

The 1981 coup d'état and trial in Spain: possible lessons for Turkey

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Index

Summary.....	2
The past as prelude.....	2
From Civil War to dictatorship	3
The transition to democracy	4
Democratic consolidation and military unrest	7
The attempted coup of 23 February 1981	9
The 23-F trial and subsequent appeal (1981-83)	14
Ten (possible) lessons from the Spanish experience	19
References	21

Summary

This paper briefly analyses the attempted coup d'état carried out in Spain in February 1981 and the trial that was held in its aftermath, with a view to extracting possible lessons that might prove useful to those currently engaged in post-coup justice in Turkey.

The past as prelude

Spain has had a long history of military interventions in political life. In the 19th century, these generally took the form of a *pronunciamiento* (literally, 'a pronouncement'), a ritualised challenge for power on the part of the army which became institutionalised as a mechanism for changing the government in office. Contrary to what is often assumed, not all military interventions were reactionary in nature; the liberal and progressive factions in Parliament also had their supporters within the army. Thus, major *pronunciamientos* resulted in changes of government in 1820, 1843, 1854, 1868 and 1874. Not surprisingly, the constitutional settlement finally reached in 1876 under King Alfonso XII was largely aimed at removing the army permanently from the political sphere, something it achieved quite successfully until 1923.

In the course of the 20th century, Spain experienced five significant military uprisings (in 1923, 1930, 1932, 1936 and 1981), only two of which were successful (those of 1923 and 1936). The first was carried out by General Miguel Primo de Rivera in September 1923, and was opposed by almost no one and welcomed by many. Although this has sometimes been portrayed as yet another *pronunciamiento*, it was somewhat different in that it aimed to overthrow not just the government of the day but the parliamentary system created in 1876, replacing it with something new. With the tacit acquiescence of King Alfonso XIII, Primo de Rivera was able to establish a formal military dictatorship

(1923-25), which subsequently became a civilian one (1926-29), but he failed to consolidate this as a stable form of authoritarian rule. After losing the support of both the King and the army, Primo went into exile in Paris in 1929, where he died quietly in 1930.

In the wake of his departure, the King sought to revive the political system that had existed until 1923, but without success. It was in this turbulent context that a small group of left-leaning army officers rose against the monarchy on 12 December 1930 in support of the republican parties which were actively plotting for a change of regime. The uprising was a complete failure, and its leaders, Captains Fermín Galán and Ángel García Hernández, who had their headquarters in Jaca, a small provincial town in northern Spain, were subsequently court-martialled and shot, as a result of which they rapidly became prominent martyrs of the republican cause.

The collapse of the dictatorship paved the way for free municipal elections in April 1931, the proclamation of the Second Republic and the departure of King Alfonso XIII. The ambitious progressive agenda of the leftists and republicans who largely won the first democratic elections and later wrote the Constitution of 1931 included a far-reaching reform of the armed forces, which was inevitably resisted by the more conservative elements of the military, who interpreted it as an attempt to emasculate them. Ironically, the leader of the first military coup attempt against the Republic, General José Sanjurjo, who had supported Primo de Rivera's take-over in 1923, had initially facilitated the monarchy's downfall in 1931 by refusing to use the para-military Civil Guard units under his command against republican demonstrators. However, Sanjurjo soon became disillusioned with the new regime and in August 1932 he led an uprising against the government from his military headquarters in Seville. Although he initially succeeded in taking control of the Andalusian capital, he failed to attract the support of other senior military figures, and the coup attempt collapsed within days, resulting in 10 deaths and the General's arrest. Sanjurjo was subsequently tried with 150 others and sentenced to death, but the republican authorities, determined not to make a martyr of him, later commuted this to life imprisonment. However, after winning the second general election held under the Republic in 1933, the new centre-right government adopted a general amnesty in 1934 which freed Sanjurjo and his co-conspirators, most of whom later played a prominent role in the 1936 uprising that would eventually lead to the regime's destruction.

From Civil War to dictatorship

The most significant military coup ever carried out in Spain was of course the right-wing uprising which took place in July 1936. It is often forgotten that a very significant proportion of the Spanish armed forces remained loyal to the Republic, which explains why the coup was only partially successful. Although it has sometimes been described as 'the rebellion of the Generals', this is an inaccurate portrayal of events: out of 18 divisional Generals, including those of the Civil Guard and the *Carabineros*, only four (one of them being General Francisco Franco) took part in the uprising (the uprising should have been led by none other than Sanjurjo, who was in exile in Portugal, but his death in a plane crash accidentally paved the way for Franco's rise to pre-eminence). Similarly, only 14 of the 56 brigade Generals who were serving at the time rebelled against the government. Overall, of the 15,301 officers in all branches, corps and services active in July 1936, just over half clearly supported the rebellion. The rebels

were in fact defeated in most large cities, including Madrid, Barcelona and Valencia, where they came up against the united resistance of other armed forces loyal to the Republic and political and trade-union militants. The division of the army and the police was thus crucial in thwarting the military rebellion, and in preventing it from achieving its immediate goal, the seizure of power. However, by decisively undermining the republican government's ability to maintain order, the coup d'état gave way to a civil war and the violence of armed factions.

This only partially successful coup thus led to a bloody, three-year long civil war, something the insurgents had never expected. Ironically, the war ended with yet another coup in March 1939, led by Colonel Segismundo Casado, which has been seen as a 'rebellion of the officers' against a Republican government whose legitimacy they no longer recognised. Casado and his camp assumed that it would be easier to settle the war amongst officers, but Franco insisted on an unconditional surrender, which he finally achieved a few weeks later. According to recent estimates, nearly 600,000 Spaniards died in the conflict, of which 100,000 deaths were due to the repression unleashed by the rebels, and 55,000 to the violence in the Republican zone, while another 50,000 were executed in the decade following the end of the war. Much of this repression was carried out under the authority of the Law of Political Responsibility (1939), which set out to punish 'any person or body' that had opposed the July 1936 uprising. In other words, it was those who had remained true to the Republic who were to suffer the consequences of their loyalty, while the rebels savoured the fruits of their disloyalty.

The Nationalists' victory led to the establishment of a personal dictatorship under Franco that survived until his death in November 1975, the only one in Europe to have emerged as a result of a civil war. For obvious reasons, those involved in the 1936 coup were regarded as heroes by the regime, which portrayed the civil war as a 'crusade' against communists, freemasons, separatists and other 'enemies of Spain'.

The transition to democracy

Spain's democratising process is a paradigmatic case of a 'transition through transaction', characterised by the following features: the (paradoxical) use of the former regime's institutions and constitutional procedures to initiate the democratising process; negotiations between 'soft-liners' in the out-going authoritarian regime and representatives of major opposition groups; the inclusion of representatives of all key political forces in the decision-making process; and private, face-to-face deliberations at crucial stages, involving a relatively small number of participants. Some have argued that 'transitions through transaction' are also characterised by relatively low levels of popular mobilisation, but the Spanish experience suggests they are compatible with relatively high levels of pressure 'from below' if political actors are willing and able to modulate this in response to concessions made 'from above'. Some also claim that 'transitions through transaction' can only succeed in the absence of political violence, but Spain experienced 453 deaths from political violence in 1975-80; indeed, it was partly the fear that this violence might derail the transition process that encouraged political elites to negotiate in the first place.¹

¹ Powell (2016), pp. 44-45.

Spain's relatively brief transition to democracy was launched 'from above', but it accelerated in response to mounting pressure 'from below'. It was essentially driven by domestic actors, though the European Community and some of its member states, notably Germany, actively supported democratisation (through its parties, trade unions and political foundations). Its origins largely reflect the political dilemmas facing King Juan Carlos, who needed to acquire a new democratic legitimacy for the monarchy in order to guarantee both his survival as head of state and the continuity of his dynasty. The monarchy Juan Carlos inherited in 1975 was not the institution embodied by his grandfather Alfonso XIII until 1931, but rather an entirely artificial, authoritarian monarchy designed to perpetuate the regime. However, Juan Carlos did not inherit all of Franco's powers: the Organic Law of the State (1967) had designed a monarchy in which the King's role was severely curtailed by the combined authority of the Prime Minister and the President of the *Cortes* (parliament), who shared effective control over the political system. Paradoxically, this meant that from the outset the King had a vested interest in a constitutional reform that would free him from the tutelage of unelected officials.

In the first stage of the transition, Prime-Minister Carlos Arias Navarro, who increasingly identified with the regime's 'hard-liners', advanced a blueprint for limited reform which would have led to the election of a semi-democratic *Cortes* and the legalisation of some parties, such as the Socialists (PSOE) but not the Communists (PCE). This was rejected outright by an increasingly active opposition, mass mobilisations (which sometimes resulted in loss of life), new media outlets and the European parliament.

The King's decision to replace Arias Navarro in July 1976 with Adolfo Suárez, a 44 year-old apparatchik of the former regime, known for his ambition and audacity, was a crucial turning-point. Suárez quickly produced a Law for Political Reform which called for a two-chamber *Cortes*: a Congress of Deputies elected according to principles of proportional representation, and a majoritarian Senate. In keeping with the procedure envisaged by the Francoist fundamental laws, the bill was first approved by the existing *Cortes* in November by 425 votes in favour and 59 against. In December, it was ratified by a referendum that recorded a 77% turn-out (with 94% of votes in favour), in spite of the opposition's decision to abstain on the grounds that it had been excluded from the entire process.

The referendum considerably strengthened Suárez's hand; it was only after it that he engaged in formal talks with the opposition's 'Committee of Nine'. The talks centred on the seven conditions the opposition demanded be met if it was to take part in future elections, which included the legalisation of all political parties and trade unions, the political neutrality of public employees, a generous amnesty, the negotiation of an electoral law and the acknowledgement of regional political identities. In fact, these did not constitute formal negotiations; rather, it was a case of Suárez listening to the opposition's demands and skilfully translating them into legislation. Most importantly, the talks led to the legalisation of the PCE in April 1977, whose exclusion would have rendered the process illegitimate in the eyes of many Spaniards. This paved the way for the first democratic elections, held in June 1977, which, in turn, produced the ideal outcome: the high turn-out (79%) confirmed their legitimacy, and the strong showing by Suárez's Union of the Democratic Centre (UCD), which obtained 34% of the vote and 165 out of 350 seats, allowed him to remain in office. At the same time, the PSOE

emerged as the leading opposition party with 29% of the vote and 119 seats, well ahead of the PCE, which obtained a mere 9% of the vote and 20 seats, while the neo-Francoist Alianza Popular had to make do with 8% of the vote and a paltry 16 seats.

The final stage of the transition consisted of a series of agreements involving all the major political actors. The first of these were the Moncloa Pacts signed in October 1977, which sought to restore growth to an ailing economy and to curb inflation by means of far-reaching structural reforms and negotiated wage restraint. In return for the latter, the Pacts introduced a new system of direct income tax, which would largely finance the spectacular growth of Spain's health and education systems in the 1980s. Another major initiative adopted in October 1977 and requiring a broad political consensus was the Amnesty Law, which benefited all those tried for so-called political crimes committed against the Franco regime prior to the recent elections, including ETA terrorists who had been convicted of murder. At the same time, however, it also guaranteed that former servants of the regime would not be investigated or prosecuted for the human rights violations they might have committed in the past, thereby ruling out the possibility of purging the armed forces, the police or the judiciary. The Amnesty Law was thus the most significant expression of the tacit, unspoken agreement reached by former Francoists and the democratic opposition in an effort to prevent Spain's traumatic past from becoming an insurmountable obstacle on the road to democracy. To some extent, this so-called 'pact of forgetting' was built on a widely-held interpretation of the civil war which saw it as a fratricidal tragedy for which both sides shared responsibility. As a result of this legislation, 'transitional justice' was to be notoriously absent from the Spanish democratising process.

Thirty years later, in what might be described as a belated attempt at 'post-transitional justice', the Spanish parliament finally adopted a highly controversial Law of Historical Memory (2007), which offered reparations to those victimised by past injustices and formally condemned the Franco regime as 'illegitimate'. Surprisingly, however, the law did not nullify the verdicts of those sentenced by Francoist tribunals, including the kangaroo courts created after the end of the civil war in 1939. Nor did it overturn the 1977 Amnesty Law, making it highly unlikely that anyone associated with the old order will ever face prosecution on human rights charges. What is more, in 2010 a court indicted Baltasar Garzón, the judge who had gained world-wide fame for his indictment of Chilean General Augusto Pinochet, on the grounds that he had abused the powers of his office in his attempt to use the Law of Historical Memory to prosecute former Francoist officials. Although he was later acquitted on this count, other charges forced him to relinquish his judicial post, thereby ending all meaningful efforts to bring the former regime to justice, at least for the time being.

By far the most important product of the transitional consensus was the new democratic constitution adopted after 16 months of negotiations between the representatives of all parliamentary parties, which was put to a referendum in December 1978. The debates that dominated the constituent process centred on the same issues that had plagued the Second Republic, but on this occasion they were dealt with far more pragmatically. The Socialists initially put forward an amendment that would have made Spain a republic, but once it was defeated by the other major parties (including the PCE, which had agreed to recognise King Juan Carlos in return for its legalisation), they quickly endorsed the new

parliamentary monarchy. The constitution disestablished the Roman Catholic Church, while at the same time acknowledging the right of all children to receive religious instruction in public schools, and the state's obligation to support religious schools. In its treatment of economic issues, the new text balanced the preferences of the right against those of the left. It explicitly acknowledged the market economy and protected private property and inheritance rights against unlawful confiscation, but also contained guarantees of the right to strike and commitments to provide a broad range of social services, including social security, health, education, disability and unemployment benefits, as well as the promise of a more egalitarian distribution of income. The constitution also included provisions regulating the devolution of powers from the central government to the autonomous communities (regions), paving the way for the development of Spain's future semi-federal State of Autonomies; although these efforts initially proved sufficient to accommodate Catalan nationalists, they failed to satisfy their Basque counterparts. Finally, while the Francoist Organic Law of the State (1967) regarded the Civil Guard and the then Armed Police (subsequently reorganised in late 1978 as the National Police) as integral parts of the armed forces, the new constitution (article 8.1) distinguished clearly between the military and the security forces. However, the constitution failed to clarify whether the armed forces were simply part of the public administration (like the postal service, say), and therefore totally subordinate to the government, or an institution with its own peculiar characteristics, which enjoyed a special relationship with their commander-in-chief (and head of state). Thus, although the constitution allowed the King to exercise 'the supreme command of the armed forces' (article 62 (h)), it also gave the government control of the 'civil and military administration and the defence of the state' (article 97).

Democratic consolidation and military unrest

To some extent, the consolidation of the new democracy proved more challenging than the transition proper. Partly as a result of the 1979 oil crisis, the newly-elected authorities faced a sharp economic downturn, which resulted in high levels of inflation, rising unemployment and growing social unrest. Additionally, centre-periphery tensions remained a source of tension, even after the adoption of statutes of autonomy in Catalonia and the Basque country in October 1979. Worse still, far from being appeased by the arrival of democracy and regional autonomy, the Basque separatist terrorist organisation ETA stepped up its murderous activity, killing 64 people in 1978, 84 in 1979 and 93 in 1980, its bloodiest year ever. Precisely so as to provoke some form of military backlash, army, Civil Guard and police officers became ETA's favourite targets; if we include the victims of other far-left terrorist organisations (such as GRAPO and FRAP), in all some 300 uniformed personnel (including 21 senior officers) were murdered between the first democratic elections held in 1977 and the attempted coup of 1981.

On the whole, the armed forces played a far less significant role in Spanish political life in the wake of Franco's death than many had expected. This was largely due to the fact that, although they had played a key role in bringing Franco to power, their influence had declined in the 1960s and early 1970s as a result of the expansion, modernisation and increased specialisation of the state that accompanied Spain's so-called economic miracle (between 1960 and 1975, the Spanish economy grew faster than that of any OECD country, with the exception of Japan). As a result, by the time of his death in 1975, Franco was ruling over what was effectively a civilian-led authoritarian regime, in which

the armed forces had a very minor say in the decision-making process. A good indication of this diminished role is that by the early 1970s they were not even able to prevent governments from dedicating ever-dwindling resources to military expenditure, which was one of the lowest in Europe by the time of the dictator's death. As a result, the middle classes ceased to regard a military career as an attractive proposition, and many officers had to moonlight in order to make ends meet. However, the military continued to play a prominent role in maintaining law and order: the Director-Generals of both the Civil Guard and the National Police were senior army officers, as were many of their subordinates. Furthermore, the 1945 Code of Military Justice allowed the military to try civilians for alleged offences against the armed forces.

Overall, the armed forces were thus not in a strong position from which to oppose or resist the democratisation process. Additionally, it should be noted that this was largely led by King Juan Carlos, whom Franco himself had named his successor in 1969, and who also held the post of Commander-in-Chief of the armed forces as head of state. Furthermore, as we saw above, the entire process was carried out in keeping with Francoist legislation and parliamentary procedures. Strictly speaking, therefore, an armed rebellion against a constitutional reform process sanctioned by the King would have amounted to an act of treason against Franco's legacy. This largely explains why during the transition itself the armed forces (acting as an institution) only registered formal complaints on two occasions: after the Communist Party was legalised in 1977, and again in October of that year, when the authorities sought to reinstate the young left-wing officers who had been expelled from the armed forces in 1976 for having set up a Democratic Military Union (*Unión Militar Democrática*, UMD), a clandestine organisation strongly influenced by the Armed Forces Movement and the 'carnation revolution' that toppled the Portuguese dictatorship in April 1974. It is interesting to note, in this regard, that the armed forces were unable to prevent the former, but not the latter; indeed, it was not until 1986 that the 1977 Amnesty Law was modified to accommodate the demands of former UMD members, though none of them were ever able to resume their military careers. In short, the military were influential enough to limit civilian efforts to reform the armed forces, but lacked the power to derail or block the transition to democracy altogether.

This is not to say that a small minority of army officers did not actively resist the democratising process itself, particularly after the creation of a new Ministry of Defence (in June 1977) and the adoption of the 1978 Constitution, which the more reactionary elements regarded as an atheist document, and one which was bound to lead to the dissolution of Spain. Ultra-rightists also objected to the new Royal Ordinances adopted in late 1978 to replace those dating back to the 18th century, which introduced a new article stating that 'when orders invite acts to be committed that are manifestly contrary to the laws and conventions of war, or constitute a crime, in particular against the constitution, no soldier will be obliged to obey them, and will, in any case, be wholly responsible for his actions and errors' (article 34).

The first serious evidence of military unrest emerged in September 1977, when a group of disgruntled officers allegedly met at Játiva, a small Mediterranean resort, to prepare a plot which would have led to the creation of a military government of 'national salvation' (the evidence surrounding this plot is scarce, and some authors have questioned its

relevance). More significantly, in November 1978 the authorities announced they had uncovered the so-called *Operación Galaxia*, named after the cafeteria in Madrid where the conspirators met to plan an assault on the Moncloa Palace, the Prime Minister's official residence, and the arrest of the entire cabinet (significantly, the coup was timed to coincide with the King's tour of several Latin American countries). Its ringleaders, Lieutenant-Colonel Antonio Tejero, of the Civil Guard, and police Captain Ricardo Sáenz de Ynestrillas, were arrested and later tried by a military court, which sentenced them to only seven and six months' detention respectively; given the time already served while awaiting trial, this meant their immediate release. What is more, nothing was done to shed light on the extent of the planned coup, or the involvement of other conspirators. Instead of appeasing the extreme right-wing officers involved, this policy of leniency merely emboldened them. Although army officers also took part in the conspiracy, it is highly significant that the ringleaders were members of the Civil Guard and police who had served in the Basque country, some of whose men had been the victims of ETA killings (Sáenz de Ynestrillas himself was later murdered by ETA in 1986 and his son became a notorious figure in the ultra-right in later years).

Shortly after the plot was uncovered, the Minister of Defence, General Manuel Gutiérrez Mellado, who was Suárez's closest adviser for military affairs, attended an army gathering in Cartagena to explain the new constitution. As he was speaking, General Juan Atarés Peña, who commanded the Civil Guard in the Valencia region, shouted out that the text was 'a great lie'. The General was subsequently court-martialled for insulting his superior, but acquitted by military judges convened by the Captain-General of the Valencia military region, Jaime Milans del Bosch (Atarés was later murdered by ETA in 1985). In January 1979, at a funeral for the Military Governor of Madrid, General Constantino Ortín, who had just been murdered by ETA, Gutiérrez Mellado was jostled and insulted by an irate crowd consisting largely of army officers. Inevitably, these incidents led far-right military conspirators to conclude that the democratic regime could be attacked with impunity.

The attempted coup of 23 February 1981

Military unrest continued to rise during the course of 1979-80 due to the establishment of Catalan and Basque autonomous institutions, the wave of ETA violence, and the economic crisis. In a desperate attempt to reduce the tension, in April 1979 Suárez finally replaced Gutiérrez Mellado with Agustín Rodríguez Sahagún, who thereby became the first civilian Minister of Defence since the Second Republic. The latter had no prior knowledge of military affairs, and soon made himself unpopular by selecting the liberal General José Gabeiras as the new army Chief of Staff, an appointment which required not only his promotion from Major-General to Lieutenant-General, but also that of five other Generals who preceded him. Shortly before the summer recess, the Parliament had begun to debate a bill whereby former members of the UMD would be allowed to return to the armed forces. An earlier bill had contemplated putting an end to the military status of the Civil Guard, hitherto led by army officers. In October 1979 the authorities uncovered yet another plot, masterminded by General Luis Torres Rojas, in command of the Brunete Armoured Division, the Spanish army's best equipped unit, stationed near Madrid, who planned to take over the Moncloa Palace, force the government to resign and put a military directory in its place. Far from making this public, however, the government quietly removed him from the capital in early 1980 by appointing him Military

Governor of La Coruña, in the far north-western corner of the country.

During these months, King Juan Carlos made a point of talking to many disgruntled senior army figures in private, in an attempt to secure their loyalty. Amongst those who were most outspokenly critical of the consequences of democratisation was General Alfonso Armada, the former head of the Royal Household, who had been removed from the King's entourage by Suárez in 1977 on account of his hostility to the new regime, and replaced by General Sabino Fernández Campo. According to the monarch's own account, 'I listened to them carefully, and when their arguments struck me as departing too far from reality, I tried to make them see reason. But I also made it clear that in no case could they count on me to cover up for the slightest action against a constitutional government like our own. Any such action, I told them, would be regarded by the King as a direct attack on the Crown'.²

As a result of Spain's economic difficulties, growing centre-periphery tensions and ETA's relentless violence, during the course of 1980 Suárez's popularity and credibility were rapidly eroded, not least within his own party, UCD. It was in this context that the press and some political figures began to discuss the need to form a government of 'national salvation' under the premiership of General Armada, who had been appointed Military Governor of Lérida, a provincial capital in north-eastern Spain. This so-called *Operación De Gaulle* envisaged the non-violent (and supposedly legal) substitution of Suárez's government by a broad-based coalition cabinet which might even include prominent members of the Socialist party, a possibility Armada himself explored with two senior members of the PSOE leadership in October 1980.

Younger army conspirators seem to have been thinking along more forceful lines, however. On 5 November, at a private gathering in a military housing estate in Madrid, some 50 officers discussed the possibility of emulating the Turkish military coup led by General Kenan Evren on 12 September 1980. The officers based their discussion on an analysis of the Turkish coup written by the Spanish Military Attaché in Ankara, Colonel Federico Quintero Morente, a US-trained counterinsurgency and intelligence expert who had exposed *Operación Galaxia*. His paper, which discussed the impact of terrorism and economic stagnation on fragile democracies, was subsequently leaked to the press, and fuelled speculation of an imminent Turkish-style coup (*golpe a la turca*). The threat was certainly deemed serious by both the socialist leader Felipe González and the head of the conservative party, Manuel Fraga, who informed the King separately of their readiness to join a caretaker coalition government if necessary.

The coup itself began to take shape at a crucial meeting between Armada and Milans del Bosch, held in Valencia on 17 November. During this interview, the former led the latter to believe that the King, whom Armada spoke to quite frequently, shared their concern that Suárez was incapable of responding effectively to the many challenges facing Spain, and that something urgent should be done to prevent a fully-fledged coup. At a second meeting, held on 10 January 1981, Armada, who had seen the King over Christmas, informed him that Juan Carlos 'was fed up with Suárez', and was determined

² Vilallonga (1994), p. 125.

to replace him. In the eyes of Milans del Bosch, who was a devout monarchist, the fact that Armada was soon to be appointed Deputy Chief of the Army General Staff lent credence to the idea that he was acting on the King's behalf. Juan Carlos had indeed asked the Defence Minister to move Armada to Madrid, because he wanted a trusted figure at his side, an initiative vehemently opposed by Suárez. Without the King's knowledge, at this second meeting Armada encouraged Milans to stage an uprising in Valencia, on the understanding that he would later be able to 'redirect' it from Madrid. A week later, on 18 January, Milans del Bosch called a decisive meeting of conspirators in the capital, which was attended by senior officers of the Brunete Armoured Division and Colonel Tejero, amongst others. It was here that they decided to give Armada's plan for an *Operación De Gaulle* one final chance; if he failed to become Prime Minister within a month, Tejero would seek a pretext to occupy Parliament, Torres Rojas would rush back from La Coruña to lead the Brunete Armoured Division into Madrid, and Milans del Bosch would take control of Valencia.

Exhausted by the growing tension and his struggle to hold his party together, Suárez finally submitted his resignation to the King on 27 January. His farewell address –and his statement that 'I do not wish the democratic system we have all desired to be yet another parenthesis in Spain's history'– fuelled speculation that he had resigned under pressure from military conspirators, but in private he assured his aides that 'at least I'm leaving you with the military problem resolved'. In the wake of Suárez's resignation, a highly influential right-wing journalist published an article encouraging the King to seize this opportunity to replace him with 'a politically blessed outsider', and suggested General Armada as the best candidate, giving rise to fresh rumours of an imminent '*operación Armada*' (a pun on 'armed solution' and 'Armada solution'). However, the fact that the King did not act on this advice suggests that, at best, he was always lukewarm about a De Gaulle/Armada solution to the crisis. In the course of the consultations that later led to the appointment of Leopoldo Calvo-Sotelo as Suárez's successor, Juan Carlos made no mention whatsoever of a possible coalition led by Armada, confining himself, as was his constitutional duty, to listening to the spokesmen of the various parliamentary groups. At a subsequent meeting with the King, held on 13 February, Armada warned him that his prestige within the armed forces was at its lowest point since Franco's death, but failed in his efforts to make him reconsider his support for Calvo-Sotelo and appoint him instead. Following the monarch's instructions, the General agreed to meet Gutiérrez Mellado, who later recalled him frothing with rage, insisting that Juan Carlos was wrong to replace Suárez with another civilian.

The coup finally went ahead on 23 February to coincide with a parliamentary session convened to vote Calvo-Sotelo's investiture as Prime Minister. At 6:23 pm, some 320 civil guards under Lieutenant-Colonel Tejero arrived at the Parliament, and approximately half of them burst into the chamber brandishing pistols and sub-machine guns, effectively taking the government and all 350 deputies hostage. To lend credence to the notion that Juan Carlos was behind the coup, Tejero repeatedly shouted 'in the name of the King' as he burst into the chamber. Policemen guarding the building offered no resistance, for they mistook this to be part of some form of anti-terrorist operation. Although the assailants fired at the ceiling, nobody was seriously hurt. General Gutiérrez Mellado bravely confronted the intruders, ordering them to leave, but was violently manhandled by several civil guards, until Suárez came to his assistance. Together with

Felipe González, Alfonso Guerra, Santiago Carrillo and Agustín Rodríguez Sahagún, both were later removed from the chamber and locked up separately, leading many of those left behind to assume they would be shot. One of Tejero's men announced the imminent arrival of 'the competent authority, military of course', who would decide what would happen next. This was later assumed to be the 'white elephant' mentioned by several conspirators over the telephone, presumably a reference to Armada himself, whose large ears, baggy eyes and elongated nose gave him 'the look of a benevolent, if somewhat lugubrious, pachyderm', as one author has put it.³

Having secured the Parliament, Tejero telephoned Milans del Bosch, who declared a state of emergency in the Valencia region at 6:45 pm and issued a proclamation stating that 'in light of the events in the capital and the consequent vacuum of power, it is my duty to guarantee order in the military region under my command until I receive instructions from His Majesty the King'. The proclamation ordered the militarisation of all public service personnel, imposed a curfew and banned all political and trade-union activity. For greater effect, tanks were rolled out to guard important public buildings.

The coup began to run into trouble when the head of the Brunete Armoured Division, General Juste Fernández, grew suspicious of the claims made by Torres Rojas –who had travelled to Madrid to lead his former unit as planned– to the effect that the uprising enjoyed the King's full support. These suspicions were confirmed when, on telephoning La Zarzuela, the monarch's official residence, he tried to speak to Armada, only to be informed that he was not there, nor was he expected (Juan Carlos was getting ready to play squash with several friends when the Parliament was taken, another indication that he was not privy to the conspiracy). As a result, the Brunete units that were preparing to advance on Madrid were quickly stood down.

The track-suited monarch and his closest advisers spent the rest of the evening trying to dismantle the coup by telephone. Given that the executive was being held hostage, Juan Carlos ordered the creation of a provisional government consisting of the Secretaries of State and Under-Secretaries of each Ministry, under the direction of Francisco Laíña, Director of State Security at the Ministry of the Interior. This body later issued a statement explaining that they had 'gone into permanent session, on the instructions of His Majesty the King, to ensure the government of the country through civilian channels', and guaranteed that 'no act of violence will destroy the democratic coexistence that the people freely desire and which is enshrined in the text of the constitution that both civilians and the military have sworn to uphold'.

Thanks to General Juste Fernández's call, the King and his entourage had been alerted to Armada's involvement. When the latter telephoned the King to help deal with the crisis from La Zarzuela, he was ordered to remain at his post in central Madrid. After speaking to Milans del Bosch and several other senior officers, Armada later repeated his call, and informed his successor as Secretary General of the Royal Household, Fernández Campo, that it was his duty to try to form a government in order to avoid bloodshed. When the latter doubted that the deputies would vote his investiture as Prime Minister,

³ Preston (2005), p. 470.

Armada assured him haughtily that they would, and did not seem troubled by the objection that a vote taken at gunpoint would have no legal value. However, since Tejero refused to take orders other than from Milans del Bosch or Armada, the latter was eventually allowed to go to the Parliament, which could have proved a very dangerous move had he been able to address the deputies. After entering the building at 12:30 am on 24 February, he explained to Tejero that he planned to offer the deputies the solution of a government of national salvation –which would include two Socialists and two Communists– under his own premiership. The civil guards who had stormed the building would be withdrawn and flown to safety, presumably to a South American country willing to grant them political asylum. Unsurprisingly, Tejero refused to play the role of sacrificial lamb, and after speaking to Milans del Bosch, who outraged him further by urging him to accept the deal, he ordered Armada out of the building. In effect, it was this fundamental disagreement between the conspirators themselves that doomed the coup to failure.

The coup also failed because the King was able to speak to most of Spain's Captain Generals personally, only a few of whom got in touch with La Zarzuela of their own accord to reassure him of their loyalty. What these conversations revealed was that, once the King made it clear that, contrary to what the insurgents were claiming, the coup did not enjoy his support, they invariably offered him their obedience. In other words, had the King wanted the coup to succeed, as has been claimed, it would have been very easy for him to secure an outcome favourable to the insurgents. The Captain-General of Madrid, Guillermo Quintana Lacaci, would later explain to the Minister of Defence, that 'I fought in the Civil War, so you can well imagine my way of thinking. But Franco gave me the order to obey his successor and the King ordered me to stop the coup on 23 February. If he had ordered me to assault the Cortes, I would have done so'.

Eventually, even Milans del Bosch, who spoke to the King on three occasions, agreed to stand down, though not until Juan Carlos sent him a telex reaffirming his determination to defend the constitution, and a warning that 'after this message, I cannot turn back', by which he meant that unless he obeyed immediately, he would hold him responsible for the consequences of the coup (during the subsequent trial, this text was quoted as evidence of the King's alleged hesitation). The telex also stated unequivocally that 'no coup d'état of any kind whatsoever can hide behind the King, it is against the King', and concluded: 'I swear to you that I will neither abdicate nor leave Spain'.

The monarch had been aware of the importance of reassuring public opinion from the outset, but was initially prevented from doing so by the presence of rebel troops from the Brunete Armoured Division at television headquarters. These were not withdrawn until well after 9 pm, and it was not until 11:35 pm that a television crew finally reached La Zarzuela. The King's message was recorded shortly after midnight and finally went on the air at precisely 1:15 am. The delay was subsequently attributed by some to the King's alleged reluctance to publicly oppose the coup until there was sufficient evidence of its failure, and some sources have even claimed that two different messages were recorded, in case the coup succeeded. Neither of these claims has ever been substantiated, and the delay can be convincingly explained in terms of the logistical difficulties involved (furthermore, his message was recorded before the outcome of Armada's visit to Parliament was known in La Zarzuela). After announcing that he had ordered all civilian and military authorities to defend the democratic status quo, the King

solemnly proclaimed that 'the Crown, symbol of the permanence and unity of the fatherland, cannot in any way tolerate the attempts of any persons, by their actions or their attitude, to interrupt by force the democratic process determined by the constitution and approved by the Spanish people by means of a referendum'.⁴

The coup would have ended sooner had it not been for Major Ricardo Pardo Zancada, of the Brunete Armoured Division, who took it upon himself to drive to Parliament at the head of a column of military police jeeps to join Tejero in his hour of defeat. Pardo finally surrendered at 9 am the following morning, though he insisted on being allowed to leave and hand himself over to his own unit and also secured immunity for his subordinates. Tejero gave up shortly afterwards, and insisted that Armada come back to Parliament to receive the surrender, probably so as to underline his responsibility in the overall failure of the coup. At midday, after almost 18 hours, the deputies were finally free to leave the Parliament. Having seen Armada outside the building as he left, Suárez assumed he had played a role in securing their release, and later told the King: 'I was wrong about Armada and Your Majesty was right', to which Juan Carlos replied, 'No, Adolfo, you were right. Armada is a traitor'.

Two additional aspects of the coup deserve mention. The first is the role of the media, which was able to operate quite freely during the course of the crisis. Indeed, the evening of 23 February has gone down in media history as 'the night of the transistors', because millions of Spaniards were kept abreast of events by the major radio stations. Additionally, some of the country's leading newspapers, most notably *El País*, published special editions condemning the coup and in support of the 1978 Constitution.

Understandably, on learning what was taking place in Parliament, most Spaniards rushed home and remained indoors, glued to their telephones and radio sets (at the time, there were no private Television channels in Spain, and, as we have seen, the headquarters of the state-owned TV were occupied by the rebels). Meanwhile, leaders of political parties and trade-union organisations who expected to suffer the consequences of a successful coup busied themselves destroying membership files and other potentially incriminating materials. In the Basque country and Catalonia, some of them even drove across the border into France, just in case. It was not until 27 February, when the danger had passed, that some 3 million people demonstrated across the cities of Spain in support of democracy and the King.

The 23-F trial and subsequent appeal (1981-83)

The trial of (some of) those involved in the attempted coup of 23 February 1981 became a litmus test in the process of democratic consolidation in Spain. By and large, this complex legal procedure was handled in a manner which served to strengthen democratic institutions and reaffirm the subordination of the armed forces to civilian oversight and control.

⁴ Powell (1996), p. 172.

In a sense, the King himself was largely responsible for providing the framework within which the trial would take place. On the evening of 24 February, he invited Spain's five leading political figures –Suárez, Calvo-Sotelo, González, Carrillo and Fraga– to discuss the consequences of the coup, and requested that they make every effort to ensure that the Spanish people did not assume the entire army to be *golpistas*. Several days later, he addressed the Zaragoza Military Academy, reminding officers that 'thoughtless actions do nothing for the security of the State', while urging the media not to 'apply analyses or moral sanction to an entire institution just because it contains those who believe erroneously that their precipitate impulses make them saviours of the Fatherland and that the only way forward is subversion and violence'. In effect, this established the narrative for what was to come: the coup had been a minority affair, involving a few 'rotten apples', with many of those involved merely obeying orders from above.

The trial was undoubtedly the most urgent and delicate task facing the new government, led by Calvo-Sotelo, who was elected Prime Minister on 25 February, and who immediately appointed a new Defence Minister, Alberto Oliart, a little-known liberal lawyer. However, the sabre-rattling and conspiracies continued, and in June yet another coup attempt was uncovered, leading to the arrest of Colonel Ricardo Garcitorea Zalva, Colonel Antonio Sicre Canut and (the now) infantry Major Ricardo Sáenz de Ynestrillas, of *Operación Galaxia* fame. In November, Captain Juan Milans del Bosch, son of the former Captain-General of Valencia, was tried by a military court for having described the King in public as a 'useless pig', for which he was punished with only one month's detention; to add insult to injury, the same court sentenced Colonel Álvaro Graíño to two months' detention for sending a letter to a newspaper warning of continued *putschism* in the armed forces. Even more worryingly, in late 1981 more than 100 officers and NCOs published a manifesto condemning the media's allegedly critical and disrespectful treatment of the armed forces, which resulted in the arrest of five of its sponsors.

The format and outcome of the trial would have been very different had it not been for the changes to the military justice code introduced as recently as November 1980, the need for which had first been raised in the Moncloa Pacts of 1977. The new law strengthened guarantees by increasing the role of military jurists in all trials, making the use of a defence lawyer obligatory. This entailed the removal of military prosecutors, who were normally combat officers rather than military lawyers, and the replacement of serving officers by members of military legal bodies in the preliminary investigations. The law also established that sentences passed by the Supreme Council for Military Justice could be appealed before the (civilian) Supreme Court. Additionally, the law greatly restricted the crimes for which civilians could be tried by military courts. Most importantly, perhaps, the reform made explicit that due obedience did not exist as grounds for exemption in the circumstances described in Article 34 of the Royal Ordinances (quoted above). However, the military justice code had also been reformed to exclude the possibility of summary trials in peacetime; otherwise, the entire proceedings could have been far quicker.⁵

⁵ The old military justice code had allowed Sanjurjo's 10 August 1932 rebellion to be tried within weeks; the sentence was issued on 25 August.

While they awaited trial, the 32 military defendants were detained in military premises, where they were frequently visited by friends and relatives (only one civilian, Juan García Carrés, an ultra-rightist who had belonged to the Francoist 'vertical' syndicates, was put on trial, accused of having provided Tejero with the unmarked buses that transported his civil guards to Parliament). This also meant they were able to communicate with members of the ultra-right media, who did their best to intoxicate public opinion with their own, highly jaundiced view of what had taken place. Inevitably, the fact that there were so few defendants –even though several hundred officers, soldiers, and civil guards had mobilised in Madrid, the Brunete Armoured Division and Valencia– and the physical comfort in which they awaited trial led many to fear that they would be treated with undue leniency by the military court that would try them.

The pre-trial proceedings, led by a senior air force lawyer, José María García Escudero, began immediately after the coup was dismantled, and lasted until 26 June 1981, just over three months. His conclusions –contained in a 6,000-page document– were then submitted to the Supreme Council of Military Justice, formed by 26 military judges. Predictably, their content was soon leaked to the press, probably by one of the defence lawyers. In his memoirs, García Escudero would later claim that he acted with complete independence. Indeed, in a private conversation with the Prime Minister held in May 1981, Calvo-Sotelo expressed the view that all of those who had stormed Parliament should be expelled from the Civil Guard, a view the judge did not share. García Escudero also saw the King, who simply wished him well in his endeavours.⁶

The trial proper opened on 19 February 1982, and concluded on 24 May, lasting just over three months; some 50 witnesses took the stand during the 47 morning and afternoon sessions held. The trial took place in a military base on the outskirts of Madrid, in a building belonging to the Army Geographical Service that had once housed a paper store, which was specially converted for the occasion. The security detail guarding the building consisted of both army soldiers and civil guards. The defendants, who enjoyed the legal advice of a team of 26 military and civilian lawyers, were tried by 16 senior officers (only six of whom were lawyers), under the presidency of Lieutenant-General Luis Álvarez Rodríguez, who had taken part in the 1936 uprising as a young cadet and was on friendly terms with both Armada and Milans del Bosch (several weeks into the trial, he was taken ill and was replaced by Lieutenant-General Federico Gómez de Salazar, who had court-martialled the officers expelled from the armed forces for belonging to the DMU). The trial was attended by almost 100 military observers from the army, navy and air force, as well as by representatives of the major political parties. The defendants' relatives were given pride of place, as were the more than 100 Spanish and foreign journalists who covered the trial; these two groups occasionally exchanged jibes and even insults. Pedro J. Ramírez, the Editor of a prominent liberal newspaper, *Diario 16*, was barred from the courtroom for publishing an article that annoyed the judges; although a civilian court subsequently overturned the decision, the Minister of Defence convinced him to stay away. In his memoirs, Calvo-Sotelo would later acknowledge having tried to convince leading newspaper editors not to give the trial excessive

⁶ García Escudero (1995), pp. 31-33.

(cont.)

coverage, but in vain.⁷ By and large, the defendants themselves remained calm throughout, with the only exception of Milans del Bosch, who tried to leave the room when someone compared the civil guards who had taken Parliament hostage to 'a bunch of kidnappers'.

The defendants were accused of having committed, conspired to commit or aided and abetted a military rebellion, but they all declared themselves not guilty. As was to be expected, most senior officers based their defence on the argument that the King had been actively involved in the preparation of the coup, while the more junior ones claimed they had merely been following orders. In his first statement to the examining judge on 14 April 1981, Tejero had already accused Juan Carlos of encouraging the plot to go ahead. At the end of September, when the defence lawyers submitted their provisional conclusions, 10 of them issued a statement to the effect that the coup had been carried out 'in the firm belief and certainty of following instructions emanating from His Majesty the King, Commander-in-Chief of the Armed Forces, as permitted by the constitution'. They also added that the plot had been masterminded by Armada, who had convinced the others that he was acting on the monarch's behalf, a claim rendered credible by the fact that he had worked at La Zarzuela for almost a decade, and by his appointment as Deputy Chief of Staff on the eve of the coup. Predictably, the defence lawyers demanded that Juan Carlos take the stand as a witness, something the head of state could not accept, though this was construed as evidence of his guilt. Most importantly, Armada revealed that he had asked the Royal Household for permission to inform the court of his private conversation with the King on 13 February 1981, but to no avail; inevitably, this too was taken to mean that Juan Carlos had something to hide. The trial was thus ultimately unsatisfactory in that it did not serve the purpose of revealing the truth of what had taken place beyond all reasonable doubt; by refusing to take responsibility for his actions, Armada effectively ensured that crucial questions about the planning and execution of the coup would remain unanswered.

Ironically, the defendants turned out to be their own worst enemies. In court they behaved with arrogance, disloyalty to one another, and callousness. Armada never mingled with the other defendants, who regarded him as a traitor and a coward. As details of the coup emerged, it became clear that many had acted with incompetence and lack of foresight. As a result, far from emerging as honourable, patriotic heroes willing to sacrifice their careers for what they –rightly or wrongly– believed was best for their country, they came to be seen by the public at large as self-seeking, fanatical, coarse and more than a little ridiculous. Many officers who had not taken part in the coup but had sympathised with its goals came to feel embarrassed by a spectacle which could only humiliate the armed forces further. In short, although the trial took place in a highly favourable environment for the defendants, the intense media exposure helped to unmask them for what they were.

The sentences finally meted out by the military court on 3 June 1982 were greeted with some dismay. Although Milans del Bosch and Tejero received the maximum sentence of 30 years in jail, Armada, Pardo Zancada and Torres Rojas were sentenced to only six.

⁷ Calvo-Sotelo (1990), pp. 49-51.

Overall, of the 32 defendants, 22 were condemned to less than three years in prison, which meant they would be able to return to active military duty once they had served their sentences (those sentenced to more than three years were automatically expelled from the armed forces). Crucially, the Calvo-Sotelo government decided to appeal these sentences to the Supreme Court, basically so as to ensure that a civilian institution would have the last say in this highly controversial matter. As a result, some sentences were stiffened significantly in April 1983: most notably, Armada was now declared guilty of having actively led the coup, for which he was condemned to 30 years in jail. Similarly, both Pardo Zancada and Torres Rojas saw their sentences doubled from six to 12 years. Furthermore, seven civil guards who had been absolved by the military court were sentenced to a year in prison, while an eighth was sentenced to two. Overall, the number of years contemplated in the revised sentences rose from 122 to 197; even so, 20 out of the 32 defendants were able to continue their military careers. Although this did not become public knowledge until much later, in December 1982, the Supreme Council for Military Justice responded by attempting to grant a partial pardon, a move that was immediately stymied by the Socialist government led by Prime Minister Felipe González, who had been swept into office in the wake of his landslide electoral victory in October 1982.

Surprisingly, perhaps, the failure of the coup and the subsequent trial did not immediately discourage other *putschists* from trying their hand. Shortly before the October elections, the authorities dismantled another coup attempt, masterminded by three senior army officers, Luis Muñoz Gutiérrez, Jesús Crespo Cuspinera and his brother José Enrique, who had planned to storm the Moncloa and Zarzuela Palaces, force the King and the Prime Minister to stand down, and replace them with a military junta led by none other than Milans del Bosch (the three ringleaders were later sentenced to 12 years in jail). One final coup attempt, which was only made public in 1997, was disrupted in June 1985, though it did not result in the arrest or trial of those involved. To our knowledge, this was the last coup planned in Spain to date.

Ultimately, it was not so much the legacy of the coup, but rather the military reform programme implemented by the new Socialist government in the 1980s, designed by Defence Minister Narcís Serra, that redefined the role of the armed forces in Spanish society for good. Most importantly, in January 1984 the Spanish parliament approved a new Organic Law for National Defence which placed the Joint Chiefs of Staff under the authority of the Prime Minister, who in turn delegated this power to the Minister of Defence, whose position was considerably strengthened thereby. In December 1985, a radically new military penal code replaced that of 1945, and in July 1987 a law was passed dismantling the Supreme Council for Military Justice and replacing it with a Military Issues Tribunal in the Supreme Court, which came into being in May 1988.

Only months before the Supreme Council was due to disappear, the defendants in the 23 February trial who were still in prison requested a revision of their verdicts in order to remain in the armed forces once they had served their sentences, thereby taking advantage of a legal loophole created by the 1985 reform of the military justice system. The Defence Minister intervened *in extremis*, and as he would later admit, was forced to 'make some appointments so that the final outcome continued to exclude the officers

involved in the coup from active service'.⁸ Armada's sentence was nevertheless reduced to 26 years, eight months and one day in prison, and after petitioning the Supreme Court on five occasions, in December 1988 he was finally pardoned by the government on the grounds of ill health and set free.⁹

Ten (possible) lessons from the Spanish experience

The trial that took place in Spain following the attempted coup of 23 February 1981 allows us to reach several conclusions that might be of interest to those involved in the post-coup justice initiatives taking place in Turkey.

- (1) Post-coup trials are unlike other, comparable legal proceedings because of their multi-faceted goals, meanings and consequences. A normal trial basically aims to discover the truth and deliver justice by punishing those responsible for the crime in question (if one has indeed been committed). However, in addition to discovering the truth and punishing guilty parties, post-coup trials also seek to de-legitimise those involved in the uprising, the methods used and the values invoked by them. In so doing, they often serve to legitimise (or at the very least strengthen) the norms, values and procedures adhered to by those who hold the trial. In short, post-coup trials are legal procedures invested with enormous political and symbolic significance. Consequently, the procedure itself is often just as important, if not more so, than the final verdict.
- (2) The aim of a successful post-coup trial should be justice, not revenge. This is probably easier to guarantee when the coup in question fails to achieve its major goals, and when there is no bloodshed, as occurred in Spain in 1981. By definition, those who survive a failed coup can afford to be more magnanimous than those who have succumbed to a successful one.
- (3) Ideally, the trial should be held relatively soon after the coup has taken place; as in so many other cases, 'justice delayed is justice denied'. If too much time is allowed to elapse between the coup and the trial, public opinion will eventually disengage from the proceedings. Furthermore, holding those accused of taking part in the coup in detention without trial for long periods of time may undermine the legitimacy of the exercise overall.
- (4) One of the main purposes of the trial should be to establish the truth of what actually took place, by documenting it as accurately as possible. Indeed, this is one of the few valid arguments that might be invoked to justify a prolonged legal process. However, many of the details of the coup may prove impossible to document, particularly if those on trial refuse to cooperate. If this is the case, the trial itself may never provide the 'closure' that public opinion might expect, and even demand. However, in a best-case scenario, the trial will produce not only the evidence

⁸ Serra (2010), pp. 197-98.

⁹ Armada nevertheless lived on until 2013, dying at the ripe old age of 93. Pardo Zancada was freed in 1987, while Torres Rojas was released in 1988 on health and age grounds, dying shortly afterwards. Milans del Bosch was released in 1990 and died in 1997, aged 82. Tejero left prison in 1996 and has led a quiet life ever since.

necessary to sentence those responsible, but also the materials needed to generate a widely-accepted 'narrative' about the coup and its consequences. If so, this may be a more important long-term consequence of the trial than the fact that justice is seen to have been done.

- (5) It is important to conduct the proceedings in a manner that does not lead the military (or public opinion at large) to conclude that the armed forces as a whole are on trial. Obviously, this goal will be harder to achieve if there is indeed evidence that a very significant majority of the armed forces were indeed involved in the coup. Even if this is the case, however, it is probably wisest to bring the weight of the law to bear down on the ringleaders who masterminded the coup, and show greater leniency towards junior officers, NCOs, and above all, conscripts. Given the highly hierarchical nature of the armed forces, this is something military personnel will readily understand.
- (6) In a fully consolidated democratic regime, the post-coup trial should be conducted by a civilian court, if at all possible. Ultimately, this is probably the most immediate and effective way of enforcing the principle of civilian supremacy. As we have seen, this was not possible in the Spanish case, because the military justice system inherited from the Franco regime was still in place. However, by appealing the sentences to the Supreme Court, both the accused and public opinion at large understood that in future civilians would always have the last word.
- (7) Ideally, the trial should be held in public, in the presence of the national and foreign media, as well as domestic and foreign NGOs. The media should be able to discuss the proceedings freely, even if the hearings reveal controversial or sensitive information. Admittedly, this may prove problematic, and the defendants may well try to use the trial for their own ends. As we have seen, in the Spanish case the defendants openly accused the head of state of connivance with the coup as part of their defence strategy, but the King's prestige and credibility were strengthened, not weakened, as a result.
- (8) The sentences should reflect the gravity of the acts committed as fairly and accurately as possible. In a democratic context, excessively severe sentences will undermine the credibility of the court, and may permanently alienate those punished (as well as other sectors of the military and their civilian supporters) from the very political system that the trial itself aims to strengthen. On the other hand, excessively lenient sentences will offend the victims of the coup, their sympathisers and public opinion at large, and will fail to deter those who might be tempted to emulate the rebels in future.
- (9) In a democratic context, a post-coup trial should not be seen as an end in itself, but rather as part of a longer, broader process aimed at (re)affirming civilian supremacy over the military, strengthening democracy and achieving national reconciliation. In the Spanish case, the trial paved the way for long-awaited reforms that radically transformed civil-military relations on a permanent basis. However, other, additional initiatives (such as truth and reconciliation commissions) may be necessary to achieve overall 'closure' after periods of intense conflict.

- (10) Post-coup trials may play a positive role in the development of a democratic political culture, but there are limits to what they can actually deliver. Consequently, those in favour of the trial should not read too much into them; for example, the Spanish left generally refrained from reminding public opinion that this was the first time ultra-rightist generals had been put on trial since 1932. In these cases, historical analogies and extrapolations are probably best kept to a minimum.

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