



FACTS ON
SPANISH
RESISTANCE
Nº 1

UNAMUNO'S LAST LECTURE

CATALAN MANIFESTO

SPANISH PRISONERS and what can be done

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UNAMUNO'S LAST LECTURE

MIGUEL DE UNAMUNO Y JUGO, 1864-1936. Born Bilbao, Spain's most eminent poet, philosopher, novelist and essayist of modern times. Professor of Greek at Salamanca University, he became its rector in 1901. He was removed for political reasons in 1914 but re-elected in 1931 and made rector for life in 1934. The dictatorship of Primo de Rivera had exiled him to the Canary Islands. In 1936 he entered the Cortes as an independent republican. The oldest of the "generation of 98" (the new wave in literature and politics that arose after the Cuban War) he described himself as a "sower of doubt and an agitator of consciences". At first he sided with the military revolt in 1936 thinking it was to "restore order". Then, in a few months, he saw the true nature of Franco's New Order. When the great National Festival was held in October, and was celebrated in Salamanca University, it was supposed he was another captive intellectual.....

The ceremony began. Don Wiguam opened it with the ritual formula, spoken in that unforgettable voice of his, thin and clear. Then don Francisco Maldonado stepped on to the platform, short, fat, Professor of Literature and Salamanca landowner.

With affected, baroque diction and vast erudition, he delivered a colourless and circumstantial address. At the end, he expressed his hope for a better future, with kindly and sincere emotion. He descended the steps among cheers and applause, bowed to the dais and returned to his seat.

He was followed on the speaker's platform by don Jose Maria Ramos Loscertales of Saragossa, tall and lean, with fluid gestures, flashing eyes, sober and precise of speech, his sensitive face in perpetual motion, expressing a subtle and enigmatic irony. He spoke of the mortal struggle raging at the time - yet another circumstantial speech. Its thesis: the energies of Spain at white-heat in a crucible of passion - and like gold from the crucible, Spain would emerge in the end, purified and without stain, in her true colours which rejected the taints artificially imposed on her. Clamorous ovation!

And then rose General Millan Astray. With ostentatious humility, he preferred to speak from his own place. His appearance was impressive. The General is thin, of an emaciation which pretends to slimness. He has lost one eye and one arm, and his face and body bear the indelible tattoo of horrible scars. These savage mutilations and gashes evoke a sinister personality; his angry and rancorous bearing kills any compassion his mutilations might have inspired.

He had been the organiser of the Tercio, the Spanish Foreign Legion, for operations in Africa; he had been the creator of an iron, inexorable discipline to which the reckless fugitives from other social discipline submitted of their own free will. He had gained those wounds which to many seemed glorious, in those fantastic Moroccan campaigns which had been Spain's bitter nightmare under the regretted aegis of King Alfonso XIII, called in his day "The African". Yet the unquestionable nimbus which

surrounded the figure of the General was due to the gruesome originality, to the mysterious paradox of his battle-cry "VIVA LA MUERTE!" - Long Live Death!

Barely had Millan Astray risen to his feet when his strident voice rang out, as though bursting from that heroic chest bedizened with a galaxy of crosses, the testimonials and rewards of gallantry.

First of all he said that more than one half of all Spaniards were criminals, guilty of armed rebellion and high treason. To remove any ambiguity, he went on to explain that by these rebels and traitors he meant the citizens who were loyal to the Government.

In a sudden flash of intuition, a member of the audience was inspired so as to grasp the faultless logic of a slogan which common minds had thought the product of an epileptic brain. With fervour he shouted: "Viva la Muerte!"

LONG LIVE DEATH! Impervious, the General continued his fiery speech. "Catalonia, and the Basque country - the Basque country and Catalonia - are two cancers in the body of the nation. Fascism, which is Spain's health-bringer, will know how to exterminate them both, cutting into the live, healthy flesh like a resolute surgeon free from false sentimentality, and since the healthy flesh is the soil, the diseased flesh those who dwell on it, Fascism and the Army will eradicate the people and restore the soil to the sacred national realm..."

He made a pause and cast a despotic glance over the audience. And he saw that he held them in thrall. They were hypnotized to a man. Never had any of his harangues so subjugated the will of his listeners. Obviously, he was in his element.... He had conquered the University! And carried away with himself, he continued, blind to the subtle and withering smile of disdain on the lips of the Rector:

"Every Socialist, every Republican, every one of them without exception - and needless to say, every Communist - is a rebel against the National Government which will very soon be recognised by the totalitarian States which are aiding us, in spite of France - democratic France - and

perfidious England. And then, or even sooner, when Franco wants it, and with the help of the gallant Moors, who, though they wrecked my body only yesterday, today deserve the gratitude of my soul, for they are fighting for Spain against the Spaniards - I mean the bad Spaniards - because they are giving their lives in defence of Spain's sacred religion, as is proved by their attending field mass, escorting the Caudillo and pinning holy medallions and Sacred Hearts to their burnous...."

The General lost himself in the maze of his own vehement outburst. He hesitated, irritated and defiant at the same time. In those straits, an enthusiastic Fascist came to his rescue and shouted: ARRIBA ESPANA! (Up Spain!)

The crowd bowed their heads in resignation. The man went on, undaunted: ESPANA!!

Mechanically, the crowd responded: UNA! (One)

ESPANA! he repeated. GRANDE! chorused the obedient public. ESPANA! the Blue Shirt insisted, implacably. LIBRE! they all replied, cowed. *

There was an obvious lack of warmth in the listlessness of these artificially produced responses. Several Blue Shirts rose to their feet as though pushed by invisible springs, and raised their right arms stiffly in the Roman salute. And they hailed the sepia-coloured photograph on the front wall.

FRANCO! FRANCO!

The public rose, reluctantly, and chanted parrot-like: FRANCO! FRANCO! FRANCO!

But Franco's image did not stir. Neither did the Rector.

Don Miguel did not rise to his feet. And the public fell silent and sat down.

* "Spain, One Great and Free" is the obligatory Falangist slogan which is converted on all solemn occasions into chorused responses to a leading voice.

The Speech of don Miguel

All eyes were fastened in tense anxiety on the noble head, on the pale, serene brow framed by snow-white hair. The uncertain expression of his eyes was hidden by the glitter of his spectacles.

Between the fine curve of his nose and the silver of his Quixote-like beard, his mouth was twisted in a bitter grimace of undisguised contempt. People began to grow uneasy. A few suddenly felt a recrudescence of their old rancorous abhorrence. Some admired the serene fearlessness of the Master and feared for his safety. The majority were gripped by the voluptuous thrill of imminent tragedy.

At last, don Miguel rose slowly. The silence was an enormous void. Into this void, don Miguel began to pour the stream of his speech, as though savouring each measured word. This is the essence of what he said:

"All of you are hanging on my words. You all know me, and are aware that I am unable to remain silent. I have not learned to do so in seventy-three years of my life. And now I do not wish to learn it any more. At times, to be silent is to lie. For silence can be interpreted as acquiescence. I could not survive a divorce between my conscience and my word, always well-mated partners.

"I will be brief. Truth is most true when naked, free of embellishments and verbiage.

"I want to comment on the speech - to give it that name - of General Millan Astray who is here among us."

The General stiffened provocatively.

"Let us waive the personal affront implied in the sudden outburst of vituperation against Basques and Catalans in general. I was born in Bilbao, in the midst of the bombardments of the Second Carlist War. Later, I wedded myself to this city of Salamanca which I love deeply, yet never forgetting my native town. The Bishop, whether he likes it or not, is a Catalan from Barcelona."

He made a pause. Faces had grown pale. The short silence was tense and dramatic. Expectation neared its peak.

"Just now, I heard a necrophilous and senseless cry 'Long live Death!' To me it sounds the equivalent of 'MUERA LA VIDA!' - 'To Death with Life!' And I, who have spent my life shaping paradoxes which aroused the uncomprehending anger of others, I must tell you, as an expert authority, that this outlandish paradox is repellent to me. Since it was proclaimed in homage to the last speaker, I can only explain it to myself by supposing that it was addressed to him, though in an excessively strange and tortuous form, as a testimonial to his being himself a symbol of death.

"And now, another matter. General Millan Astray is a cripple. Let it be said without any slighting undertone. He is a war invalid. So was Cervantes. But extremes do not make the rule: they escape it. Unfortunately, there are all too many cripples in Spain now. And soon, there will be even more of them if God does not come to our aid. It pains me to think that General Millan Astray should dictate the pattern of mass psychology.

"That would be appalling. A cripple who lacks the spiritual greatness of Cervantes - a man, not a superman, virile and complete, in spite of his mutilations - a cripple, I said, who lacks that loftiness of mind, is wont to seek ominous relief in seeing mutilation around him."

His words rang out crystal clear. The heavy silence gave them resonance.

"General Millan Astray is not one of the select minds, even though he is unpopular, or rather, for that very reason. Because he is unpopular, General Millan Astray would like to create Spain anew - a negative creation - in his own image and likeness. And for that reason he wishes to see Spain crippled, as he unwittingly made clear."

At this point General Millan Astray could stand it no longer and shouted wildly:

"MUERA LA INTELIGENCIA!" - "To death with Intelligence!"

"No, long live Intelligence! To death with the bad intellectuals!" corrected don Jose Maria Peman, a

journalist from Cadiz. A few voices seconded him, many hands were clenched to check an imprudent impulse to applaud the aged Rector. The Blue Shirts felt tempted to become violent, true to totalitarian procedure. But a most unusual realisation of their numerical inferiority strangled this impulse at birth. Arguments flared up round the names of academicians who had disappeared or been shot. Irritated "sh's" came from various sides. Some gowned figures had gathered round don Miguel, some Blue Shirts round their vilified hero.

At last the clamour died down like the sound of surf upon the beach, and the groups dispersed. Don Miguel again became visible to the assembly, very erect, his arms folded and his gaze fixed straight ahead, like the stature of a stoic. Once more his word dominated the hall.

"This is the temple of intellect. And I am its high priest. It is you who are profaning its sacred precincts.

"I have always, whatever the proverb may say, been a prophet in my own land. You will win, but you will not convince. You will win, because you possess more than enough brute force, but you will not convince, because to convince means to persuade. And in order to persuade you would need what you 'ack — reason and right in the struggle. I consider it futile to exhort you to think of Spain. I have finished."

The controversies flamed up again, interrupted by sudden waves of unanimous silence.

Then don Esteban Madruga, Professor of Common Law, a straightforward and good man, took don Miguel by the arm, offered his other arm to doña Carmen Polo de Franco, and led them out of the room. Unamuno walked with perfect dignity, pale and calm. Franco's wife was so stunned that she walked like an automaton.

THE RESULT

The junta in Burgos was consulted. Franco's orders came. They were inexorable. If the offence was considered grave enough, the Rector of Salamanca was to be executed without delay. The offence was indeed considered to be so, but somebody who was better advised realised that such an act would

fatally injure the prestige of the nascent "Movement of Salvation". It was therefore never carried out.

Don Miguel retired to his home. His house was kept surrounded by the police.

And shortly afterwards, thus guarded, Miguel de Unamuno died suddenly on the last day of 1936, the victim of a stroke of the brain, achieving lasting peace.

* L u i s P o r t i l l o

On the 1st December 1970, the intellectuals of Catalonia met at the monastery of Montserrat, high in the mountains, the great national shrine of the province.

As the participants were arriving, the Guardia Civil surrounded the monastery. Though the meeting had in fact been permitted, the guards allowed nobody else in, nor did they allow any deliveries of food or anything else. The meeting lasted two days. Amongst those deprived of food were the choristers of the church — about forty young boys.

Inside Montserrat itself, some of the participants had short wave radios and when they heard on them that the Guardia Civil intended to force its way into Montserrat, they feared that some of the priceless historical treasures would be destroyed. They therefore decided to leave.

The Abbot of the Monastery had telephoned the Minister of Home Affairs, señor Caricano Goñi, who had given the assurance that there would be no interference with those attending. Nevertheless, as they left they were arrested. Some of the 300 intellectuals were detained, including Dr. Jordi Carbonell, whose detention brought protests from University professors and lecturers in many countries.

The following document was issued by the three hundred:

"We, Catalan intellectuals gathered in the Abbey of Montserrat in continuous assembly, believe it our duty to state our position regarding the very serious political and social situation created by the summary court-martial of the sixteen militants of E.T.A., accused of fighting for socialism and for the rights of the Basque people as a nation.

"Under the present circumstances, we note that:

(i) In the Spanish State, repressive legislation begun over thirty years ago, during the Civil War, is still being applied against all democratic opinions and activities.

(ii) Under the present political legislation serving an archaic class structure, political and social acts which in any democratic state are not only considered legitimate but constitute essential rights of all citizens, become offences in the Spain of today.

(iii) Physical and moral ill treatment and torture, which have been repeatedly denounced, are still a systematic police practice.

(iv) The rights of the communities and nations which today constitute the Spanish State are ignored and repressed in the name of a mythical national unity, the latter being an essential principle of the constitutional law of the Spanish State.

"Given these facts, we deem unacceptable the carrying out of the extremely serious verdicts demanded at the Burgos court martial.

"We denounce that the information channels of the Government, particularly 'Radio Nacional de España', 'Televisión Española' and the Cifra agency, systematically conceal and distort information. As there is no freedom of expression, we are forced to manifest our opinion by means of this document.

"In the first instance, we repudiate the Burgos trial in the terms expressed by the civil lawyers of the defence, and at the same time, we make manifest our solidarity with the movements of protest which are taking place at home and abroad.

"Secondly, we claim the following measures be immediately taken:

(i) That none of the sentences that may be awarded by the Burgos court martial be carried out.

(ii) That a general amnesty for all those imprisoned, sanctioned or exiled for political reasons be promulgated.

(iii) That the "Law of Banditry and Terrorism" be repealed and that the special political courts be abolished.

(iv) That the death penalty be abolished.

(v) That a truly representative state be established, guaranteeing democratic freedom and the rights, including the right to self-determination, of the communities and nations which constitute the Spanish State.

"Finally, we express our solidarity and fraternity with the Basque people and their aspirations, which are ours."

Montserrat 13th December.

* * *

(English translation by the
Servei d'Informació Nacional
Catala, London & Barcelona)

The Law in Spain relating to Political Prisoners

There is a law which permits the condemned to serve a quarter of the sentence under conditional liberty. By the decree of the Minister of Justice, in the person of the present Minister José Maria Oriola, this law is not applied to political prisoners. He has maintained that such liberty is a favour, not a right, and therefore only applies it when it suits him to do so. Prisoners, knowing their legal rights, have tried all lawful means to obtain them. Having exhausted these methods without

success, they go on to hunger strikes. For contrary to what the Minister of Justice may say, 'conditional liberty' is a right, not a privilege, and must be applied 'de facto'.

A hunger strike is considered a very grave offence. So much so that anyone who commits it can be put in a punishment cell for twenty to forty days.

There is, in addition to 'conditional liberty' another benefit which is called 'redemption of penalty' by means of work. The 'redemption by work' reduces the sentence by one day for every two worked. This is strengthened by an article in the penal code. For every two days the prisoners work, they have redeemed their sentence by a day - and if they have not performed the necessary tasks, the day does not count towards 'redemption'. Prisoners under punishment are not allowed to 'redeem'.

Prison rules list three types of offences: minor, serious and very serious. Minor offences may be punished by ten days in the punishment cell, serious ones by ten to twenty, and most serious ones by twenty to forty days. For every punishment there is a certain period of 'non-redemption'. Twenty days before the end of the period of 'non-redemption' the governor should propose the rehabilitation of the prisoner to the Central Prison Office. By order the punishments should be lifted for the time being but this happens only on rare occasions.

All the prisoners who took part in the hunger strikes had been eligible for 'redemption'. Hit by punishment, they had to wait for the 'non-redemptive' year to pass in order to start earning remission once again. Some - the majority - were considered old offenders, in that they had taken part in previous strikes in Madrid in order to protest against the illegality of the installation of special apparatuses in the prison visiting rooms.

We say: The Central Prison Office, by not giving the prisoners to which they were entitled, provoked the action and the punishments.

We want: The immediate application of the benefits of conditional liberty, the abolition of

special punishments, the application of the law by which it is possible to 'redeem' by means of work and including the period in which punishments were made.

If these immediate demands - all within the existing law - were granted, half the political prisoners would be free.

It may seem strange to those used to English law, and to those acquainted with the dictates of totalitarian countries irrespective of existing law, that the Spanish regime needs to evade and disobey its own laws. Surely the Caudillo, after thirty years of supreme power backed by military force, would have enough laws to suit every exigency of his regime?

Nevertheless, the struggle which is spearheaded by the political prisoners - who must by the force of their unhappy circumstances frame their demands within existing law - is one in which moral right is so firmly on the side of those who are treated as criminals that it has been impossible to frame laws to treat them with special injustice. What has happened is that where the law does not suit the authorities, it is ignored.

WHAT IS POLITICAL
DELINQUENCY ?

So-called 'political delinquency' has been decided since the outbreak of the 1936 Spanish Civil

War by special jurisdictions, in most cases by military jurisdiction. In 1943, laws were passed on military rebellion; and these grouped and included the principal edicts proclaimed by Franco's army since July 18th 1936 (when it was itself in a state of military rebellion!).

In 1947, the decree on "Banditry and Terrorism" was ordained to deal with the guerrillas, who were then active in different regions of the State - having been encouraged by the defeat of the fascist powers in the Second World War. All such "transgressions" were referred to Military Courts.

In the middle fifties it became the normal practice for Military Jurisdiction to leave these transgressions of the penal code to the civil courts. But in 1963 there was created a special Tribunal of Public Order to deal with these "political transgressions". Those considered as of particular gravity were referred to military jurisdiction once more.

THE CONDITION OF PRISONERS: AND

WHAT CAN BE DONE

At Puerto de Santa Maria in the province of Cadiz, situated by the sea, is an old penal establishment whose grim history is bewailed in the folksong:

"Mejor cuisiera estar muerta che enterrao pa toa la via"
(I would rather be dead than buried there all my life) A prisoner who entered its gates was considered a lost man.

It has always had the worst governors, the worst warders. Its walls are stained by the blood of those who, if not killed there, were left to rot. From far out at sea, those who look at it feel a shiver down the spine. Everything about it is dismal and mournful. The water oozes through the partitions made of stone and mould.

At the time of writing there are seven political prisoners in this sad places. Their names are:

Floreál Rodriguez de la Paz	Tomas Jimenez Molina
Jose Antonio Mendez Alvarez	Adoni Arrizabalaga
Jesus Redondo Ahuin	Celerino Menendez
Jose Beguiristain Arranzasti	

Locked up in the dampest part of the penitentiary, one in each cell, the prisoners leave their dungeons only one hour out of 24. They are isolated from the outside world, and from each other. Gradually they lose hold on life. Juan Munos Duran died from medical negligence. As one man, the seven protested in writing to the authorities. The bearer of the petition, Ahuin, was put in a punishment cell.

OCANA The next worst treated of all political prisoners may be said to be those at Ocaña. Sixty kilometres from Madrid, on the road to Andalusia, is this village, considered the most fascist in all Spain. At the end of the Civil War, the inhabitants wanted to break down the jail and kill at its prisoners, then numbering five thousand.

The prison dominates the main road. In the summer it is insufferably hot and in winter unbearably cold. Until very recently it did not have running water in its vast

dormitories. The almost undrinkable water from an artesian well inadequately covered the needs of these men. This prison has always been feared, and its governors and warders have an evil reputation. As prisoners like myself can testify, they beat up their charges, and are notorious for their cruelty and lack of common humanity. Here too, in conditions like those of Puerto de Santa Maria, are kept political prisoners.

FRANCISCO GIL Amongst them at the present time is Francisco Gil de Jaen, 21, and another minor, Fernando Sanchez Pinedo, recently sent from Teruel. These two youths belonged to the Movimiento Acrata (anarchist youth) which emerged in the universities of Madrid and Barcelona, in 1966, during the students' protest movement against the academic system. At one time Madrid Prison had three to four hundred of these youths in its galleri. Many were allowed to go after two to three months detention, without trial or sentence. Others were tried and sentenced, minors going to Teruel and those from 21 to 25 to Ocaña.

Francisco Gil has a determined personality, and has not been cowed by prison life. As a minor, he had to spend some time in a reformatory in Madrid. This institution is claimed by the Central Office of Prisons to be a model of its kind. It is in fact a breeding-place of delinquency, both criminal and sexual. Like Teruel, to which minors are sent, it is notoriously homosexual. On the arrival of Francisco Gil at the reformatory, there was an altercation between him and a warder, who - assuming him to be "one of those" - tried to assault him. Gil hit him with a round blow of his fist and knocked him out. This was an "attentato" and classed as a very serious crime. For this he received 150 days punishment in the cells (the lawful limit is 40 days). The warder was stated to be under the influence of drink and no charges were proceeded with against him.

Gil became a hero to the rest of the inmates for his courage, and was therefore - though still a minor -

transferred to Ocaña whose expert wardens would make him "see reason". Owing to the campaign on his behalf, the 150 days were reduced to 50. But meanwhile two "sanctions" had been imposed, each of 40 days - the second because he had protested at the beatings given to an ordinary prisoner.

Of all the political prisoners in that prison, we know only the names of these two young anarchists, whose story we have followed closely. There is another libertarian detained there, imprisoned only recently, named Tejeiro, and four others of the Basque Liberation movement, as well as one other of some different tendency.

CLASSIFICATION OF PRISONS The design of the Central Office of Prisons was to keep all politicals in three special prisons ('open', 'semi-open' and 'closed') but they have opened new prisons. The situation at the moment is:

BURGOS Seat of the Tribunal which tries banditry and terrorism in the northern region. There is a group of political prisoners who were sent there before the change in plan. They no longer send politicals there.

ZAMORA This is a special prison for priests, who are now active in the Basque liberation movement. There are 25 there.

SORIA "Semi open" (a fictitious description given it). Only those with low sentences are supposed to be sent there. But Juan Salcedo, political prisoner with the longest sentence of all, has been sent there.

PALENCIA "Open" - for those with less than three years to serve.

PUERTO DE SANTA MARIA Is said to be for the "incurable" and dangerous.

OCANA For those under the age of 25, without distinction of sentence or "dangerousness".

In addition, there are political prisoners in all prisons of the Provinces. It may be remarked that though

Palencia, for instance, is an 'open' prison, nobody is allowed to work outside, which is the normal definition of the term. At Jaen, there is a 'semi-open' system, which is supposed to mean that one can work outside and sleep in the prison. But this never happens to any prisoner. All is propaganda and deception, for home and foreign consumption. The high-sounding documents are fiction.

A letter smuggled out of jail (Christmas 1970) may give a truer picture than all the documents.

"We wanted to have a communal meal on Christmas Eve and New Year's Day. Being separated into three different groups, it seemed to the political prisoners they should be allowed to eat together on these occasions. We made the petition and the answer was no. The director (of Segovia prison) don Victorino Elena knew on the 7th December what our request was and that the answer was a negative one. But he did not tell us and instead got ready for a battle.

"The guards are relieved every three days, each turn of duty being twenty men. On Christmas Eve he called out the full complement of sixty, with rubber truncheons. When the prisoners tried to fraternise, the officers intervened. The former rushed forward to open the gates embracing each other. Four, however, were a little behind hand in rushing forward and these were dragged away by the guards. There was fighting and these four were sentenced to sixty days solitary, accused of assaulting the prison guards. The first through the gates had not pushed the officers, only the four who were late. But they belonged to a group of twelve - so the other eight were punished as well.

"In fact, the director and the officers were furious at the fact that the death sentences at Burgos had been commuted. They are all hard-line Falangists, and this was a piece of petty revenge."

The refusal to let the prisoners have their communal dinner was the last act in office of the notorious don Fernando Arnau Garcia. He retired from the Inspectorate General of Prisons at the age of 67 on December 26th.,

having spent two years beyond his normal retirement age.

Don Fernando was a professional prison officer, and served the Republic. During the Civil War he was as brutal to his fascist prisoners as he had been to his anarchist and social prisoners previously. But - perhaps with an eye to the future - he had befriended an important charge of his in Madrid Prison, don Raimundo Fernandez Cuesta.

At one period of heavy aerial bombardment and following reports of great atrocities, the people of Madrid stormed the prison and demanded the lives of many important fascists. Had they found Cuesta they would certainly have lynched him, but he was hidden by don Fernando.

After the Civil War, don Raimundo returned the compliment and saved Garcia from prosecution by the fascist victors. When the former was appointed secretary general of the Falange again - a post he had held before being imprisoned - the career of Fernando Arnau Garcia was assured. Don Raimundo became Minister of Justice, and Garcia - who was proving his talents as a brutal overseer of the crowded prison camps - was made director of Barcelona Prison. Later he became the Inspector General of Prisons. Victorino Elena, governor of Segovia Prison, is one of his henchmen.

Two names to remember in the infamous story of Franco's prisons.... Victorino Elena - Fernando Arnau Garcia.

Miguel Garcia Garcia.

(Miguel Garcia Garcia served twenty years in Franco's prisons 1949-1969, having previously spent two-and-a-half years in prison after the Civil War).

* * * * *

WHAT CAN BE DONE?

It sounds very nice to ask for amnesty. It is an attractive slogan, but it is like asking for mercy from a wolf.

Franco once said: "Only weak regimes grant amnesties". Totalitarian governments do not concede amnesties. The only thing that can intimidate them is decisive and energetic action.

It is, however, possible at little trouble to arouse some interest in the fate of the prisoners. This shows our solidarity with the prisoners themselves, and by demonstrating international concern, has some effect upon the Spanish authorities. This is by writing demanding, as a foreigner, application of the laws of conditional liberty and the abolition of special punishment (sanctions). Thousands of letters on these lines have already been sent from England. This continuous sending of letters may seem naive and ineffectual. But it causes concern and produces some results.

The letters may be sent to the Minister of Justice, the Direccion General de Prisiones, the London Embassy, or others - there are five addresses which are relevant:

H.E. señor don Jose Maria Oriols,
Ministerio de Justicia, Madrid.

H.E. the Spanish Ambassador,
24 Belgrave Square, London, S.W.1.

H.E. Señor don Carrero Blanco,
Vice-Presidencia del Gobierno, Madrid.

H.E. Madam Carmen Polo de Franco,
Palacio del Prado, Madrid.

Señor don Lopez Bravo,
Ministerio de Asuntos Exteriores, Madrid.

The text may be altered to suit the writer, but the quoted texts in Spanish are faithful extracts from official documents. Our draft is as follows:-

DEAR SIR/MADAM,

It has come to my notice that the political prisoners in Spain are not being granted the benefits of Conditional Liberty, since señor Gonzales del Yerro does not consider he can trust them to be reformed. May I be allowed to remind you that in the survey 'Delitos, penas y presidios de España' published by the Ministerio de Justicia in 1963 the text quotes in this respect:

La concesión de este beneficio se funda en la presunción de que el recluso se encuentra reformado por la aplicación del tratamiento penitenciario, y por ello carece de finalidad la continuación de la reclusión y debe ser puesto en libertad... como dice el profesor Cuello Colon, si hubiera medios humanos para comprobar sin temor a error su presunta corrección, se concediría la libertad definitiva, mas como puede ser aparente o simulada por el penado para conseguir la liberación, se otorga tan solo a título provisional y a condición de que el penado durante un período observe buena conducta.

El beneficio de la Libertad Condicional no puede considerarse una gracia, es mas bien un derecho, al que se hacen acreedores los reclusos que reunen las condiciones legalmente determinadas. (pag. 105 y 106)

One must dismiss the interpretation given to this right of conditional liberty by certain officials and government bodies, according to which it is a favour, an administrative decision, conceded by the prison administration and afterwards approved by the Consejo de Ministros as a pure formality. This is a glaring misrepresentation of the law.

We allow ourselves to remind you of the text of the code which guarantees the application of this law dating from 1870 and revalidated on 23rd July 1914.

21.

La Libertad Condicional es un derecho que queda establecido por el art. 98 del Código Penal que define el carácter de derecho subjetivo del preso, que beneficio tiene, infiriendo a su aplicación una concesión automática. Hay que hacer notar que la ley del 23.7.1914 establece claramente, respecto a la cuarta condición del art. 98 del Código Penal que es la propia situación de la libertad condicional, vigilada, un medio de prueba y que por otro lado la comisión de delito durante este período lleva aparejada la penalidad definida del art. 99 del citado Código. Es decir, esta penalidad del artículo 99 no puede aplicarse a priori, sino solo en caso de que aparezca prueba de haber sido quebrantada la fórmula legal.

All these arguments have been rejected by the Dirección General de Prisiones which for more than three years now has been denying the application of these benefits to political prisoners. These prisoners, having exhausted all legal channels to obtain its application, had recourse to hunger strikes which resulted in severe damage to their health. It is difficult to accept that such a situation can nowadays be tolerated.

Confident that you will do what is necessary to re-establish the correct procedure in the granting of benefits due to the prisoners,

(Date) I am, Sir, (Signature)

(The two passages in Spanish are roughly translated as follows):-

(a)" The granting of this privilege is based on the assumption that the detained has been rehabilitated by the treatment received in prison and that consequently his custody is no longer necessary and he must be set free.... As prof. Cuello Colon says: If there were human

22.

means of proving, without fear of possible error, his presumed rehabilitation, one would grant unconditional liberty; but as it may be just appearances or even simulation on the part of the prisoner in order to obtain his release, it is granted only as a provisional measure and on condition that the accused be of good behaviour for a specific period of time."

"The granting of Conditional Liberty must not be considered as a favour, but as a right, to which prisoners are entitled having satisfied the legal requirements stated."
(pp 105 & 106).

(b) "Conditional Liberty is a right established by art. 98 of the Penal Code which defines the rights of a prisoner in custody, what privileges he is entitled to, and in which is inferred the automatic granting of such privileges. One must note that the Law of 23.7.1914 establishes clearly, regarding the fourth condition of article 98 of the Penal Code what the actual position is on Conditional Liberty; that it is supervised and is a means of testing (the rehabilitation), and that committing any crime during this 'probationary' period brings with it the penalty as detailed in article 99 of the above-mentioned Code. That is to say, this penalty referred to in art. 99 cannot be applied a priori, but only in cases where there is proof of the breaking of the law."

* * *

The continuous sending of letters on these lines is causing annoyance to the authorities. They are being asked merely to apply existing laws. Some dramatic circumstances may need urgent action - for instance, in order to prevent the death sentences being carried out at Burgos, the Basques carried out a sensational kidnapping and dealt with the authorities from strength. But the repetitive sending of these petitions expressed in official language and courtesy represent an effort for political prisoners to be released at the end of their sentence.

LETTER TO THE TIMES LITERARY SUPPLEMENT (25.6.70)

Sir, - Of three recent eulogies of Franco, including Mr. George Hills's work peppered with mistakes and bias against the libertarian movement in particular (I do not know the others), your reviewer grants their claim that "in the past twenty years there have been relatively few political prisoners" (May 28).

I was one of these, taken into custody after the police ambushed the elder Sabater on October 21 1949. I was sentenced to death, later commuted to twenty years, coming out on October 21 1969. Sir, in these twenty years of which you speak I lacked much but never, except for periods in the solitary hole, for company. "Relatively"? Yes, when I first went to prison (1939-41) there were 14,000 politicals - sometimes up to 16,000 - in the Prison Cellular in Barcelona, which was built on no generous standards for 1,000. Fourteen to sixteen people stood, sometimes lay, ate, slept, defecated, in the space intended for one. Now it has about 2,000 prisoners, few of whom are politicals.

In 1952, there were 600 politicals in with me at San Miguel de los Reyes, Valencia. But in Burgos there were 1,200, and every prison had its quota, amounting to some 7,000 in all. Now there are about 1,200 politicals, in Segovia, Soria, Jaen, Valencia, Burgos, Zamorra - a few in Bilbao, some of the intransigents in Puerto de Santa Maria.

"Only a handful of militants have been shot" since 1949? One terrible morning, March 14 1952, at 7 a.m. there were twenty-one of us in the condemned gallery, No. 4, in Barcelona. I had received my commutation to twenty years the night before. Five of my close comrades were taken out to be shot. They were Pedro Adrover Font, Gines Larrea Piña, Jorge Pons Argiles, Santiago Amir Cruaños, Josep Perez Pedrero - an "active and organized opposition" of which you profess ignorance. True, none have been shot since then. They have been strangled by the executioner's garrote.

In our movement, the libertarian, we had 1,800,000 members. Eighty thousand went into exile, 500,000 were shot or otherwise "legally" murdered. This is to speak of the anarcho-syndicalists alone, who have borne the main struggle. But let each of the oppositions count his own and you will see why Mr Hills is wrong when he thinks that others than Franco and his cohorts care about Gibraltar. Franco craves what? - a population of 5,000? 10,000? - who care little or nothing about Spain. And he has lost for Spain by shootings, disease and death caused by imprisonment, and exile, the equivalent of the population of Barcelona, among them some of the most industrious, intelligent, idealistic and zealous of Spain's sons and daughters.

Are those who remain reconciled to him? I can assure you it is not the case. He conquered by force and rules a conquered nation.

MIGUEL GARCIA GARCIA

* * *



Francesc Macia
first president of the Catalan
Generalitat, the Regional Ca-
talun Government under the
Republic, fighter for a roman-
tic Catalanism

A well-known Civil War poster in Catalan, of
the Spanish Anarchist movement. For long the
Struggle has been borne
By the workers and pea-
sants.

Now, the whole Catalun
people demands:

"LLIBERTAT!"

