Human Rights Groups Welcome Spanish Court's Decision
to Acquit Judge Baltasar Garzón and Call on Spain to secure effectively the right to truth, justice, and reparation for the victims of the Crimes committed during the Civil War and the Franco Regime

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Today, the International Commission of Jurists (ICJ), the Center for Constitutional Rights (CCR), the European Center for Constitutional and Human Rights (ECCHR), Lawyers Rights Watch Canada (LRWC), the Observatory for the Protection of Human Rights Defenders a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), Asociación pro Derechos Humanos de España (APDHE), Asociación Española para el Derecho Internacional de los Derechos Humanos (AEDIDH), the Due Process of Law Foundation (DPLF) and Rights International Spain (RIS) all welcomed the Criminal Chamber of the Spanish Supreme Court's decision, by a majority of its members, to acquit Judge Baltasar Garzón in the "Historic Memory" malfeasance trial. These organizations issue the following joint statement:

"Our organizations include Spanish and international observers who attended Judge Baltasar Garzón's trial and followed the proceedings held during the past weeks with significant concern. We have previously issued a statement https://docs.google.com/file/d/0ByBM8_x9YdxiOTllZTE4YzYtNGQ1Mi00NGQ1LWJlNTgtMDhjNDliMDE4MzYx/edit?pli=1 warning the international community and Spanish society of the danger that the process posed to both judicial independence and access to justice for victims of crimes committed during the Spanish Civil War and the Franco regime. We welcome the Supreme Court's decision to finally acquit Judge Baltasar Garzón of the malfeasance charges against him. However, at the same time, we strongly reaffirm that grave damage has been done to both Judge Garzón and judicial independence more broadly. Judge Garzón should never have been prosecuted for complying with the clear obligation under international law to investigate

grave violations of human rights.

“Moreover, the critical question that motivated the prosecution of Judge Garzón has not been adequately answered: Who has the legal authority to investigate crimes committed during the Spanish Civil War and the Franco regime?

“We remind the Supreme Court of its obligation to rule on this issue of legal authority or competency raised before it. Determination of this pressing issue was inexplicably subordinated to the malfeasance prosecution against Judge Garzón and as a result has unjustifiably remained pending for over two years. Our organizations call on the Supreme Court to consider and determine, in accordance with its constitutional mandate and principles of international law, what courts have the authority to investigate and provide effective remedy for the 114,266 enforced disappearances and extra-judicial killings committed during the Civil War and Franco regime that followed. We also call on the Court to confirm the applicability of national and international law to the investigation and redress of these and other serious crimes against international law.

Along with the Office of the High Commissioner for Human Rights and the UN Human Rights Committee, we call on Spain to repeal its 1977 Amnesty Law as it violates the international law obligations Spain has assumed since that year and the Spanish Constitution itself (articles 1.1, 9, 10.2, 95 and 96). Our organizations also urge the Spanish authorities to comply with their international obligations and take effective measures to ensure accountability for enforced disappearances, extra-judicial killings and other serious crimes under international law that threaten our collective peace and security. In accordance with international law, they must act to secure truth, justice, and reparation for the victims of crimes committed during the Civil War and the Franco regime.”