



Transitional Justice and Forensic Exhumations: Reconciling Post-Conflict Violence in Spain

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Abstract

After the Spanish Civil War (1936–1939), Francisco Franco's dictatorship left a lasting imprint on Spain, with his narrative reflected in monuments and mass graves. The transition period (1975–1981) following Franco's death saw an amnesty that stifled accountability for past crimes, shrouded in private memory. Recent years have witnessed a surge in mass grave exhumations in Spain, aiming to reveal the buried truths of the nation's history, and revealing hidden atrocities. This article delves into forensic exhumations as a tool for transitional justice, typically used in legal proceedings to assign responsibility for civilian atrocities. Despite legal barriers like the Amnesty Law (1977) shielding pre-1976 cases from prosecution, private exhumations offer justice for victims' families. By fostering community collaboration at open exhumation sites, these efforts encourage the revision of collective memory and acknowledgment of past injustices. Through a transparent and collaborative process, forensic specialists merge scientific findings with testimonies, illuminating the fates of the disappeared and fostering truth and reconciliation.

Keywords: Transitional justice; enforced disappearance; exhumations; reconciling violence.

Introduction

This article explores forensic exhumations in Spain as a mechanism for transitional justice (TJ hereafter). Typically, forensic exhumations are associated with legal proceedings aimed at assigning individual or collective responsibility for the abduction, torture, and killing of civilians. In the context of Spain, the transition from dictatorship to democracy was marked by a policy of impunity, notably through the Amnesty Law (1977), which prevented the prosecution and investigation of political violence cases prior to 1976. This law, along with the continued application of amnesty and the failed 2008 Garzón case (*Case 399/2006 V*)¹—which sought to invoke universal jurisdiction to judicially examine these crimes—has foreclosed the possibility of formal legal justice (see also Burbidge, 2010; de la Rasilla, 2023; Jiménez, 2011). Moreover, the statute of limitations for the crime of murder has long since expired, further reinforcing barriers to judicial redress. The ideological divisions rooted in the Spanish Civil War (1936–1939) and a lack of political will have rendered truth and reconciliation measures highly improbable. This leaves the families of the disappeared with limited options. In the absence of state-led initiatives, they have turned to exhumations and reburials as local symbolic actions to reconcile with the past. These exhumations of clandestine graves, occurring more than 80 years after the original crimes, serve broader humanitarian purposes, acknowledging the ongoing pain of enforced disappearance.

The social movement to exhume the dead began as a grassroots initiative by families of the victims in 2000 and has culminated in the formation of numerous associations recovering historical memory in Spain. Inevitably, this has had legal and political consequences because exhuming bodies cannot remain a personal matter. These privately-initiated exhumations enable families and communities to reclaim their history in the absence of state-led justice mechanisms providing a therapeutic form of TJ.



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Public and open exhumation sites have created spaces where families can collaborate in the recovery of their loved ones, fostering solidarity and shared purpose. These spaces have also allowed communities to engage collectively in revising and confronting their collective memory, acknowledging the atrocities committed during the Spanish Civil War and ensuing Francisco Franco dictatorship (1939–1975). Exhumations provide access to truth as forensic specialists corroborate their scientific findings with oral testimonies and familial accounts. This process not only honours the memory of the victims but also helps reconstruct the events surrounding their disappearance, offering families and communities a form of truth and symbolic justice (Ceasar, 2016; Ferrándiz, 2018; Kovras, 2008; Maystorovich Chulio, 2022; Rubin, 2014). While formal legal justice remains elusive, these exhumations represent a critical step in addressing the legacy of violence, providing both closure and recognition to those affected.

This article draws on the findings from 23 months of ethnographic research conducted between 2012 and 2016 in Castilla y León, the Basque Country, Andalucía, Castilla-La Mancha, Galicia, and Madrid. This research was carried out at exhumation sites managed by the Association for the Recovery of Historical Memory (ARMH) and the Society of Sciences Aranzadi (Aranzadi), based at Deusto University in San Sebastián. Adopting an interpretivist lens, the study aimed to locate “culturally derived and historically situated interpretations of the social-life world” (Crotty, 1998, p. 67) by examining how exhumations contribute to the construction of memory, justice, and reconciliation in post-conflict Spain. These exhumations are shaped by ideological narratives, particularly the enduring thesis of *las dos Españas* (“the two Spain’s”), which portrays society as divided by the ideological legacies of the Spanish Civil War (Balfour & Quiroga, 2007).

Participants were selected using purposive sampling, with inclusion criteria focusing on their involvement in or attendance at exhumations conducted by ARMH and Aranzadi. This approach ensured the participation of survivors, human rights activists, forensic and archaeological experts, psychologists, lawyers, and local residents. Snowball sampling was employed to access broader networks of individuals whose perspectives were critical but not immediately visible. By focusing on these groups, the study sought to explore the diverse ways in which individuals interact with and interpret exhumations within their sociocultural and political contexts. These interviews provided insights into everyday Spaniards’ understanding of the past and the impact of public discussion about the past in the local setting (McEvoy & McConnachie, 2013; Merton, 1968; Zartman, 2005).

Data collection methods included participant observation, semi-structured interviews, and ethnographic journaling. Observing interactions at exhumation sites allowed for the interpretation of participants’ perceptions of the past and the exhumation process. Semi-structured interviews provided an opportunity for participants to articulate their experiences and understandings, while ethnographic journals captured daily observations, reflections, and contextual details. This methodological approach aligned with Erving Goffman’s (1989) emphasis on field research as a means of gaining insights into cultural and social beliefs through immersion in the natural setting. The interpretivist framework, as described by Michael Crotty (1998), considers “the individual and his action as the basic unit” for study (p. 68). Thus, observing the personal and communal reactions to exhumations was central to understanding the broader implications of these events.

Data analysis was conducted using NVivo software, employing thematic coding to identify recurring patterns and emergent themes within the data. This inductive approach facilitated the identification of four key themes. The first theme explores forensic exhumations as a mechanism of TJ, revealing truths about past atrocities and promoting justice, accountability, and closure for the families of the disappeared. The second theme focuses on the transition from private memory to public acknowledgement, highlighting the role of exhumations in fostering historical reconciliation. The third theme examines the importance of community and collaboration, with open exhumation sites fostering participatory processes that address historical injustices. The fourth theme, reconciliation through transparency, illustrates how the integration of scientific findings, personal testimonies, and public memory contributes to healing past atrocities and fostering social reconciliation.

Archaeological exhumations of the disappeared raise ethical considerations as researchers engage with human remains and survivors of state violence. Informed consent was obtained from all participants, with confidentiality and anonymity ensured where requested. The sensitive nature of the research required careful management of emotional and psychological risks for participants, as well as critical reflection on the part of the researcher on their role. Recognising the researcher’s positionality was essential in this regard, as identity, social background, values, and beliefs inevitably influenced the study. Karen Lumsden and Aaron Winter (2014) argue that reflexivity draws attention to the co-production of knowledge between researchers, participants, and those in positions of power, necessitating critical reflection on the investigator’s impact. Similarly, Mats Alvesson and Kaj Sköldbberg (2000) highlight the need for researchers to actively interpret “images that selectively highlight certain claims ... thus suppressing alternative interpretations” (p. 6), underscoring the importance of reflexivity in an interpretivist framework.

Thus, I adopted a reflexive approach, acknowledging that the “ethnographic self” is an inseparable part of the research process (Crotty, 1998). Field research, as Hannabuss (2000, p. 100) notes, positions the researcher as a mechanism for measurement, with their presence inevitably shaping the field. Reflexivity ensured that my role in the study was continuously interrogated, aligning with Joseph Maxwell’s (1992) view that researchers cannot be divorced from the process of data collection. By reflecting on my positionality during data analysis, I was able to adopt a critical approach that accounted for my influence on the data and their interpretation. By combining these methodological elements, the study provides a nuanced understanding of the cultural, social, and political dimensions of exhumations in Spain. The interpretivist framework facilitated an in-depth exploration of participants’ lived experiences and illuminated the complex narratives surrounding TJ, memory, and reconciliation.

Transitional Justice

TJ refers to the implementation of judicial and non-judicial mechanisms to address legacies of human rights abuses in post-conflict societies. These measures can include criminal prosecution, truth commissions, reparations, and other institutional reforms. There were no active TJ measures during the transition to democracy in Spain. Instead, democracy was constituted through institutional and legal denial, notably through the application of the *Amnesty Law* (1977). This law provided for the release of 89 political prisoners while ensuring impunity for those who committed crimes under the Franco regime. This compromise, known as the “pact of silence” or “pact of forgetting”, aimed to smooth the transitional period, based on the belief that society was not prepared for more active TJ measures at the time (Aguilar, 2001, 2002). The concern was that existing divisions within society could result in a resurgence of violence and reprisals for past actions (Aguilar, 2001, 2002; Graham, 2004b; Preston, 2012; Urdillo, 2011).

Political elites often defend the policy of impunity as a tool for societal reconciliation. For instance, the Basque Spanish Socialist Workers' Party (Partido Socialista Obrero Español, PSOE) politician, José María "Txiki" Benegas, claimed that impunity was needed to give a voice to the whole of society in furthering reconciliation (Vinyes, 2009, p. 29). Opposition parties championed amnesty as an anti-Francoist narrative to secure the release of political prisoners, though most had already been released. The Spanish Communist Party introduced the first amnesty bill into parliament. However, this approach excluded survivors from the reconciliation process, legitimising the practices of the state and reinforcing a hegemonic discourse of a peaceful and model transition (Burton & Carlen, 1977, p. 378). According to Louise Mallinder (2007), negotiating impunity as necessary for peace is viewed as a normative decision. Others argue that it was merely the old guard’s way of grudgingly relinquishing power to avoid the kind of mass uprisings seen in Portugal and Greece (Díaz, 1995; Rey, 2001; Renshaw, 2011, pp. 24–25). The transition failed to address the crimes committed by the regime, sacrificing genuine reconciliation (Urdillo, 2011, p. 42). The symbolic legacy of the transition remains omnipresent, serving as a constant reference point that shapes the present (Urdillo, 2011, p. 77). The continued application of amnesty has had enduring social, political, and legal effects for those seeking to recover their missing relatives. The stance of political and judicial elites against annulling the law impedes reconciliation, reparation, and justice for past atrocities committed during the Franco regime.

The Spanish Transition

The Spanish Civil War resulted from a “military uprising against the democratically elected government of the Second Republic and its supporters” (Maystorovich Chulio, 2022, p. 411). Following General Francisco Franco's victory in 1939, his regime constructed a historical narrative that framed the Second Republic and its supporters as enemies of the state. This process entrenched a social divide, positioning Franco’s supporters as the rightful victors while marginalising the defeated Republican side (Maystorovich Chulio, 2022, p. 411). Through systematic repression, criminalisation of political opposition, and the glorification of nationalist combatants as those who had “fallen for God and Spain”, the dictatorship sought to legitimise its authority. In 1975, following the death of Franco, families of the disappeared found new opportunities to locate and exhume clandestine graves from the civil war. During the transition period (1975–1981), “spontaneous exhumations”—conducted without expert support—took place in various localities across Spain (Maystorovich Chulio, 2022, p. 411). Nonetheless, the lingering trauma of past violence was further intensified following Antonio Tejero’s failed military coup in 1981. This period of transition from dictatorship to democracy was marked by a political compromise: an amnesty law that simultaneously facilitated the release of political prisoners while shielding the regime and its supporters from legal scrutiny for past crimes. It was not until 2000 that a broad civil society movement for exhumations emerged, challenging the Spanish state’s reluctance to confront the legacy of Francoist repression. This movement continues to advocate for historical memory and justice, addressing the silence imposed by decades of institutional neglect (Maystorovich Chulio, 2022).

The judicial apparatus of Franco’s dictatorship played a central role in punishing the vanquished, constructing an official narrative that placed blame on the Second Republic and its supporters, thereby justifying violent repression (Maystorovich

Chulio, 2022, p. 412). Legal mechanisms such as the 1939 Law of Political Responsibility enabled the retroactive persecution of individuals who had either opposed or failed to actively support the regime in 1936, directly violating the legal principle of *nulla poena sine lege* (“no punishment without law”). The regimes courts, both civil and military, posthumously declared the disappeared guilty, framing their extermination as a necessary step in purging Spanish society of its political enemies. This ideological framework extended to the concept of inherited guilt, reinforcing the notion that decedents bore responsibility for the so-called “sins of the fathers” (Graham, 2004b, p. 321, Maystorovich Chulio, 2022, p. 412). Across Spain, hundreds of men, women and children were detained in prisons, reformatories, concentration camps, and forced labour battalions, enduring extreme deprivation and exploitation (Graham, 2004b, pp. 320-321). In smaller and more isolated communities, repression was further exacerbated by the intimate nature of denunciations, as victims were often betrayed by neighbours and acquaintances. Survivors faced the added trauma of living alongside those directly responsible for the execution, torture or disappearance of their relatives, creating an enduring climate of fear and silence (Maystorovich Chulio, 2022, p. 412, Renshaw, 2011). The dictatorships sweeping oppression subjected civil society to “a brutal programme of mass repression” (Tamarit Sumalla, 2013, p. 49), leaving many survivors destitute and under continuous surveillance by state authorities (Maystorovich Chulio, 2016, p. 25).

The term “Transition” refers to the period from 6 December 1978 to 23 February 1981 in Spain. The Amnesty Law (1977) “institutionalised impunity for those who participated in human rights violations and led to the release of 89 political prisoners languishing in Francoist gaols” (Maystorovich Chulio, 2022, p. 414). It instituted a wholesale amnesty for “all acts of a political nature” and any ensuing violations “committed until 15 December 1976” (Amnesty Law, 1977, art. 1 a). The former authorities of the dictatorship, now politicians of the military party, retained control over the process (Escudero, 2014; Lacasta, 1998, p. 143). Nonetheless, the amnesty failed to establish provisions for Basque Separatists who committed political violence and neglected matters involving Republican ex-combatants (Maystorovich Chulio, 2022, p. 414). Encarnación (2012) explains that Spain’s transition to democracy was shaped by a pragmatic approach, where political stability and order took precedence over demands for accountability and justice. The reluctance to address past human rights violations stemmed from concerns that revisiting Francoist crimes might destabilise the fragile democratic project. Joaquín Ruiz-Giménez (1985) similarly contends that rather than being driven by a collective desire to entrench impunity, the transition was guided by an effort to prevent future violence and foster social reconciliation. The political elites understood that Spanish society, still grappling with historical traumas, was largely averse to risk and wary of TJ mechanisms that emphasised accountability (Aguilar, 2001). Left-wing political actors, having endured decades of political prosecution, prioritised national reconciliation over retributive justice, seeking instead to establish coexistence that had been denied during the dictatorship (Aguilar, 2002). The enduring effects of the civil war had deeply shaped the nation’s social fabric, leaving many Spaniards committed to maintaining peace over pursuing judicial redress (Aguilar, 2002). For families of the disappeared, the psychological and social consequences of repression resulted in a complex form of silence, where trauma and survival strategies dictated their relationship with the past (Graham, 2004b, p. 320).

In 2002, the administration José María Aznar issued a symbolic condemnation of past violence and repression, accompanied by limited financial reparations in the form of renewed pensions. However, ARMH criticised these measures as insufficient and sought international recognition of the issue of enforced disappearance. The organisation presented evidence of 30,000 individuals buried in mass graves to the United Nations (UN) Working Group on Enforced Disappearance (Davis, 2005). The election of the Socialist Party under José Luis Rodríguez Zapatero (2004–2011) and the subsequent investigation into the experience of victims of the civil war and dictatorship culminated in the passage of the Law of Historical Memory (2007) (LHM). While the LHM aimed to support efforts to locate the disappeared and promote a more inclusive historical narrative, it lacked an independent body to oversee its implementation. Julia López Fuentes (2022) contends that the law was “an attempt by Spain’s national government simultaneously to assert its European belonging and to suppress and discredit narratives of Republican victimhood and conflict that threatened the dominant narrative of Spain’s successful transition to democracy” (p. 130). Reflecting on the law’s reception years later, Zapatero stated in 2016 that “the law was fair as it left neither side satisfied” (N. Maystorovich Chulio, fieldwork note, April 14, 2016). However, the election of Mariano Rajoy’s Popular Party Government in 2011 marked a significant policy shift, leading to the withdrawal of funding for historical memory initiatives in 2012 as part of broader austerity measures responding to the global financial crisis.

In response to concerns from advocacy groups that the LHM had failed to meet its objectives, Pedro Sánchez’s first PSOE government initiated further reforms. A key milestone came in 2018, when Franco’s remains were removed from the Valley of the Fallen — a site where he had been buried alongside his victims — as part of broader efforts to redefine the significance of the mausoleum. The site was later renamed the Valley of Cuelgamuros, making a symbolic shift away from its Francoist legacy. However, this process remains incomplete. In October 2022, Sánchez’s second government, a coalition with the left-wing Podemos, passed the Democratic Memory Law (2022) (DML). This law aimed to “provide greater legal avenues by simplifying the exhumation process and establishing an official census and DNA database, among other significant changes to facilitate the

exhumation of mass graves” (Maystorovich Chulio, 2022, p. 416). On 24 April 2023, the Sánchez coalition exhumed the remains of Primo de Rivera (founder of the Falange)² from the Valley of the Fallen. This was one of the few remaining vestiges of what Francisco Ferrándiz (2022, p. 563) refers to as a “funerary apartheid”. Established by the dictatorship to ensure that the winners and losers inhabited distinct “spaces of death” (Taussig, 1987), it incorporated “necropolitics” to legitimise Sánchez’s sovereignty (Mbembe, 2003). Currently, despite these legal changes at the national level, the changing coalition governments of the Spanish far-right party, Vox (which sees its role as defending the historical legacy of the civil war and dictatorship), and the Popular Party have led to the slow dismantling of the exhumation movement through administrative means. For survivors and human rights advocates, these legislative efforts will continue to fall short until the root of the problem, the Amnesty Law (1977), is addressed. Thus, they call for it to be overturned.

Enforced Disappearance

According to the International Convention for the Protection of All Persons from Enforced Disappearance (2006, hereafter CED), enforced disappearance involves the “arrest, detention, abduction or any other form of deprivation of liberty” by state agents or by persons or groups acting with state authorisation, support, or acquiescence (art. 2). Following detention, there is a “concealment of the whereabouts of the disappeared person”, which effectively removes the protection of the law as the individual’s identity is erased from public life (CED, 2006). Hayner (2002, p. 27) describes enforced disappearance as a “blatant form of atrocity by deception, with the obvious intent to lie, hide, and conceal” the existence and location of individuals or groups. This crime was recognised as a violation under the laws of war before being codified in international humanitarian law (Finucane, 2010, p. 172; Sarkin, 2012, p. 551). The legal concept of “enforced disappearance” has its foundations in the judgments made during the Nuremberg war crimes tribunal, rather than in more recent human rights decisions (Finucane, 2010, p. 172).

In the last 20 years, there has been an expansion of the “right to know” in cases of enforced disappearance under international law (Groome, 2011). Within the field of TJ, there is no consensus on the best practices for promoting reconciliation in post-conflict societies. Some literature argues that punishing perpetrators does not foster reconciliation but rather perpetuates the outlook from which the conflict arose (Hadden, 2004, p. 212). Amnesty is often justified as a necessary compromise to prevent future revenge and further conflict (O’Shea, 2002). However, Dermot Groome (2011) emphasises the importance of acknowledging the “right to truth” (p. 175) as a legally-enforceable right under international law, based on the broader societal interest in clarifying narratives and the belief that democracies function best with truthful information. The “right to truth” is entrenched in various human rights institutions, protocols, agreements, and conventions. The Preamble of the CED, adopted by the UN General Assembly in December 2006, affirms “the right of any victim to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person” (CED, 2006). This principle has been upheld in case law including *Blake v Guatemala IACHR* (1999). In this case, the Guatemalan Government was found in violation of Article 5 in relation to Article 1 of the American Convention of Human Rights for failing to investigate the disappearance of a journalist.³

Forensic anthropologists have developed more accurate forensic techniques through their experiences in exhumations, such as those conducted in the former Yugoslavia (Groome, 2011, p. 187). While identifying remains is not always the primary concern, balancing the needs of relatives to identify remains with the objectives of international criminal prosecutions has implications for reconciliation and justice. For instance, in 1996, Physicians for Human Rights located and exhumed 517 bodies from mass graves in the former Yugoslavia. The organisation aimed to determine ethnicity and cause of death to provide evidence for genocide prosecutions. In this case, individual identification was not deemed necessary, highlighting the tension between humanitarian and forensic exhumation strategies (Cordner & Tidball-Binz, 2017; Stover & Shigekane, 2002, p. 854; Vollen, 2001, p. 337). However, for families of the missing, individual identification is crucial (Wagner, 2008). Forensic identification through DNA provides proof of life and death, counteracting the intent behind enforced disappearance—to erase individuals from existence. In Spain, the time elapsed since the disappearances means criminal prosecutions are unlikely due to amnesty laws and statutes of limitations. Therefore, forensic identification primarily serves the humanitarian needs of families to rebury their dead. This makes exhumations in Spain distinct from those in places like the former Yugoslavia, where criminal prosecution took precedence over humanitarian demands. The clandestine nature of enforced disappearance makes it difficult to determine the total number of victims, as the crime is often underreported (Milić, 2010; Vranckx, 2007). In Spain, the official figure stands at 114,226 victims (*Case 399/2006 V*). The situation gained international attention in 2002 due to activism by ARMH, which documented cases of enforced disappearance and repression, collected testimonies, and exhumed mass graves. This activism evolved into legal advocacy for national legislative reforms and human rights and justice narratives.

Exhumations and the Recovery of the Disappeared

In post-dictatorship states in Latin America, post-conflict Rwanda, and the former Yugoslavia, the use of exhumations to recover victims of atrocities has resulted in the establishment of global networks of experts collaborating to recover the disappeared (Fondebrinder, 2015, p. 43). Exhumations serve several purposes, and anthropology has long studied their legal, political, scientific, representational, and commemorative significance (Binford, 1996; Ferrándiz, 2010a, 2010b, 2013a, 2013b; Renshaw, 2011; Robben, 2000, 2005; Rubin, 2016; Sanford, 2003; Sant Cassia, 2006; Wagner, 2008). Researchers have adopted a medico-legal analysis to interrogate human rights violations, such as genocide, crimes against humanity, and enforced disappearance. These studies have examined remains as evidence for criminal prosecution (Kovras, 2008; Rosenblatt, 2013; Sanford, 2003; Sant Cassia, 2007). According to Cox et al. (2013), the investigation of a mass grave as the scene of the crime seeks to “recover evidence that will allow the interpretation and reconstruction of a sequence of events ... as such to link a murder and link evidence to persons, events, locations” (pp. 15–16). Forensic scientists highlight the importance of the method of excavation to collect evidence supporting criminal prosecutions (Stover & Shigekane, 2004, p. 85). According to John Hunter and Margaret Cox (2005, p. 2), the archaeological method in criminal investigations has been incorporated into police investigations since 1988 in the United Kingdom. This approach offers the necessary techniques to recuperate the past and evidence held within crime scenes. Archaeology as a discipline brings a wide understanding of buried environments. Experience has shown that forensic archaeologists may emerge as facilitators within this framework, identifying the potential range of other evidence within buried deposits (e.g., soil, plant, and insect remains) that might exist in a recoverable and recordable form (Hunter & Cox, 2005, p. 96).

The notion of forensic truth and the expert’s capacity to read the past from traces left behind in mass graves has been well addressed in the literature (Ferrándiz, 2014; Keenan & Weizman, 2012; Klinenburg, 2002; Koff, 2007; Renshaw, 2011; Snow et al., 1984; Stover & Joyce, 1991; Ubelaker, 2015; Wagner, 2008; Weizman, 2011). Stover (1997, p. 40) considers that “bones are often our last and best witness; they never lie, and they never forget”. While forensic investigation provides an element of agency to the dead, Rubin (2016) argues that it “remains confined to the narrow parameters of describing its own individual biography” (p. 32). For Rachel Cyr (2013), the purpose of “medico-legal investigations of mass atrocity” has two purposes, one “humanitarian” and the other “prosecutorial” (p. 94). The humanitarian aspect lies in the capacity to identify the dead for repatriation to their families (Cyr, 2013; Stover et al., 2003; Rosenblatt, 2019; Ubelaker et al., 2019). The mass grave investigations in the former Yugoslavia highlighted the complexities of meeting survivors’ humanitarian needs when investigations sought solely evidence to establish crimes (Crossland, 2002; Rosenblatt, 2010). The forensic demands of the International Criminal Tribunal for the former Yugoslavia (ICTY) prosecutions did not extend to the identification of the dead (Stover & Shigekane, 2002, 2004; Vollen, 2001). Derek Congram and Jon Sterenberg (2009, pp. 447–448) observe that identification can serve broader justice aims with evidence collected in a manner to facilitate future prosecutions where that is not the goal of exhumation (Cox et al., 2013, p. 14; Fondebrinder, 2002). In Spain, exhumations have been primarily undertaken for humanitarian goals, with the purpose of repatriating remains to the family. Recently, there has been a push to use archaeological experts in the excavation of mass graves to enhance the forensic results of exhumations (Cox et al., 2013, p. 16). Several excavation sites have used forensic archaeological methods to help locate the disappeared in different contexts and places (Buchli & Lucas, 2001; Congram, 2015; Congram & Vidoli, 2016; Haglund et al., 2001; Hunter & Cox, 2005; Hunter et al., 1996; Parker Pearson, 2009; Roberts, 2012). In Spain, numerous exhumation teams are working across the country. Some have the institutional support of being attached to universities such as Aranzadi, allowing for key experts in the intersecting fields of history, archaeology, forensic medicine, ballistics, and anthropology to work together to conduct their investigations. ARMH, while based in a university laboratory, operates without access to experts in the field and relies on having a permanent archaeologist trained in osteological methods to help conduct excavations. In many other cases, graves are opened by local associations without forensic experts on site due to the cost.

Ethnographic Research of Spanish Exhumations

The origins of the modern exhumation movement in Spain can be traced to the personal efforts of Madrid-based journalist, Emilio Silva, who set out to locate the mass grave where his grandfather was buried. This effort was supported by forensic experts including Paco Etxeberria Gabilondo and Lourdes Herrasti from Aranzadi. The exhumation in 2000 “successfully located the grave at Priaranza del Bierzo, exhuming the remains of 13 men killed in October of 1936” (Maystorovich Chulio, 2022, p. 416). The exhumation, along with the subsequent media attention it garnered, prompted Silva to write an article “My Grandfather Was Also a Disappeared Person”.⁴ This publication resonated with many families seeking to recover the remains of their own relatives, leading to a surge in inquiries about how to locate and exhume mass graves. Initially unaware of the full scale of enforced disappearance in Spain, Silva recognised a need for a structured effort to support these families. As a result, he co-founded ARMH alongside Santiago Macías. The first exhumations under the organisation’s auspices began in 2001. Scholars have since described this early exhumation of civil war victims as a pivotal moment that disrupted prevailing narratives

about Spain's past, challenging the longstanding silence surrounding Franco-era atrocities (Davis, 2005; Fernández de Mata, 2006, 2008; Ferrándiz, 2006; Graham, 2004b; Renshaw, 2010, 2011).

My research investigates the role of silence in shaping and obstructing efforts to exhume the victims of Francoism, as well as how it limits survivors' ability to exercise their right to know the fate and burial sites of their loved ones (Maystorovich Chulio, 2016, 2017, 2019, 2022). In this context, the term "survivors" refers to the families and individuals who endured repression during the civil war and under Franco's dictatorship, while "victims" encompasses those killed or forcibly disappeared and later buried in both individual and mass graves. This study examines the intersection of political, legal, and administrative barriers that hinder the identification and exhumation of mass graves, considering them as an extension of Francoist repression and the enforced silence it imposed through fear and coercion. It also explores how exhumation witnesses and participants interpret these processes in relation to broader narratives about Spain's recent history. A key focus is on how interviewees conceptualise silence within their family histories and educational experiences. I argue that institutions frameworks have sustained elements of Francoist-imposed silence under the guise of maintaining social cohesion. At the same time, the persistence of traumatic memory and ingrained survival strategies has reinforced silence as a protective mechanism, shielding individuals and future generations from a return to the past. These dynamics continue to delay the recovery and recognition of those who had disappeared during the Spanish Civil War and dictatorship.

My fieldwork experiences led me to reflect on the broader role of exhumations and their impact on community engagement. ARMH collaborates with both professional and amateur archaeologists and historians to recover suppressed local histories, using exhumation of mass graves as a means to democratise historical memory. Through the careful retrieval of remains, the dead are reintegrated into the present, with their personal stories restored and woven back into the collective memory of their communities. The exhumation site becomes a space of healing where the community can come together to acknowledge a past that has remained hidden.

Four Phases of Exhumations in Spain

Exhumations in Spain can be divided into four distinct phases (Ferrándiz & Robben, 2015, p. 20). The first occurred in the post-civil war period under Franco to document the crimes committed by the Second Republic, legitimising the incoming regime (Ferrándiz & Robben, 2015, p. 20). The second phase commenced in the late 1950s, following the completion of the Valley of the Fallen, a monument to the civil war. The third phase occurred following the death of the dictator in 1975. Paloma Aguilar (2019) explains that during the transition, "despite the fear, uncertainty and political violence" by different groups (p. 228–229), the survivors of Francoism decided to locate the remains of their disappeared to rebury them in a dignified manner. These spontaneous exhumations took place between 1978 and 1981 in several localities across Spain, including Navarra, Soria, La Rioja, Murcia, Aragon, Extremadura, and Palencia (Aguilar, 2019; Etxeberria Gabilondo, 2012; Fernández de Mata, 2006, 2008; Serrano Moreno, 2016). Because of the so-called "pact of forgetting", democratic transition did not bring any "institutional" or "technical support" for the majority of these survivor-initiated exhumations taking place across the country (Etxeberria Gabilondo, 2012, p. 14). However, following the failed coup d'état on 23 February 1981, led by Colonel Antonio Tejero, who demanded "everyone stay still", exhumations ceased as relatives feared retributions in this phase. The fear conditioned during the dictatorship and the historical stigmatisation of Republican identity ensured the exhumation of the disappeared ceased without a backward glance (Etxeberria Gabilondo, 2012; Fernández de Mata, 2008; Lafuente, 2009). As Fernández de Mata (2008) elucidates, the "citizen-led exhumations" ceased as the "failed coup of 1981 revived old fears" (p. 257), cutting short the opportunity for families to recuperate their dead. The profound and enduring trauma associated with the Republican experience of defeat and repression has contributed to a self-enforced silence among the generation who endured it. It is important to acknowledge that this time lapse has allowed for the collection of detailed evidence and the capacity to individualise remains from graves with the expansion of forensic techniques.

The fourth phase witnessed the emergence of an organised social movement focused on the recuperation of the disappeared using the discourse of human rights. The actions of journalist, Emilio Silva, led to the first successful scientific and archaeological exhumation of civil war dead on the Iberian Peninsula. In 2000, the mass grave at Priaranza del Bierzo, León was located and exhumed, along with the remains of 13 other men killed in October 1936. After the exhumation had been successfully completed, Silva wrote his famous article about the search for his grandfather. This culminated in several letters from survivors requesting assistance in the recuperation of their disappeared. ARMH was co-founded by Emilio Silva and Santiago Macías as they realised there was a genuine desire by the relatives of the disappeared to recover the dead. At the time of Silva's search for his relative, he could not have known the scope and impact of his very private action in causing the aforementioned "rupture" within the social fabric of the nation. The exhumation of Emilio Silva's grandfather from Priaranza

de Bierzo is commonly referred to as the first exhumation of the Spanish Civil War dead. However, as outlined above, citizen-led excavations had been initiated in phase three between 1978 and 1981.

Since 2000, ARMH has sought to raise awareness of these historical crimes by drawing public attention to exhumations and the clandestine graves, intentionally ignored and silenced under Spain's transition policy of amnesty, particularly the Amnesty Law (1977). The politics of the exhumation movement in Spain may be viewed as a claim to the authority or legitimacy of a particular set of beliefs. It may also be seen as disputing the legitimacy of the Francoist regime's official discourse, the subsequent transitional period, and the conservative members of Spanish politics and society. The exhumations serve as a "concerted activity" for establishing political claims of victimhood as the past is brought into the present (Verdery, 1999, p. 23). Between October 2000 and November 2016, approximately 8,159 exhumations were undertaken across Spain (Etxeberria Gabilondo, 2016). Through the exhumation of mass graves, associations such as ARMH, Aranzadi, and Foro por la Memoria (Forum for Memory, Foro), have strategically used the newly-acknowledged rights of victims, such as the right to know, to bring about legal actions. These actions aim to open public debate about the past, gain recognition about what happened, reshape collective memory, and overturn the Amnesty Law (1977). The associations seek to publicly call to historical account the military mobilisation against the democratically elected government of the Second Republic, its supporters, and victims caught in the crossfire of a policy of terror. This policy aimed to destroy any elements believed to oppose the regime's values, ideology, and beliefs. This has led to the condemnation of the past violence and repression in 2002, legal changes in the form of the LHM, and changes to the national narrative by including the vanquished in historical accounts.

More recently, the movement to exhume the dead in post-conflict countries may be viewed as a new form of TJ, with some claiming exhumation brings a "second transition" of justice (Druliolle, 2008, p. 77). Through the recovery of the dead in Spain, new narratives are formulated, including those segments of society who have been repressed first by the civil war, second by the dictatorship, and third through the transition. Archaeology has been referred to as destabilising undemocratic situations by making things public and working with what is left from the past (Latour, 2005; Shanks, 2001, 2004). Archaeology of the Spanish Civil War has received international attention due to the exhumation movement (Elkin, 2006; Ferrándiz, 2006; González-Ruibal, 2007). Some projects for historical memory and exhumation have experienced resistance from the authorities (Íñiguez & Santacana, 2003) or a lack of political support (Besolí et al., 2002; Gassiot Ballbé, 2005; Gassiot Ballbé & Wolfe Steadman, 2008). Meanwhile, some claim it is changing slowly for the better (Mir et al., 2006). In Spain, the recuperation of the dead is complicated by the passage of time and the complex social and political relationship established through a hierarchy of victimhood (Druliolle, 2015). The exhumation and reburial do more than recover physical remains—they transform their meaning reactivating the dead as political and social subjects in the present. According to Crossland (2000), the "excavation of the dead effectively brought them back into the realm of the living", transforming how "they are perceived", altering the "relationships ... between the living community and the dead" (p. 147). Finally, literature on exhumations in Spain highlights the political nature of exhumations through attempts by government bodies and the judiciary to "impede recovery efforts" (Gassiot Ballbé & Wolfe Steadman, 2008, p. 436). They draw on case studies of Catalonia and Andalusia to explain the problems with the application of the LHM in the field.

As a result of the privatisation of exhumations (Galella, 2015), diverse groups and actors take part in the recuperation of the dead. The different aims of the exhumation groups have led to disputes about the best method of exhuming the dead (Ferrándiz, 2006). ARMH takes the view that the wishes of the family members must be brought to the forefront, ahead of any political or ideological motives. Groups like Foro place the political interests of the communist party ahead of that of families in their exhumation projects. By contrast, Aranzadi operates within university departments and offers their students practical archaeological and forensic training through assisting families to locate their dead. Furthermore, the regional affiliates of ARMH and Foro that operate smaller teams, as well as individual archaeologists, aid families at a cost.

Modern Exhumations

The process of exhumation serves as a pedagogical ritual designed to revise the narrative of the past through the materiality of the dead, reinserted into living memory. This ritual holds significant importance for activists, families, and local communities. The symbolism of the remains represents a recoding of the past. The rhythm of excavating victims from clandestine graves varies, sometimes involving the initial location of the grave, covering it, and reopening it with families present. This approach is often chosen for elderly survivors, as the anticipation and uncertainty of locating the dead can be stressful. Searches can range from 30 minutes to two weeks, depending on location, terrain, and other complexities. Occasionally, incorrect labelling of the grave location necessitates a return visit. The most common method involves searching and conducting the exhumation once the grave is found. As the remains are gradually uncovered, more people tend to gather at the exhumation site, driven by local curiosity. This moment anchors the present to the past through the storytelling of survivors. These recollections recode the remains as survivors and the community discuss what happened to the victims. As Alex (ARMH historian) explains, the

exhumation reveals ongoing state political repression against surviving victims and families of the disappeared, as disappearance is an ongoing crime. The act of exhumation makes a claim, emphasising the existence of the dead and the state's failure to resolve cases of enforced disappearance. Alex elaborates:

It is about making a claim; [the exhumation] demonstrates that the disappeared exist. It shows that public authorities ignore, silence, conceal, and continue to bury the disappeared in this country. It is an extremely strong accusation, above anything else. (N. Maystorovich Chulio, personal communication, August 14, 2015)

This highlights ARMH's strategy to recover the missing, teach history, and make an accusation regarding the past, emphasising the limits of participation. Historical accounts often corroborate both the past and the evidence uncovered. During exhumations, relatives often share what they know or have been told about their loved ones. In some cases, due to the clandestine nature of burials, there is little knowledge of where individuals were buried. An example is the exhumation in As Covas Quiroga (Lugo, Galicia), where an ARMH historian discovered the location of Julio Bello Sierra's⁵ grave through his military trial, in which the coordinates were noted. The family had petitioned to locate his remains, but no search had been conducted until 2016 due to the lack of knowledge about where he was killed and buried.

The bodily recovery of victims and public testimonies at the grave site help recover the deceased's personal biography and incorporate it into the local history of the civil war. A notable example is the exhumation of Perfecto de Dios in Chaherrero (Ávila, Castilla y León). The case involved the remains of a guerrilla fighter who had been summarily charged after his death by a military court, with the coordinates of the grave recorded in the trial transcript. During this exhumation, Perfecto's brother and a local man recounted the day he was killed by the Civil Guard. Present at the exhumation was an individual who had buried Perfecto in 1950. As the story was recounted, Perfecto, his mother, and another man were travelling through Ávila to Barcelona to escape the clutches of the regime. A local entered the bar where there were civil guards having a drink to let them know of the guerrilla fighters in the vicinity. As they attempted to evade the civil guard, Perfecto's mother fell behind and he returned to aid her. Perfecto was shot in the leg, falling to the ground. His mother gathered him in her arms as a civil guard shot Perfecto in the head, killing him instantly. Following this incident, an autopsy and a military trial was held where Perfecto was posthumously charged with crimes. Although the unmarked grave was lost over the years, locals still placed flowers where they thought it was located. Three men discussed the past, corroborating a new version of events that contradicted the records held in the trial documents.

As was common, individuals killed during confrontations were tried in absentia posthumously to legitimise the authorities' actions. In Perfecto's case, an autopsy was conducted before burial, yet explosives found on his person during the exhumation suggested incongruity. Another case in Villafranca (Castilla y León) involved a mother and son shot from behind after being told to escape, illustrating *la Ley de fuga* (the "Law for escapes", a noted cause of death, on death certificates from the period). The incident involved the officers or Civil Guard telling the person to escape, only to shoot them from behind. During their exhumation, incisions on both individuals were evident, further illustrating the brutality of the era.

Historical accounts at gravesides establish embodied memory, bringing tragic biographies into focus. As remains are slowly unearthed, locals and family members often comment on the care taken with the remains, remarking, "they are so careful" or "look at how gently they wipe the dirt away" (N. Maystorovich Chulio, fieldwork note, October 1, 2016). This fosters a sense among survivors and witnesses that, at last, someone is treating the dead with care and respect. Earth collected from around the remains is sifted to ensure no evidence is lost. Volunteers learn to distinguish between bones and stones, the latter often whiter and brighter. René (ARMH archaeologist) humorously teaches new volunteers that bones stick to the top lip, unlike stones.

Scientific Analysis of the Grave as a Crime Scene

ARMH models its exhumations on international protocols aimed at locating or unearthing the "forensic truth". These protocols, originally adopted for medico-legal investigations in countries like Argentina, Chile, and Guatemala, have influenced the Spanish exhumation movement. ARMH has based its techniques on the EAAF (Argentinian Forensic Team) and sought their advice in 2005 (Congram & Wolfe Steadman, 2008, p. 168). The integration of international standards was evident in the 2015 exhumation in Teilán (Lugo), where EAAF members seamlessly joined and supported ARMH effortlessly. However, international experts noted that Spanish exhumations proceeded at a slower pace, allowing the circulation of technical and aesthetic photographs through various media platforms (Rubin, 2016, p. 98). This more gradual approach serves practical, pedagogical, and symbolic objectives, allowing more locals to participate and observe the exhumation. As René explains, "The exhumation needs to serve this purpose; it is important that the mass grave is open to everyone from the town to attend and see the reality of this scientific work" (N. Maystorovich Chulio, personal communication, August 30, 2012). By calling it "scientific work", René asserts that exhumations produce objective truth, highlighting that the work goes beyond forensic truth, addressing a clarifying truth about the past which can be excavated through the materiality of remains.

Zoë Crossland (2013, p. 126) points out that “the evidentiary regimes of science and law are governed by different goals”. However, these exhumations are not governed by law due to the Amnesty Law (1977), a conservative judiciary, and the time elapsed since the events. This legal impunity constrains the ability of exhumations to deliver formal justice, as perpetrators remain beyond the reach of accountability mechanisms. René’s claim that exhumations are governed by the evidentiary regimes is an attempt to align ARMH’s work as a professional, objective pursuit of knowledge and facts. The exhumation serves to highlight the “reality” of the past, offering a truth to the witnesses at the gravesite that contradicts the official narrative. They contribute to a narrative that symbolises and publicises the injustice of the past (Rubin, 2014, p. 110). This is evident in the staggered release of images on social media platforms by ARMH. Often, during the exhumation, Nuria (ARMH archaeologist) will share images on Facebook, Twitter (now X), WhatsApp, and other social media platforms to spread information about the work being undertaken by ARMH. Local journalists also often attend the site to take photographs and include the happenings in their online editions. Locals attending the site also take photographs to share with family and friends. ARMH always invites members of the public who wish to take and share photographs, thus contributing to the diffusion of the past and the significance of the exhumation one mobile device at a time. This public visibility contrasts with the more restricted processes seen in other societies and underscores the movement’s commitment to fostering a collective memory of the past. The exhumations establish mobile field schools developing skills site by site. ARMH’s approach also reflects Spain’s unique socio-political challenges, compared to other post-conflict contexts. Unlike the state-led exhumations in Argentina or Chile, Spanish efforts are largely grassroots driven, highlighting the enduring legacy of institutional silence. ARMH’s emphasis on public engagement contrasts with the more expedited or security-driven exhumations seen in Rwanda or post-genocide Yugoslavia. René’s insistence that “the exhumation needs to serve this purpose” reflects the movement’s pedagogical and symbolic priorities, with each site becoming a mobile field school where local participants can engage directly with historical recovery (N. Maystorovich Chulio, personal communication, August 30, 2012).

ARMH interprets the mass grave as the crime scene. As René explains, it is important that this work is undertaken and recorded as “we are often the only people present at the scene of a crime” (N. Maystorovich Chulio, personal communication, August 30, 2012). When the remains appear, either Marco (ARMH Vice-President) or René contact the civil guard or local police holding jurisdictional authority. As René explains, “We always call the nearest police station to notify that we have located remains with signs of violence” (N. Maystorovich Chulio, personal communication, August 30, 2012). Police responses vary, from acting as interested bystanders to having an obstructionist role. ARMH documents these interactions to provide an overall picture of Spanish state institutions’ responses to mass graves as crime scenes. Generally, the police arrive and complete some paperwork before declaring that these crimes are amnestied and that no further investigation can take place. In 2016, the local police in Riaño (León) showed interest and support for ARMH’s work, acknowledging its importance. A police officer said, “I am glad that you are doing this, people need to know about what happened in this country” (N. Maystorovich Chulio, fieldwork note, July 21, 2016). Nonetheless, no investigation was initiated due to the crimes of the period being amnestied. It is at this point that ARMH takes responsibility for the remains that will later be transported to the laboratory. On other occasions, the police are genuinely interested in attending the gravesite. In 2016, ARMH contacted the local police in Alcalá del Valle (Andalucía); however, they did not attend. When the team proceeded without them, the police later expressed disappointment at missing the event. ARMH archaeologist, René, apologised, explaining, “I am sorry, it’s just that normally the authorities are not interested in coming” (N. Maystorovich Chulio, fieldwork note, August 6, 2015). During fieldwork, experts from both ARMH and Aranzadi consistently reported that police have, on occasion, attempted to obstruct exhumations, despite the presence of appropriate legal permissions (See also Gassiot Ballbé & Wolfe Steadman, 2008, p. 436). The meticulous process of exhumation and recording forensic evidence, according to René, is “so that the day Spanish justice decides to investigate the crimes of the Franco regime it is all there in one place” (N. Maystorovich Chulio, personal communication, August 30, 2012). Hence, following on from each exhumation, a forensic report is produced, establishing a forensic record of the evidence collected regarding historical crimes. However, the likelihood of charges following a judicial hearing remains remote due to the application of amnesty and the statute of limitations on murder. This is a limitation to exhumations as a mechanism of TJ as they lack the capacity to establish legal accountability. Despite these innovative practices, the enduring structural constraints in Spain mean that exhumations remain symbolic reconciliation acts, rather than formal justice mechanisms. Police responses to mass graves, ranging from supportive to obstructive, reflect the wider ambivalence of state institutions in Spain.

Privatisation and Grassroots Involvement in Exhumations

The privatisation and outsourcing of exhumations by the state have fostered a culture of public participation in the recovery of human remains from the Spanish Civil War era. While ARMH advocates for the state to assume responsibility for these exhumations, there has been little inclination by the government to do so thus far. Proposed amendments to the LHM in the form of the DML aim to address this issue, but time will tell if they achieve the proposed goals. This absence of substantial state involvement has created a unique situation in which individuals, often lacking formal training, actively engage in the

excavation process under the guidance of lead archaeologists and more experienced team members. For instance, Tere (ARMH Secretary) recounted her initial involvement in an exhumation, where she began as an observer but was invited by the forensic archaeologist on site to participate. This was an unusual occurrence, given the typical association of exhumations with medico-legal investigations. Ferrándiz (2013) has extensively described this phenomenon, noting how Spain's limited state support in exhumations has led to a grassroots movement where civil society organisations and relatives of the disappeared take an active role in the recovery of remains. Victoria Sanford (2003) describes a similar experience in Guatemala as a social anthropologist invited to participate in exhumations (p. 31), yet the Spanish context stands out due to the substantial involvement of relatives in these efforts.

The “bystander” role of the state has resulted in minimal regulation or oversight in the recovery of graves (Araguete-Toribio, 2015, p. 7). Similarly, William D. Haglund (2001) notes that several exhumations undertaken by Physicians for Human Rights in Rwanda involved a university-trained specialist with little field experience. Limited funding has further necessitated the reliance of several exhumation teams on volunteer support, sometimes from individuals lacking qualifications or formal training. The outsourcing of exhumations to non-governmental organisations and grassroots efforts has effectively transformed ARMH's exhumations into impromptu field schools, where volunteers, regardless of background, can learn and contribute to the recovery efforts. This educational approach emerges from the lack of official political and legal interest in the victims. While exhumations create an inclusive pedagogical space and provide a sense of closure, they also carry the potential to re-traumatise survivors. These processes offer closure by recovering remains and establishing the truth about the disappeared. As Layla Renshaw (2011) notes, exhumation “satisfies the widely held belief that the recovery of human remains is indispensable in order to enact death rituals, enable healthy mourning, and achieve psychological closure” (p. 11). The emergence of remains also exposes visible signs of trauma. Sime (2013) observes that “excavations literalise the bringing of memory of trauma to light, making it conscious and capable of being rendered in narrative (i.e. in symbolic and representational) forms” (p. 41). Reburial is frequently referred to by families as *pasar página* (“turning the page”), symbolising closure. However, Alexa Hagerty (2022) reminds us that “exhumation is an inherently melancholic act” (p. 274), highlighting the sadness inherent in revisiting traumatic pasts. This sentiment is powerfully expressed by the daughter of a woman exhumed in Villafranca del Bierzo:

Broken hearts and shattered spirits, living traumatised lives caused by senseless deaths. The profound pain of sons and daughters left without love. She died on 28 October, and today, 28 November, the truth has been revealed. Justice for my mother and uncle, who were tragically assassinated in error. May peace heal our hearts and illuminate our lives. Thank you for your unwavering struggle. (*Book of Visitors*, Personal Communication, November 28, 2015)

Tere (ARMH Secretary) emphasises the significance of recovering remains: “The act of recuperating remains closes the page because it ends the pain. Because until the disappeared appear, the past can’t be resolved” (N. Maystorovich Chulio, personal communication, October 6, 2015). Relatives often describe reburial as the final chapter, enabling them to move forward. Some express feelings of peace and fulfilment, as evidenced by remarks, such as “Now I can die in peace” and “We have finally achieved what we always wanted”. For others, closure comes from the reassurance that they will one day be reunited with their loved ones. Ascensión shares that “All I have thought about is being with my father. I really want to be buried with him, and we will be together” (N. Maystorovich Chulio, personal communication, October 8, 2015).⁶

Nevertheless, exhumations often provoke painful memories, without necessarily addressing broader needs for justice, reparations, or institutional reform. Survivors may experience deep emotional distress, particularly when exhumations fail to lead to formal state acknowledgment or legal action. To mitigate this, ARMH includes a psychologist at exhumations and provides follow-up communication with families. Raúl, a psychologist working in Guadalajara, Castilla-La Mancha, describes the challenges of offering psychological support with limited resources:

When it came to supporting the relatives, we focused on Ascension and also spent time talking to the families who came to us, listening to them and trying to find out how they were doing. It was very complicated to manage everything with such a small team, especially on the psychological side. If we had had more specialised personnel, the care would have been more complete. (N. Maystorovich Chulio, personal communication, October 9, 2016)

The absence of adequate psychological support can complicate the healing process. Survivors may feel isolated in their grief, especially when exhumations do not translate into systemic accountability or reform. This underscores the importance of exhumation teams providing robust and specialised support systems for survivors and families of the disappeared.

Moreover, some relatives of the missing have actively participated in the exhumation of their loved ones’ graves—a practice noted by observers in Spain that aligns with the broader educational goals of these endeavours (Rubin, 2014, p. 117). By actively involving participants, ARMH’s strategy not only facilitates the recovery of the missing but also serves as a

pedagogical tool. Ferrándiz (2014) has documented how the involvement of relatives and volunteers aids in raising public discourse about Spain's violent past. As René explains, "We always encourage local participation in exhumations. If we see someone observing from a distance, we approach them, inviting them to join us and learn more about the grave" (N. Maystorovich Chulio, personal communication, August 30, 2012). This approach not only aids in the recovery process but also fosters public discourse on historical events. Jonah (ARMH volunteer) adds that the significance of exhumations lies in offering survivors the "opportunity to recover their kin and a rare opportunity for communities to discuss what happened and feel that their experiences matter beyond their personal and local lives" (N. Maystorovich Chulio, personal communication, September 9, 2012). This encapsulates the dual impact of exhumations: recovering the disappeared and establishing a counternarrative of the past that validates shared experiences beyond local and personal realms.

Conclusion

This article has examined forensic exhumations in Spain as a crucial mechanism for TJ. While exhumations are traditionally associated with legal proceedings, the Amnesty Law (1977) provided impunity during Spain's transition from dictatorship to democracy. The exhumation of clandestine graves in Spain holds profound symbolic and political significance, transcending mere forensic investigations. Organisations like ARMH play a pivotal role in these efforts, reclaiming the identities and stories of those forcibly disappeared during periods of political violence. Each excavation is a meticulous process involving archaeologists, volunteers, and families, aiming not only to recover skeletal remains but also to uncover suppressed histories and challenge official narratives that shield perpetrators from accountability. By adhering to rigorous international forensic protocols, these efforts seek to uncover the physical truth of disappearances while validating the lived experiences of survivors and families. The absence of state involvement paradoxically democratises collective memory (Maystorovich Chulio, 2022), transforming these sites into impromptu educational settings where volunteers engage in historical investigation and advocacy. Despite legal obstacles and occasional resistance, these rituals of excavation and remembrance serve as powerful affirmations of historical truth and justice, providing communities with a tangible means to confront past injustices and honour silenced memories. In this way, modern exhumations not only reckon with the past but also catalyse local reflection and reconciliation.

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¹ Case 399/2006 V, also known as the "Garzón Case", was an investigation initiated by Judge Baltasar Garzón at Spain's Audiencia Nacional (National Court). This case sought to address the crimes committed during the Franco regime, including forced disappearances, torture, and executions, and it aimed to hold accountable those responsible for these crimes. The case was eventually dismissed due to legal arguments concerning amnesty laws, but it remains a significant legal attempt to examine the legacy of the Francoist dictatorship and its violations of human rights.

² José Antonio Primo de Rivera (1903–1936) was the founder of the Falange Española, the fascist political movement that became a key pillar of Francisco Franco's regime. Executed by the Republican government during the Spanish Civil War, he was later mythologised by the Francoist dictatorship and initially buried in the Valley of the Fallen alongside Franco, reinforcing the site's status as a nationalist shrine.

³ While there is further literature on this topic, it exceeds the scope of this investigation (See also: Groome, 2011; Klinkner, 2023; Sarkin, 2012; Sweeney, 2018).

⁴ All translations are my own unless otherwise stated.

⁵ Julio Bello Sierra was a civilian executed during the Spanish Civil War, his body falling into a river. It later washed up in the town of As Covas (Lugo, Galicia), where he was buried in an unmarked grave. His burial site was later documented in a military trial posthumously, and his remains were eventually located and exhumed by ARMH.

⁶ Ascensión Mendieta, the daughter of a Republican victim forcibly disappeared during the Spanish Civil War, fought for years to recover her father's remains. Her father, Timoteo Mendieta Alcalá, was executed and buried in a mass grave that was exhumed between 2016 and 2017 as part of broader efforts to recover historical memory.

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