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Between Local Memory Practices and International Human Rights Discourses: From Southern Cone to Spain

When Spanish Magistrate Baltasar Garzón ten years after having investigated in the Pinochet case on human rights charges in the Southern Cone, started the investigation of the enforced disappearances during the Spanish Civil War, he opened the first criminal proceedings into Francoist repression. Using international human rights norms, it was a – finally failed – attempt to vanquish the Amnesty Law and consequently, impunity in Spain, following the demands of local memory initiatives. Taking the Pinochet case as a starting point, the contribution analyses transnational transfer processes of discursive and symbolic memory practices and how civil society protagonists in the local Spanish memory-movement refer to judicial terms as 'universal jurisdiction', 'impunity' or the figure 'desaparecido' to inscribe the Civil War past and the Franco dictatorship into an international human rights discourse, shaped by the experiences from Chilean and Argentinean victims' organisations. It explores the way in which a learning process could be generated by steadily including transitional justice concepts, such as 'truth', 'justice' and 'reparation' into their claims of coming to terms with the past, finally incorporating growing judicial demands. From a transnational perspective, memory practices are being imported from the Southern Cone human rights movement into the Spanish context, and are assumed and adapted by local domestic civil society actors. The ongoing proceedings against Magistrate Garzón and his suspension from Audiencia Nacional as well as the restriction of universal jurisdiction mechanisms in Spanish legislation demonstrate the existing institutional and political obstacles of a confrontation with the Franco dictatorship on in Spain.

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