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Spanish Judge Garzon Suspended

BBC News reported on May 14 that Spanish judge Baltasar Garzon has been suspended from his post by a unanimous decision of Spain's General Council of the Judiciary (CGPJ), the country's judicial body. Garzon will be tried on charges that he abused his powers by opening an inquiry in 2008 into crimes allegedly committed during Francisco Franco's rule. Just two days earlier, the high court had removed the last obstacle to Garzon's trial. If convicted he would not be sentenced to prison, but he could be suspended for up to 20 years.



The case follows a lawsuit filed by two rightist Spanish groups that Garzon's inquiry ignored an amnesty law passed in 1977, two years after Franco's death, for any crimes that may have been committed under the general's rule.

The BBC report cited sources at Spain's National Court that earlier in the week, Garzon had asked to take a leave of absence to work for the International Criminal Court (ICC) as an advisor for seven months.

Reuters news quoted Gabriela Bravo, spokeswoman for the CGPJ, who told journalists, "It was unanimously agreed to apply a temporary suspension due to the Supreme Court ordering the said judge to face trial."

Reuters noted that Garzon faces two other Supreme Court enquiries: one for illegally bugging corruption suspects connected to the conservative opposition Popular Party, and another for dropping an investigation into the head of Spain's biggest bank, Santander, after having received payments for giving courses sponsored by the Spanish bank in New York.

AFP quoted from a statement issued by Reed Brody, Human Rights Watch's legal counsel, saying:

"Garzon's decision not to apply Spain's amnesty, for which he is being prosecuted, is supported by international law, which impose on states a duty to investigate the worst international crimes, including crimes against humanity. [Emphasis added.]"

Thanks to Garzon, Spain became a symbol of justice for atrocity victims around the world. Now justice itself has become the victim in Spain.

Garzon has received worldwide attention for pursuing cases against individuals outside his jurisdiction. In October 1998, he ordered the arrest of former Chilean President Augusto Pinochet in London, citing the principle of "universal jurisdiction."

"Universal jurisdiction," claimed Garzon, holds that some crimes like torture or terrorism can be tried in Spain even if they had no link to the country.

Garzon was able to have Pinochet placed under house arrest while the aging former President was



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visiting London for medical treatment in 1998. However, his attempts to have Pinochet extradited to Spain to face trial for allegations of human rights abuses committed during his presidential administration in Chile failed.

An October 22, 1998 [BBC News](#) report noted at the time that Prime Minister Margaret Thatcher had called for Pinochet's release in a letter to London's *Times*, writing: "By [Pinochet's] actions the [Falklands] war was shortened and many British lives were saved."

However, noted BBC:

But it is General Pinochet's adoption of the ideas expressed by the American economist Milton Friedman that is believed to have had the greatest impact on Baroness Thatcher.

The general seized power in 1973 from the Marxist government of Salvador Allende and immediately overturned its state controls in favour of a programme of sweeping privatisations in accordance with Friedman's free market thinking.

Garzon failed to bring Pinochet to his idea of "justice" during the late Chilean leader's lifetime, and in recent years started his investigation into a much older conflict: Spain's Civil War of 1936-1939.

The eventual victor in that war, General Francisco Franco had much in common with Pinochet. Both men were military leaders who seized power to save their nations from destructive communist forces. In 1936, following the assassination of right-wing opposition leader José Calvo Sotelo by military police of the Leftist Popular Front (later called Republican) government, an uprising of anti-communist Nationalists began.

However, even before the civil war began the leftist Spanish government had a long history of anti-clerical, anti-Catholic policies, so much so that June 3, 1933, in his encyclical *Dilectissima Nobis*, Pope Pius XI condemned the Spanish government's suspension of civil liberties, especially the confiscation of church property and schools and the persecution of religious communities and orders.

In his book, *The Last Crusade*, Christendom College professor Warren Carroll noted that during the Spanish Civil War, the "Republican" (i.e., communist) side was responsible for the deaths of 13 bishops and 6,832 priests and members of religious communities, the destruction of 20,000-42,000 churches, and the arrest of countless devout lay people.

Though Franco has been vilified by those on the Left since he took up arms against the communists, he remained a pro-Western, pro-Christian leader throughout his life. After Franco's death, President Richard Nixon said: "General Franco was a loyal friend and ally of the United States."

General Pinochet's role in saving Chile from communism also made him a hated target of the Left. In 1973, the Marxist-Leninist President of Chile Salvador Allende, who had been elected by barely more than one-third of Chileans in a three-way race, attempted to consolidate power and transform Chile from a socialist country to an outright communist dictatorship modeled after Cuba. When Chile's generals learned of these plans, they launched a pre-emptive coup, and installed Pinochet as President. Pinochet undid the many socialist programs that had devastated Chile's economy, privatizing both the industries nationalized under Allende and the nation's social security program. (For further background, read, "[Chile's Social Security Success](#)."

The Left never forgives an anti-communist who embarrasses communists by defeating them militarily, politically, and/or economically. It is for this reason that strident leftists, not content with hunting down such men while they live (though the elderly Pinochet was barely clinging to life when Garzon tried to



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extradite him from England) must try to besmirch their reputations long after their death.

It is not surprising that Garzon has sought a position with the UN's International Criminal Court. He is sure to find colleagues of his own *anti*, anti-communist mindset among that world body.

Photo: Spanish Judge Baltasar Garzon arrives at the Supreme Court in Madrid: AP Images



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