza del Bierzo (León) as a milestone in contemporary exhumation, where the bodies of thirteen civilians murdered by paramilitary supporters of Franco's regime were unearthed from a mass grave at the roadside, as this was the first time that some of the features marking this *latest* memorial process were included. Archaeologists and forensic scientists converged at the grave to apply the specific knowledge of their respective disciplines to retrieve the bodies of those civilians who had been summarily executed, with the discourse and practices being marked by the discourse of human rights, a fundamental characteristic of exhumations in the 21st century.

### I

For further reading about the pre 2000 exhumations with a multidisciplinary, compared perspective which furthers the analysis and interrelates the stages, Dueñas & Solé (2014) is recommended, for those carried out during the war on Republic territory; Saqqa (2022) for those carried out by Franco's regime in the early years of the dictatorship; De Kerangat (2020) for those carried out during the transition and Ferrándiz for the contemporary exhumations.

Another of the particularities of this process is that it took place within the framework of the information society. Indeed, the images, claims and discourses surrounding those who were killed, with visible marks of violence on their bodies haphazardly buried in the mass graves, ran through society in Spain causing distress among the relatives and the onlookers. Among others, the paths taken by those images that were tangible proof of the violence the “*vencidos*” (losers) had been subjected to, evident even for non-experts, with shots to the head and wires tying their wrists, and that the comparative aggravation of abandonment over decades was recognised, compared to the bodies of the “*vencedores*” (victors), and it now could no longer be denied. In view of those images and exhumation practices, part of the population started to ask about the possibility of recovering the remains of their relatives who were buried in the mass graves, in order to give them a “dignified burial”.

Nobody is indifferent to the subject of exhumations, and the visibility of the bones as evidence of crimes committed eighty years earlier drew much attention and collective recognition, although that visibility was not exempt of criticism due to the indiscriminate exposure of the remains of the victims, now once again brought out into the limelight. Therefore, in the expert work by the archaeologists and forensic scientists, those bodies were not only unearthed from their resting places, but attempts were made to identify them and establish their causes of death, and also an “*authorised discourse*” was made (Bourdieu, 2008) which conferred legitimacy and reliability for society where science worked as a “regime of truth” (Foucault, 1989:187). This was how, within the context of exhumations, the practices by the experts, working under the framework of human rights and transitional justice, brought about an “unquestionable” discourse, charged with highly effective symbolism and accompanied by a very persuasive scenario (Ferrándiz, 2015:14), playing a central, active role in the recognition of those dead bodies. Political deaths and narratives that they found in the exhumation process as a whole, from the obtained materiality, recognition and legitimacy that was previously unknown until that moment.

In relation to Paterna Cemetery, I therefore propose recognising some aspects that have become fundamental in the collective imaginary and in the memorial practices related to the *recovery of historical memory* and the mass graves in this text.

### **Paterna: repression and contemporary exhumations**

Paterna is not “*just another place*” as I said earlier, among other reasons because it is one of the places where most bodies have been exhumed in recent years. Since October 2000, around 9700 corpses from over 785 mass graves have been exhumed in Spain (Herrasti, 2020:24), and somewhere between 10% and 12%<sup>2</sup> were unearthed in Paterna. Between 2012 and 2021, 1163 individuals from 27 mass graves and 7 niches were recovered (Moreno, Mezquida & Ariza, 2021:2016).

Contemporary exhumations have undergone different periods of (de)regulation and funding in these two decades. Indeed, during the early stages, exhumation was financed by associations and relatives, and it was not until 2006 when state subsidies granted by the Ministry of the Presidency were first awarded. Those subsidies were maintained until 2011, and were discontinued in 2012 when the PP political party took over government from the PSOE party. In turn, an incipient regulation was brought in through Law 52/2007, and publication in the Official State Journal of the “Action protocol for exhumations of victims of the Civil War and Dictatorship” in 2011. The exhumations took place during those years under a “self-contracting model of human rights” (Ferrandiz, 2013) in which, even though the State had committed to facilitating support and funds, it delegated the responsibility for the investigation, identification, chain of custody and reburial work to the relatives, associations and teams of experts. Although direct state funding ended in 2012, some regional authorities and councils took over the funding and management of exhumation through different procedures. This was the case of Paterna, where most of the exhumations took place after 2016: initially funded by the Valencian Regional Council and afterwards by the Council for Participation, Transparency, Cooperation and Democratic Quality of the Valencian Regional Government, which to a large extent replicated the *self-contracting model* through subsidies or public tenders.

Hence, in 2017, out of the 601 individuals who were exhumed in Spain, 151 were unearthed from the mass graves in Paterna. In 2018, out of a total of 609 exhumed individuals, 197 were recovered from three graves in Paterna, and in 2019, 209 individuals were exhumed in Paterna out of a total of 668 people exhumed in Spain (Herrasti, 2020:22-23). These figures speak volumes about the significance of the repression and its continuity, and also the intense exhumation work in the last decade.

It is estimated that at least 2238 people were buried in the mass graves in Paterna cemetery and niches as a result of the repression

<sup>2</sup>

That figure is not exact, because at the time of publication access to the updated totals was unavailable.

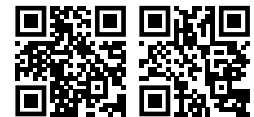
exercised by Franco's regime, out of a total in the entire Region of Valencia of 4714 people (Gabarda, 2007). Executions began on 3rd April 1939, four days after Franco's troops entered the city that had been the Republican capital, and ended seventeen years later, in November 1956. Those people who were mainly taken from the Modelo and San Miguel de los Reyes prisons, were summarily executed collectively before firing squads against the Terrer wall, a site of repression next to the Cemetery where their bodies were moved afterwards, leaving a total of 154 documented graves (Moreno, Mezquida & Ariza, 2021:216). Their relatives were sometimes able to take the bodies of their loved ones away in secret in the moments following their death, and bury them in individual niches or graves, and on occasions were even able to take them to other cemeteries (Gadea and García Hernandorena, 2022:210). The 450 people who were executed by the Republican rearguard in the initial months of mayhem of the war between June 1936 and January 1937 however, were buried in Paterna cemetery and the General cemetery of Valencia, but they were subsequently exhumed and identified in the early postwar period only to be publicly buried and honoured by the State (Gabarda, 2007; Gadea and García Hernandorena, 2022:209). As can be seen, the type of repression and how the bodies were dealt with differs significantly depending on the moment in history, the victims and which side the aggressors fought on.

As pointed out earlier, along with the technical and scientific practices, the images of mass grave exhumations containing murdered civilians have led to one of the potential disputes on the historical narrative and the fight for a place in the *official* memory by serving as evidence of repression. There have been some powerful arguments exposing how successive regimes have abandoned and neglected the matter, relegating the victims to oblivion and disrespect. Powerful too, because we are led to believe that in many roadsides, fields and wells in Spain there are mass graves containing the bodies of thousands of murdered civilians, who were buried away from the places designed for the laying to rest of the dead, i.e., cemeteries. In fact, one of the reasons motivating public claims to justify and promote recovery of those bodies is to undo the "undignified deaths" and "undignified burials" that took place in those graves and to give the victims a *dignified burial*. Nevertheless, despite the fact that those powerful roadside images are the ones that have stuck in the collective memory of repression by Franco's regime, thousands of people executed under the regime were laid to rest inside the cemeteries rather than outside them. Moreover, the mass graves with the highest number of victims are, or at least were, inside the cemeteries.

Let us consider the case we are dealing with, namely Paterna, where over 2000 individuals were/are found in around 150 mass graves, but also the example of the San Rafael cemetery (Malaga), where 2840 people were exhumed between 2006 and 2009, or the Pico Reja grave in San Fernando Cemetery (Seville), where work is being carried out to exhume the bodies, with a provisional result of 869 bodies who were victims of repression by Franco's regime<sup>3</sup>. Paterna, and the mass graves in the cemeteries there, invite us to stop thinking about mass graves and repression in a reductionist manner as evidence of the "heat of the moment terror", the moment at the start of the war in the summer and autumn of 1936 which followed the taking of a town by "both sides" (Casanova, 1999:159-160), when the rearguards were out of control and committing crimes, but rather to reflect on the evidence of the existence of complex cemetery spaces dotted all over with mass graves filled with victims of institutionalised, legalised repression over a significant period of time, the period of "legal terror" (Rodrigo, 2008).

The analysis accompanying the exhumations not only provides important information based on the legal files and the corresponding sentences, with regard to accusations, investigations and "serving justice" that the regime carried out, but also based on the cemetery documents when such are available, among other information, concerning the identities and places of burial (mass grave number) of the victims<sup>4</sup>. Furthermore, exhumation work in itself has highlighted how methodical and well-planned the burials were in order to make the most of the available space. An example of this is one of the sides of the Guadalajara cemetery where a row of 15 mass graves containing the bodies of executed people after 1st April 1939. The three graves were exhumed by ARMH between 2016 and 2021, which measured approximately four metres deep and one and a half metres wide, each one containing over twenty bodies. Deep, narrow graves, where the bodies from different "sacas" (execution lists) were buried together. The mass graves in Paterna are located in the first quadrant to the left on entering the Cemetery, duly laid out one next to one another, measuring approximately two metres by two and a half metres wide in a rectangular shape, and some of them are up to six metres deep, such as the case of grave 128 (Moreno, Mezquida and Ariza, 2021:217). Furthermore, as is the case of other cemeteries, the layers of bodies are interspersed with layers of soil and lime "the stratigraphy of Francoism", as pointed out by the archaeologist González-Ruibal (2022). The information from these exhumations allows us to glean a better idea of the violence that was perpetrated by the rearguard and how it continued throughout the Dictatorship, i.e.

3 Figures by Aranzadi in February 2022 (<https://www.aranzadi.eus/pico-reja>) although press sources pointed at 1200 in June the same year (<https://www.publico.es/politica/historia-huesos-fosa-pico-reja-mineros-querian-parar-golpe-fascista.html>).



4 In fact, to a large extent, this information highlights the systematics and impunity of the process.

it was not just punishment in the heat of the moment, but it was rather more “cold, paralegal terror, sanctioned or directly implemented by the authorities” (González-Ruibal, 2022) which was planned and carried out over several decades.

In a complex process of adopting and translating concepts linked to the language of human rights by adopting the figure of the “*desaparecido*” (disappeared) over the years, the “*fusilados or represaliados*” (executed by firing squad or punished) became victims of Francoism too (Ferrándiz, 2010). Although this made them publicly visible and legitimised the reappearance process, it also removed the political agency from them, thereby displacing other narratives such as that of the “*resistente*” (resistant) (Gatti, 2011; Montoto, 2019). Mass graves such as those in Paterna shed light on deaths that are even more uncomfortable, *guilty* in the eyes of illegitimate justice, decades ago whose reference framework still needs to be broken down.

### **Paterna: a place of memory(ies)**

Clandestine burial in mass graves is a *post mortem* punishment that is imposed on the dead and the living in an exercise of symbolic and funerary violence. The perpetrators’ decision to deny burial in a place socially designed for this purpose clearly shows the intentionality of imposing an undignified burial. The cemetery is the place par excellence where the dead become visible as such, and those who are not buried there are not a part of the legitimate community of the dead (De Kerangat, 2019:78). As De Kerangat (2019) points out though, in that place inclusion and exclusion can also take place, so we can ask: what has happened to those people who, even though they are buried inside a cemetery, have not been included in the community of the dead? What has happened to those whose method and place of burial is a planned punishment ongoing over time, those whose clandestine burial is a grievance, not necessarily regarding the *victims*, but regarding those who are laid to rest in individual graves or niches, or family pantheons around them? It is interesting to highlight how upsetting it is to see the bodies mixed together in a jumble of bones, without any recognised burial, and how, within the framework of the contemporary *corpocentric* exhumations in Paterna, that feeling and the focusing on repair and “dignified burials” has brought hundreds of families together joined by their wishes to recover the mortal remains of their “badly buried” relatives, with this number increasing from around 30 or 40 in 2016, to over 300 today<sup>5</sup>.

As mentioned earlier, the idea of a mass grave in a ditch or verge leads us to think of an abandoned, inhospitable place, although as

5

These figures are from telephone conversations with the forensic scientist, Javier Iglesias, a member of *ArqueoAntro*, a scientific association working at Paterna Cemetery.



Ferrándiz (2014) points out, the mass graves were an *open secret* from when they were created, known, yet deliberately forgotten and ignored. When entering Paterna cemetery though, it is hard to forget the many items that mark out the location of the mass graves.



There are marks of the different stages of the memorial process, dating back to the moment of execution. Graves cared for over decades by the relatives of those whose records and hearsay claim they are buried there, and this is interesting because memory does not start in year 2000 as is the case of the exhumations. Hence, just as the monument built during the Transition period with its white columns is striking, along with its flower garden depicting the colours of the Republican flag, and a plaque stating “To all those murdered in the name of freedom, democracy and social progress - Paterna 1981”, we also find graves covered with ceramic slabs –which is a material that was historically used in the area, with different dates, ranging from the date of

execution and names, to the places the victims were from and their ages, including messages such as those in the lower part of the following picture “Your family will not forget you”. In some of them the passing of time and successive layers of memorial work are evident.



Photographs of some of the executed victims have been attached to some of the older slabs, and even small black marble headstones (referring to more modern funerals), which repeat the names of some of those who were executed<sup>6</sup>.

We can also see some areas where the bodies from the mass graves have already been exhumed, which are marked out differently, sometimes just with a lump of cement, or, as in the case of grave 100, a ceramic slab over cement stating the number of the grave which appears to be provisional. On other occasions individual grey or black marble headstones have been erected on the ground where the bodies were, in no apparent order adding to other funeral ornaments,

6

This invites us to reflect on the reasons why a family would put the name of their relative twice on the same grave.

as evidence of the people who were once there. Texts bearing messages referring to the unfairness and intentionality of hiding those deaths can be seen on several of the sites where bodies were exhumed, also featuring transitional justice language, the international justice language or the innocence of the victims, signed by associations of the relatives of each of the victims of the graves. A black marble mausoleum is also found on grave II3, which is there for the bodies of any victims who have not been identified or claimed from that grave. In turn, on retracing our steps towards the entrance to the cemetery, we find an enormous steel monument, erected in the last decade, which features a man in chains and the names, ages, places of origin and dates of execution of the victims.



In his first analysis of contemporary exhumation processes, Ferrándiz (2014, 62-63) highlighted two different types of disputes, those “above the ground” related to how exhumation and reburial were managed, where the battle related to what type of symbology should or should not form a part of that moment of dignification, and disputes “under the ground”, dealing with the decision of whether or not to exhume a mass grave. From the start of the process different memorial associations were opposed to exhumation, whereas others, in favour of it, have changed their views over time, highlighting that carrying it out outside of a legal process contributes to destroying evidence, and indirectly contributes to covering up the crimes perpetrated by Franco’s regime. They also claim that exhumation destroys “historical heritage”, precisely related to the existing monuments, and propose signing and “dignifying” the graves instead of exhuming them<sup>7</sup>.

7

<http://www.fosacomun.com/comunicado.htm>



There is an awareness in Paterna about the processes of the fight by previous generations to keep these places of memory alive, and one of the arguments put forward by some of the people who oppose exhumation is that the site is a part of the biographies of their relatives, and exhuming the graves would destroy a part of their legacy (Gadea and García Hernandorena, 2022:212). On the other hand, some people want to recover the bodies, concerned about how the relics of previous memorialisation could be conserved (García Hernandorena and Gadea, 2020). The relics of memorialisation also permit paying tribute to those who conserved the memory of the dead, who also built and maintained those places of memory over generations through their actions, i.e., the women.

Isabel Gadea and M<sup>a</sup> José García Hernandorena suggest thinking about the mass graves from a holistic, feminist perspective, with the graves themselves as spaces for masculinised memory, while the cemetery itself is a feminine space. As mentioned earlier, focusing attention on the graves has favoured the memories of the experience of masculine violence, resistance and repression, since it is mostly men who were buried in these graves, compared to the feminine memories, even though there are also women buried in those graves, although at a much lower proportion<sup>8</sup>. Nevertheless, conducting a biographical analysis of the cemetery permits revealing the decisive roles of women in passing down and conserving memories, and also in the contemporary repairing practices (Gadea and García Hernandorena, 2022:214). The fact is that it is women who have passed down the family memory (Jelin, 2002), and through the roles assigned to their gender and the (re)productive role, they kept the memories of men alive, and those of the women who went before them, whilst also

8

In the case of Paterna, there were only 20 women compared to 2218 men. For a reflection on the presence of women in the mass graves, the dominant narratives on violence against women, their possible political commitments and how women conceived and represented, see Martín-Chiappe (2019) and Martín-Chiappe and De Kerangat (2019).

performing small and large subversive practices. By caring for the graves, and through such, marking out the burial sites, women displayed their private memories in public areas to ensure that this act eventually made political sense and represented an act of resistance and counter-discourse (Martín-Chiappe and De Kerangat, 2019). It is interesting to give a feminist perspective to the analysis of the practices of resistance and not to consider them in terms of heroic acts of enormous repercussions, a definite intentionality or awareness, and extending the analysis to the everyday actions of women. This perspective of the practices carried out in private permits understanding them as part of the many forms of transgression against the established order, and recognising the collective actions of the women who performed them (Martín-Chiappe and De Kerangat, 2019), thereby allowing memories of repression to be passed down to our day.

### Concluding thoughts

Getting to know Paterna Cemetery meant I was able to revisit the contemporary exhumation process of the victims of Francoism, describing some of the layers of memory that link the memorial stages and the practices inherent to each of them, but also the possibilities and limitations, continuities and tensions that surround them.

Exhumations and reburials have broken down a systematic, ruthless way of domination imposed by Franco's regime. The bodies that have been recovered not only channel mourning, but they also have life and play a role in politics, while moving them to a legitimate burial place involves a change to the visibility of the person whose body is moved and the ideas attributed to it (Verdery, 1999), which is even more evident when it is carried out under technical/scientific practices and in line with the discourse and the human rights that socially legitimise such actions. The revealing, visibility and transfer of those bodies broke away from the "official memory", paving the way for "subterranean memories" (Pollak, 2006), which in turn also caused "memorial disputes" within those memories (disputes above and below ground), producing privileged visibilities and neglect. Looking in more detail at the role of the mass graves in cemeteries allows us to shun the idea that *heat of the moment terror* was an exception in the type of repression imposed by the regime, and to recognise that it continued throughout the regime through *cold terror*, a planned, organised repressive practice that was maintained over time.

The "historical memory recovery" process was closely linked to the "recovery of bodies" and ignored the existence of any previous memorial practices. It did not necessarily ignore the personal narratives and histories, but it did ignore the prior collective practices

## 9

It also built up expectations and needs that could not always be reached or fulfilled, such as genetic identification.

## 10

Although we must admit that subsidies have also paved the way for other types of activities, not just exhumations.

such as those in cemeteries, where the graves had not only not been forgotten, but they had in fact been cared for over decades. The scientific discourse<sup>9</sup> we mentioned earlier also contributed to the aforementioned *corpocentrism*, since the figure of the “body evidence” and the figure of the “disappeared” while opening up an array of opportunities, attracted (almost) all the attention at the expense of memorial practices<sup>10</sup>.

On the other hand, looking outside of the graves, but inside them too (Martín-Chiappe and De Kerangat, 2019), allows us to get to know and report life stories, resistance and repression of women, whose stories had not been “spoken about” (Pollak, 2006). On occasions, when their stories and actions were recognised, it took place within the framework of an interpretation that downplayed the resistance in the spaces and practices socially assigned to women in their social role of (re)production, by reading them with the same mindset as masculinised heroics and resistance. Hence, the *subterranean memories* of women also have to *contend* for the spaces inherent to other *subterranean memories* in which they were apparently included.

## Bibliography

- Bourdieu, Pierre. (2008). *¿Qué significa hablar? Economía de los intercambios lingüísticos*. Madrid: Editorial Akal.
- Casanova, Julián (1999). «Del terror ‘caliente’ al terror ‘legal’», en Santos Juliá (Coord) *Victimas de la guerra civil*, Ediciones Temas de Hoy. 159-186.
- De Kerangat, Zoé. (2019). *Remover cielo y tierra: Las exhumaciones de víctimas del franquismo como fisuras del silencio en la transición*. PhD Thesis. Universidad Autónoma de Madrid.
- Dueñas, Oriol y Solé, Queralt. (2014). «El Juez Josep María Bertrán de Quintana (1884-1960): compromiso político y cementerios clandestinos», *Hispania*, vol. LXXIV, 246, January-April: 151-176.
- Ferrándiz, Francisco. (2010). «De las fosas comunes a los derechos humanos: El descubrimiento de las desapariciones forzadas en la España contemporánea», *Revista de Antropología Social*, 19: 161-189.
- Ferrándiz, Francisco. (2013). «Exhuming the defeated: Civil War mass graves in 21st century Spain», *American Ethnologist* 40: 38-54.
- Ferrándiz Francisco. (2014). *El pasado bajo tierra. Exhumaciones contemporáneas de la Guerra Civil*, Barcelona, Anthropos Editorial.
- Ferrándiz, Francisco. (2015). “Foreword” in Keenan, Thomas & Weizman, Eyal (2015) *La calavera de Mengele. El advenimiento de una estética forense*, Barcelona: Sans Soleil ediciones: 9-15.
- Foucault, Michel. (1989). *Microfísica del poder*. Madrid: Ediciones La Piqueta.
- Gabarda, Vicente. (2007). *Els afusellaments al País Valencià (1938-1956)*, València.
- Gadea, Isabel & García Hernandorena, M<sup>a</sup> José. (2022). «Memorias, genealogías femeninas y lugares de perpetración. Etnografía de las exhumaciones contemporáneas de fosas del franquismo en el cementerio de Paterna (Valencia)», *Thémata. Revista de Filosofía*. 65. January-June. pages 203-225.
- García Hernandorena, M<sup>a</sup> José y Gadea, Isabel. (2020). *Etnografía d’una exhumació. El cas de la fossa 100 del cementeri de Paterna*, València. Diputació de València. Delegació de Memòria Històrica.
- Gatti, Gabriel. (2011). «De un continente al otro: el desaparecido transnacional, la cultura humanitaria y las víctimas totales en tiempos de guerra global». *Política y Sociedad*, 48(3): 519-536.
- González-Ruibal, Alfredo. (2022). Las grandes fosas de la Guerra Civil no están en las cunetas. <https://blogs.publico.es/dominiopublico/47529/las-grandes-fosas-de-la-guerra-civil-no-estan-en-las-cunetas/> Recovered 2/10/2022.
- Herrasti, Lourdes. (2019). «Fosas exhumadas entre los años 2000 y 2019», en Etxeberria, Francisco (coord) *Las exhumaciones de la Guerra Civil y la dictadura franquista 2000-2019. Estado actual y recomendaciones de futuro*, CPAGE, pages 18-50.
- Jelin, Elizabeth. (2002). *Los trabajos de la memoria*. Madrid: Siglo XXI.
- Martín-Chiappe, María Laura. (2019). «Fosas comunes de mujeres: narrativas de la(s) violencia(s) y lugares de dignificación», en González de Oleaga, Marisa y Meloni
- González, Carolina (coords) Monográfico «Topografías de la memoria: de usos y costumbres en los espacios de violencia en el nuevo milenio», *Kamchatka. Revista de análisis cultural*, Vol.13 (Junio 2019): 271-297. DOI: 10.7203/KAM.13.12439 ISSN: 2340-1869.

- Martín-Chiappe and De Kerangat. (2019). «Mujeres en -y en torno a- fosas comunes de la represión franquista en la guerra civil española», en Torija, Alicia y Morín, Jorge (eds.) *Mujeres en la Guerra Civil y la Posguerra. Memoria y Educación*. Madrid: Audema: 261-286.
- Montoto, Marina. (2019). «¿Qué hace una millennial como yo en un movimiento como este?: Reflexiones de una joven antropóloga dentro de la “Querella Argentina”», in Messuti, Ana (ed.) *Construyendo memorias entre generaciones. Tender puentes, buscar verdades, reclamar justicia*. Postmetropolis Editorial: Madrid: 29-52.
- Moreno Martín, Andrea; Mezquida Fernández, Miguel & Eloy Ariza Jiménez. (2021). «No sólo cuerpos: La cultura material exhumada de las fosas del franquismo en Paterna», en *SAGVNTVM (P-L-A-V-)* 53. Pages 213-235.
- Pollak, Michael. (2006). *Memoria, olvido, silencio. La producción social de identidades frente a situaciones límite*. La Plata: Al Margen Editorial.
- Rodrigo, Javier. (2008). *Hasta la raíz: Violencia durante la Guerra Civil y la dictadura franquista* Madrid: Alianza.
- Saqqa, Miriam. (2022). *Cuerpos nación. Las exhumaciones de los mártires y caídos por Dios y por España (1936-1951)*. Tesis Doctoral. Universidad Complutense de Madrid.
- Verdery, Katherine (1999) *The Political Lives of Dead Bodies. Reburial and Postsocialist Change*, New York, Columbia University Press, 1999.



DEMOOC

MEM

SANTANA RUIZ

RAMON

30 AÑOS

LABRADOR

# DEMOCRATIC MEMORY

165 Graves and Democratic Memory

*Francisco J. Sanchis Moreno*

175 The right to truth with regard to the human rights violations during the Franco regime

*Mauricio Valiente Orts*

189 First and foremost, the victims. Principle of Justice

*Baltasar Garzón Real*

201 International Law, Reparation and Democratic Memory: The Case of Spain

*Carmen Pérez González*



## Postcard

Vicente Roig Regal, Grave 128. Paterna

Roig Tortosa family collection

Photo: Eloy Ariza-ArqueoAntro Scientific Association

José Peiró Grau  
 Juan Valler Forts  
 Candido Juan Corral  
 Juan José Bon  
 Joaquín José Casanova  
 Juan Pedro Soler  
 Manuel José Colón  
 Eduardo Pérez Per  
 José Peris Soler  
 Salvador de Sabido  
 Vicente Salas Delamare  
 Joaquín Zeller Soler  
 Adolfo José de M...  
 Juan José de M...

List of names of people shot, by José Peiró Grau  
 Grave 112, Paterna. Donated by the Peiro family  
 ETNO Democratic Memory Collection  
 Photo: Eloy Ariza-ArqueoAntro Scientific Association



# Graves and Democratic Memory

*Francisco J. Sanchis Moreno*

OFFICE OF HISTORICAL MEMORY, DIPUTACIÓ DE VALÈNCIA



In the wake of the restoration of democracy in our country, historical memory appears as a policy and tool to put an end to the Francoist version of events in Spain since the establishment of the Second Republic. Despite the vicissitudes of this memory since then, it has always been presented as a pillar to bring an end to the “memoricide”<sup>1</sup> that exists around graves and repression linked to the Civil War and Francoism. The UN’s definition of memoricide is “the wilful destruction of cultural heritage that cannot be justified for military ends”. While it is true that graves are not repositories of memory or heritage comparable to museums or archives, they do represent something more than simply the place where the dead bodies of specific enemies lie.

In this respect, we cannot forget that the etymology of the word *patrimony* is to “inherit from one’s father” and that this legacy must not necessarily be material and turned into assets or objects; it can also be an attitude towards life, certain ideals... Graves are the end of a process that looks for something more than just defeating an enemy. The objective is to make them disappear from history, and hence the aim of a summary trial — faster and with fewer guarantees for the accused, whose version of events lacks due validity — and executions and subsequent burials in mass graves, where nameless bodies are piled up with no notification sent to relatives. It is about executing the vanquished after defeating them at war, when military interest no longer remains and all that is left is punishment and an interest in eliminating them from history’s equation. It is about laying to waste the memory of the defeated, the enemy, their memories and identity, about imposing a collective amnesia on families and survivors (not to mention those shot away from home, those whose father was red...), to create an identity that differs from the identity of the defeated: a New Spain.

This repression does not stem from incidental actions but deliberate ones executed within a wilful memory policy searching for objectives: to suppress, defeat and bring about the surrender of an enemy already defeated by armed force, to snuff out any resurgence in this ideology to ensure it interferes in no way with the new model of the victors and their new culture.

To separate political prisoners from the rest of the convicted, placing them before a firing squad and dumping them, nameless, into mass graves and that these graves were piled one on top of another, without distinction or that one grave would remain open over a number of days or was re-opened to throw in bodies from a new *saca* (the removal of prisoners to execute) tells us of a process that dehumanises the victims, that separates them from their families and omits

**I**

A term coined by Croatian historian Mirto D. Grmek to describe the destruction of Sarajevo’s National Library.



A different celebration of the Day of the Dead in the Paterna Cemetery, organised by the relatives of those who were executed. Drawing: Matias Alonso.

their name (the maximum expression of the individual) and buries them alongside those accused of the same offence: being red. Each of the deceased is simply a red. And so the individual identity of each prisoner has been erased and the policy of terror seeks to mask the group politics surrounding them. There is a fear of opposing the victors, of this difference being noticed in towns; ideology is not spoken about outside the home, beliefs are dissimulated... Thus, the collective memory of those on the losing side is attacked for the purpose of ensuring that only the victor's survives, characterised by having eradicated the social cancer represented by the defenders of the Republic.

For the defeated, the rights that humanised them are snatched away. For instance, prisoners may be forced to work in battalions to reconstruct, at no cost, what “the reds destroyed” — essentially a form of slavery. Pregnant women who are prisoners could also have their babies stolen, because they might pass on this socialist, communist or anarchist disease. Wives or widows could also be made to work for the local Falange, and so on.

It goes hand in hand with a policy of re-writing the Republican era, a time when Spain was blighted by misfortune, in which the Civil War was deemed necessary for saving Spain from the communists and for dismembering their organisation. Consequently, the elimination of individual and collective identity, and memory — namely amnesia — is complemented by action aligned with the re-writing of history and building a new identity, in accordance with the ideals of the victors to justify the new system, the need for a military uprising.



This “historical cleansing” based on ideological criteria, and still a form of genocide, sought to manipulate events or, more to the point, the memory of what happened from the present of the victors to ensure that the new discourse of the past evolved into a tool to consolidate the new regime.

Yet with the end of the dictatorship, this reading of the past was dismantled, as R. Koselleck highlights (1997, p. 239): “In the short term, perhaps history is made by the victors, but in the long term the historical gaining of knowledge comes from the vanquished”.

The slow but inexorable advance of democratic memory in Spain has been delineated by specific landmarks, the most recent of which is the adoption of Law 20/2022, of 19 October, on Democratic Memory. Taking its title as a starting point, of note immediately is a profound evolution in relation to its predecessor, Law 52/2007, which, despite being known as the Historical Memory Law, was officially defined as: “The Law by which rights are recognised and expanded and measures are established in support of those who suffered persecution or violence during the Civil War and dictatorship”. This development was largely reflected in different regional regulations resulting from a path forged by international reports and condemnations.<sup>2</sup> The new Law is underpinned by principles established by the UN’s Human Rights Committee, even in its own articles, in which there are chapters devoted to truth, justice, reparation and the duty of memory.

Public memory policies must always be driven by general interest and designed to bring about positive effects in society, which is why the State must ensure that the relentless biological disappearance of victims and those who witnessed events does not denote ethical and moral annihilation. With the passage of time, the children of the victims of reprisals will disappear, as will their grandchildren, yet society and citizens must remember, and it is the government’s responsibility to repair and acknowledge human rights violations.

This leads us to a tense setting between memory, history and politics, which in Spain must never be understood as exclusive. We find similar situations in numerous other countries, for instance slavery in the USA, the Indigenous population in Australia and the actions of mother countries in repressing colonies’ independence movements.<sup>3</sup>

Memory is a faculty to understand the past and comprises impressions of past events, both individually and collectively. These narrations of the past, that which correlates to group values, tend to be stereotyped and passed down intergenerationally. When there is a heavy conflict at the heart of the group, narrations begin to distinguish between victim and murderer.

## 2

Of note is the Parliamentary Assembly of the Council of Europe condemning the Franco regime (2006) and the “Report by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence”, drawn up by Pablo de Greiff for the UN’s Human Rights Council (2014).

## 3

A clear example of such tensions can be seen in the The New York Times’ 1619 Project, which establishes how “the moment in August 1619 when the first enslaved Africans arrived in the English colonies that would become the United States could, in a sense, be considered the country’s origin”.



An image of the website of the Office of Historical Memory from the Diputació de València.

Over time, victims demand reparation for these past events still considered relevant and exhibited with a moral superiority stemming from the unjust suffering inflicted upon them. Opposite these people, the executioner speaks of a fading past, the result of extreme conditions set out by those who portray themselves as victims. The killers believe that they couldn't have acted in any other way, that there was no alternative, and that under the circumstances no one is really innocent. Applying these principles to the coup d'état in 1936 is obvious, as is the social utility the past has for the future. Traditionally in Spain, national heroic deeds have been used as an element which binds and strengthens a way of understanding the country and underpins national identity. The romantic and idealised vision of the past has been employed for decades as a cognitive and affective anchor that identifies us with that and bolsters our sense of national belonging. This past social utility is not negative per se. Rather, what is debatable is the social and political model seeking to shape our identity.

The new Law signifies a qualitative jump in numerous aspects, but I want to just pause on its setting, beyond reparation for victims... because it has become a key tool for contributing to forming historical thought on this period.

In Article 1 of this Law it stipulates: “The present Law aims to recover, safeguard and disseminate democratic memory, thereby understood as the vindication and defence of democratic values and fundamental rights and freedoms throughout contemporary history in Spain, with a view to advocating coherence and solidarity among different generations with respect to constitutional principles, values and freedoms”.

The Law cites a broad chronological framework, evident in the sentence “throughout contemporary history in Spain”, because in our country the 1812 Constitution signalled the start of the struggle for State sovereignty in the nation, for the implementation of suffrage and other rights. Yet in practice, almost all of its articles made reference to the consequences of breaking away from the democratic route in 1936 as a result of the illegal coup towards a government voted for freely by the Spanish people. The Law looks to equip every citizen with instruments and tools (maps of graves, a census of victims, DNA banks, the subject included in secondary education syllabuses...), enabling them to independently understand and interpret this recent past in context. It understands that historical memory as a way to comprehend the past must serve a democratic citizenry, who in history find a key tool for interpreting the current world and for better managing the future.

In these terms, we can understand the assertion of historian Josep Fontana (1982), for whom the whole view of history constitutes a genealogy of the present. Therefore, the Democratic Memory Law starts from the current situation, a State with a democratic system, to trace its origins in the past, which is why it focuses on the chronological period spanning the birth of the Second Republic to the adoption of the current 1978 Constitution. Undeniably, this objective has a social purpose since it attempts to show the existence of a natural and positive evolution from the past that has taken place in the present. Everything in the past that has opposed this evolution advocating the establishment of freedoms and rights is considered negative and regressive, and, moreover, this evolution is deemed unfinished and thus looks for citizens to project their ideal society in the political proposal entailed in democracy.<sup>4</sup>

Hence, past, present and future are interwoven in such a way that a whole vision of one involves a new version of the other two. Furthermore, the past, as well as explaining what took place, offers us keys to understand the present, with both together seeking to lead us towards a future that this past and present consider suitable.

The power of the present over the vision of the past and future that must come is more than apparent and we only need to pause on the image of the Second Republic and road the State should have travelled down under the Franco regime with regard to what is set forth today as a victory of freedoms and democratic ideals in Spain, ideals that have been reconquered and developed in today’s society and travel unequivocally towards an intensification of democracy that will lead to a better and fairer society.

This future we attempt to travel towards can be understood as a profound foresight which submerges its roots in the past and

4

On these ideas applied to the field of teaching, see Santiesteban (2010, p. 35).

present, those that show us a possible social evolution. There is not one sole future — there are different possible, probable and desirable futures — and our Democratic Memory Law seeks to portray a positive image to society on its capacity to mould the future on the basis of past knowledge. The key lies in managing to get citizens to inherently buy into the desirable future and to make it real to ensure they do so consequentially. This is the line along which G. Steiner (2008) proposes to “remember the future” and thus invites us to conceive of places of memory, of the past, as spaces from which to learn of possible futures and make the correct decisions in the present to arrive at that which we desire. Along the same line, the preamble to the 2022 Law states: “The processes of memory are an essential component in the configuration and development of all human societies, and the effects range from daily gestures to major State policies. The deployment of memory is particularly important in building individual and collective identities, for its huge potential for cohesion is comparable to its capacity to cause exclusion, difference and conflict. Therefore, the State’s main responsibility in developing democratic memory policies is to promote their capacity for reparation, inclusiveness and pluralism”.

Only with an inclusive, tolerant and diverse present is a fully democratic future possible, and to achieve that we must move towards building a new “master narration” that responds to who we are, what we want to be and how we must behave to achieve that. This involves deconstructing the decades-long narratives we have received and looking for new reference points which support inclusion and the transformation of the distinction between victims and aggressors with an “us” that makes room for everyone.

Hence the importance of the State, and this new Law, fulfilling its role and providing means and carrying out actions to avoid the loss of critical thinking and a disregard for human rights violations.

This recent past, occupied by democratic memory, is not only affected by the political polarisation of the present, but also post-truth. For that reason, the means must be provided to prevent a deliberate distortion of reality and a loss to the value of objective data to foster opinions and emotions which elicit this past, and which are employed to consolidate confrontation in the present day. We all have to convey the existence of adversaries, not enemies, and our political adversaries must not lose any of their rights given that they are the figures we compete with to defend opposing projects to deal with social problems, but always within the regulations of fair confrontation and conserving the possibility of understanding (Arnoletto, 2007).

Democratic memory seeks to nurture critical thought and the search for social justice, and thus shows us the need to transform conflict resolution and manage to reduce violence, preparing us to advance on the path to co-existence and respect for ideas. Accordingly, the 2022 Law also strengthens, along with the memory owed to victims, the fight for democracy. For the War of Spain, no longer viewed just as a civil war, is presented as the first link in the fight democracies took on to be free of fascism. The Republican defeat specifically, owing to the scant support it received from its environment, facilitated the ensuing momentum of fascism. And so, in a globalised world, the Spanish defeat is connected to the global fight for democracy.

Therefore, the Law sets 31 October as a day of remembrance and in homage to all victims, a day on which Spanish Parliament approved the Constitution, a constitution that was later endorsed by the vast majority of Spaniards and which opened up a period of pacific and conciliatory co-existence. Further, it establishes 8 May as a day of homage to the victims of exile, the day the Second World War ended. For the Allies fighting against Nazism and fascism, 8 May is the Unconditional Surrender of Germany, or VE Day. For victims of the Nazi regime — Jews, homosexuals, Romany people, communists, social democrats, liberals, Spaniards from the resistance and all enemies of Nazism — 8 May 1945 was Liberation Day: liberation from the concentration camps, the prisons, from life in inhumane conditions.

I can find no better coda for these words than the verses written by Vicent Andrés Estellés:

«Mentre la terra invoca en va  
la mort principi de les morts  
criminals tongades de morts  
collites de morts els morts  
de la postguerra els morts els morts  
mentre la terra es tapa els ulls  
terra universal de Paterna  
terra dels morts oh amarga terra  
terra de la calç clivellada  
terra martiritzada...»<sup>5</sup>

*While the land invokes  
death begins deaths  
criminals layer upon layer of deaths  
deaths harvesting deaths  
deaths of the post-war deaths deaths*

5  
Versos 28 to 34 of *Poem  
III* (Estellés, 1998).

*while the land covers her eyes  
 the universal land of Paterna  
 the land of the deaths oh bitter earth  
 land of cracked lime  
 martyred land...*

### **Bibliography**

- Arnoletto, E. J. (2007). *Glosario de Conceptos Políticos Usuales*. Available at: [www.eumed.net/dices/](http://www.eumed.net/dices/)
- Estellés, V. A. (1998). *Ofici permanent a la memòria de Joan B. Peset*, Tres i Quatre, València.
- Fontana, J. (1982). *Historia: análisis del pasado y proyecto social*. Grupo Editorial Grijalbo, Barcelona.
- Koselleck, R. (1997). *L'Expérience de l'histoire*. Editions Seuil, Paris.
- Santiesteban, A. (2010). "La formación en competencias de pensamiento histórico". *Clio & Asociados. La historia enseñada*, 14, 34-56.
- Steiner, G. (2008). *Recordar el futur*. Arcadia, Barcelona.

**Rope used to tie victims' hands before the execution**  
Individual 119, Grave 127. Paterna  
ETNO Democratic Memory Collection  
Photo: Albert Costa. ETNO

# The right to truth with regard to the human rights violations during the Franco regime

*Mauricio Valiente Ots*

PHD IN LAW FROM THE UNIVERSITY CARLOS III IN MADRID





During the historical episodes in which massive violations of human rights have taken place, there has been a deliberate intention to conceal and manipulate the facts. Practices such as the “disappearance” of people and their burial in mass graves form part of a pattern that evidences a preconceived desire for impunity. In these circumstances, the right to the truth, a basic concept in international human rights law, is not only an essential instrument to redress the damage caused to victims and their families, but also a requirement in the necessary clarification of causes and responsibilities. The case of Spain, one of the countries with the highest number of disappeared people according to United Nations data, as a result of the coup d'état and the Franco dictatorship, is a clear example of the relevance and practical significance of the right to the truth.

### **The right to the truth in international law and its reception in Spain**

Although the right to the truth has not been explicitly recognised in human rights declarations, which has caused it to have diverse definitions and interpretations, after a long process of doctrinal elaboration and inclusion in various international treaties it now has a solid basis in international law.

Article 32 of the First Additional Protocol to the Geneva Conventions of 1949, relating to the Protection of Victims of International Armed Conflicts, adopted in 1977, recognised the right of families to know the fate of their relatives. The following article of the protocol, as a consequence of this recognition, defined the obligation of states to carry out an active search for missing persons. This was a first step which, in the context of the social and legal reaction to the grave human rights violations in Latin America in the following decade, would prove to be insufficient. The Inter-American Commission and Court of Human Rights played an important role in the process of broadening and clarifying the legal concept, the former of the two organisations noting, in the 1986 report referring to events during the Argentine dictatorship, that “society as a whole has the inalienable right to know the truth of what happened, as well as the reasons and circumstances in which aberrant crimes were committed, in order to prevent such events from happening again” (Garretón, 2003: 121-2). This added a social or collective dimension to the individual dimension of the victims’ right to the truth.

In the resolution adopted by the UN General Assembly on 16 December 2005 on basic principles and guidelines on the right of victims of gross violations of international human rights law, access

to information was expressly provided for. More specifically, it was stated that affected persons have the right to request and obtain information on the “causes of their victimisation”. Given the uncertainty about the firm establishment of the right to the truth, a process of consultation with experts and specialist entities was initiated in preparation for the future work to be undertaken by the international bodies of the United Nations system (Naqvi, 2006: 4-5; Rodríguez, 2017: 303-39).

There is no doubt that a qualitative leap was made when the right to truth was explicitly recognised in the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006. In particular, article 24 obliges states to take effective action to guarantee that each victim has “the right to know the truth about the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person”. In line with this process of progressive recognition, the United Nations General Assembly, by resolution 65/196 of 21 December 2010, established 24 March as the International Day for the Right to the Truth, in memory of Monsignor Óscar Arnulfo Romero, who was assassinated on that day in 1980.

One of the instruments created to promote the extension of this right in member states was the appointment by the Human Rights Council, in 2011, of a special rapporteur to promote truth, justice, reparation and guarantees of non-repetition. It is worth noting that the jurists who have held the position so far, Pablo de Greiff and Fabián Salvioli, have paid great attention to the Spanish case, severely criticising the shortcomings with respect to the right to truth suffered by the victims of the Franco regime.

What has been the impact of this right in Spain? The Spanish transition to democracy – “the transition” – which was presented as a model, especially for Latin American countries, was based on a discourse that insisted on consensus and reconciliation, which involved officially shelving the most problematic issues, such as seeking the accountability of the officials of the dictatorial regime who, meanwhile, had for the most part allowed the agreed evolution to a constitutional regime to take place. The consequence of this was an enormous deficiency in terms of the right of victims to clarification regarding what had happened during the harsh repression of the Franco regime and an absence of public policies on memory. It was thirty years before Law 52/2007 was passed on 26 December 2007, recognising and broadening rights and establishing measures in favour of those who suffered persecution or violence during the civil war and the dictatorship (hereinafter, the Historical Memory Law).

The official name of the 2007 law already gives a clue as to the inadequacy of its content. At least in its explanatory memorandum it was proposed that the public authorities should promote “knowledge of our history” and foster “democratic memory”, albeit in the spirit of “the rapprochement and concord of the transition”. Even so, the application of the law has been very limited. This shortcoming, precisely when the right to the truth was becoming more clearly defined and gaining greater importance in the international arena, has been redressed by what Professor Rafael Escudero Alday has called “the autonomous route for the recovery of historical memory”, with ambitious legislation that has directly addressed the objective I am analysing in this article (Escudero, 2021).

As was to be expected, the autonomous route generated resistance. Several pronouncements by the Constitutional Court opposed the creation of truth commissions in the autonomous communities of the Basque Country and Navarra, arguing that the judiciary had exclusive responsibility for the investigation of crimes (Escudero, 2021: 175-177). Leaving aside the criticisms that have been made of these rulings, what was evident was the absence of a regulatory implementation of the right to the truth in Spain. This shortcoming could be extended to the European regional sphere, although a detailed analysis of the case law of the European Court of Human Rights has allowed Luis López Guerra to establish the existence of a right, with an ill-defined ownership but which goes beyond the victims and their families, of access to information of public importance and especially in cases of human rights violations (López Guerra, 2018: 24-26).

Spain’s ratification of the International Convention for the Protection of All Persons from Enforced Disappearance on 14 July 2009, and the recent approval of the Democratic Memory Law make way for a new scenario in Spain, consistent with the developments I have summarised in the international sphere. The explanatory memorandum of the new law is very significant, in that it gives citizens “the inalienable right to know the historical truth about the process of violence and terror imposed by the Franco regime”. This principle is specified in Article 15 of the enacting terms, which proclaims the right of the victims, their relatives and society in general, to the verification of the facts and the full and public disclosure of the motives and circumstances in which violations of international humanitarian law or serious and gross violations of international human rights law occurred during the civil war and the dictatorship. I will now analyse how this right is established within the text that came into force in October 2022, in comparison with the Historical Memory Law of 2007.

### **The right to the truth of the victims of the Franco regime**

The 2007 Historical Memory Law sought to recognise and extend the rights of the victims of Francoism, but it did not include a detailed description of the different types of persecution suffered, a general procedure for their recognition or a method for their quantification. In order to make up for these shortcomings, the new law involves a wide-ranging attempt to characterise and describe the situations that led to victimisation, while at the same time contemplating the creation of a register to guarantee “the effectiveness of the principles of truth, justice, reparation and non-repetition”. The register will record the circumstances of the repression suffered, as well as the place and date on which the events occurred, and the source of the information. From this register of victims, a public census will be drawn up, complete with names and surnames. This is essential to avoid inaccuracies, manipulation and exaggeration which, as Francisco Espinosa reminds us in a recent work, even when carried out with the best of intentions, generate confusion and discredit memory policies (Viñas, Espinosa and Portilla, 2022: 42-5).

The new law significantly modifies, improves and extends the provisions of the Historical Memory Law with regard to the mapping of graves, the exhumation protocol and the authorisation procedure for carrying out exhumations. Despite being the issue that attracted the most attention in this precarious first Spanish formulation of the right to the truth, its approach has proven to be flawed and clearly insufficient. It is flawed because it places the burden of locating and identifying the victims on the relatives and the social entities that protect them (first paragraph of Article 11). The general state administration only appears in the second part of the article with the mandate to draw up work plans and approve subsidies to cover the expenses of the individuals in question. Given such a message, the meagre result in terms of the number of exhumations and recovered remains is not surprising (Viñas, Espinosa and Portilla, 2022: 48).

On the other hand, by incorporating the recommendations of various international bodies, the new law brings necessary and radical changes. It expressly establishes the search for missing persons as being the responsibility of the general state administration. In addition, it is stated that this work will be carried out “without prejudice to the competences of other public authorities related to this activity, reinforcing collaboration between them”, which is not a mere precaution in the light of regional and local sensitivity to the possible undermining of their competences, but rather the confirmation of a situation established by the “autonomous route” to which we have already referred. It is worth noting that this route

Los restos del guerrillero antifranquista fueron exhumados y devueltos a su población natal

# El Manco de La Pesquera vuelve a su tierra 50 años después de ser fusilado

Basilio Serrano, El Manco de La Pesquera, descansa en su pueblo natal después del acto de devolución de sus restos, que el pasado 10 de diciembre se llevó a cabo en el cementerio municipal. Hasta Paterna se desplazaron familiares del homenajeado, así como la diputada provincial socialista por Castilla-La Mancha, María Jesús Martínez, y los concejales de La Pesquera Miguel García y Juan Carlos Porco, además de ex-guerrilleros compañeros suyos como Pedro Alcoriza, residente en Valencia. Todos los asistentes señalaron la satisfacción por la vuelta del Manco a La Pesquera, al tiempo que recordaron con tristeza la etapa de la historia de España que precipió la muerte de El Manco.

El acto de exhumación de los restos se produjo 50 años después del fallecimiento del penúltimo guerrillero antifranquista de la Agrupación Levante y Aragón ejecutado. El 10 de diciembre de 1955, fue fusilado, como otros miles de españoles, Basilio Serrano, El Manco de La Pesquera, uno de los últimos maños entre los combatientes que luchó en la zona fronteriza entre Cuenca, Albacete, Valencia y Teruel hasta el año 1952, trece años después de que concluyera la Guerra Civil Española. Por ese motivo, tanto el municipio de Paterna como el de La Pesquera se unieron en un acto que ha contado con el apoyo y la colaboración de ambos Ayuntamientos, del PSPV-PSOE, de Izquierda Unida de Castilla-La Mancha, de la CGT, además de la Diputación de Cuenca a través de su Diputado de Cultura, la Junta de Castilla-La Mancha y la Asociación Gavilla Verde.

### Presencia institucional

El alcalde de Paterna, Francisco Borrascy, el primer teniente de alcalde, Domingo Rovulán, el concejal Vicente Alexandre y la concejala de Cultura, Carmen Ferrer, responsable principal en iniciar el proceso de exhumación de los restos, quisieron acompañar en un día tan especial a los familiares de uno de los últimos guerrilleros activos que pagó con su vida el compromiso y la lucha por la libertad.

Ataviado con la bandera republicana, el féretro con los restos de El Manco partió desde Paterna para volver a su pueblo natal donde estaba preparada otra ceremonia que contó con la participación de varios representantes institucionales y del mundo político y de la Cultura. Por la tarde se desarrollaron un ciclo de conferencias y mesas redondas sobre su figura.

"El deseo de ser enterrado en su propio pueblo, que manifestó



Un momento del acto de exhumación llevado a cabo en el cementerio de Paterna.



Cartel de la jornada con motivo del 50 aniversario de su muerte.

Basilio antes de morir, fue motivo para que los socialistas de Paterna apoyásemos la iniciativa de sus familiares y de los socialistas de La Pesquera, acelerando el proceso de exhumación con el que poder dar la noticia de que hoy, El Manco vuelve a La Pesquera, rescatado entre todos del olvido", señaló el alcalde de Paterna en el acto de exhumación.

### El Manco

Como señala Adolfo Pastor, miembro de Gavilla Verde, Asociación que tiene como objetivo recuperar la memoria histórica de personas que sufrieron las consecuencias de la represión franquista, el caso de El Manco es también el de "muchos represaliados y represaliadas que desaparecieron durante el franquismo, especialmente durante los últimos cuarenta y cincuenta en que la represión fue de una ferocidad inusitada".

El investigador Salvador Fernández Cava se refiere a la controvertida figura de El Manco en los siguientes términos: "En el entorno del río Cabriel, y sus hermanos Turia y Júcar, surge la leyenda de "El Manco de La Pesquera", como cenequista activo y guardián de tal espíritu en su pue-

blo donde hubo de oponerse en cantoncillos a milicianos de otros rincones que ya habían montado en el camino de los pasos a varios vecinos..." y añade: "Es cierto que en los últimos tiempos de su Agrupación, cuando ya se retiraban para Francia, no dudó en colaborar con la Guardia Civil, y merced a sus declaraciones murió uno de sus compañeros más admirados, "Paisano", como también se detuvo a un buen grupo de enlaces de la zona de Villamalea y, con su libreta en la mano, se fueron esclareciendo múltiples hechos. Pero también es cierto, y no son disculpas mis palabras, que la ferocidad de los desheridos ante las salvajes torturas de los represores franquistas no fue humanamente cuantiosa. Además, la precisa memoria de "Fortuna" (sobrenombre con el que también se conocía a El Manco) tiene mucho de disculpa, pues nunca se apropia de decisiones sangrantes".

El Manco ingresó en el primer grupo guerrillero que se asentó en la zona de Requena en 1946. La guardia Civil lo detuvo en 1952 en un combate en Cofrentes. Fue ejecutado en Paterna en la fría y oscura mañana de 1955.

anticipated the change of approach set out in the new law (Escudero, 2021: 174).

It is now proposed to put in place several instruments that will be key for the transition from the legal formulation of the right to its effective implementation. Firstly (Articles 16, 17 and 19), multi-annual plans are envisaged for the search, location, exhumation and identification of missing persons, which will be supported by location maps and new protocols. This will take the form of an integrated map for locating missing persons covering the whole of Spain, which will incorporate the data submitted by the different public authorities. These measures do not represent a great novelty with respect to what was contemplated in 2007, except the final provision, which is very relevant for the effectiveness of the right to the truth and which establishes that, in contrast with the aim of the Historical Memory Law to make information only “available to interested parties”, from now on the annual exhumation data – which will include the number of requests registered, the number of graves and remains of persons located, as well as the number of searches without a positive result – must be made public.

Secondly, the creation of a state DNA bank is planned. Its function will be to receive and store the DNA of victims of the war and the dictatorship and their relatives, as well as those affected by the abduction of newborn infants, with a view to their genetic identification. The provision of biological samples by relatives for DNA profiling will be voluntary and free of charge. In view of the banks that already exist, close collaboration is foreseen between the state bank, the National Institute of Toxicology and Forensic Sciences, the institutes of forensic medicine and the laboratories designated by the different autonomous communities. The DNA database will contain samples of skeletal remains from the different exhumations carried out.

These instruments represent a great step forward that will allow progress to be made in the identification of the victims. More dubious in its scope and more controversial in its formulation is the wording of the new law regulating the authorisation of activities for the location, exhumation and identification of disappeared persons, as well as the management of the results of these interventions.

The fact that the activities of location, exhumation and identification of missing persons require prior administrative authorisation is not a novelty with respect to the previous law. However, what is crucial is the provision that the procedure will be initiated *ex officio* by the autonomous community in whose territory the remains are located or, where appropriate, by the general state administration in a supplementary capacity, which will make it possible to combat the



Press report of one of the first exhumations of the people executed. The person in question is Basilio Serrano, known as *El Manco de la Pesquera* (December, 2005).

inactivity of the former, something which has unfortunately occurred on too many occasions up to now. Local bodies, family members and memorialist organisations, providing proof or evidence, will be able to request the initiation of proceedings. Controversy has arisen in the processing of the new law due to the establishment, prior to authorisation, of a public information period in which “the existence of opposition to the exhumation by any of the direct descendants of the persons whose remains are to be transferred, if any, must be taken into account”. It seems clear that, in the case of a massive violation of human rights and possible crimes against humanity, the resistance of relatives should not be a determining factor under any circumstances, which demonstrates the complexity of the right to the truth and the necessary collective or social dimension of this right.

Another controversial issue has been the reference to the result of the investigations, since, although it is established that the discovery of remains will be immediately brought to the attention of the Public Prosecutor and the competent judges, the memorialist movement has insisted that the latter should direct the entire process, given that it involves possible crimes. This relates to the issue of how the judicialisation of the crimes of Francoism is addressed, which I cannot discuss here in the depth that it deserves.

### **The collective dimension of the right to the truth**

The 2007 law ruled out any kind of truth commission. Article 56 of the new law provides for the creation within the Council of Democratic Memory (a newly created consultative body in which memorialist organisations will participate) of an independent, temporary and non-judicial commission, academic in nature and with the aim of contributing to the clarification of human rights violations during the civil war and the dictatorship. It will be made up of people of recognised prestige in the academic world and in the field of human rights practice.

This is a further example of the practice of truth commissions implemented at the international level, which will have to be specified in the implementing legislation, but which draws on the experience accumulated in other countries. As María Saffon and Rodrigo Uprimny point out in a study, the extrajudicial truth of this type of commission is not free of limitations and weaknesses, so rather than regarding them as an exclusive instrument, it is a question of seeking their complementarity with judicial truth and what these authors call the “non-institutionalised social truth” (Uprimny and Saffon, 2006: 31-3).

In accordance with this non-exclusive intention, the new law is not limited to this initiative. With the aim of fostering the scientific



Founding act of the National Platform for a Truth Commission at Julián Besteiro School, in Madrid, in March 2013.

knowledge that is essential for the development of democratic memory, the government is mandated to promote research into all aspects relating to the civil war and the dictatorship. In this regard, comparative research will be promoted to make connections between the Spanish case and similar European and global processes. This is a vision that is in line with the repudiation and condemnation of the coup d'état of 18 July 1936 and the subsequent dictatorship, a regime which, as the law's explanatory memorandum recalls, UN General Assembly resolution 39 (I) declared to be fascist in origin, nature, structure and general conduct, which did not represent the Spanish people, and which was imposed by force with the help of the Axis powers.

The fact that the law aims to promote historical research and that it indicates the subjects it considers necessary to consolidate the policies of democratic memory does not imply, as is expressly pointed out, that it ignores “the inherent uncertainty” of historiographical debate, which derives from the fact that it concerns “events in the past about which the researcher can formulate hypotheses or conjectures under the protection of the freedom of scientific creation recognised in Article 20.1b) of the constitution. In this regard, as the law itself points out, the Constitutional Court has made it clear (in particular in Judgement 43/2004, of 23 March) that scientific freedom enjoys greater protection than that which applies to the freedoms



of expression and information. This conclusion is reinforced by the analysis we have already mentioned of the case law of the European Court of Human Rights” (López Guerra, 2018: 25-29).

Of particular significance is the new law’s provision for the Spanish education system to include among its objectives the knowledge of democratic memory, the struggle for freedoms and the repression that took place during the civil war and the dictatorship, something which will be reflected in textbooks and curricular materials. To make this provision effective, the curricular content for compulsory secondary education, vocational training and the baccalaureate will be updated, and the subject will be included in initial and ongoing teacher training programmes.

### **Truth in the public space**

A key perspective and one that has a major social impact is the presentation of the truth in the public space. This has both a corrective component that targets any vestigial reminders of the exaltation of the coup d’état and the dictatorship, and another that entails giving meaning, based on the values of democratic memory, to certain places that are symbolic of the repression and the social struggles for freedom and justice. Continuing with the comparative approach that I have adopted in this article, with reference to the 2007 law, the new regulations involve an extension of the instruments to put an end to symbols, elements and acts contrary to democratic memory.

It also adds a reference to civilian and military units involved in collaboration between the Franco regime and the Axis powers during the Second World War, a clear allusion to the Blue Division. Similarly, the names imposed by the Franco regime on places, streets and public centres of any kind will be considered to be contrary to democratic memory.

The drawing up of a catalogue of symbols and elements contrary to democratic memory, to be published with annual updates, incorporating the data supplied by the autonomous communities and local bodies, will serve as a permanent and public reminder of the elements that must be removed or eliminated. It may include those elements denounced by the victims, their relatives or memorialist organisations, in defence of their right to honour and dignity, or those which are the result of studies and research work. The most important novelty is that, if the removal or elimination of the elements included in the catalogue has not taken place voluntarily, the competent authorities will initiate the procedure for the removal of these elements *ex officio*.

With regard to protection, it is established that the public authorities that own property declared places of democratic memory

will have the obligation to guarantee their “durability, identification, explanation and adequate signage”. In any event, they will avoid the removal or disappearance of any remains erected as remembrance and recognition of events representative of democratic memory and the struggle of Spanish citizens for their rights and freedoms in any era. In cases where these are privately owned, the same objectives will be pursued by means of agreements. This will avoid losses, in terms of democratic memory, such as the complete disappearance of the former Carabanchel prison.

### **In defence of the documentary heritage**

The new law devotes ample space to archives and documents, far exceeding the scant reference in the 2007 law on access to public and private archives. In addition to the consolidation of the Documentary Centre of Historical Memory in Salamanca, the criteria for archival policies in defence of human rights drawn up by UNESCO are incorporated into this legislation in detail. The right to open, free and universal access to public and private archives is generally recognised as an essential component of the right to the truth. Any person will have the right to consult all the information contained in the documents that accredit their status as a victim, and may also consult the personal details of third parties appearing in these documents. The right to obtain a copy, free of charge, of all documents in which the victims are mentioned for any claim for reparation to which they may be entitled is also recognised.

Similarly, within a period of one year, among the assets making up the documentary heritage, it is planned to create a specific section called the “Census of Documentary Collections for Democratic Memory”, which will include everything related to the repression and violation of human rights. This will include the data corresponding to the archives and documentary collections in public or private ownership with documents produced or collected between 1936 and 1978. The census is intended to be an instrument for the dissemination of democratic memory and will be made available online in its complete form.

The great novelty of the Democratic Memory Law with respect to the previous law is the establishment of a system of penalties that clearly defines offences and sanctions, which will be applied in accordance with the ordinary administrative procedure, providing the type of guarantees that were sorely lacking in the law of 2007 and limited its effectiveness. With regard to the issue under discussion in this section, the destruction of public or private documents related to democratic memory, or the misappropriation of documents of a public nature by individuals or private institutions that held public office

during the civil war, the dictatorship and until the entry into force of the constitution of 1978, is considered a very serious offence. Failure to comply with the legal obligations of protection and conservation with regard to the documentary heritage described above is also classified as a serious offence.

## Conclusions

Spain is at a decisive moment for the consolidation of the right to the truth with the entry into force of the recent law 20/2022 of 19 October on Democratic Memory, which represents a substantial advance in this area. Political impetus for its application, adequate regulatory development and effective coordination between all administrations is required to guarantee the effectiveness of the proposed measures. The focus of the law and the specification of what it calls the “duty to remember” represent a novel approach and it will be very important to monitor its implementation. As Carlos Villán Durán and Carmelo Faleh Pérez point out, international human rights law is an unfinished, living work that must respond to the demands of the international community through a continuous updating of its material and procedural content (Faleh and Villán, 2017: 33). Following the singling out of our country for its repeated non-compliance with the right to the truth, the successful implementation of the new law represents the best possible contribution to this progressive development.

The consolidation of the right to the truth in the international arena makes it difficult to imagine taking a step backwards as a consequence of a political change. It cannot be ruled out, but both international law and regional regulations will make a lasting reversal of policy difficult. In any event, in the Spanish case, the commission and the rest of the measures that accompany it should not be considered as an instrument of transitional justice, but rather as a constituent element of public policies on memory. Contrary to the common misrepresentation, the right to truth is not the establishment of an official historical narrative, the imposition of a kind of unquestionable official truth. This is precisely what the Franco dictatorship attempted to do. It is a question of establishing a democratic identity and embedding it firmly in the history of a country such as ours which has suffered serious human rights violations. There will continue to be debates and controversy, and conflicting political and historiographical perspectives, but the victims and society as a whole have an established right to know, so that the truth about the causes of and responsibilities for what happened are known and remembered, so that it will never happen again.

## Bibliography

- Escudero Alday, R.: “La vía autonómica para la recuperación de la memoria histórica en España: leyes, derechos y políticas públicas”, in *Revista Catalana de Dret Públic*, number 63 (2021), pp. 166-184.
- Espinosa, F., Portilla, G., and Viñas, Á.: *Castigar a los rojos. Acedo Colunga, el gran arquitecto de la represión franquista*, prologue by Baltasar Garzón, Crítica, Barcelona (2022).
- Faleh Pérez, C., and Villán Durán, C.: *El sistema universal de protección de los Derechos Humanos: Su aplicación en España*, Tecnos, Madrid (2017).
- Garretón, R.: “Alcance y eficacia de los instrumentos legales internacionales”, in *Comisiones de la verdad. Memoria del seminario internacional ‘Comisiones de la verdad: tortura, reparación y prevención’*, pp. 119-127, Comisión de derechos Humanos del Distrito Federal, Mexico (2003).
- López, L. (2018). «El derecho a la verdad: ¿la emergencia de un nuevo derecho en la jurisprudencia del Tribunal Europeo de Derechos Humanos?». *Anuario Iberoamericano de Justicia Constitucional*, 22, 11-30.
- Naqvi, Y. (2006). «El derecho a la verdad en el derecho internacional: ¿realidad o ficción? *International Review of the Red Cross*, 862. [https://www.icrc.org/es/doc/assets/files/other/irrc\\_862\\_naqvi.pdf](https://www.icrc.org/es/doc/assets/files/other/irrc_862_naqvi.pdf)
- Rodríguez Rodríguez, J.: *Derecho a la verdad y derecho internacional en relación con graves violaciones con los derechos humanos*, Berg Institute, Madrid (2017).
- Saffon, M.P., and Uprimny Yepes, R.: “Verdad judicial y verdades extrajudiciales. La búsqueda de una complementariedad dinámica”, in *Pensamiento Jurídico*, number 17 (2006), pp. 9-36.

Pipe belonging to Ramón Egea Benavent  
Grave 112, Paterna. Donated by the Egea family  
ETNO Democratic Memory Collection  
Photo: Eloy Ariza-ArqueoAntro Scientific Association

# First and foremost, the victims. Principle of Justice

*Baltasar Garzón Real*

JURIST. PRESIDENT OF FIGGAR



The Multinational Commission of Responsibilities, meeting in Paris on 29 March 1919, identified the category of crimes against the Laws and Customs of War and the Laws of Humanity. With reference to these laws, they examined the beginning of what was then known as the Great War (before we had to start numbering them), as well as the acts committed during its course. This was in accordance with Article 227 of the Treaty of Versailles of 28 June 1919, which expressly ordered the prosecution of Kaiser Wilhelm II of Hohenzollern for crimes of this nature, as later occurred with the Treaty of Sèvres in 1920, concerning the prosecution of the Ottoman military for the Armenian genocide of 1915. In its report, it stated: “The Commission concludes that, having examined a multiplicity of crimes committed by those powers which shortly before and at The Hague had professed their reverence for the law and their respect for the principles of Humanity, the conscience of the people demands a sanction which will make it clear that cynical disregard for the most sacred laws is not permitted”.

I included a reference to these historical paragraphs in the order of 16 October 2008, by which I declared myself competent to investigate the crimes of Francoism. Further on, in the same order, I concluded: “[...] therefore, and with the support of international law, the action taken by the persons who rose up and contributed to the armed insurrection of 18 July 1936 was entirely unlawful and they attacked the form of government (crimes against the Constitution, in Title Two of Spain’s Penal Code of 1932, in force at the time of the uprising), in a coordinated and conscious manner, determined to put an end to the Republic by de facto means by overthrowing the legitimate government of Spain, and thereby laying the groundwork for the implementation of a preconceived plan that included the use of violence as the basic instrument for its execution”.

I wrote this order after a lengthy and exhaustive investigation of the allegations made by a group of lawyers who, on behalf of memorialist collectives, attended Court 5 of the *Audiencia Nacional* (Spain’s National High Court), of which I was the judge, in December 2006. They were later joined by associations of relatives and an MP from the PSOE (the Spanish Socialist Workers’ Party). They called for an investigation into the disappearances, torture and forced exiles that took place after the 1936 coup d’état.

### **The victims**

As a jurist and judge and with a focus on human rights that I have cultivated from the very early stages of my professional career, I could not but investigate. The reason: the victims, to whom I gave priority.

I was guided by the principle of justice which establishes that all people, by the mere fact of being human beings, have the same dignity, regardless of any circumstance, and are therefore worthy of equal consideration and respect. The principle of justice, recognised as an overriding principle of the legal system, encompasses the values of reasonableness, equality, equity, proportionality, respect for legality and the prohibition of arbitrariness.

The victims are the main focus of historical memory. The goal is to gather their stories, personalise them, and investigate the circumstances that led their being subjected to crime or offence. Bringing their cases before the court is the beginning of a process which also involves setting out on the road to truth and reparation. Testifying before a judge brings into the light events which have been concealed for years.

I will never forget María Martín López, 81 years old, who testified before the magistrates of the Second Chamber of the Supreme Court of Spain, showing a tremendous strength which belied her small stature. With the conviction of someone telling the truth, she said: “My mother was brought to testify, but they killed her on the way; they killed twenty-seven men and three women...”. She told the judges that the last time she had seen her mother she was only six years old, and that she and her family had been engaged in a protracted and gruelling battle to recover her remains from the Pedro Bernardo cemetery in Avila. She was the first witness in the proceedings before me, and after her, other people came forward, humble, calm, eager to tell of the enormous burden they carried, and to have judges who dispensed justice do something to support them in their quest for the truth to emerge. They expressed their enduring disbelief at what had happened, overcoming the fear imposed by silence.

Those days stand out in my memory in a unique fashion, as if all the people who had been imprisoned, tortured and executed were taking shape as flesh-and-blood individuals; as if they were being given new life as they were named with warmth and affection by the witnesses; as if these words opened a portal to a past which was still alive somewhere in time, and the portal remained open for the duration of the testimony. These men and women from the past came alive through the memory that gushed forth after long years of imposed silence, reaffirming their existence and shedding light on the injustices committed against them by the executioners of Franco’s regime. These stories and these names spoken by those who testified before the highest court of justice of a society still fearful, so many years later, were proof that the fascists had not achieved their goal of wiping these people off the face of the earth, nor the ideals and hopes



they had espoused during their lives. There they were again, hand in hand with their wives, daughters and sons. Although the witnesses were listened to with respect, we know what happened afterwards: the Supreme Court granted impunity and no one else was allowed to testify in court.

## Justice

In around the year 211, the Roman jurist Cnaeus Domitius Annianus Ulpianus defined justice as the continuous and perpetual will to give to each their due. This idea forms part of Plato's philosophy and thus the philosophy of the ancient world, although the concept of *aequitas* (equity) was the most commonly used. That everyone should receive their due is therefore the classical outlook, an outlook which was also reflected, centuries later, in the *Summa Theologiae* of St. Thomas Aquinas, who refers to it as: "the continuous and perpetual will to give to each their due".

Nowadays, jurists approach the principle of justice from a variety of different perspectives. I myself am particularly interested in *garantismo* (a theory of constitutional guarantees or warrants), the manner of understanding, interpreting and explaining the law that has been developed and disseminated by the jurist, judge and philosopher Luigi Ferrajoli who, since 1989, has been working on applying this theory to penal law. The idea that mistrust of all kinds of power should form the basis of the guarantee of rights is particularly applicable in the trajectory of the case taken by the victims of Franco's regime, which is inconsistent, bizarre and, on too many occasions, not in keeping with the law. I share fully Ferrajoli's scepticism as to whether the powers that govern us are capable of providing complete and positive solutions when it comes to ensuring fundamental rights, and that they tend to restrict these rights with the help of the legal mechanism. The task of the legal administrator, the judge, or the prosecutor, in their duty of independence, is to combat this spurious will by protecting the rights that may be violated.

The philosopher Alasdair Chalmers MacIntyre argues that we need to have a conception of society and social relations in order to have a conception of ethics and justice. In other words, he believes that, in order to give everyone their due in terms of justice, we must first determine what he or she contributes to the different social spheres. However, for this to happen, our concept of society must be of one which is just and free. John Rawls, for his part, considers justice to be the primary virtue of social institutions, as truth is of systems of thought. The American philosopher argues that, just as a theory must be rejected if it is not true, so it does not matter whether or not laws

and institutions are orderly and efficient; if they are unjust, they must be reformed or abolished. He adds: “Each person possesses an inviolability founded on justice that not even the welfare of society as a whole can trample upon. It is for this reason that justice rejects the idea that the loss of liberty for some is made just by the fact that a greater good is shared by others. It does not allow the sacrifices imposed on some to be offset by the greater number of advantages enjoyed by many. Therefore, in a just society, the liberties of equal citizenship are definitively established; the rights secured by justice are not subject to political bargaining or the calculation of social interests”. This observation is all the more pertinent in today’s world, when the judicialisation of politics is leading to situations of injustice for those affected, for citizens and for society in general.

### **Francoism on trial**

These prevarications and fudges regarding what justice should be were also apparent in the trial to which I was subjected for the investigation into the crimes of Francoism. The trial began on 24 January 2012, which, as fate would have it, was the thirty-fifth anniversary of the murders at the hands of the extreme right of Arturo Ruíz, María Luz Nájera and the Atocha labour lawyers. In response to the concept of the principle of justice, I remember The New York Times describing it in a hard-hitting editorial as “an offence against justice and against history [...]. It represents a disturbing echo of Franco-era totalitarian thinking”.

“Is there no justice for these crimes?” read a large banner in front of the Supreme Court, displayed by the Association for the Recovery of Historical Memory (*Asociación para la Recuperación de la Memoria Histórica*). When the principle of justice is violated, the doorway to impunity is opened and the demonstrations which took place in Spain and abroad were against such arbitrary measures. One only has to look at how the Second Chamber of Spain’s Supreme Court acquitted the judge, but condemned the victims, closing off the possibility of criminal investigations into these crimes of the dictatorship. I have always been of the belief that no crime should go uninvestigated and unpunished. I can only wonder as to which powerful interests have the ability to bend the rule of law in a court, so that it decides that so many murders remain unpunished. This is an example of how the principle of justice can become muddied by judicial rulings which are not in keeping with the principle of equity. Moreover, the events which were the subject of the allegation I allowed had never been criminally investigated by the Spanish justice system, and thus this impunity prevails to this day.

The fact that the lawsuit against me came from the rancorous ultra-right says a lot about those interests which I mentioned earlier, and which seem to have influenced the court in its subsequent decision to have any potential enquiry dropped, leaving the victims and their families in the lurch. Ten years after that trial, it was clear that things had not changed or that they had perhaps even worsened. In cases such as these, time is not on the victims' side, and their lives often come to an end without them having been able to bury their loved ones with dignity.

Reading Spanish Law 20/2022 of 19 October on Democratic Memory, published in Spain's Official State Gazette (BOE) No. 252 of 20 October 2022, which came into force on 21 October 2022, leaves me with mixed feelings. On the one hand, there is joy that the victims will be able to pursue legal means in their legitimate demands for truth, justice, reparation and non-repetition; on the other hand, there is a feeling of bitterness given the time wasted since my orders of 16 October and 18 November 2008. In these orders, I had argued, based on many of the considerations now included in the law, that the investigation should have continued instead of being closed by the Spanish justice system, which, moreover, prosecuted the judge, with the pain and suffering that this entailed for those who were asking for their right to be met.

The exhumation of the Francoist Gonzalo Queipo de Llano, remembered for his terrible deeds in Andalusia, one month after his death, provides a clear example of what should be done. For this we have to thank those who, then as now, have not ceased in their quest for truth and justice. I am moved to remember the courage of these people, all of them of advanced age, who came to tell their story before the impassive and distant gaze of the Supreme Court judges, and that of so many others who, following their example, fight day by day for their rights, ignored for so many years. Now the law will force institutions to act - at last!<sup>1</sup>

### **Zero impunity**

Milestones such as the exhumation of the dictator by Dolores Delgado, then Minister of Justice, or the efforts to push forward a law on democratic memory, are small triumphs for all of us who wish to see the principle of justice prevail in all areas, and even more so in those where it has continually been denied. We must no longer grant impunity in cases of atrocious crimes such as genocide, crimes against humanity, war or torture, as this would run counter to everything that international law has managed to achieve. Impunity cannot be allowed. Arguments which state that when revisiting the transition,

<sup>1</sup>  
BOE.es - BOE -A-2022-17099 Law 20/2022, of 19 October, at: [www.boe.es/buscar/act.php?id=BOE-A-2022-17099](http://www.boe.es/buscar/act.php?id=BOE-A-2022-17099)



The boots of the victim of reprisals, Basilio Serrano, el Manco de la Pesquera, on the firing squad wall in Paterna where he was executed. Photograph: Matias Alonso.



in reference to the Amnesty Law, “we should stick together”, or that the aim is to “reopen old wounds”, are populist and false. They are arguments which do indeed lead to confrontation, and which are in the interests of the same people who have prevented justice from prevailing for so many years, knowing that those who use them do not recognise the rights to which the victims are entitled.

In Spain’s transition to democracy, a leap forward, towards modernism, towards Europeanism, was sought, erecting a barrier of forgetting that cannot work. Imposed forgetting always fails. Officially decreed pardons, too. Reconciliations, also. You forgive whom you want to forgive and reconcile with whom you want to reconcile. MacIntyre sums it up well: “It is a condition of forgiveness that the offender accepts as just the verdict of the law with regard to their action and acknowledges the justice of the appropriate punishment; hence the common root of the words ‘penitence’ and ‘penalty’. The offender can be forgiven if the offended person so desires”. As for forgiveness, MacIntyre outlines a fundamental difference: “Justice is typically administered by a judge, an impersonal authority representing the community; but forgiveness can only be granted by the offended party...”.

I think that what is important is that if, at a historical juncture such as Spain’s transition to democracy, it is not possible to deal with certain issues, then this should happen afterwards. But to refuse and to allow a situation where people in their eighties and nineties have to continue asking for justice is so shameful, so ignominious, that it is hard to accept. It is very difficult to explain to other countries, when international organisations are demanding that we investigate

when the Supreme Court has closed down all avenues. The fact that the victims of Franco's regime are still not recognised in Spain today shows that we have been unable to move on. Only on the day when the name of a street is changed from that of a dictator to that of a democratically elected leader without it causing an uproar will we be able to say that we have done so.

### **Upholding ethics**

The principle of justice must be upheld through accountability, because it is the basis of the Law and because it is the means by which we can protect those who do not have a voice. Applying it entails tackling these issues in a combative fashion, in keeping with the conception of society advocated by MacIntyre. If you fail to move forward, if you stand still, as a judge you may have a comfortable career, but you will never be a fair and equitable one. Progress involves having to meet challenges met and entails risks. It is a matter of upholding ethical principles and applying them, of holding on to your independence and wearing it like a shield, of not being swayed by other principles such as the interests of power or of the powerful, which only serve to leave the victims exposed. I have never been able to understand how people from the judicial world are able to enter politics, forgetting that independence is one of the watchwords of the justice system and one of its fundamental safeguards, and seeking to manipulate or distort it in order to serve these spurious interests. This in turn leads to public distrust of the institution, which is being done a disservice, while undermining the rule of law, when, on the contrary, public service in the justice system, in politics or in any other sphere is essential in order for democracy to flourish.

The principle of justice cannot be divorced from a sense of compassion, from the feeling of sadness caused by someone's suffering, prompting us to attempt to alleviate their pain, to remedy or prevent it. Charity hovers on the fringes of the concept of *justice*, as a signifier of concern for the other. I believe that if those who dispense justice are oblivious to these sentiments, while their work may be faultless from the point of view of interpreting legal standards, they will not be adequately fulfilling their obligation to look after the weak. This is not to say that we should bypass the law, but rather that the professional who passes judgement on others must be trained not only in legal postulates but also in social reality, and in the real world, compassion and charity are elements the absence of which debases society; likewise, the judge must be aware of certain sensitivities which can make the difference between ruling in a strictly academic manner or doing so with an understanding of the situation and its broader context.

United Nations

A/HRC/27/56/Add.1



## General Assembly

Distr.: General  
22 July 2014  
English  
Original: Spanish

### Human Rights Council

Twenty-seventh session

Agenda item 3

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

### **Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff**

#### **Mission to Spain\***

#### *Summary*

The Spanish Civil War and the 40 years of dictatorship that followed left a colossal aftermath in terms of victims of serious human rights and humanitarian law violations, including executions, torture, arbitrary detentions, disappearances, forced labour for prisoners and exile.

The consolidation of democracy constitutes one of the outstanding achievements of the Spanish transition. The avoidance of risk of an institutional breakdown originating with the Armed Forces — one of the greatest challenges of transitions — was achieved through the reform and democratization of those same institutions. These reforms have lessons to offer which may be useful to other countries.

The efforts to cope with the legacies of the Civil War and dictatorship in practically all the spheres of the mandate have been mostly fragmented. The measures adopted have not corresponded to a consistent, comprehensive and overall State policy in favour of truth, justice, reparation and guarantees of non-recurrence.

The most serious shortcomings are to be found in the spheres of truth and justice. No State policy was ever established with respect to truth; there is no official information and no mechanisms for elucidating the truth. The current scheme for the “privatization” of exhumations, which leaves this responsibility to victims and associations, aggravates the indifference of State institutions and raises difficulties with regard to the methodology,

\* The summary of this report is distributed in all official languages. The report itself, which appears as an annex to the summary, is distributed only in the language in which it was presented and in English.



### Obstacles

Serving those whose rights have been violated is not an exclusively ethical matter, rather one must be compelled to do so by the principle of justice. In his report in 2017, the United Nations Special Rapporteur on transitional justice, Pablo de Greiff, reminded the Spanish State of its duty to urgently take into account the demands of the victims of the Civil War and Franco's regime, highlighting as priorities the Valley of the Fallen (*Valle de los Caídos*) and the arbitrary sentences handed out during the Civil War and Franco's regime, calling for their annulment. "The state has an obligation to attend to the rights of the victims and their families and to put an end to the suffering of thousands of people who still - in some cases eighty years after the events, more than forty years since the return of democracy - do not know where the remains of their loved ones are", underlined the rapporteur, referring to the standards of international human rights law, which are always binding.

Those of us who have been attempting to navigate our way through the tricky terrain of democratic memory know that right-wing governments have put every imaginable obstacle in the way of the principle of justice, with total disregard for the truth and no hint of any reparation whatsoever. For the right, heir to the dictatorship's occultism, Pablo de Greiff's assertion amounts to nothing but so many words: "The strength of a democracy is measured by, among other things, its capacity to address valid claims from victims, regardless of political considerations or affiliation, and to guarantee the right to the truth concerning events, no matter how painful it may be". The government of the *Partido Popular* (People's Party) turned a deaf ear. Even more so when Greiff pointed out: "There is a need for a resolute State policy that does not fall prey to political tensions and divisions, but which guarantees integrated, coherent, prompt and impartial measures in favour of truth, memory and reparation [...]. This is a matter of human rights, not partisan politics."

### A textbook case

One example of such arbitrariness in government is provided by the case of Teófilo Alcorisa. On 14 April 1947, Teófilo Román Alcorisa Monleón was working in a vineyard in the village of Higuera, in the province of Cuenca, dressed in corduroy trousers and wooden albarca shoes, when he was arrested by the Guardia Civil. The arrest was made in the context of a major operation against the guerrillas of the *Agrupación Guerrillera de Levante y Aragón*. The Guardia Civil was looking for Pedro Alcorisa, Teófilo's son. When they did not find Pedro, the Guardia Civil proceeded to arrest his father, an elderly man who

was not involved in any party or movement, supposedly so that they could question him regarding the whereabouts of his son. Teófilo was taken to the Arrancapins barracks in Valencia. His family was never informed of the place of his arrest, nor of his death, nor of the place where he was buried. A member of the civil guard took pity on Teófilo's wife and said to her: "Don't look any further, your husband is dead." In the year 2000, the children, Pedro and Pilar Alcorisa, began to investigate the whereabouts of their father through memorial associations. The burial site was located in the Valencia cemetery and in 2009, the Valencia City Council, at the time led by Rita Barberá of the *Partido Popular*, was asked to carry out the task of recovering the remains.

As a result of the administrative/political obstacles that they were continually facing, the association and the relatives sought the help of ILOCAD, the law firm of which I am the director. Thus, on 19 February 2014, the relatives filed a complaint with Valencia's Court of First Instance No. 7. A complaint was filed concerning an alleged crime of unlawful detention without providing notification of location, for the events that had occurred in 1947, and the ongoing nature of the alleged criminal actions was emphasised. The judicial process was guided by the Supreme Court ruling, i.e., the outcome was negative, but the crowning touch was the rejection of the appeal by the Constitutional Court in an order dated 13 March 2015 on the grounds that "there is no violation of any fundamental right".

The situation changed with the election of the coalition of the Compromís, PSPV and València en Comú parties and on 14 April 2016, Pilar and Pedro recovered their father's body, receiving it from Mayor Joan Ribó. The process had taken almost seven years and had been marked by administrative red tape, official disinterest and a political mood more in line with the militant activism of the right wing when it comes to anything that seeks to challenge their idealistic vision of Franco's regime, ignoring the crimes committed, the 140,000 disappeared, the stolen children... facts which have not gone away.

### **Defending democracy**

In that lengthy process, as with so many others that have met with a stubborn institutional and judicial denial, justice was absent and continues to be so today. It did not carry out its duty, which was to support the victims, defend them and make reparations, failing to fulfil its obligation to enforce the law.

During all these years, I have seen too many things that run counter to what I have held most sacred as a judge. Octogenarian orphans crying because they have been prevented from digging up the remains of their father; judges refusing to grant the right to a burial; I have



followed closely as a law concerning historical memory was consigned to oblivion by a right-wing government, with the president of the government himself, Mariano Rajoy, denying any support to the families, and boasting that he would not spend “a single euro” to support the victims in their quest. Meanwhile, the ultra-right has been growing in popularity, feeding off a rancid nostalgia for the privileges of another era. Disregarding justice entails ignoring the truth and leaving the wounds open, unresolved, with the added insult of decorating the perpetrators, to the astonishment of the wronged parties. What’s worse still is that hatred for the victims has remained. Faced with a progressive government that has dared to exhume Francisco Franco and that is putting forward a law aimed at restoring this much-maligned principle of justice, the right wing has announced that, if it succeeds in regaining power, it will repeal the Law on Democratic Memory, just as it will undo other advances that serve to consolidate freedoms. Their goal is to return Spain to the darkness from which we managed to emerge with so much pain and effort when we established democracy.

Recognising the dignity of all people, whatever their circumstances, and fighting for their rights, is the basis of the principle of justice that must inform democratic memory and society in every situation. Constructing truth and memory, as something both present and future, is essential and gives a society strength. Because let us never forget that the obligation of every democrat is to fight against impunity.

## Bibliography

- Ferrajoli, L. (2006). *Garantismo penal*. Universidad Nacional Autónoma de México. Mexico City.
- Garzón Real, B. (2013). Auto declarándose competente para investigar los crímenes del franquismo. Available at: [https://baltasargarzon.org/wpcontent/uploads/2013/11/auto\\_memoria\\_historica.pdf](https://baltasargarzon.org/wpcontent/uploads/2013/11/auto_memoria_historica.pdf)
- MacIntyre, A. (2004). *Tras la virtud*. Ed. Crítica, Barcelona.
- Rawls, J. (2004). *Teoría de la justicia*. Fondo de Cultura Económica, Madrid, Spain.
- Sánchez, A. (29 January 2022). «Este tribunal condenó a las víctimas a la desesperanza». *Infolibre*. [https://www.infolibre.es/politica/decada-acoso-garzon-investigar-crimenes-franquismo\\_1\\_1217869.html](https://www.infolibre.es/politica/decada-acoso-garzon-investigar-crimenes-franquismo_1_1217869.html)

# International Law, Reparation and Democratic Memory: The Case of Spain

*Carmen Pérez González*

SENIOR LECTURER IN PUBLIC INTERNATIONAL LAW AND INTERNATIONAL  
RELATIONS AT UNIVERSIDAD CARLOS III OF MADRID



## 1. Introduction

Designed as a tool that seeks to bring about, or at least facilitate, the renewal and rebirth of societies grappling with a past of gross human rights violations (Vasuki Nesiah, 2016: 779), transitional justice poses a specific set of complexities in Spain. Diverse in nature (historical, political, social), these challenges are also reflected at the legal level, here largely stemming from the passage of time. This has been clearly explained by the UN Human Rights Council's Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, who stated in 2014 that the Spanish case "involves challenges which are characteristic of post-authoritarian as well as post-conflict transitions, such as broad variations over time and geographical factors in the patterns of violence, during the Civil War (1936–1939) and the dictatorship (1939–1975), a long dictatorship following a conflict, and major developments in the national and international legal contexts since the initial violations occurred"<sup>1</sup>.

These international developments to which the Rapporteur refers serve as the point of departure for this paper. In the ensuing decades since the gross violations of human rights were committed in Spain, international law has steadily and undeniably moved towards establishing certain obligations that States cannot ignore. In other words, I believe that any legal approach to the plight of the victims of these violations, to their rights, cannot today overlook the progress that has been made in this respect under international human rights law (IHRL) and international humanitarian law (IHL).

As the two cornerstones of this legal framework, the principles that the UN's work has established to date cannot go unmentioned. Specifically, I refer here to the principles in the "Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (hereinafter Set of Principles)<sup>2</sup> and the "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" (hereinafter Basic Principles and Guidelines) approved by the United Nations General Assembly (UNGA) resolution 60/147 of 16 December 2005<sup>3</sup>. International human rights protection institutions have played an extraordinary role in specifying and updating these principles and in establishing the content of the corresponding obligations. Their efforts have consolidated the State's obligation to apply what has been called "the transitional template" (Ignacio Forcada, 2011: 23) as a means of guaranteeing victims' rights to truth, justice, reparation and guarantees of non-repetition. At the

1

See paragraph 8 of the Special Rapporteur's report of 22 July 2014 following his visit to Spain (A/HRC/27/56/Add.1). The visit took place from 21 January to 3 February 2014. The Report is available at <http://www.ohchr.org/EN/Issues/TruthJusticeReparation/Pages/Index.aspx> (all electronic documents cited throughout this paper were accessed on 3 October 2022).



2

Available at [https://ap.ohchr.org/documents/dpage\\_s.aspx?si=E/cn.4/2005/102/Add.1](https://ap.ohchr.org/documents/dpage_s.aspx?si=E/cn.4/2005/102/Add.1).



3

The resolution is available at: <http://research.un.org/es/docs/ga/quick/regular/60>.



4

See his report entitled: Memorialisation Processes in the Context of Serious Violations of Human Rights and International Humanitarian Law: The Fifth Pillar of Transitional Justice, adopted on 9 July 2020 (A/ HRC/45/45), available at <https://undocs.org/es/A/HRC/45/45>.



5

However, the Democratic Memory Law, which I will discuss in more detail below, assumes that this will necessarily be the situation in some cases, for example, the exhumations and transfer of the remains of the victims buried in the Valle de Cuelgamuros (Valley of the Fallen). According to Article 54.6 of the Law, “in the event that exhumation is technically unfeasible, reparation measures of a symbolic and moral nature shall be arranged”.

6

Law 20/2022, of 19 October, Official State Gazette (BOE) No. 252, of 20 October 2022.

recommendation of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-repetition, a fifth pillar should be added to these first four: memorialisation<sup>4</sup>. As Margalida Capellà i Roig has noted, it is worth bearing in mind that the State’s obligations in this sphere “are complementary and not alternatives, they cannot replace each other” (2021: 106)<sup>5</sup>. Truth, justice and reparation are, in effect, a sort of system of communicating vessels, a single measure therefore capable of serving two of these purposes. Likewise, the absence of progress in any of these areas clearly compromises the process as a whole.

In Spain, this process has been late, sluggish and intermittent. Nevertheless, the Spanish State has made some truly significant strides towards complying with its obligations under international law in relation to the protection of the rights of those who were victims of gross human rights violations during the Spanish Civil War and the subsequent Franco dictatorship. Against this backdrop, this paper will draw particular attention to the obligation of reparation, to which victims of gross human rights violations are entitled to under international law. Principles 31 to 34 of the Set of Principles refer to this right. More specifically, they refer to the rights and duties arising out of the obligation to make reparation (Principle 31), reparation procedures (Principle 32), publicising reparation procedures (Principle 33) and the scope of the right to reparation (Principle 34). Reparation should be comprehensive. That is, it should cover all injuries suffered by the victims and include measures relating to restitution, compensation, rehabilitation and satisfaction as provided by international law. To this end, the State should develop a system of redress that is readily available, prompt and effective at the criminal, civil, administrative and/or disciplinary levels.

The analysis I propose begins with a brief description of the way in which Spain, particularly through its Democratic Memory Law passed in October 2022<sup>6</sup>, has complied with these obligations (2). I will then discuss several pending issues (3). I will close the paper with a series of conclusions (4).

However, there is one last introductory clarification that needs to be made. The fact that it is the State, taken as a whole, that is the subject of international law and the corresponding international obligations to which I refer should not obscure the fact that some autonomous communities in Spain have made more progress than others in recognising and guaranteeing the rights of the victims of the Civil War and the Francoist repression that followed, although their ranks are growing. This also applies to reparations (de La Cuesta and Odriozola, 2018; Rafael Escudero, 2021).



## 2. The Spanish State's compliance with its obligation to make reparations

### 2.1. General issues

As far as Spanish law is concerned, the Democratic Memory Law is without doubt a vital step in the process of designing and implementing a public policy in Spain that adequately protects the rights of the victims of the Civil War and the subsequent Franco dictatorship. Earlier legislation has played a significant role in this process, specifically Law 52/2007 of 26 December 2007, which recognises and extends rights and provides for measures in favour of victims of persecution or violence during the Civil War and the dictatorship (known as the “Historical Memory Law”)<sup>7</sup>. This law was the State’s initial attempt to provide the country with a coherent policy that could meet the obligations imposed by international law, including in terms of reparation, and it “joins other legal and regulatory provisions that have been approved since the transition to democracy to compensate people who were repressed during the dictatorship” (Rafael Escudero, 2013: 320-321).

As mentioned, protecting victims’ rights has long been a matter of concern for the UN’s human rights protection agencies. Therefore, I find it useful in this analysis to consider two recent pronouncements by these bodies which, on the one hand, confirm some of the

Visit of the Platform for a Truth Commission on the crimes of Franco's regime to the European Parliament, in March 2014, to denounce the lack of assistance provided to the victims in Spain. Frame from the video by Bruno Rascão.

<sup>7</sup> Official State Gazette (BOE) No. 310, of 27 December 2007.

8

A/HRC/48/60/Add.1,  
disponible en <https://undocs.org/es/A/HRC/48/60/Add.1>.



9

CDE/C/ESP/OAI/1,  
available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FESP%2FOAI%2FI&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FESP%2FOAI%2FI&Lang=en).



10

Particularly through the measures provided for in Article 48.

11

According to the second paragraph of this Article, “the purpose of the law is to recognise those who suffered persecution or violence for political and ideological reasons, thoughts or opinions, religious conviction or belief, or sexual orientation and identity during the period between the coup d’état on 18 July 1936, the Spanish Civil War and Franco’s dictatorship until the Spanish Constitution of 1978 entered into force, as well as to promote their moral reparation and the recovery of their personal, family and collective memory (...)”.

concerns that these same agencies have previously expressed and, on the other hand, assess the progress that the Democratic Memory Law would imply.

The first of these pronouncements is from the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. He released his report on the follow-up visit to Spain from 21 January to 14 February 2014<sup>8</sup> on 5 August 2021. The report is critical and based on the assertion that many of the obstacles to achieving the full guarantee of victims’ rights that were first identified remain. The second of the pronouncements that will serve as the foundation for the brief analysis that I will make in this section are the Concluding Observations of the Committee on Enforced Disappearances of 27 September 2021 on the complementary information Spain submitted under Article 29(4) of the Convention<sup>9</sup>.

The Democratic Memory Law represents a step forward in terms of reparation. Chapter III of the Law refers specifically to reparation (Articles 30 to 33). The Law embraces the idea that reparation should extend beyond economic reparation and couples this obligation with the more symbolic<sup>10</sup> obligation to restore dignity to the memory of the victims, which is tied to the Government’s duty of memorialisation. The moral redress of the victims thus constitutes one of the purposes of the Law, pursuant to Article 1<sup>11</sup>.

This reparation must also be comprehensive. As I have already stated, this is an obligation of the State. Consequently, it should develop a set of restitution, rehabilitation and satisfaction measures that are geared towards re-establishing the rights of the victims both individually and collectively. For Pablo de Greiff, this comprehensive nature is twofold: internal and external. Internal integrity (or coherence) refers to whether the various benefits distributed by a reparations programme relate to one another. Most of these programmes, Greiff argues, provide more than one type of benefit. Thus, they can include both symbolic and material reparations, each of these categories in turn including different measures that can be distributed individually or collectively. It is important that these reparation measures be mutually supportive if the proposed objectives are to be achieved.

External coherence, on the other hand, refers to the idea that reparation efforts should be designed in such a way as to be closely linked to other transitional justice mechanisms, for example, criminal justice, truth-telling and institutional reform (Pablo de Greiff, 2010: 10-11). As noted, we are not dealing with isolated issues, and different types of reparation measures have been established bearing this in mind. I will now discuss some of them, although this is by no means an exhaustive list.

First, those reparation measures that have a collective dimension, linked to “citizens” rights, are important to mention. In this sense, Article 4 of the Democratic Memory Law recognises and declares all convictions and sanctions for political, ideological, conscientious or religious reasons during the Civil War and ensuing dictatorship to be illegal and fundamentally null and void, regardless of the ruling used to establish said convictions and sanctions. Subject to the limitations discussed in the following section of this chapter, this entitles the victim to a declaration of recognition and personal reparation, pursuant to the provisions of Articles 5 and 6.

The law establishes measures of a more personal nature, including specific measures that refer to property stolen during the Civil War and the dictatorship, which translate into the obligation to conduct an audit of this property and to implement potential channels of recognition for the victims (Article 31). Furthermore, the ninth additional provision stipulates that property that was confiscated by political forces during the dictatorship should be returned when it was seized abroad through judicial or administrative proceedings. Likewise, Article 32 provides for a series of measures of recognition and reparation for the victims of forced labour. Beyond the obvious personal dimension, it seems obvious that this type of measure has a collective scope which is related to the right to the truth as well, also on its collective scale – that is, linked to society’s “right to know”. Finally, the Law also refers to granting Spanish nationality to volunteers who were members of the International Brigades (Article 33) and to those born outside Spain to parents or grandparents who were exiled for political, ideological or religious reasons (eighth additional provision).

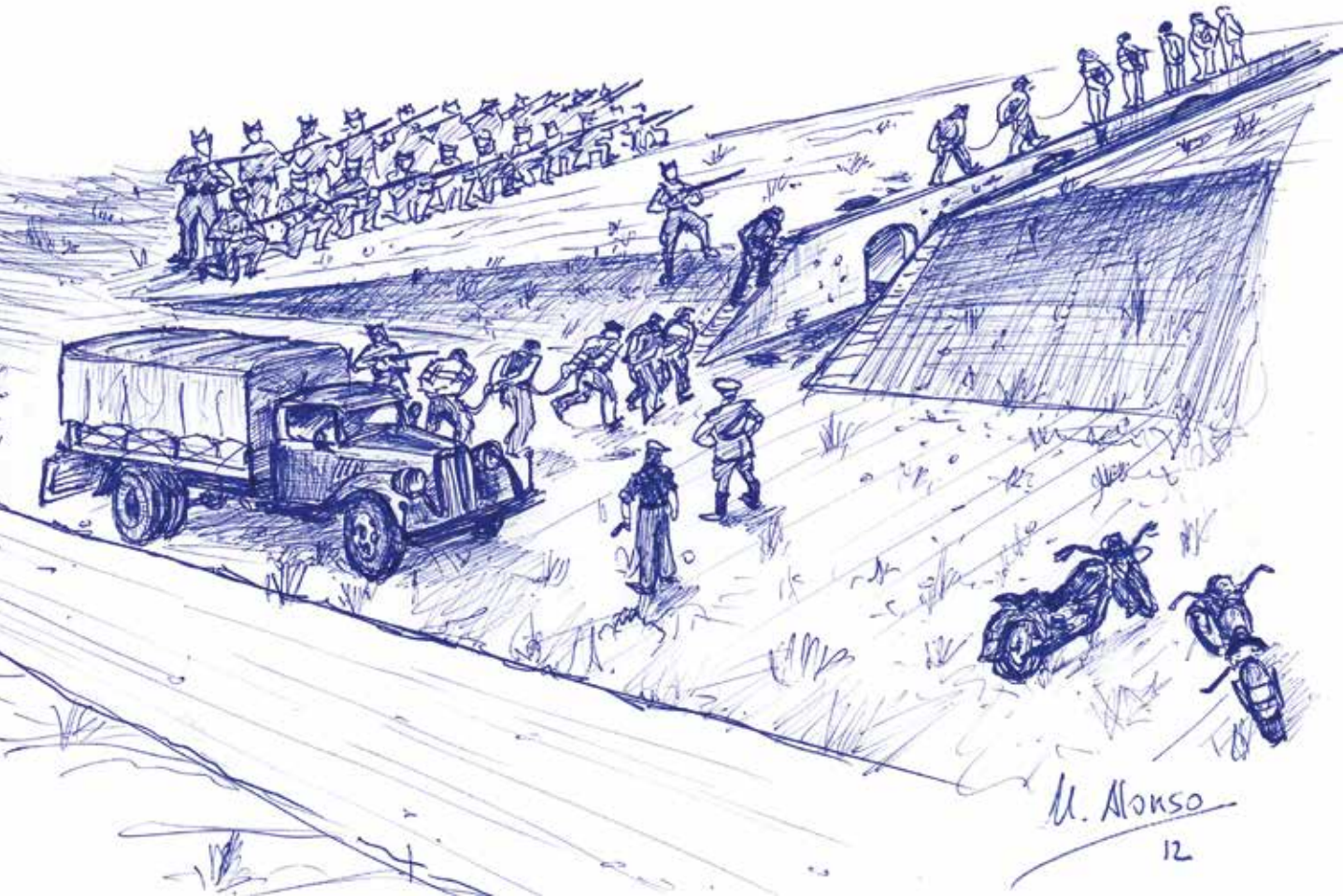
Lastly, certain reparation measures are envisaged for specific groups. This is especially the case for women. Article 11 refers specifically to this group, the third paragraph establishing the public authorities’ obligation to design specific measures of reparation for the damages from the repression or violence women experienced as a consequence of their public, political, trade union or intellectual work, or as mothers, partners or daughters of those who were repressed or assassinated. Reference is also made to women during the Civil War and dictatorship who were imprisoned or victims of other punishments for the crimes of adultery and abortion.

## 2.2. *Mass graves and reparation*

The Democratic Memory Law links the issue of mass graves and the exhumation of remains to the right to truth. While Law 52/2007 addressed this issue, it failed to do so in a way that would remove all

the obstacles that the relatives of the missing were, and still are, facing. Once again, the Law incorporated measures in line with a model that has been called the “privatisation of truth”, a model based on “collaboration” between governments and the direct descendants of the victims, who were granted subsidies that could be put towards the task of exhumation. This model is lacking from an international law perspective, the reasons clearly expressed by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in 2014. No real state policy was established on the matter, but rather the responsibility for arranging complicated and costly exhumation projects was delegated to the relatives and the organisations they had formed. In short, families and associations have been doing the State’s job ever since.

Artist's impression of the executions by firing-squad at the Paredón de España, “the wall of Spain”, in the cemetery of Paterna. Drawing by Matías Alonso .





I believe it can be argued that the Democratic Memory Law is a significant improvement on this point. Taking these criticisms into account, it outlines a model that can be considered more in line with the requirements of international human rights protection bodies. Beyond the obvious link to ensuring the right to truth, it seems obvious that allowing relatives to identify and exhume the remains of their missing loved ones and to receive compensation, if applicable, is also a way of guaranteeing their right to reparation. Some of the challenges in accomplishing this task have been underscored in the literature (Margalida Capellà, 2021).

### **3. Pending issues: reparation without economic benefits resulting from the annulment of convictions**

In terms of reparation, the regulation in the Democratic Memory Law is relevant in relation to the issue of annulling convictions, an issue that was unsuccessfully addressed in 2007. Recall that the “Historical Memory Law” only recognised and declared the “radically unjust” nature and the illegitimacy of the convictions and punishments handed down for political, ideological or belief-based reasons by the special courts during the Civil War and by any court or criminal or administrative body during the dictatorship. The Law also established that victims had the right to request the issue of declarations of reparation and personal recognition. This was, as has been noted, an insufficient solution (Jorge Errandonea, 2008; Daniel Vallés, 2015). Article 5 of the Democratic Memory Law now regulates in certain detail the annulment of resolutions and the illegitimacy of certain bodies. However, the fourth paragraph of the article sets a limit to the effects that the annulment described in the preceding paragraphs could have. Specifically, it states: “The annulment covered in the preceding paragraphs shall give rise to the right to obtain a declaration of recognition and personal reparation. In any event, this annulment shall be compatible with any other form of redress established in the legal system, without it affecting the recognition of the economic liability of the State, government or private parties, or giving rise to any financial or professional redress or compensation”.

As the Special Rapporteur noted in his report of 5 August 2021, this restriction contravenes international standards regarding the obligation to provide full reparation to victims<sup>12</sup>. The “Basic Principles and Guidelines” are clear in this regard, providing for restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition as forms of reparation<sup>13</sup>. As for compensation, these guidelines establish that victims should, as appropriate and

<sup>12</sup> See Section 33 of the report.

<sup>13</sup> See Section 18 of the “Basic Principles and Guidelines”.

**I4**

*Ibidem*, Section 20. The damages to be assessed expressly include physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage and the costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

**I5**

A/CN.4/L.602/Rev.1, Available at <https://legal.un.org/ilc/sessions/53/docs.shtml>.



proportional to the gravity of the violation and the circumstances of each case, be provided with all economically assessable damages resulting from gross violations of international human rights law and serious violations of international humanitarian law<sup>14</sup>. Furthermore, the obligation to provide compensation results from the international law on State responsibility. Thus, pursuant to Article 34 of the International Law Commission's Draft articles on Responsibility of States for Internationally Wrongful Acts<sup>15</sup>, "full reparation for the injury caused by the internationally wrongful act shall take the form of restitution, compensation and satisfaction, either singly or in combination". Compensation is specifically referred to in Article 36, which is exhaustive in stating in its first paragraph that "the State responsible for an internationally wrongful act is under an obligation to compensate for the damage caused thereby, insofar that such damage is not made good by restitution". And it adds in its second paragraph that the compensation must cover any financially assessable damage, including loss of profit insofar as it is established (Christian Tomuschat, 2007).

#### 4. In conclusion

Fighting impunity has been at the heart of the UN's work in the context discussed in this paper. It is a goal that has encouraged the search for and enhancement of adequate mechanisms for holding perpetrators of gross human rights violations accountable. It is, moreover, a goal to which contemporary international law is firmly committed.

The fact that achieving this goal seems to be more complicated when it comes to dealing with human rights violations committed in the past during an armed conflict or dictatorship cannot be ignored. However, only the objective of avoiding impunity for such conduct is compatible with effective and adequate protection of victims' rights. Both the "Body of Principles" and the "Basic Principles and Guidelines" cited here specifically set out the obligation that States have to adopt measures to address impunity. These measures should adequately guarantee both the rights of victims of gross human rights violations to truth, justice and reparation and the non-repetition of such violations, even when these violations were committed in the past. The State's principle of continuity would serve as a basis for such an obligation in these cases. Accordingly, "the essence of this principle can be summarised by stating that the State remains the same, for the purposes of the international legal order, whatever the change or changes that have occurred in its internal organisation. Consequently (...) a state must comply with all those international obligations in order to, let us recall, "resolve the problems resulting from a past

of large-scale abuses”, whether or not it is immersed in any kind of transitional process; although, we should at least qualify that these obligations will likely have to be interpreted in such a way that, without breaching the permitted limits, they do not become impossible, unfeasible, counterproductive and/or odious” (Javier Chinchón, 2009: 53-54).

The Democratic Memory Law and several of the regulations adopted at the autonomous community level in Spain are evidence that the Spanish State is still willing to face some of the difficulties that, as I stated at the start, are caused by the passage of time when it comes to designing and implementing programmes that guarantee the rights of victims of gross human rights violations.

## Bibliography

- Capellà i Roig, Margalida: “El derecho a interponer recursos y a obtener reparación de los familiares de personas desaparecidas durante la guerra civil española”, *Eunomía. Revista en Cultura de la Legalidad*, 2021, no. 20, pp. 104-140.
- Chinchón Álvarez, Javier: “Justicia transicional: “Memoria Histórica”, y responsabilidad internacional del Estado: Un análisis general a propósito del cumplimiento de ciertas obligaciones internacionales en juego después de más de tres décadas de inicio formal de la transición política española”, *Revista de Derecho de Extremadura*, 2009, no. 4, pp. 53-54.
- De la Cuesta, José Luis y Odriozola, Miriam: “Marco normativo de la memoria histórica en España: legislación estatal y autonómica”, *Revista Electrónica de Ciencia Penal y Criminología*, 2018, Vol. 20, no. 8, pp. 1-38,
- Escudero Alday, Rafael, “La vía autonómica para la recuperación de la memoria histórica en España”, *Revista Catalana de Dret Públic*, 2021, no. 63, pp. 165-184.
- Escudero Alday, Rafael, “Jaque a la Transición: análisis del proceso de recuperación de la memoria histórica”, *Anuario de Filosofía del Derecho*, 2013, no. XXIX, pp.
- Errandonea, Jorge: “Estudio comparado de la anulación de sentencias injustas en España”, *International Center for Transitional Justice*. 2008, disponible en el siguiente enlace: [https://www.ictj.org/sites/default/files/ICTJ-Spain-Amnesty-Justice-2008-Spanish\\_0.pdf](https://www.ictj.org/sites/default/files/ICTJ-Spain-Amnesty-Justice-2008-Spanish_0.pdf).
- Forcada, Ignacio: *Derecho Internacional y Justicia Transicional. Cuando el Derecho se convierte en religión*, Editorial Civitas, Cizur Menor, 2011.
- De Greiff, Pablo: “Introduction. Repairing the past: Compensation for victims of human rights violations”, en de Greiff, P. (ed.): *The Handbook of Reparations*. Oxford University Press, Oxford, 2010, pp. 3-18.
- Nesiah, Vasuki: “Theories of Transitional Justice”, in: Orford, A. and Hoffmann, F. (eds.): *The Oxford Handbook of the Theory of International Law*. Oxford University Press, Oxford, 2016.
- Tomuschat, Christian: “Reparation in Favour of Individual Victims of Gross Violations of Human Rights and International Humanitarian Law”, in Kohen, M. C. (ed.): *Promoting Justice, Human Rights and Conflict Resolution through International Law/La promotion de la justice, des droits de l’homme et du règlement des conflits par le droit international: Liber Amicorum Lucius Caflisch*, Boston, Leiden, Martinus Nijhoff Publishers, 2007, pp. 569-590.
- Vallés Mañío, Daniel: “El TEDH no cuestiona la Ley de Memoria Histórica, pero podría”, *InDret*, 2015, no. 4, 19 pp.



CERDA RIVILLA  
ANFONIA  
53 AÑOS  
LABORES  
ALCIRA

BUEVENTURA COMEGE  
RAFAEL  
41 AÑOS  
LABRADOR  
MASAMAGRELL

DESCO GNER  
JUAN  
58 AÑOS  
CARPINTERO  
PBLA VALLBONA

RUESCAS MATEU  
JOAQUIN  
52 AÑOS  
LABRADOR  
ALGEMESI

BLANCO SANZ  
JOSE  
48 AÑOS  
EBANISTA  
ALDAYA

ROCAFULL CLARAMONTE  
MANUEL  
19 AÑOS  
MECANICO  
PUEBLA D FARNALS

BENILOCH AGUILAR  
LUIS  
32 AÑOS  
TONELERO  
TORRENTE

YBAÑEZ SEGURA  
ANDREA  
47 AÑOS  
LABORES  
NAQUERA

MUÑOZ PUCHADES  
MIGUEL  
33 AÑOS  
GARRAFONER  
MASANASA

BELTRAN BELMUT  
JOSE  
60 AÑOS  
LABRADOR  
VILLAREAL

MUÑOZ NAVARRO  
JOSE  
46 AÑOS  
COMERCIO  
COFRENTES

LLEÓ LLAVATA  
SALVADOR  
30 AÑOS  
ESPARTERO  
LIRIA

GUIMENO SANCHEZ  
ISIDORO  
39 AÑOS  
PELUQUERO  
ALGEMESI

FOLGUERA ASELMO  
ARTURO  
22 AÑOS  
LADRILLERO  
VINALESA

CANO CHACON  
EUSTAQUIO  
30 AÑOS  
SARGENTO EJERCITO  
ALCOY

RUBIO VAZQUES  
JOAQUIN  
AJUSTADOR  
21 AÑOS  
VALENCIA

RICARDO  
34 AÑOS  
CERAMISTA  
MANISES

CARRASCOSA MORELL  
ERNESTO  
23 AÑOS  
CERRAJERO  
ALCIRA

VALERO FERNANDEZ  
JOSE  
29 AÑOS  
EBANISTA  
CASAS IBANEZ

TOMAS FRAU  
JOAQUIN  
38 AÑOS  
PICAPEDRERO  
BENIMAMET

BORTAS GINER  
RAMON  
36 AÑOS  
FERROVIARIO  
CAMPANAR

GOMEZ DOMINGO  
ALFONSO  
44 AÑOS  
LABRADOR  
BENAGUACIL

APARICIO BLAY  
ENRIQUE  
53 AÑOS  
COMERCIO  
ALCIRA

CLARI MARI  
JUAN RAMON  
37 AÑOS  
MARINERO FOGONERO  
ALBAL

SOLER ORTOLA  
VICENTE  
22 AÑOS  
CARNICERO  
OLIVA

FENOLLOSA ALCAIDE  
RICARDO  
31 AÑOS  
APAREJADOR  
VALL D UXO

Diputació de València | Memòria Històrica | **LETNO** | 

FERRER SELES  
MIGUEL  
55 AÑOS  
CORREDOR D FINCAS  
MASAMAGRELL

CHOFRE ESCORBUOLA  
JOSE  
32 AÑOS  
ESCRIBIENTE  
TAV. VALDIGNA

IGLASIAS GIL  
JOSE  
32 AÑOS  
MOLINERO  
MISLATA

MARTI BANULS  
JEREMIAS  
34 AÑOS  
HERRERO  
SIMAT D VALDIGNA

REIG CANO  
FCO  
50 AÑOS  
SARGENTO GUARDIA CIVIL  
C. VALS

CELDA BENEYTO  
JOSE  
45 AÑOS  
LABRADOR  
MASAMAGRELL  
FUSILADO