



## FRANCISCO FRANCO STATUE

Melilla, Spain

35.2934, -2.9325



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### Executive Summary

The death of Francisco Franco in 1975 brought to close a painful era in Spanish History. In 2007 Spain enacted the Historical Memory Law, which formally condemns the Franco Regime and mandates the removal of public tributes to Franco. His statue in Melilla was one of the only remaining depictions until its removal in February 2021, following a series of legal challenges and public outcry. This case illustrates how political shifts in governance, coercive historical memory legislation and divided public opinions can impact decision-making.

## Introduction

Francisco Franco died on November 20, 1975, bringing an end to nearly forty years of dictatorship over Spain. During the subsequent transition to democracy, many public symbols celebrating or commemorating Franco's regime was left untouched and unquestioned, facilitated by the so-called *pacto del olvido* (pact of forgetting). Although some localities ultimately chose to remove symbols attached to Franco, they were not officially ordered to do so until 2007 with the enactment of the Historical Memory Law, which mandated the removal of statues and other Francoist symbols throughout Spain. Despite this law, Melilla, a city located on the north coast of Morocco, retained a statue commemorating the dictator, resulting in its municipal government becoming subject to a lawsuit in 2016 for contravention of the Historical Memory Law. The government of Juan José Imbroda maintained that the statue celebrated Franco as the commander of the Spanish Foreign Legion during the Rif War (1921-1926) and was therefore not within the purview of the 2007 legislation. However, following elections in 2019, the new governing coalition of Melilla finally approved and undertook the removal of the monument on February 23, 2021.

## Background

Following Franco's death in 1975, Melilla City Council agreed to build 'a statue of our distinguished *Caudillo* as a sign of gratitude for his knowledge, his intelligence and his hard work for almost 40 years of ruling Spain.'<sup>1</sup> As Franco had defended the town from the Riffian troops in 1921, it was decided to dedicate the monument to Franco's command of the Spanish Foreign Legion during the defence of Melilla. It was the years before the first democratic elections of 1977, so the City Council is still in the hands of the last Francoist government with Luis Cobrero Acero in charge since 1975. The decision to build the statue was approved in the Plenary Session of the Permanent Municipal Commission in October 1976, the award by tender of the project 'for the construction of a monument to the memory of Francisco Franco' was some months later in June 1977.<sup>2</sup> The minutes from the municipal council meeting contain the description of the proposals submitted, one by Francisco Gámez and two by José María Guevara in collaboration with the local sculptor and army veteran Enrique Novo. After the examination of the proposal and a 'lengthy discussion', the Commission decided to award Guevara's first proposal with a budget of 2.974.191 pesetas (7.875,25 €).<sup>3</sup>

The statue depicted a young Francisco Franco in military attire, holding a symbolic baton and wearing binoculars. The bronze statue, officially named '*La estatua del comandante de la Legión Francisco Franco Bahamonde*' (The statue of the commander of the Legion Francisco Franco Bahamonde), was completed in 1977. The City Council initially kept the statue private but was soon pressured by two Francoist council members into making it public at the location specified two years previously. In 1978, the statue was finally

<sup>1</sup> Enrique Delgado, "Monumento al Franco dictador," El Alminar de Melilla, No.

<sup>2</sup> Andrés Bartolomé, "La estatua de Franco en Melilla no homenajea al Caudillo Razón," June 8, 2021.

<sup>3</sup> Ibid.



unveiled, without a public ceremony, at the entrance to Melilla's harbour on General Macias Street.<sup>4</sup> Due to major roadworks at this central intersection, the statue was 'temporarily' relocated to the base of the city walls, near the *Puerta de la Marina* in 2005.<sup>5</sup>

In the modern era, the memory of the Francoist dictatorship has remained a highly sensitive issue within Spanish politics and society. Prior to Franco's death in 1975, he designated Prince Juan Carlos de Borbón as his successor and head of state. Following his accession to the throne, however, Juan Carlos oversaw a significant process of political reform that saw Spain transition to parliamentary democracy, culminating in the country's first free elections for forty years in 1977.<sup>6</sup> This transition was, in part, facilitated by an Amnesty Law enacted in 1977, which guaranteed freedom from prosecution to both political prisoners and members of the Francoist regime. Ushering in a broad consensus on the importance of temporarily forgetting the Civil War and the subsequent dictatorship and emphasising a shared narrative of mutual responsibility.<sup>7</sup> This 'amnesia' soon wore off. By the 1990s, historians began publishing research revealing the extent of Nationalist atrocities during the Civil War and the post-war repression of the Francoist regime, which was further reinforced by testimonies authored by victims of the dictatorship.<sup>8</sup>

By the beginning of the 21<sup>st</sup> century, there were increasing calls for incorporating victims' voices into the national memory of the Civil War and the dictatorship. Consequently, the remaining Francoist symbols in public spaces became major sources of controversy. The 2007 Historical Memory Law, adopted by the Socialist government of José Luis Rodríguez Zapatero, attempted to resolve some of these issues by condemning the regime, forbidding demonstrations commemorating Franco, and demanding the removal of Francoist symbols from public spaces and buildings. It also recognised the victims of the dictatorship and provided financial assistance to the exhumation of bodies from mass graves.<sup>9</sup>

## History of the Contestation

In the last two decades, the statue of Franco in Melilla has become the subject of major controversy. In 2003, Dionisio Muñoz, a trade unionist and secretary-general of the *Partido Socialista Obrero Español* (Spanish Socialist Workers Party - PSOE) in Melilla, painted the statue purple as a sign of solidarity with members of the *Colectivo Antifranquista* (COCISSFRA),<sup>10</sup> who the local government had recently condemned for vandalism after splashing the Monument to Heroes of Spain with purple paint.<sup>11</sup> The statue was then subject to one of the first civic initiatives

<sup>4</sup> Enrique Delgado, "Monumento al Franco dictador," *El Alminar de Melilla*, November 23, 2016.

<sup>5</sup> ABC, "Melilla retira la estatua de Franco por obras," *ABC*, November 9, 2005.

<sup>6</sup> Raymond Carr, *Modern Spain, 1875-1980* (Oxford, 2001), 155–81.

<sup>7</sup> Ley 46/1977, de 15 de octubre, de Amnistía: BOE-A-1977-24937. No. 248, *Boletín Oficial del Estado*, October 17, 1977.

<sup>8</sup> Santos Juliá, *Víctimas de la Guerra Civil* (Barcelona: Temas de Hoy, 1999); Jo Labanyi, *The Politics of Memory in Contemporary Spain* (Journal of Spanish Cultural Studies, 9/2: 2008), 119–25.

<sup>9</sup> Ley 52/2007, de 26 de diciembre, por la que se reconocen y amplían derechos y se establecen medidas en favor de quienes padecieron persecución o violencia durante la guerra civil y la dictadura: BOE-A-2007-22296. No. 310, *Boletín Oficial del Estado*, December 27, 2007. P. 14.

<sup>10</sup> The *Colectivo Antifranquista* refers to the social movement opposed to the dictatorship of Franco.

<sup>11</sup> Sara Sanz, "Melilla. Fomento retira la estatua de Franco por las obras en General Macías Melilla hoy," *Foro por la memoria*, November 9, 2005.

denouncing the existence of Francoist monuments, with several petitions being circulated from a variety of groups, including the *Colectivo Antifranquista*.<sup>12</sup>

Across Spain, similar initiatives developed into a wide national movement challenging streets names, monuments, statues or other symbols celebrating the figure of Franco and his regime. This process was greatly bolstered by 'memory activist groups', most notably the Association for the Recovery of Historical Memory and the increased publication of historical research on the extent of the Francoist terror. Divided opinions emerged in Spanish public debate: those who argued that symbols should be protected as part of Spanish history, and those who deemed the symbols as a brutal reminder of a painful past.<sup>13</sup>

Influenced by these civic movements, the national government led by the PSOE advanced their policy regarding memories of Franco and enacted a Historical Memory Law in 2007. The Memory Law legislated on several points, notably condemnation of the regime, recognition of the victims' sufferings and assistance in exhuming bodies from mass graves. More relevant to this case study, it also stated that all Francoist symbols should be removed from public buildings and spaces, with special articles dedicated to the Valley of the Fallen in Madrid, where Franco was buried.<sup>14</sup> While in some towns, the media reported the removal of statues or renaming streets, municipal governments in several towns, among them Melilla, ignored the law's requirements. These local administrations subsequently benefitted from the 2011 general election, which saw the conservative *Partido Popular* (Popular Party - PP) come into power and gave no budget to the Historical Memory Law and refused to pressure mayors and municipalities into compliance with the law.<sup>15</sup>

From 2007, Melilla's PP government (2000-2019) under Juan José Imbroda received repeated calls from political and civil society organisations to comply with the requirements of the Historical Memory Law. The leftist party Equo Melilla criticised Imbroda's administration on multiple occasions for failing to catalogue all Francoist monuments in the city and for misleading the public on the purpose for which the monument was built, declaring: 'We are the only city that maintains these homages [to Franco] in the street and we will soon have the dubious honour of having the last Francoist mayor in Spain.'<sup>16</sup> Press releases demanding the removal of the statue were also issued from the Asociación Pro Derechos Humanos (Human Rights Association) and the political party *Unidas Podemos* (United We Can) in 2015.<sup>17</sup>

The statue attracted further attention in July 2014 when Melillan civic groups gathered and covered it with black linen commemorating the 78th anniversary of the beginning of the civil war and its victims. Despite these actions, the local government ignored these demands, maintaining

<sup>12</sup> La Vanguardia, "Melilla mantendrá una estatua de Franco," *La Vanguardia*, October 14, 2007.

<sup>13</sup> ARMH, "¿QUÉ ES LA ASOCIACIÓN PARA LA RECUPERACIÓN DE LA MEMORIA HISTÓRICA (ARMH)?," *Asociación Para La Recuperación de La Memoria Histórica*; Carolyn P. Boyd, *The Politics of History and Memory in Democratic Spain* (The ANNALS of the American Academy of Political and Social Science 617, no. 1, 2008), 133–48.

<sup>14</sup> Ley 52/2007, 14.

<sup>15</sup> Juan Miguel Baquero, "Rajoy repite con la Memoria Histórica: cero euros y olvido a las víctimas del franquismo," *El Diario*, April 3, 2018.

<sup>16</sup> Equo Melilla, "Equo Melilla le pide al Presidente que deje de engañar a los melillenses con los monumentos franquistas," *Equo Melilla*, October 25, 2016.

<sup>17</sup> Melilla Hoy, "Podemos critica al PP por 'exponer a Melilla' al recuerdo del franquismo," *Melilla.Hoy*, October 23, 2016.

that the statue celebrated Melilla's defence against Riffian forces in 1921 and not Franco as the ruler of Spain.<sup>18</sup>

## 2016 Lawsuit

In 2016, Eduardo Ranz, a lawyer from Madrid, filed a lawsuit against the city of Melilla for contravention of Article 15 of the Historical Memory Law, which mandates that Spanish mayors establish a catalogue listing all local monuments and street names praising the civil war and the Francoist dictatorship.<sup>19</sup> In addition, Article 15(1) legislates the 'process of removing immediately emblems, places and other objects or mentions commemorations of praising, individually or collectively, of the military rise, the civil war or the dictatorship.'<sup>20</sup>

The lawsuit filed against the local government of Melilla formed part of a wider legal process throughout Spain, initiated in 2015 by Ranz. In an interview with one of our researchers, Ranz justified his personal initiative based on wanting to restore dignity to victims of the Regime. Observing the large numbers of Francoist symbols left untouched despite the requirements of the Historical Memory Law, he presented a legal action against several mayors working in two phases. First, the lawsuits demanded the administrations assemble a catalogue of Francoist symbols and second, that these authorities undertake the removal of symbols per the 2007 law.<sup>21</sup>

EQUO Melilla followed Ranz's initiative and also brought legal action against the city in July 2016.<sup>22</sup> When contacted, EQUO attested of their numerous but unsuccessful petitions calling for the local government to comply with the 2007 law (Ley 52/2007).<sup>23</sup> While Melilla's administrative court blocked EQUO's lawsuit, it still processed Ranz's lawsuit and eventually ruled against Juan José Imbroda - President of the Autonomous City of Melilla from July 2000 to June 2019 - and his government in October 2016. The Court held that the local government of Melilla had to prepare the aforementioned catalogue within six months, or Melilla's president could face a 4 years jail sentence if he failed to do so.<sup>24</sup>

The catalogue was published in 2017. As required by the law, it listed every monument, public square, street name and other symbol praising Franco, the Nationalists' victory in the Civil War and the dictatorship. The catalogue noted the progressive removal of all of them except for the statue of Francisco Franco in the harbour, which the government continued to defend because it honours Franco's actions during 1921 and not Franco, the dictator, thereby praising neither the civil war nor Franco's authoritarian rule.<sup>25</sup> Although the City Council refused to remove Franco's statue, they did

<sup>18</sup> ABC, "Cubren la estatua de Franco en Melilla por aniversario de la Guerra Civil," *Federación Estatal de Foros por la Memoria*, July 19, 2014.

<sup>19</sup> Manuel Vega, "'En Melilla no hay catálogo de vestigios que exaltan la dictadura,'" *El Faro de Melilla*, June 8, 2016.

<sup>20</sup> Ley 52/2007, 14.

<sup>21</sup> Eduardo Ranz, interview by Sherilyn Bouyer, March 28, 2019.

<sup>22</sup> Nerea de Tena Álvarez, "La Fiscalía archiva la denuncia de Equo contra Imbroda por mantener monumentos franquistas," *Melilla Hoy*, August 19, 2016.

<sup>23</sup> Equo Melilla was contacted on March 19<sup>th</sup> via email. They responded with a compiled file of all documents attesting to the political party's involvement in the contestation.

<sup>24</sup> Nuevatribuna.es, "La última estatua de Franco que el 'popular' Imbroda se niega a retirar," *Nuevatribuna.es*, November 23, 2016.

<sup>25</sup> Nerea de Tena Álvarez, "La ciudad someterá los vestigios franquistas a una valoración académica lo más neutral y objetiva posible," *Melilla Hoy*, July 1, 2016.

comply with the demands to change the name of Francoist streets. In 2017<sup>26</sup> the City Council approved the change for the streets Primo de Rivera and Onésimo Redondo, and in 2021<sup>27</sup> the street Commander Haya was changed to Dolores Carmona Román, to honour the Spanish Gitanos (Roma) population of the city.

### *2019 Election and the Statues Removal*

In May 2019, however, Melilla's municipal elections saw the PP lose its majority in the Melilla Assembly to a coalition of the PSOE, Coalición por Melilla, and Ciudadanos.<sup>28</sup> Under the leadership of Eduardo de Castro (Ciudadanos), the new administration signalled its willingness to remove the statue in February 2020 and announced to the Assembly in December 2020 that the Commission of Education, Culture, Celebrations and Equality was deliberating legislation to that effect. Both the hard-right Vox and the PP rejected the measure with former Mayor-President Imbroda reiterating his previous arguments that the statue was a tribute to the defence of the city during the Rif War, stating: 'It was a miracle that Melilla was not lost to Spain.'<sup>29</sup> That same month, Ranz filed another legal claim against the municipality, noting that it was 'the only remaining statue of the dictator, on municipal land, in the world.' On January 28, 2021, the Commission approved the measure which, through the abstention of Vox, was obliged to pass through the Melilla Assembly. In a special session on February 21, 2021, the councillor for culture, Elena Fernández Treviño (PSOE), rejected the arguments of both parties, indicating that the monument had initially been dedicated to 'Generalissimo<sup>30</sup> Franco' rather than comandante Franco as the opposition claimed.<sup>31</sup> On the following Monday, the motion passed with 14 votes in favour and the removal was successfully carried out on February 23, 2021.<sup>32</sup> This day has a special significance for recent Spanish history, as on February 23, 1982, Colonel Tejero attempted a failed coup d'état against the fledgling democracy.<sup>33</sup> That day, a group of soldiers burst into the Congress in Madrid during the investiture of the candidate for the Presidency, Leopoldo Calvo Sotelo from Unión de Centro Democrático (Union of the Democratic Centre - UCD). For 18 hours, the army was inside the Congress until the King publicly declared his support for democracy and the validity of the new Constitution. After his speech, the soldiers and Civil Guards left the Chamber.<sup>34</sup>

### Decision-Making Processes

In the opinion of Ranz, the main obstacle to the removal of the statue stems from the Historical Memory Law itself, which he considers a 'humanitarian law' without concrete judicial obligations.

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<sup>26</sup> Europa Press, "Melilla cambiará los nombres de las calles Primo de Rivera y Onésimo Redondo pero recurre la de Millán Astray," *Europa Press*, April 27, 2017.

<sup>27</sup> AFR, "Melilla quita el nombre de una calle franquista y se la da a la empresaria gitana Dolores Carmona Román," *El Faro Melilla*, September 28, 2021.

<sup>28</sup> El País, "Resultados Electorales en Melilla: Elecciones Municipales 2019," *El País*, May 26, 2019.

<sup>29</sup> Óscar Estaire, "Melilla aprueba retirar la última estatua de Franco que sigue en pie en España," *El País*, 22 February 22, 2021.

<sup>30</sup> "Generalissimo" refers to the General who has the supreme command of the armies. Franco was appointed Generalissimo (Chief of the Armies) on September 21, 1936

<sup>31</sup> Óscar Estaire, "Melilla aprueba retirar la última estatua de Franco que sigue en pie en España," *EL PAÍS*, 22 February 22, 2021.

<sup>32</sup> Ibid.

<sup>33</sup> Mario Selma Vicent, ""¡Quieto todo el mundo!" o "¡Se sienten, coño!": El 23F explicado a la generación Z," *Euronews*, February 23, 2021.

<sup>34</sup> Ibid.

The law should have been improved over the years to be adapted for use in actual legal processes. Further, there are no defined punishments for those refusing to comply with the law. Due to these significant limitations in the coercive capacity of the legislation, effectively enforcing the 2007 law without the cooperation of the local assembly proved difficult. As Ranz predicted, the solution to the impasse was made not through legal measures but a political coalition more receptive to the demands of historical memory groups.<sup>35</sup>

Taking a longer view, the monument's status was closely tied to the attitudes of the political right in Spain, who have repeatedly condemned the Historical Memory Law as an ideological instrument while also attempting to stall its implementation on a local level. From 2011 to 2018, the PP government of Mariano Rajoy succeeded in denying public money to any efforts aimed at the recovery of historical memory and closing the Office for the Victims of the Civil War and the Dictatorship. According to the PP, the Memory Law and the movements for the recovery of historical memory serve only to open old wounds and run counter to the spirit of the transition to democracy.<sup>36</sup> PP officials have often expressed scepticism about the motives of those seeking to finance the exhumation of mass graves, with the congressional spokesman, Rafael Hernando, declaring 'they [the victims of Franco] have remembered their fathers when there are grants to find them.'<sup>37</sup> In this context, the resistance of the PP-led Melillan administration is representative of a wider hostility and resistance towards efforts aimed at re-examining the history of the dictatorship.

The 2021 Law of Democratic Memory has updated the 2007 Historical Memory Law. It is the first law that 'expressly condemns and repudiates the coup d'état of July 18, 1936, and the dictatorship.'<sup>38</sup> In addition, it considers the nullity of Franco's repressive trials, the illegality of pro-Franco associations, the resignification of the Valley of the Fallen, and contemplates special measures dedicated to the exhumation of mass graves, such as the creation of a DNA bank.<sup>39</sup> This new law takes the baton from the 2007 Law, which is why it has some of its loopholes, especially regarding the victims' access to justice,<sup>40</sup> although it makes up for many others, like establishing a fine system if the local authorities fail to remove Francoist symbols from the public space.<sup>41</sup>

Dynamics to consider within the decision-making process include post-dictatorship divisions over historical memory, local and national electoral shifts, coercive limitations of historical memory legislation and divided interpretations of a monument's purpose.

## Summary and Conclusions

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<sup>35</sup> Eduardo Ranz, interview by Sherilyn Bouyer, March 28, 2019.

<sup>36</sup> Marcos Paradinas, "Rajoy cierra la Oficina de Víctimas como prometió en el 2008: 'Ni un solo euro para recuperar el pasado' ", *El Plural* March 2, 2012; Baquero, "Rajoy repite con la Memoria Histórica".

<sup>37</sup> El Diario, "Rafael Hernando pide "perdón" a las víctimas del franquismo y a Rubalcaba por intentar agredirle," *El Diario*, August 15, 2018.

<sup>38</sup> Jessica Martín, "La nueva Ley de Memoria Democrática prohibirá las fundaciones franquistas y resignificará el Valle," *RTVE*, July 20, 2021.

<sup>39</sup> Ibid.

<sup>40</sup> Guillermo Martínez, "Víctimas del franquismo exigen mejorar la Ley de Memoria Democrática: "El texto actual obstaculiza nuestro acceso a la justicia!"," *Público*, October 14, 2021.

<sup>41</sup> Eduardo Bayona, "La Ley de Memoria aspira a limpiar España de franquismo con casi medio siglo de retraso," *Público*, July 19, 2021.

Following the enactment of the Historical Memory Law in 2007, the statue of Francisco Franco in Melilla gained particular notoriety for being one of the few remaining symbols commemorating the dictatorship in Spain. Despite the petitions by local politicians and civic action groups, the conservative government of the city retained and adamantly defended the statue, claiming that since it reflected only Franco's role as commander of the Spanish Foreign Legion rather than as caudillo of Spain, the 2007 Law did not apply. Following a 2016 lawsuit mounted by legal activist Eduardo Ranz, the administration complied with a court order to publish a catalogue of all remaining Francoist symbols in the city. Still, it did not undertake to remove the statue of Franco. The victory of a progressive political coalition in Melilla's 2019 Municipal Elections allowed the statue's status to be reviewed by the Commission of Education, Culture, Celebrations and Equality, who ruled that it did violate the 2007 Law. Following a majority vote in the Melilla Assembly, the statue was removed on February 23, 2021.

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## About Contested Histories

In recent years, there have been many contestations over memorials, street names, and other physical representations of historical legacies in public spaces. These contestations often reflect deeper societal tensions whether triggered by political transitions, demographic shifts, inter-ethnic strife, or a growing awareness of unaddressed historical injustices.

The Contested Histories project is a multi-year initiative designed to identify principles, processes, and best practices for addressing these contestations at the community or municipal level and in the classroom. Conflicts about history, heritage, and memory are a global phenomenon, and, although each case is different, comparative cases can indicate lessons learned and reflect best practices.

## About IHJR at EuroClio

The Institute for Historical Justice and Reconciliation (IHJR) is a research centre at EuroClio - European Association for History Educators in The Hague, The Netherlands. The IHJR works with educational and public policy institutions to organise and sponsor historical discourse in pursuit of acknowledgement and the resolution of historical disputes in divided communities and societies.

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