



MUSEO
SITIO DE MEMORIA
ESMA



HISTORIAS SIN OLVIDO

In the Officers' quarters where the Clandestine Detention Center of Torture and Extermination set up in the Naval Mechanics School operated. There were more than 700 places of illegal detention during the last dictatorship from 1976 to 1983.

Here, in the ESMA approximately 5000 men and women were detained or missing. They were members of political parties or social activists, revolutionary organizations either armed or unarmed, workers, trade union members, students, professionals, artists and members of religious orders. Most of them were dropped alive into the ocean.

Here, in the ESMA the Navy planned abductions and systematically carried out murders. Here, prisoners were kept in hoods and shackled. Here, they were tortured. Here, the Navy made them disappear.

Here, in the ESMA children were born in captivity and were separated from their mothers. Most of them were illegally adopted or robbed. We are still looking for many of them.

Here, in the ESM a crime against humanity was perpetrated.

**memory,
truth &
justice**

ESMA MUSEUM AND SITE OF MEMORY Former Clandestine Centre for Detention, Torture and Extermination

The ESMA Museum and Site of Memory will remain closed until further notice as a preemptive measure against the spread of Coronavirus in our country.

Contents not suitable for children under 12.

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Schedule group visit: institucionalsitioesma@jus.gov.ar



Argentina **unida**

Secretaría de
Derechos Humanos



Ministerio de Justicia
y Derechos Humanos
Argentina

THE DISAPPEARED IN SPAIN AND ARGENTINA



On July 18, 1936, a portion of the Spanish armed forces rebelled against the Second Spanish Republic and attempted a coup. After blocking the Strait of Gibraltar, and with the help of Nazi Germany and Fascist Italy, a civil war broke out and lasted until April 1st, 1939, when the last war report signed by dictator Francisco Franco declared victory over the Republican side, establishing a dictatorship that would last until the day he died, November 20th, 1975.

On October 15th, 1977, during the democracy that emerged after the Franco regime, the government passed the Amnesty Law, also known as the Pact of Oblivion, which applied to every crime committed during the civil war and the Franco dictatorship. Republicans and ETA members who were still jailed as political prisoners, and

the crimes committed by nationalists would remain unpunished, since the State abandoned the chance of conducting a judicial inquiry about the events that took place and forced the Spanish society to silence and forget what had happened –its own way into democratic transition.

Emilio Silva Barrera is a sociologist, journalist and one of the founders of the Association for the Recovery of Historical Memory, a group created in 2000 that searches for the burial sites of the victims of Franco regime's repression during the Spanish Civil War and the dictatorship that followed it.

In 1999, he started writing a novel related to his family history during the repression unleashed by General Franco's rebel troops and the paramilitary forces of the Falange. In March of

2000, following one of the interviews he conducted with communist activist and former political prisoner Arsenio Marco to research his story, he located in Priaranza del Bierzo (León) the site of the mass grave where his grandfather Emilio Silva Faba and twelve other men had been buried. They were all activists in left wing and Republican parties, and were murdered by Falange members on October 16th, 1936. Following the October 2000 exhumation, he joined Palma Granados, Jorge López and Santiago Macías to found the Association for the Recovery of Historical Memory, of which he is currently president. This association works to locate the 15,000 people who disappeared on the Republican side and weren't rescued neither by Franco's regime nor the democratic governments, exhuming many mass graves and providing documents to people who spent years without knowing the fate of their loved ones.

Baltasar Garzón Real is a Spanish jurist; he became a judge in 1981, and presided the Central Examining Court #5 of Spain's National Court between 1988 and 2012. He handled cases of crimes against humanity, terrorism, state terrorism, drug trafficking, political corruption and financial delinquency.

He is internationally acknowledged for issuing an arrest warrant against former Chilean dictator Augusto Pinochet in 1998 for the death and torture of Spanish citizens during his government, as well as crimes against humanity. He also enabled the charging of Argentine citizens with crimes against humanity for the disappearance of





Spanish citizens during the 1976-1983 Argentine dictatorship. In that context, on April 19, 2005, Spain's National Court convicted ESMA repressor Adolfo Scilingo to 640 years in prison, a sentence the Supreme Court raised to 1084 years in 2007.

In 2008, Garzón affirmed his jurisdiction to investigate disappearances that took place during the Civil War and the Franco dictatorship, by considering that the felony is an illegal detention without providing whereabouts, which fits the context of crimes against humanity. He admitted reports from 22 associations of relatives of the disappeared and authorized exhumations in 19 mass graves located across Spain. The judge targeted 32 high-ranking officials of the Franco regime, including Francisco Franco himself, as the people responsible for these events. At the time, the historical memory organizations that promoted these reports submitted to the court a partial census with the names of 143,353 disappeared people. The Attorney General's office filed an appeal against Garzón's procedure claiming that the Amnesty Law prevents him from investigating any of these cases because they are common crimes. The Spanish justice stops the case completely on December 2, 2008, and the investigation is closed. Months later, the ultra right-wing labor union Manos Limpias files a complaint against Baltasar Garzón for obstructing justice. A trial against him began in 2010, known as "the trial against historical memory", for obstruction of justice due to his violation of the Amnesty Law when he initiated investigations for crimes committed during the Civil War and the Franco regime. He was acquitted in 2012, but

a few days before, a court in a different trial sentenced him to an 11-year ban –which ended his judicial career– for obstructing justice by wiretapping conversations the defendants of the "Gürtel Case", who were associated with the Popular Party, were having in prison with their attorneys.

The only two cases related to the Franco regime that did move forward in Spain apart from Baltasar Garzón's investigation, are one for alleged war crimes and another one for appropriation of children in hospitals between 1960 and 1970.

military coup– and June 15, 1977, the day of the first democratic elections in Spain after the dictatorship.

On October 24th, 2019, under the approval of Pedro Sanchez's administration, the remains of Francisco Franco that were buried in the Valley of the Fallen were exhumed and transported to the Mingorrubio cemetery in El Pardo, abiding the 2007 Historical Memory Law.

According to an Amnesty International report, Spain is the second country in the world with the most disappeared people, topped only by Cambodia.



The only criminal investigation of crimes committed by the Franco regime that remains open in the whole world is the one that takes place in Argentina. The Argentine case against the crime of the Franco regime, led by federal judge María Servini, was opened in 2010 following the principle of universal justice. The Argentine case deals with the crimes of genocide and/or crimes against humanity committed during the Civil War and the Franco regime between July 18th, 1936 –the date of the

DIALOGUE RELATIVES

"I ask God to give me health so I can live these years after so much fighting. I think these years are essential. And I ask the Forensic Anthropology Team, as I always do, that they find the remains of my children, I want to see them."

Lita Boitano

Relative of disappeared persons.
ESMA Unified Case Trial. 2013. Argentina



"We came seeking justice. They took them away from home, beat them, jailed them and did... many things to them. When they took my father I was very little. They took the bread and salt away from our homes, because my mother fell ill and searched for my father but never found him."

María del Pino Sosa Sosa

Relative of disappeared persons.
Trial of Historical Memory. 2012. Spain

DIALOGUE BABY STEALING

"I am informed that I have no living grandparents. Also, that I was born in the ESMA basement. Alicia Milia, one of the kidnapped survivors who joined Sara Osatisky in assisting Ana's childbirth was there at the time. Of course, I agreed to see her. She was one of the two people who assisted my mother's labor and my birth. She was very moved, as I was too. From then on I started to connect with my birth family and learn who were my parents and what was my family like."

Jorge Castro Rubel

Grandson recovered by Grandmothers.
ESMA Unified Case Trial. 2015. Argentina

"In my case, on August 13th, 1936, my grandfather, a member of CNT, was abducted in his home by a Phalanx man, and they took him away together with my grandmother. She was pregnant and a few weeks away from her due date. The neighbors told that when they put her up in the truck she looked like her water broke. My father was five years old, he was spending the summer in town. When the news came, my grandmother's sister went to the Phalanx garrison to demand her freedom, because they supposedly couldn't put pregnant women in front of a firing squad. At the garrison they told her that they had blasted her guts out with the kill shot. My father had to live with that for the following decades. Until 1978. Once the dictator



was dead, we were able to meet my grandfather's comrades and they were able to tell us the hold thing. One of them told us that actually my grandmother had been admitted into the Gracia hospital, in the same room as his aunt. They had taken care of my grandmother until she gave birth. She had been able to hold the baby, alive. They never saw my grandmother again, as they took her away from the delivery room. They yanked the baby girl from her hands and he never saw her again either. But that was how we learned that my father had a sister who had been born in good health. We have known this for the past 33 years, and we have been searching for her all this time."

Josefina Musulén Jiménez

Relative of disappeared persons.
Trial of Historical Memory. 2012. Spain

BREAD AND SALT / WHAT THEY TOOK / WHAT IS MISSING

"Your Honors, it's time to remedy. It's time to speak the truth. The most tangible effort should be made to remedy the damage that the victims have suffered. You and we know what a judicial sentence represents, more over, what a sentence in this process means, as it is the biggest trial in Argentine judicial history. A sentence that will stand as a declaration of certainty. In a process

where, granting all the constitutional guarantees related to a court defense, we have proven each one of the crimes committed at the Navy School of Mechanics."

Mercedes Soiza Reilly

Prosecutor. Closing argument.
ESMA Unified Case Trial. 2015. Argentina

"It's not a matter of ideology, the automatic distribution of cases assigned this to me and from then on I did what I believed I had to do, abiding by the legal standards in force. The Prosecutor's Office disagreed, but they also did it in the cases of Argentina and Chile, with very hard procedures, and all of them were resolved. Then, the Prosecutor's Office changed its position and upheld the indictment for crimes against humanity and genocide in those cases. I did everything I believed I had to do, beyond any ideology. Judges are not meant to consider ideologies. We had hundreds of thousands of victims whose rights hadn't been served, they executed an action and the judge has an obligation to investigate those facts and provide protection. That is what I did. "

Baltasar Garzón Real

Accused Judge.
Trial of Historical Memory. 2012. España