

The New York Times Sunday Review | The Opinion Pages

Search All NYTimes.com [input] Go



EDITORIAL

# Truth on Trial in Spain

Published: February 4, 2012

Terrible crimes were committed during and after Spain's 1936-39 civil war that no court has yet examined or judged. No one knows how many people were taken away, tortured and murdered. Now, one of Spain's top investigating magistrates, Baltasar Garzón, is on trial for daring to open an inquiry into those atrocities.

### Related News

Spanish Judge Testifies in His Own Defense (February 1, 2012)

Times Topic: Baltasar Garzon

### Related in Opinion

Op-Ed Contributor: A Judge in the Dock (January 26, 2012)

Spain is now a vibrant democracy, but Judge Garzón's trial, which opened last week, is a disturbing echo of the Franco era's totalitarian thinking. He faces criminal charges that could suspend him from the bench for 20 years for defying an amnesty enacted in 1977 to smooth the transition to democracy. He rightly counters that

under international law, there can be no amnesty for crimes against humanity and that unsolved disappearances — thousands of mass graves are unopened — constitute a continuing crime.

In 2008, Judge Garzón briefly began an official inquiry, ordering the opening of 19 mass graves and symbolically indicting Gen. Francisco Franco and several former officials, none still alive, for the disappearance of more than 100,000 people. An appellate court shut the inquiry down. The next year, two far-right groups brought criminal charges against the judge for defying the amnesty law. The government's prosecutor argued that no crime had been committed, but the Supreme Court accepted the case.

Separately, Judge Garzón faces criminal charges for rulings in two other politically charged cases. We cannot judge the merits of these. But criminal prosecution of magistrates for their rulings is rare in Spain, and could chill judicial independence.

Judge Garzón became famous for his prosecutions of Basque terrorists, Argentine torturers, Chile's former dictator, Gen. Augusto Pinochet, and Spanish politicians. His powerful enemies now see a chance to end his career.

Judge Garzón is undeniably flamboyant and at times overreaches, but prosecuting him for digging into Franco-era crimes is an offense against justice and history. The Spanish Supreme Court never should have accepted this case. Now it must acquit him.

A version of this editorial appears in print on February 5, 2012, on page SR10 of the New York edition with the headline: Truth on Trial in Spain.

SAVE E-MAIL SHARE

### Get Free E-mail Alerts on These Topics

Franco, Francisco

Garzon, Baltasar

Spanish Civil War (1936-39)

Spain

Ads by Google

what's this?

### El Inglés con Películas

Cortometrajes para aprender inglés.

¡Regístrate ya y aprende rápido!

abaenglish.com/Cursos-Ingles-Online

FACEBOOK

TWITTER

GOOGLE+

SAVE

E-MAIL

SHARE

PRINT

REPRINTS

A romantic comedy for adults

Log in to see what your friends are sharing on nytimes.com. Privacy Policy | What's This? Log In With Facebook

### What's Popular Now

A Reason to Root for Dubai on the Hudson



Wind Energy Company to Pay \$1 Million in Bird Deaths



### MOST E-MAILED

### RECOMMENDED FOR YOU



1. Gynecologists Run Afoul of Panel When Patient Is Male



2. Accord Reached With Iran to Halt Nuclear Program



3. Tension and Flaws Before Health Website Crash



4. Police Unsure if Random Attacks Are Rising Threat or Urban Myth



5. In a Powerful Comeback, Pacquiao Batters Rios Through 12 Rounds



6. Wine Cellar, Well Aged, Is Revealed in Israel



7. Urbanites Flee China's Smog for Blue Skies



8. NEWS ANALYSIS The Year the Monarch Didn't Appear



9. OP-ED CONTRIBUTOR Why the Swiss Scorn the Superrich



10. A Gamble in Iran Talks: Easing of the Sanctions

Log in to discover more articles based on what you've read.



Log In

Register Now

Log In

What's This? | Don't Show



Ads by Google what's this?

**[Is Jesus Really God?](#)**  
 Discover the Evidence From Scholars  
 About Jesus' Claims to be God  
[Y-Jesus.com](#)

INSIDE NYTIMES.COM ◀ ▶

<p>MAGAZINE »</p>  <p><b>Casey Affleck Should Be More Famous</b></p>	<p>ARTS »</p>  <p><b>No, It Isn't Supposed to Be Easy</b></p>	<p>MOVIES »</p>  <p><b>Spike Lee, Still Gliding to Success</b></p>	<p>SUNDAY REVIEW »</p> <p><b>News Analysis: The Year the Monarch Didn't Appear</b>        The loss of native vegetation across the United States has led to a dramatic decline of insect populations.</p>	<p>FASHION &amp; STYLE »</p>  <p><b>Weddings &amp; Celebrations</b></p>	<p>SUNDAY REVIEW »</p>  <p><b>Gray Matter: Art Makes You Smart</b></p>
--	---	--	---	---	--

© 2013 The New York Times Company | [Site Map](#) | [Privacy](#) | [Your Ad Choices](#) | [Advertise](#) | [Terms of Sale](#) | [Terms of Service](#) | [Work With Us](#) | [RSS](#) | [Help](#) | [Contact Us](#) | [Site Feedback](#)