

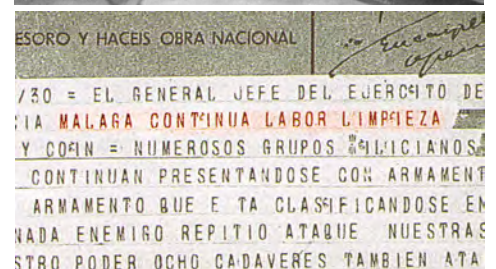
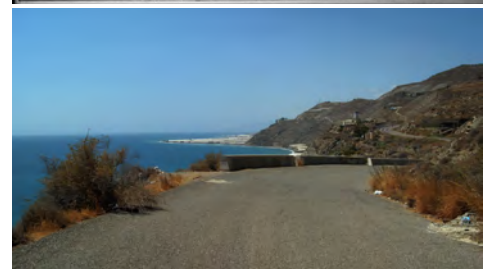
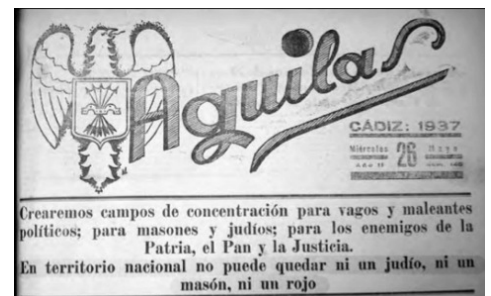
FRANCO ON TRIAL

A film by Dietmar Post & Lucía Palacios

SYNOPSIS

Franco on Trial is the upcoming documentary by Dietmar Post and Lucía Palacios. After the success of *Franco's Settlers*, their first encounter with Franco's dictatorship, they are now setting their sights on one of the darkest chapters of European history: the presumed organized extermination that took place during the coup, the war, and the subsequent dictatorship led by Franco, as well as Argentina's current effort, by invoking the principle of universal jurisdiction, to prosecute Francoists accused of committing crimes against humanity. This principle allows a foreign court to investigate human rights crimes in the event that the country in which they were committed refuses to do so, as in the case of Spain. Is this the start of a countdown to the end of immunity for Francoist crimes?

The film is also a sore reminder of an issue that still stands today: the clear-cut accountability held by Germany, Italy, and Portugal in many of these crimes.



The so-called “querrella argentina” or the Argentinian complaint, opened in Buenos Aires on April 14th 2010 and headed by Judge María Servini de Cubría, seeks to prosecute still-living authors of crimes committed during Franco’s dictatorship in Spain.

Will María Servini manage to surmount these obstacles and interrogate the accused? Will she be able to gather enough evidence to convict the accused? And in the case of a trial, could this become the last reckoning against the fascist regimes of the 20th century? Would it be comparable to the Nuremberg Trials?

Or, as one of the protagonists and victims expresses in the film in a declaration before Servini in the Guernica Tribunal, *"Perhaps we won't get to have a trial like Nuremberg but at least we now have the opportunity to prosecute Francoists in the same way as the Nazis."*

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FRANCO ON TRIAL:

A CINEMATIC EXPLORATION OF ONE OF THE BLOODIEST REGIMES OF THE 20th CENTURY

Just as in *Franco's Settlers*, Dietmar Post and Lucía Palacios manage to capture in their new film a diverse range of voices. They accompanied María Servini on her journey throughout Spain collecting statements from victims. They have spoken to plaintiffs, representatives of victims' associations, lawyers for the plaintiffs, and historians. They spoke with a Francoist official accused by Servini as well as the daughter of a general who participated in the coup of 1936. Each individual protagonist's story has been portrayed in a historical context of victims' testimonials, witnesses, experts, photographs and never-before-seen archival material.

The filmmakers have opted for a fact-based, historical approach relying on evidence of the crimes committed, including a collection of testimonials and documentation and, moreover, have consciously omitted any form of dramatization. Instead using raw and direct footage to create a rigorous aesthetic which has become their cinematic trademark.

The camera portrays countless hours of conversations and interaction with each of the protagonists through which documentation, photographs, and archival material are exchanged and discussed.

In *Franco on Trial*, the filmmakers generated an investigative file for each of the accused that serves as the groundwork to envision a possible future trial. The presence of a laptop computer forms part of the interviews. It acts as a visual aid, used previously in their film *German Pop & Circumstance*, which in many cases serves to establish a virtual dialogue between the protagonists, such as in the case of an accuser and the accused.

Unlike other films about historic memory which tries to tell the story from the victims' perspective, *Franco on Trial* tries to generate an arena for dialogue and controversy. The camera manifests the principle of equality for both ex-officials and ex-prisoners, for someone who handed down the death penalty and those who were subject to it. The same treatment is applied to the general's daughter, who vehemently defends her father, and the historians, judges, or lawyers who enumerate and analyze each crime committed from different perspectives.

**Post and Palacios have sent invitations to participate in this film to all of the accused in Argentina as well as the President and the King of Spain. Mr. Utrera Molina is the only one who has accepted the invitation. The Royal Household has responded that due to the charge the king holds, he must remain neutral and therefore cannot participate in such projects. Mariano Rajoy could not participate due to scheduling conflicts.*

NOTE FROM THE DIRECTORS

In the present-day world where facts and reflection are less prominent than emotions and immediacy, the documentary genre can provide an essential contribution presenting and analyzing historical facts in a different way by taking the necessary amount of time, and by not mixing fiction with non-fiction, while still maintaining its distance from investigative journalism.

In *Franco on Trial*, we have tried to omit any and all forms of dramatization. The drama presents itself within each of the victims' testimonials. We have renounced the concept of creating an emotionally charged atmosphere and in turn we have limited ourselves to presenting bare facts to the point of challenging each protagonist in front of the camera. We are aware that this film is not easy on the spectator as it is exempt from any decorative trimmings that would make it more pleasing. Yet, we are certain that such decoration is wholly unnecessary.

PROTAGONISTS



"This is where he was buried for over 70 years. All we found were some bones in the excavation. But for me they are enough. At least I have something belonging to my father."

Darío Rivas is a Spanish/Argentinian citizen. He was the first victim of the Franco-era repression to file a criminal complaint in Argentina in 2010 and one of the first to identify a family member thanks to a DNA test. Since then, he has fought for this historic trial to take place. Rivas refuses to diminish what happened during the war and the dictatorship to a series of isolated crimes or some local phenomenon. He also demands that Germany and Italy admit their culpability.



María Servini de Cubría, investigating judge in the "querella argentina" since 2010, is a judge of the First Chamber of the Federal Criminal Court in Buenos Aires. She was a decisive force in the resolution of the case of the missing children stolen by the Argentinian military dictatorship. Servini bases this case on the international criminal law, according to which crimes against humanity do not prescribe. Between September 2013 and October 2014, she invoked 24 international arrest warrants for torturers, judges and officials of the Franco regime. Servini comments on the *querella*:

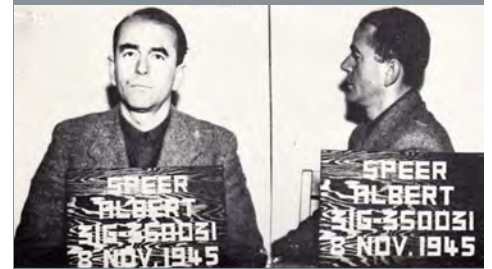
"I am very optimistic. I am convinced that we will get somewhere because I know that



A priest, **Julen Kalzada**, spent seven years in the Concordat Jail in Zamora where he was incarcerated after two rushed trials. In the first trial in Burgos, he was accused of collaborating with ETA. The second was for leading a hunger strike in the Bilbao diocese. Julen Kalzada gave his statement, along with his sister Elisa, before Servini in the Guernica court. Upon exiting the court, he was asked by a reporter:

"How did you feel when you made your statement before the judge?"

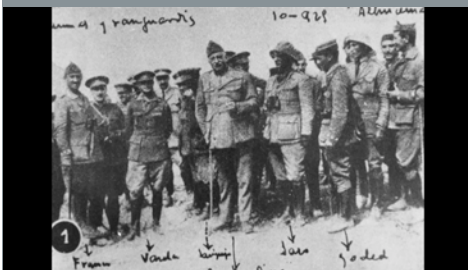
"Great happiness." He answered. "Perhaps we will not have a trial such as Nuremberg but at least we now have the opportunity to prosecute the Francoists in the same manner as the Nazis."





Josu Ibarretxe was one of the 50,000 members of the opposition who were persecuted between 1968 and 1975. Ibarretxe is the president of Gataku, a Basque platform which handles the complaints from Basque citizens and Basque city councils in Argentina. He accuses the Francoist security forces of torture. In *Franco on Trial*, Ibarretxe reacts to judge Servini's affirmations:

"In many countries, also in Europe, it is believed that the necessary justice has been done, that the accused were brought to trial and were forced to take responsibility for their actions... yet people's jaws drop when they find that not one of the accused has actually gone to jail for their crimes."



Francisco Espinosa Maestre is a historian who has conducted a deeper investigation of the Second Republic, the war and the Francoist repression. In one of his key works, *La columna de la muerte*, he describes the acts of the troops led by General Juan Yagüe as it passed through Andalusia and Extremadura, going town to town. He has produced new documentary evidence for the bloody massacre in Badajoz. Espinosa asserts that repression was not a consequence of the war but a motive and that violence formed part of the Nationalists' initial plan.

"They want to bury everything under the Civil War. The Civil War was terrible, brothers killed one another! But in reality, there were killings months before the war, a social cleansing, they called it, ending an entire social class. They wanted an end to everything to do with the Republic. Franco and his generals would have undoubtedly ended up in the docks had the Allies looked in Spain's direction."



Ana Messuti is one of the eight lawyers who form the team asking for justice for the victims of Spanish repression and their families. Though Argentinian, Messuti lives in Spain, as does the lawyer Carlos Slepoy. The other six lawyers on the case reside in Buenos Aires. Ana Messuti is a specialist in the philosophy of law. She defends the thesis that incriminates countries when faced with international crimes.

"The 'querrela' or complaint leans a great deal on Judge Garzón's judicial decrees. My belief was that everything that Garzón couldn't say or was considered invalid in order to initiate a proceeding, we could pick up and make it valid in a universal lawsuit. It was 15 years ago that he took on the violations of human rights during the Pinochet dictatorship in Chile and prosecuted the henchmen of the Argentine military. Now, we return the favor."





The complainant **Antonio Narváez**, above, reading his complaint and to his right, Judge María Servini during her visit to Seville to collect statements from various complainants.

"Falangists killed my father and my mother in July 1936, just a few days after the coup. So many of us children were left helpless. Let's see if you can help us because we are running out of time."



Nicolás Sánchez-Albornoz is a historian. In 1947, he was arrested and sentenced to forced labor in the *Valle de los Caídos*, from where he escaped. He lived in exile for decades.

"(Francoist troops) would go into towns to annihilate and physically wipe out any of those who had been a Republican or had voted for the populist front. Incarceration wasn't enough. They needed to make them disappear. It was clear that the intention was genocide."





Carlos Slepoy is founder and key figure of the Argentinian complaint. He was one of the lawyers in the civil lawsuit against Pinochet and the ex-military Adolfo Scilingo. He also participated in the hearings against the dictators Ríos Montt and Videla. Carlos Slepoy died on April 17, 2017, just a few months after his interview for the film.

"The Argentinian complaint is labeled, 'Genocide and/or crimes against humanity.' We wanted to encompass the whole spectrum of international crimes that were committed in Spain."



Doroteo Kalzada Izpitua was the father of **Julen** and **Elisa Kalzada**. He was councilor for the PNV and was executed by Francoist troops two months after they entered the Basque Country. Both Julen and Elisa joined the "querella" in 2014 and made their statements before Servini in the court of Guernica.

Elisa: *"The bombing of Guernica was on April 26, 1937. The airplanes passed overhead to Guernica and that's when we heard the bombs. At night, we could see from our balconies that everything was up in flames. June 29th arrived and (my father and others) went to mass and when they got out they were met by a couple of Guardia Civil officers and two 17-year-olds from Busturia, dressed in Falangist attire. They took my father and one and we never saw them again."*



María Eugenia Yagüe is the daughter of General Yagüe, who has gone down in history as culpable for one of the bloodiest events of the conflict. The massacre of Badajoz took place in August 1936, before the historical beginning of the Civil War. María Eugenia Yagüe is the Director of the Yagüe Foundation, which manages the legacy of her father. In the film, she invites the filmmakers into her home and shows them part of the Foundation's archive.

"As a child, I remember his big hand squeezing my little hand. I cannot believe that a man who was such a great father could commit the atrocities that they say he committed. I don't believe it."





Ascención Mendieta's father, Timoteo Mendieta, was executed by Francoist forces in 1939 when he was 41 years old and buried in a common grave in the Guadalajara cemetery. His family has been trying, for decades, to exhume his body but received no help from the Spanish justice system. Ascención then presented a claim to recover her father's remains within the framework of the Argentinian complaint, and in 2013 she made her statement before Judge María Servini. The judge enacted a decree so that the body could be exhumed. The image depicts Ascención witnessing the excavation of the gravesite.

"Poor things...they spent their entire lives underground."



The forensic architect for the ARMH (Association for the Recovery of Historical Memory), **René Pacheco**, oversaw the excavation of the mass grave where Timoteo Mendieta, Ascención's father, is believed to be buried.

"The particularity of this excavation is that international law is requesting Spain to exhume the remains of one person that had been buried in the Guadalajara cemetery".



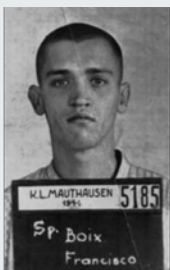
The complainant **Elsa Osaba** is the daughter and niece of Spanish Republican refugees in France. Her uncle was captured by the Nazis and sent, like thousands of other Spaniards, to the Mauthausen concentration camp.

"My mother and her family left on foot around the end of '38 and the start of '39, during the final Retreat (la Retirada) to southern France in which some historians attest that around 15,000 people were killed by machine guns fired by Italian and German airplanes. For the last few kilometers there were masses of people, over half million. At the border many were placed on hold in concentration camps surrounded by barbed wire and watched by guards. When the Germans arrived, my uncle Francisco was taken to various stalags and from there he was transported in a convoy of 469 to Mauthausen in April '41."



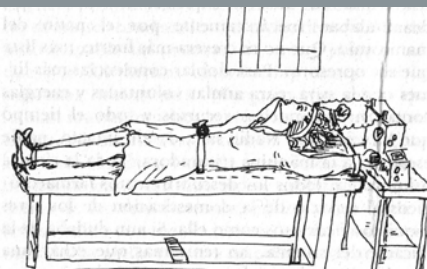
Benito Bermejo is the co-author of *Libro Memorial: Spaniards Deported to Nazi Camps (1940-1945)* and is the author of the biography *Francisco Boix: A photographer in hell*. Boix worked in the Mauthausen-Gusen concentration camp in the identification section and would become a key witness at the Nuremberg Trials.

"Franco's government undoubtedly knew that there were Spaniards in Mauthausen, but it seemed as if they didn't deserve the attention of Spanish authorities. There was a complete absence of any protection for over 7,200 Spaniards who were subject to 'annihilation through work' in Mauthausen, and in the subcamp in Gusen."



Francisco Etxeurría is a world-renowned forensic anthropologist. In 2000, Etxeurría immediately offered his services when a common burial ground was disinterred discovering 13 victims. Since then, he has documented in great detail the numerous torture cases carried out by Francoist security officials in the Basque Country, such as those of Captain of the Guardia Civil Jesús Muñecas, one of the 24 accused by Servini.

"I know hundreds of people that have been tortured by Muñecas."



Lidia Falcón, lawyer, writer and journalist, is a leading feminist figure in Spain. She joined the "querrela argentina" in 2016, reporting the torture she underwent in the Directorate-General of Security at the hands of police officer Juan Antonio Pacheco, alias 'Billy the Kid', who was charged by Servini in 2013.

"While he kept punching me in the stomach, he said, 'Now you'll never have kids, bitch'. Not that I intended to do so, but they did manage to destroy my womb. I've had to undergo five surgeries."



José Maria "Chato" Galante was arrested repeatedly in the '70s and was freed due to a general amnesty in 1977.

"I will never forget the moment when, on the third floor of the General Security office, I was hung by my handcuffs and Billy the Kid started to kick me and hit me using karate moves as if I were a punching bag. He gave me this serious stare and said: 'My hands are deadly weapons which can destroy you.'"



Merçona Puig Antich's brother Salvador was executed by means of a "garrote vil" in 1974, a strangling device used at the time. She joined the complaint in Argentina because she firmly believes that her brother did not receive a fair trial.

One of the accused, José Utrera Molina, was a member of the Council of Ministers and as such he approved her brother's death sentence.

- "What should Utrera Molina be accused of since what he did, at the time, was legal?"

- "Well, legality wasn't very legal at the time. Meaning that there is a certain accountability that he shouldn't get away with'."



José Utrera Molina was the Civil Governor of Ciudad Real (1956-1962), Burgos (1962) and Seville (1962-1969) as well as the Deputy Secretary of the Ministry of Labor (1969-1973), Ministry of Housing (1973) and General Secretary of the Ministry of the National Movement (1974-1975). Utrera Molina has been charged with homicide by the Argentinian judiciary and an international arrest warrant has been issued. He was a member of the Council of Ministers of the Franco government in 1973 and 1974 and, like all other ministers, also signed the consent to execute Puig Antich.

"This (the Argentinean complaint) is a shady fabrication created by the extreme left, backed by people like Garzón to muddle a period of Spanish life in which I took part. I have nothing to do with it."



Andoni Txasco is spokesman of the "3 de Marzo" association, a group made up of those wounded and affected by the events of March 3, 1976 in Vitoria when five workers were assassinated during a general strike. Amongst others, the organization accuses Rodolfo Martín Villa, nicknamed "the Nightstick of the Transition" due to the violent tactics he implemented during demonstrations while he was Minister of the Interior.

"We don't intend to send some eighty-year-olds to jail, but simply want them to admit what they have done, the pain that they have caused and to show a glimmer of remorse."



Pablo Mayoral was sentenced to 30 years in prison in 1975. Mayoral was a member of the armed organization FRAP. He was accused of murdering a police officer although he claims that he is innocent. One of his friends was executed along with four other men in September 1975. These were the last Francoist executions. Mayoral was set free after the approval of the Amnesty Law.

"The Amnesty Law of '77 was a product of the pleas of thousands of protestors, some of whom even lost their lives. On the other hand, they slipped in an article which also pardoned those involved in the dictatorship."

THE FILMMAKERS



Lucía Palacios and Dietmar Post have been working together for over twenty years. Their first collaboration, *Cloven Hoofed*, is a short fictional film which celebrated its release in the 1998 Rotterdam Film Festival. Living in New York City between 1995 and 2002, Dietmar and Lucía created play loud! productions in 1997. Since then, they have focused on producing not only films but music as well. In 2002, they relocated to Berlin where they presently reside.

In 2008, they were the recipients of the most prestigious award in German television, the Adolf-Grimme-Preis Award, for their documentary *Monks: The Transatlantic Feedback*. In 2006, their film *German Pop and Circumstance* was nominated for the same award.

For the past ten years, they have been creating an extensive archive under the title 'play loud! (live) music series' which focuses on the preservation and archiving of music, inspired by Alan Lomax, John Peel and the first generation of "direct cinema". In the same manner, they publish their films under their own label *play loud! music*.

In 2018 they will release the DVD of their film *Franco's Settlers* which will be accompanied by a book titled *Franco's Settlers: An example of the marginalization of the investigative documentary*. They hope to open up a discussion based on the function and significance of the documentary in democratic societies and how neoliberalism has influenced the aesthetic and content of documentary films.

Filmography (selected)

1996 - *Bowl of Oatmeal* (short film, U.S.A.)

1998 - *Cloven Hoofed* (short film, U.S.A., Germany, Spain)

2002 - *Reverend Billy & The Church of Stop Shopping* (documentary, US, Germany, Spain)

2006 - *Monks: The Transatlantic Feedback* (documentary, U.S.A., Germany, Spain)

2009 - *Klangbad: Avant-garde In The Meadows* (documentary, Germany, Spain)

2013 - *Franco's Settlers* (documentary, Germany, Spain)

2014 - *Donna Summer: Hot Stuff* (documentary, Germany)

2015 - *Damo Suzuki & Sound Carriers: Live At Marie Antoinette* (documentary, Germany)

2016 - *German Pop & Circumstance* (documentary, Germany)

Credits and Technical Information

Original Title: Franco on Trial

Directed by: Dietmar Post and Lucía Palacios

Montage: Karl-W. Huelsenbeck and Gertrudis Hantschk

Produced by: play loud! productions and Lucía Palacios P.C., and in collaboration with ARTE (commissioner: Sabine Rollberg)

Format: HD/DCP, 90 min, Spanish with English subtitles

Completion date: January 2018

Film site: playloud.org/francoontrial

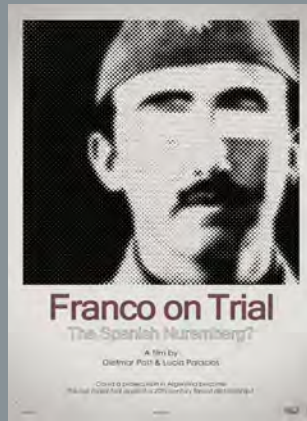
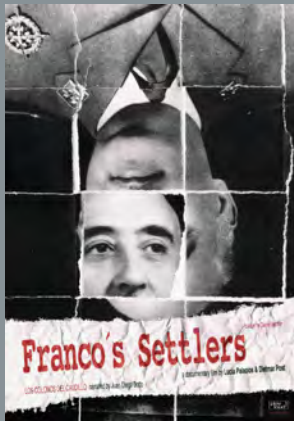
Lucía Palacios (Spain, 1972)

Studied Audio-Visual Communications at the Universidad Complutense of Madrid and Film at the NYU Film School of New York. From 1996-2000 she worked as a producer for Canal+ and TVE while living in the United States. Since 1997, she has produced and directed various of her own short films and documentaries with her partner Dietmar Post, as well as others.

Dietmar Post (Germany, 1962)

Worked as a printer before studying Theater, Film, and Spanish at the Freie Universitat of Berlin and the Universidad Complutense of Madrid. Between 1995-2003 he lived and worked in New York City where he studied at NYU Film School. There he shot his first short film, the award-winning *Bowl of Oatmeal*, followed by various fictional short stories and documentaries.

THE MOVIE POSTER



In 2013, German painter Daniel Richter collaborated on a successful crowdfunding campaign organized by the filmmakers in order to complete the financing of their documentary Franco's Settlers.

Richter created four motifs of Franco's face in large-format serigraphs that were offered as prizes.

Franco on Trial begins where Franco's Settlers ends: the filing of the "querrela argentina" in 2010. Furthermore, just as they did with Franco's Settlers, the filmmakers have once again chosen one of Richter's motifs as the central image of the poster for their new documentary.

There are serigraphs still available which are numbered and signed by the artist himself.

If you are interested in their acquisition, please write to info@playloud.org