

The Political, Social and Scientific Contexts of Archaeological Investigations of Mass Graves in Spain

Ermengol Gassiot Ballbé, Department of Prehistory, Universitat Autònoma de Barcelona, Edifici B, Bellaterra, Barcelona 08193, Spain
E-mail: ermengol.gassiot@uab.es

Dawnie Wolfe Steadman, Department of Anthropology, Binghamton University, State University of New York, P.O. Box 6000, Binghamton, NY 13902, USA
E-mail: osteo@binghamton.edu

ABSTRACT

The recovery of historic memory of the Spanish Civil War is a multilayered initiative to escape both the romanticism of the Franco era, in which only the glory of the victors was celebrated while their past atrocities were ignored, and the cautiousness of the post-Franco democracy, for which forced amnesia of the Civil War was considered a sacrifice for the greater good. In the past five years the efforts to recover historic memory have gained empirical footing by employing archaeological methods to locate, enumerate and identify the victims of extrajudicial executions. The ultimate goals of such work include the production of a more accurate historical statement of past events, the repatriation of missing persons to their families, and the documentation of physical evidence that may allow families to seek civil restitutions. While the scientific methodology is fairly straightforward, the process is nonetheless inherently political in that various government bodies can and do impede recovery efforts. This paper contextualizes the current political and social climate of human rights investigations in Spain by illustrating some of the recent recovery efforts in Catalonia and Andalucia.

Résumé: Le rétablissement de la mémoire historique concernant la guerre civile espagnole est une initiative à plusieurs niveaux pour échapper au romantisme de l'ère franquiste, dans laquelle seule la gloire des vainqueurs était célébrée, tandis que leurs exactions criminelles étaient passées sous silence. La prudence de la démocratie postfranquiste forçait l'amnésie de la guerre civile tout en la considérant comme un sacrifice nécessaire au bien

de tous. Au cours de ces cinq dernières années, les efforts déployés pour rétablir la mémoire historique a empiriquement gagné du terrain de façon par l'emploi de méthodes archéologiques destinées à localiser, faire le compte et identifier les victimes d'exécutions extrajudiciaires. Les objectifs ultimes d'un tel travail comprennent la production d'une mémoire historique plus précise des événements passés, la restitution des personnes disparues à leurs familles, et la documentation de preuves physiques qui peuvent conduire les familles à entamer des poursuites judiciaires en vue d'obtenir des compensations. Tandis que la méthodologie scientifique est assez simple et directe, le processus est malgré tout politique par nature et sujet aux divers corps gouvernementaux qui peuvent entraver les efforts déployés. Cet article contextualise la politique et le climat social actuels des enquêtes sur les droits humanitaires en Espagne, en illustrant les efforts récents de rétablissement de la mémoire historique en Catalogne et en Andalousie.

Resumen: La recuperación de la memoria histórica de la Guerra Civil Española es una iniciativa de varios niveles con la que se persigue escapar tanto del romanticismo de la era franquista, en la que sólo se celebraba la gloria de los vencedores ocultando las atrocidades del pasado, y la prudencia de la democracia posterior a Franco, que consideraba la amnesia sobre lo relacionado con la Guerra Civil un sacrificio necesario para disfrutar de más prosperidad. En los últimos cinco años, los esfuerzos para recuperar la memoria histórica han ganado fundamento empírico con el empleo de métodos arqueológicos que permiten localizar, enumerar e identificar las víctimas de las ejecuciones extrajudiciales. El fin último de este trabajo es la recuperación de unos hechos históricos más precisos del pasado, la repatriación de los desaparecidos a sus familias y la documentación de las pruebas físicas que pueden permitir a las familias solicitar restituciones civiles. Aunque el método científico es bastante sencillo, el proceso es sin embargo político en esencia, en el sentido de que los distintos organismos gubernamentales puede constituir un obstáculo a los esfuerzos de recuperación y de hecho, lo hacen. Este trabajo presenta el clima político y social de las investigaciones actuales sobre derechos humanos en España, poniendo como ejemplo algunos de los trabajos recientes de recuperación en Cataluña y Andalucía.

KEYWORDS

Public archaeology, Historic memory, Human rights investigations, Mass graves, Forensic archaeology

Introduction

The Spanish democratic elections of February 1936 saw the leftist (Republican) political party, the Popular Front, replace the conservative (Nationalist) government that had ruled since 1934. Despite the popular victory, the new government could do little to quell right-wing tensions, and on July 17, 1936, General Franco and other military conspirators launched a rebellion against the Popular Front. Civilian supporters of the political right joined the military rebellion and a brutal four-year Civil War ensued, ultimately culminating in the ascendancy of Franco to the presidency in 1939.

During the war extrajudicial executions occurred on both sides, yet the non-battlefield death toll was heavily comprised of Republicans. Early in the war Republicans committed atrocities against the religious orders, rich industrialists and other people politically linked to the right in large part as a delayed response to the repression of the previous conservative government (1934–1935). However, the Republican government quickly intervened to curb the assassinations and, with the support of other leftist political parties (e.g., communists, anarchists, socialists, Catalan and Basque Nationalists) and the various unions, the political killings of the Rebels largely ceased by the end of 1936 (Casanova 2002; Espinosa 2002; Julia 1999). The majority of all extrajudicial executions were committed by the military and Fascist civilian supporters in their attempt to exterminate the political left, an action that continued throughout the war. Consider the words of General Emilio Mola, one of the craftsmen of the fascist rebellion against the Spanish Republic:

“One will consider that the action has to be violent in the extreme to reduce the enemy, who is strong and is well organised, as rapidly as possible. Of course, all leaders of political parties, societies, or unions that do not form part of the Movement will be jailed, and said individuals shall serve as examples so as to quash future rebellions or strikes. [...] Negotiate? Never! This war must end with the extermination of the enemies of Spain [...]

In this critical moment of the war I have chosen a fight to the death. To the military who have not joined our Movement, we will throw them out without pay. Those that have conducted military operations against us, against the Army, shoot them. If I see my father among the opposing troops I will shoot him [...]

We must sow terror... We must create the sense of absolute power, eliminating without scruples nor hesitation all those that do not think like us” (cit. in Gibson 1986).

By the end of the war, thousands of people were executed and buried anonymously. Some (Jiménez Villarejo 2006; Equipo Nizkor 2004) have

classified these crimes as a genocide. Though Franco's government investigated the assassinations of those who supported the 1936 rebellion in the early 1940s, little attention has been paid to the untold number of mass graves containing Republican political victims. Even the post-Franco democratic governments continue to propagate a "pact of silence" concerning such war-time and postwar atrocities as a means to quell potential right-wing uprisings. As a result, human rights investigations of the mass graves in Spain have only recently begun. However, scientists do not have the freedom to choose which atrocities to investigate based on scientific or ethical principles. Instead, fluctuating political agendas significantly impact which projects are undertaken. This paper focuses on the relationship between forensic archaeological efforts to locate and exhume mass graves and government agencies, particularly in Catalonia, whose political schizophrenia threatens to derail the process of the recovery of historic memory.

Historic Memory

Civil Society in Spain uses the "recovery of historic memory" as a conceptual alternative to Franco's "official" history of the 2nd Spanish Republic (1931–1939), the Civil War, and the Dictatorship itself. This involves reconsidering the subjects of recent Spanish history and the goals and characteristics of their different agencies in new contextual meanings (*Asociación para la Recuperación de la Memoria Histórica de Valladolid y de Palencia* 2006; Silva and Macias 2003). Thus, recovering historic memory begins with reframing actions prior to the national amnesia imposed by the dictatorship that then continues through the tenuous democratic period. As a consequence, the inclusion of this recovery in an interested present becomes the first step in promoting a new discourse on the past.

As a praxis-oriented archaeology (Gassiot and Palomar 2000), the pretext of objectivity in this work derives from the desire to construct a discourse of the past employing verifiable facts. Thus, a grave determined to contain the remains of several identified individuals who all belonged to a single political party and exhibit execution-style gunshot wounds transforms the discourse from the theoretical to the empirical. Archaeology can therefore directly contribute to the recovery of memory by locating, identifying and contextualizing the victims. Several scientific principles guide the work on mass graves: (1) the archaeological, ballistic, traumatic and skeletal data can test the hypothesis that executions were authorized by the army or right-wing political leaders outside the military or civilian judicial systems; (2) the extent of these practices can be evaluated by enumerating and identifying those in mass graves (thousands of people were purportedly disappeared); and (3) the nature of these practices (e.g., systematic

practice of forced disappearance or the result of spontaneous actions) can be understood by recognizing the formation of the grave (e.g., hand or machine dug), the spatial relationships among individuals and associated forensic evidence within the grave (e.g., personal effects, bullets, casings), whether the traumatic injuries are consistent with a battlefield injury or particular style of execution, and the demographic composition of the victims.

When exhumations are properly conducted, the outcomes of this work are multifold, including: (1) the ability to use physical evidence to forge criminal or civil action against the authors of the atrocities (even if the process is only symbolic), and (2) providing the families with long-delayed knowledge of the circumstances, timing and nature of the deaths of their loved ones. Thus, the bodies of victims can then influence present Spanish society by revising the official story of specific events, creating a factual foundation of events such that families can demand restitution and promoting a civil conscience that is based on the respect of human rights. In this regard, restitution would be sought from the Spanish government and include: (1) official recognition that the Facist regime committed crimes against humanity, which encompasses the rights of the disappeared and the survivors, and (2) restitution of property confiscated by the Facists and/or properties owned by the victims' families the Fascists forced into sale.

The Political Problems of Human Rights Investigations in Spain

Since 2004 researchers at the Universitat Autònoma de Barcelona (UAB) and Binghamton University (BU) in New York have provided scientific expertise to two social organizations committed to establishing an objective record of the atrocities of the War—the Association for the Recovery of the Historical Memory of Catalunya (ARMHC) and El Foro por la Memoria (Gassiot et al. 2007). The common goal is to use scientific forensic and archaeological techniques to reconstruct historical memory of the Spanish Civil War and invigorate legal restitution for families by: (1) conducting historical research to determine the location of mass graves and the identity of those who may be buried within them; (2) using archaeological techniques to systematically locate, exhume, document and enumerate bodies (e.g., ground penetrating radar, test pits, total station mapping); (3) identifying the dead; (4) documenting evidence of perimortem trauma; and (5) providing reports that are accessible to the families and the medicolegal community (Gassiot 2006; Gassiot et al. 2007). The application of these techniques gives scientific credibility to the process of establishing facts

about the events that led to the deaths by providing empirical evidence that supports or disputes the notion of political persecution.

The scientific process does not proceed independently of the Spanish political system. Government documents are consulted to determine grave locations and the names of those executed, and legal permission for the excavations must be granted by the autonomous or local governments and/or presiding judges, depending on the location of the graves. Yet the Spanish government has created a historical climate of antagonism towards human rights investigations that has been difficult to ameliorate.

While many problems confront forensic archaeologists in their endeavors to investigate graves, such as the fading number and memory of living witnesses, environmental changes, and infrastructural development that impinges upon some graves, two political problems are paramount in determining which graves can be investigated. First, there is the issue of the “pact of silence” between the main protagonists of the political transition to the democracy. Following Franco’s death in 1975, the succeeding governments established a forced amnesia of the war and post-war atrocities for the sake of democracy. From the lack of public memorials to the revisionist history (or complete absence of Civil War discussion) in school text books and curricula, memory of the Civil War was officially repressed as a necessary means of maintaining a “peaceful transition” to democracy, though it was anything but peaceful. Rather than critically examining and documenting past atrocities, the government has not supported scientific investigations and has passed political amnesties to protect the assassins.¹ The law of political amnesty (Law 46/1977) enacted in 1977 also pertains retroactively to the crimes against humanity committed by the dictatorship (Amnesty International 2005, 2006; Equipo Nizkor 2004). It was not until 2002 that the Spanish parliament issued its first and only public condemnation of the Franco regime.

The Socialists ruled Spain between 1982 and 1996 and, although they regained power in the 2004 elections, President Zapatero’s government has still been slow to enact any meaningful laws to promote investigations. However, following tremendous parliamentary and public debate, the Spanish Government proclaimed an Act on Historic Memory in December, 2007 (Law 52/2007). This law consisted, in part, of four main goals: (1) to repeal the repressive laws established by Franco; (2) to morally recognize all of the victims; (3) to improve economic restitution of the families of certain victims (not those who remain disappeared); and (4) to place the mass grave exhumations under the cultural heritage administration rather than the legal administration.

Law 52/2007 does not entirely fulfill the demands of the movements on historic memory or the needs of scientific investigators and legal teams (see Amnesty International 2006). One of the relevant deficits is that the

law states that death sentences from the (mainly military) courts under Franco are considered illegitimate but not illegal. This rather nebulous concept refers to the fact that Franco promoted some post-hoc laws that legalized military executions during and after the Civil War, yet these executions were not legitimate because Franco's laws were not judicially sound. The lack of a legal component means that it will be impossible to demand that the current administration assume political responsibility for any criminal trials related to executions and imprisonments under Franco. This is a major blow to families and victims as the military trials sentenced thousands of people to prison or death. Another problem is that the government will not recognize the illegitimacy of the sentences *in toto*. Thus, it is incumbent upon surviving family members to lobby and petition the government for appropriate documents and action for individual cases. Finally, the 2007 repeal of the repressive laws enacted during the dictatorship is not retroactive. This means that the condemnation sentences handed down during Franco's regime are still valid as they are not considered illegal. The implication is that families have no legal right to reparations for "illegitimate" assassination or imprisonment. In some ways, then, the 2007 law has added even more ambiguity.

The new law also adds ambiguity to a second obstacle for archaeologists—a lack of consistency among government agencies concerning jurisdiction over Civil War graves and remains. Municipal cemeteries are under the control of municipal administrations, but if graves are part of cultural or historical/archaeological heritage then the provincial government has authority. If there is evidence of a crime, a local judge has jurisdiction. However, these boundaries are blurred in that Civil War graves could be treated as municipal, historical, archaeological or criminal. Thus, for the past few years one avenue of obstruction is to send investigators from one agency to another so that either no agency claims jurisdiction or one or more agencies claim jurisdiction for the purpose of rejecting the proposed excavations. The fourth component of Law 52/2007 states that although the government will not halt the exhumations of mass graves, any exhumations will be deemed public actions and, as such, will be carried out under cultural heritage law rather than linked to prosecutorial departments. However, it remains to be seen whether this law will streamline the permission process for archaeologists as the issue of local jurisdiction was not included in the law. However, the law is quite clear that the scientific investigations are completely divorced from any legal venue and the government will not recognize the results of such investigations even if they prove crimes against humanity by the dictatorship.

As will be illustrated by the projects discussed below, these problems are ubiquitous in Spain at varying intensities. However, Catalonia serves as a good example of the political confusion, bureaucratic backpedaling and

adherence to the traditional pact of silence that confound archaeological inquiries into the historic past.

Catalonia

Catalonia is, in theory, one of the most progressive provinces where criticism of the Franco regime has always been strong. Nevertheless, the process of recovering historical and legal memory of the victims of the Civil War reflects the problems elsewhere in Spain. Like many regional governments, the Catalan parliament is autonomous and highly divided politically, which creates a competitive and, at times, ineffective atmosphere. Since democracy returned, the Generalitat (regional government) has given no attention to the hundreds of thousands of Catalans missing since 1936. The rising public sentiment has only recently forced the political administration to take some action (Menéndez 2005:35). The pressure has come largely from the grandchildren of the actors in the war. In part, this can be attributed to the slowly changing environment of public education in that this is the first generation whose text books do not demonize the Republic and/or present Franco as the “Savior of Spain from the Barbarians” (Instituto de España 1939; Rodríguez Pérez 1957.² These youth have been raised in a political context of the Republic and the recovery of basic democratic liberties in Spain. This sense of democratic empowerment only increased in reaction to the conservative government of J.M. Aznar (1996–2004) who, in varying ways, recovered some of the symbols and hyperbole of Franco (e.g., increased power of the Catholic church and the unity of Spain against “peripheral regions,” such as Basque country and Catalonia, which demand greater autonomy). Permutations of the youth movement into Civil Society progressively forced the political administration to take some action, albeit in baby steps. For instance, the Catalan government established the Interdepartmental Commission to inventory mass graves, though the methods and results of its inquiry are suspect given the lack of transparency of the process (see discussion below). The Memorial Democratic Commission was created in 2007, which will, in theory, coordinate exhumations, yet current emphasis seems more on erecting memorials.

To date, few attempts have been made to excavate mass graves of the Civil War in Catalonia for the Catalan government has proved to be ambivalent or even obtrusive. In 2003, a multidisciplinary team from different universities attempted to excavate a tomb containing civilians and soldiers in a municipal cemetery in Albinyana, south of Barcelona. Though the mayor of Albinyana initially gave permission for the investigation, at the last moment he surrendered to pressure from the conservative Catalan government and put a halt to the excavations before they even began

(Menéndez 2005; Perona 2005). In 2004, the same team attempted another excavation of a mass grave in O'dena. Following Catalan procedure for obtaining permits for archaeological excavations, the group initially sought permission from the Cultural Patrimony Directive of the Department of Culture, the government branch that oversees archaeological investigations, but the request was denied claiming that human rights investigations were not under the department's purview. When the team took the matter to an appropriate judge, the petition was simply shelved without consideration—a common practice in the Spanish judicial system.

Perhaps most damaging to the human rights process is an excavation that did occur. In 2004 the Catalan government asked the Institute of Legal Medicine to conduct an exhumation of a grave containing seven individuals, six of whom were Republican soldiers, in Prats de Lluçanés. However, there is no evidence of systematic archaeological contribution in the fieldwork activities and the investigation was not made public (in fact, the families did not know about it) (Generalitat de Catalunya 2004). The report contains few details of the fieldwork and states that identification of only one person, the civilian, was possible. The “identification” of the civilian, however, was not based on any biological or genetic attributes but that he was the only person in the grave who lacked military attire. Inexplicably, the Catalan government used these results to assert that opening new graves is unnecessary since identifications are unlikely. At the time the preliminary report was issued the government further declared that any new exhumation initiatives would be blocked, though in 2008 the government stance has changed once again, further reflecting the instability of public politics on the issue of mass graves.

Olesa de Montserrat

Some progress can be made in cases in which municipal administrations have jurisdiction instead of the Catalan Generalitat. In 2004 the mayor of Olesa de Montserrat agreed to allow forensic investigations at the municipal cemetery. In January 1939 seven individuals were killed by Franco's troops and Falange commandos (Solé i Sabaté 1985). The Catalan Association for the Recovery of the Historic Memory (ARMHC) received a formal request from the relatives of three of the victims and enlisted the assistance of the Universitat Autònoma de Barcelona and Binghamton University team of archaeologists and anthropologists. The excavations began unencumbered in November of 2004, though many other challenges remained. The cemetery has been in use since the late 18th century and contains many unmarked graves and ossuaries. Key to distinguishing potential Civil War victims in the cemetery setting are the burial position,

number of interments per grave, lack of coffins, perimortem injuries, and the biological profiles of the known missing persons (Gassiot et al. 2005).

Historical research by the ARMHC and a local historian suggested where to look for two mass graves, one believed to contain three people and another thought to contain four. The first grave is said to contain the remains of a man who had escaped execution in a neighboring village. He fled to Olesa for security but was caught again, executed and buried alongside two of the individuals who had helped him. The other four individuals killed and purportedly buried in the second grave were active members of the unions and leftist political groups. When the graves were not found in the anticipated locations the excavations expanded considerably but efforts to find them were still unsuccessful. After eliminating a large portion of the cemetery and following interviews with a man who claimed to have witnessed the executions it now seems likely that the graves are below two mausoleums that were built during the last days of the dictatorship. The cemetery is slated to be moved to a new location and the search for the two graves will continue when the mausoleums are demolished.

Can Massana, El Bruc

The Universitat Autònoma de Barcelona has worked directly with the Catalan government, but the relationship and results were not positive. On February 9, 1939 ten prisoners were taken by Franco's army to a remote area outside of Barcelona (Fàbrega 2005). After a brief truck ride, the prisoners, all of whom belonged to the Catalan Republican party and/or to the anarchist trade union, were ordered down from the truck and shot in pairs. One man escaped while the bodies of the others were left along the roadside. Franco's administration later developed an investigative commission into the disappearances of the prisoners but it concluded without resolution. The putative location of the grave was corroborated by multiple civilian witnesses who buried the bodies in Can Massana, El Bruc, which is listed on the Catalan government's inventory of mass graves.

In April of 2006, the ARMHC and UAB collaborated to find the El Bruc mass grave. On this occasion the Catalan administration, through the Department of the Presidència of the Generalitat, was also involved, in part due to mounting public pressure to investigate graves previously inventoried by the administration. Fieldwork began on April 7 with clearing the vegetation and geophysical inspection. Trenches were excavated where soil discontinuities suggested the existence of a grave. The Catalan government provided a mechanical excavator to dig the trenches. But on the next day the government refused to allow use of the excavator and work had to continue by hand. They also pressured the scientific team members to stop

work immediately as the government had already come to the conclusion that the search would turn up nothing. The following days saw increased pressure by the government to terminate the excavation, including site visits by government personnel. Finally, after just three days the government declared the search a failure despite the fact that less than 50% of the search area was tested. They threatened to rescind the equipment the team was using and essentially shut down the site. Gassiot was able to negotiate for another day, and the mechanical excavator was returned. On the next day, April 12, the excavation was terminated with approximately 35% of the search area still untested (Gassiot and Oltra 2007).

While the efforts at El Bruc were successful in one sense—enhancing public discourse (Bernbeck and Pollock 2007)—the efforts at El Bruc are nonetheless considered a failure on many levels. While it is possible, of course, that the grave is not located in the excavation zone, the team was unable to completely rule out the site given the hasty retreat of governmental support and permission. Much of the historical information came from the original governmental inventory of mass graves, and the government gave guarantees that the location was reliable. However, the excavations revealed that the government-provided data actually generate a great deal of misinformation. Finally, the much touted “cooperation” between the Catalan government, a public university and Civil Society was dismal. The administration did not value the technical expertise of the UAB archaeologists, nor did they notify the families of their decision to halt the investigations. This created confusion and heartbreak for the families involved.

Another problem at El Bruc is that the landscape of the search area has changed greatly in the last seventy years. A road has been built on the site, the land is no longer cultivated and was quite overgrown, and the entire ecosystem was altered by a forest fire in 1986. The excavations revealed these changes but no time was allowed to effectively model these changes, re-interpret the historical information and reformulate a hypothesis of the grave location.

Andalucia

Santaella

Investigations outside of Catalonia have been more fruitful. For example, excavations in Santaella, Andalucia, were successful in locating the remains of 22 out of 38 men who have been missing since the autumn of 1936. However, this project, too, nearly failed due to political pressure.

On September 11, 1936, seventeen Republicans were rounded up and taken by truck to a cemetery in La Guijarrosa where they were killed. Twenty-three additional men, all leftists, were disappeared individually or in small groups that same Fall by the Phalange and Franco's army, twenty-one of whom were buried in the Santaella municipal cemetery. The disappearances were never investigated but in 2004 El Foro por la Memoria facilitated excavations at both cemeteries by archaeologists from the Regional Museum of Madrid, the UAB and BU. A trench containing the remains of seventeen individuals was quickly located at La Guijarrosa and excavations proceeded smoothly until the day the exhumations were to begin. A local judge had jurisdiction over the remains and allowed the excavations, yet suddenly refused to permit the exhumations. We learned that the judge's grandfather was one of the assassins and that her own political leanings were to the far right. She sent armed police officers to the site to ensure the remains were not removed. Lawyers for El Foro hurriedly went over her head to elicit support from judges in Cordoba who over-ruled her position and permitted the exhumations, though with the stipulation of limited civil and criminal judicial potential for the evidence collected. Currently there is no legal outlet in Spain to resolve such judicially imposed limitations. The consequences in this case are that no criminal prosecutions are allowed and that families will not receive reparations, though the new law (Law 52/2007) does state that the families could receive a small amount of money that is tiered based on the distance of family relations to a documented victim. These situations create frustration for the scientists and confusion for the families who are politically, intellectually and emotionally consumed, first by the seventy-year wait and then by the investigative process.

In 2005 anthropologists from BU and UAB studied the twenty-two individuals and generated a significant amount of information about the victims and the events that ended their lives (Steadman et al. 2007). All of the individuals are male with ages ranging from 18 to over 50 years, though most were between 20 and 40 years. One putative identification, based on a set of partial dentures, awaits DNA confirmation. Gunshot trauma is observed on seventeen skeletons, and bullets recovered with the remains indicate that all of the La Guijarrosa victims were shot. Only three individuals, two of whom are from the Santaella cemetery, exhibit gunshot wounds to the head. Wounds are predominantly to the torso and appendages, suggesting a firing squad mechanism of killing (Middle East Watch/PHR 1993). Reports from this and other well-researched projects (e.g., Etxebarria et al. 2004; Prada et al. [nd]) demonstrate the amount of information that can be reconstructed from careful excavations and forensic analyses.

Conclusions

Perhaps it is not surprising that the government, welded to a political paradigm of historic amnesia, has thus far offered little in terms of support for exhumations *because* archaeology is such a powerful tool in recovering historic memory. Archaeological and forensic anthropological methods are applied to locate graves, interpret the construction and stratigraphy of a grave, document the spatial relationship among individuals and associated forensic evidence, identify the victims, and determine the circumstances of the deaths. These methods provide a means for historical, political and legal reparation to the victims and their families as well as to all of Spanish society. Though governmental support is crucial to successful human rights investigations, obstacles such as unrealistic expectations, political ambiguities and fluctuating agendas have impeded archaeological access to sites with the best potential for reconstructing specific historical events. In addition, political negotiations may result in the castration of the potential power of the physical evidence in future criminal or civil trials, as seen in the case of Santaella.

The process of the recovery of memory of the Spanish Civil War has been driven from sociopolitical movements within Civil Society rather than any government initiatives. Governmental action, from monument building or deconstruction to official recognition of atrocities to a superficial Act on Historic Memory, have only come after social organizations have applied protracted political pressure to force change. This situation can only be resolved by continuing to mount public pressure on politicians to act beyond their own interests, educating sympathetic politicians on scientific practices, continuing to demand investigations by internal social and scientific organizations, exerting pressures from the international community, supporting families who wish to pursue scientific investigations, and by facilitating local capacity building of the Spanish archaeological and forensic communities.

Notes

1. “The category of victims of serious abuses that constituted crimes against the international rights was ignored on the basis to establish and acknowledge the transition. The public powers and the successive administrations, in general terms, maintained positions and activities very distant to the obligation of the Spanish State to protect and to realize the rights of such victims.” (Amnesty International 2005: 10–11).
2. Here is an example of the historical rhetoric from a text book: “Because it was impossible that Spain continued under the control of the criminals who promoted her ruin and her slavery to Russian communism, it raised in Africa the glorious General Francisco Franco, our unbeaten Warlord, who began the reconquest of the Homeland” (Instituto de España 1939:148).

References Cited

Amnesty International

2005. *España: poner fin al silencio y a la injusticia. La deuda pendiente con las víctimas de la Guerra Civil española y del régimen franquista*. Sección Española de Amnistía Internacional. July 18th 2005 (http://www.es.amnesty.org/uploads/tx_useraitypdb/victimas_franquismo_05.pdf).

2006. *Víctimas de la guerra civil y el franquismo: no hay derecho. Preocupaciones sobre el proyecto de ley de "derechos de las víctimas de la guerra civil y del franquismo."* Sección Española de Amnistía Internacional. November 2006 (http://www.es.amnesty.org/uploads/tx_useraitypdb/No_hay_derecho.pdf).

Asociación para la Recuperación de la Memoria Histórica de Valladolid y de Palencia
2006. *La represión franquista: mito, olvido y memoria*. Universidad de Valladolid, Centro Buendía, Valladolid.

Bernbeck, R., and S. Pollock

2007. 'Grabe, wo Du stehst!' An archaeology of perpetrators. In *Archaeology and Capitalism: From Ethics to Politics*, edited by Y. Hamilakis and P. Duke, pp. 217–234. Left Coast Press, Walnut Creek, CA.

Casanova, J. (editor)

2002. *Morir, matar, sobrevivir. La violencia en la dictadura de Franco*. Crítica, Barcelona.

Equipo Nizkor

2004. *The question of impunity in Spain and crimes under Franco*. On-line report: <http://www.derechos.org/nizkor/espana/doc/impuspa.html> (accessed 5/08).

Espinosa, F.

2002. *La columna de la muerte*. Crítica, Barcelona.

Etxebarria, F., L. Herrasti, J. Jiménez, and J. Ortiz

2004. *Informe relativo a la exhumación llevada a cabo en Benegiles (Zamora) con el fin de recuperar los restos humanos pertenecientes a tres personas ejecutadas en la Guerra Civil*. On-line report: <http://www.sc.ehu.es/scrwwwsr/Medicina-Legal/benegiles/benegiles.htm> (accessed 5/08).

Fàbrega, A.

2005. *Mort a les cunetes*. Angle Editorial, Manresa.

Gassiot, E.

2006. Arqueología forense de la Guerra Civil: justicia y memoria de la represión fascista. *Mientrastanto* 97:95–112.

Gassiot, E., and B. Palomar

2000. Arqueología de la praxis: Información histórica de la acción social. El caso de la Unión de Cooperativas Agropecuarias de Mirafior, Nicaragua. *Complutum* 11:87–99.

Gassiot, E., J. Oltra, and E. Sintes

2005. *Recuperació de la memòria dels afusellaments de febrer de 1939 a Olesa de Montserrat. Informe preliminar de la intervenció al Cementiri Vell (novembre de 2004)*. Departament de Prehistòria de la UAB/Associació per la Recuperació de la Memòria Històrica de Catalunya, Bellaterra (<http://www.memoriacatalunya.org/assets/pdf/Informe%20Olesa.pdf>) (accessed 5/08).

Gassiot, E., and J. Oltra

2007. Projecte *Documentació i excavació arqueològica de les fosses comunes de Can Maçana (El Bruc) i del cementiri Vell (Olesa de Montserrat)*. *Contrastació arqueològica de les fonts documentals i testimonis orals (Ref. 2005AREM 10006)*. *Memòria final*. Unpublished final report. AGAUR-Generalitat de Catalunya, Barcelona.

Gassiot, E., J. Oltra, E. Sintes, and D.W. Steadman

2007. Archaeology of the Spanish Civil War: Rescue of the Memory and Historic Justice. In *Archaeology and Capitalism: From Ethics to Politics*, edited by Y. Hamilakis, and P. Duke, pp. 235–245. Left Coast Press, Walnut Creek, CA.

Generalitat de Catalunya

2004. *Dossier de premsa sobre L'obertura de la fossa de mas Puigvistós, a prats de lluçanès*. Barcelona: Departament de la Presidència.

Gibson, I.

1986. *Queipo de Llano: Sevilla, Verano de 1936. Con las Charlas Radiofónicas Completas*. Grijalbo, Barcelona.

Instituto de España

1939. Manual de Historia de España. In *Enseñar historia con una guerra civil por medio*, edited by J. Fontana, pp. 91–153. Crítica, Barcelona.

Jiménez Villarejo, C.

2006. El regimen fascista de Franco. La represión ejercida por los sublevados y por la posterior dictadura permite hablar de genocidio. *El Periódico de Aragón*, 18/07/2006 (also in <http://www.elperiodicodearagon.com/noticias/noticia.asp?pkid=262276>).

Juliá, S. (coord.)

1999. *Víctimas de la guerra civil*. Ediciones Temas de Hoy, Madrid.

Menéndez, X.

2005. La recuperació de la memòria: estat de la qüestió a Catalunya. *L'Avenç* 299:34–39.

Middle East Watch and Physicians for Human Rights

1993. *The Anfal Campaign in Iraqi Kurdistan*. Human Rights Publications, New York, NY.

Perona, M.

2005. Anys de silenci i anys de veritat L'Associació per a la Recuperació de la Memòria Històrica. *L'Avenç* 299:40–41.

Prada, M.E., F. Etxeberria, L. Herraste, J. Vidal, S. Macias, and F. Pastor

n.d. *Informe antropológico Los 13 de Priaranza*. Disponible por el sitio web de la Asociación Para la Recuperación de la Memoria Histórica (ARMH): www.armh.org (accessed 5/08).

Rodríguez Pérez, L.

1957. *Patrimonancias. Formación del espíritu nacional para la infancia*. Imprenta Juan Morral, Terrassa.

Silva, E., and S. Macías

2003. *Las fosas de Franco. Los republicanos que el dictador dejó en las cunetas*. Ediciones Temas de Hoy, Madrid.

Solé i Sabaté, J.M.

1985. *La repressió franquista a Catalunya 1938–1953*. Edicions 62, Barcelona.

Steadman, D.W., E. Sintes Olives, C. Oliart Caravatti, and J.M. Bauder

2007. *Forensic Anthropological Investigation of 22 Skeletons Recovered from Spanish Civil War Graves in the La Guijarrosa and Santaella Cemeteries*. Department of Anthropology, Binghamton University.