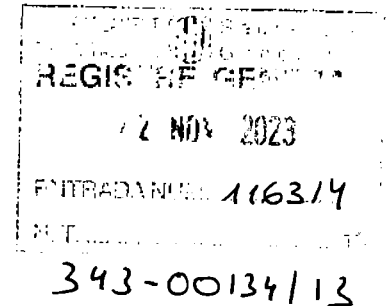




PARLAMENT DE CATALUNYA



A LA MESA DE LA COMISSIÓ DE JUSTÍCIA

APORTACIÓ ESCRITA DE XABIER IRUJO AMB RELACIÓ AL PROJECTE DE LLEI DE MEMÒRIA DEMOCRÀTICA DE CATALUNYA (TRAM. 343-00134/13).

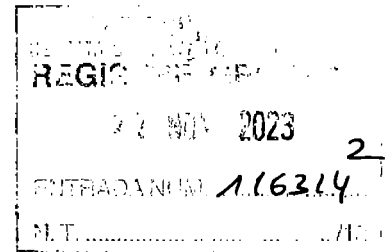
« To the esteemed members of the Catalan parliament

It is a pleasure and an honor to take part in this inaugural public phase of the legislative process, where I have the chance to offer a comprehensive review of the legislative proposal and assess the underlying principles and criteria of the draft democratic memory law of Catalunya. Due to the time zone difference, I am grateful to the Parliament for allowing me to convey my opinions in this written document.

I am aware that my participation in the hearing process should be confined to a maximum of fifteen minutes. Therefore, I have prepared a four-page speech, tailored to meet this time constraint.

The law, in its entirety, exhibits a well-crafted and organized structure. Here, I'll offer concise remarks on a few key aspects that I believe are of significance.

The Historical Memory Law of Catalunya is a comprehensive legal framework that guides the nation's approach to understanding and coming to terms with its past. This law incorporates fundamental principles to ensure a responsible and

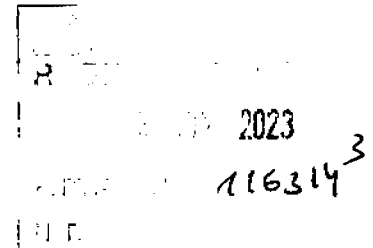


respectful treatment of historical memory. The primary objectives of the law are clearly outlined, with a focus on advancing the comprehension, safeguarding, and accurate portrayal of Catalunya's history, particularly concerning significant events and eras. It adheres to international human rights standards and obligations, particularly when addressing sensitive topics like war crimes, crimes against humanity, and genocide.

This legislation acknowledges and commemorates pivotal historical events, including those that have stirred controversy and debate. It places a strong emphasis on promoting historical accuracy, while simultaneously endorsing inclusivity and non-discrimination in interpreting and representing historical memory, acknowledging the diverse perspectives of various communities. Likewise, the law actively encourages educational initiatives aimed at passing down the memory of the past to future generations. It advocates for the inclusion of relevant historical subjects in school curricula and lends support to the establishment and upkeep of museums, memorials, and cultural institutions dedicated to preserving and presenting historically accurate narratives.

To ensure the integrity of historical memory, the law incorporates mechanisms for accessing historical archives and records while maintaining transparency and protecting sensitive information. Public consultation and engagement are actively encouraged, allowing for diverse stakeholder views and concerns to be considered, including those of historians, survivors, and affected communities.

The law skillfully strikes a balance between preserving historical memory and upholding the principles of freedom of expression and academic freedom. It also provides measures for safeguarding and conserving historical sites, landmarks, and artifacts associated with the events in question. Simultaneously, it strictly forbids expressions of support for neofascism, such as erecting monuments or using other means to glorify this and other autocratic ideologies, thereby reinforcing the commitment to responsible historical memory preservation and the rejection of thoughts, creeds or ideas that have caused harm in the past. Furthermore, the law facilitates truth and reconciliation processes designed to

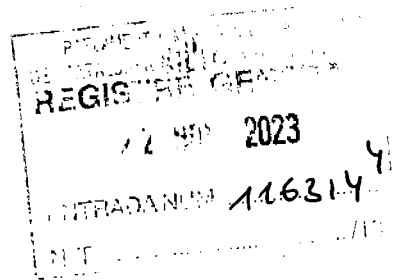


address historical injustices and promote healing and reconciliation within affected communities.

The law addresses a crucial requirement outlined in Article 54.1 of Catalunya's Statute of Autonomy. This article stipulates that the Generalitat and the Catalan public authorities are entrusted with preserving and promoting the historical memory of Catalunya as a shared legacy that bears witness to the resilience and struggle for the rights and freedoms of the Catalan people. Consequently, it is imperative to enact legislation that acknowledges and reinstates individuals who have endured persecution because of their advocacy for democracy, as well as their pursuit of political, social, economic, and cultural rights, and the self-governance of Catalunya. Therefore, this law should not be viewed as a mere necessity but rather as an ethical commitment.

Furthermore, the aim is for historical memory to serve as a perpetual symbol of tolerance, the dignity of democratic values, the repudiation of totalitarianism, and the acknowledgment of all those who have faced persecution because of their actions or choices. This objective, aside from being a social imperative, is also a *political responsibility and a legal obligation*.

Like the Basques, the Catalan people have faced significant oppression in the past. The coup in 1936, along with the subsequent conflict, led to a substantial number of casualties, including deaths, injuries, incarcerations, and exiles. Likewise, it encompassed all those who experienced repression during the dictatorship, which manifested in additional executions, incarcerations, exile and various forms of punishment such as confiscations, fines, and numerous violations of fundamental human rights. The magnitude of the suffering and the harshness of the oppression require the enactment of legislation to redress the profound injustices endured by the Catalan people during this exceptionally dark chapter in their history.



Simultaneously, it is imperative for this law to counteract decades of cultivating an official narrative supported by speeches, monuments, and commemorations that glorify war, dictatorship, and repression. Multiple generations of Catalans were born and lived in an environment marked by sociocultural suppression and an educational system aligned with the values of a dictatorial regime. Responding to it isn't merely an option; it is a moral necessity and a binding legal responsibility guided by the principles outlined by the United Nations Organization for safeguarding and advancing human rights through the battle against impunity, ensuring the right to truth, justice, and reparation. It is the responsibility of every civilized society to institute legal safeguards to avert violations of international norms and breaches of international humanitarian law.

The duty of each advanced and humane society to establish legal protections aimed at preventing violations of international human rights principles and infringements of international humanitarian law extends far beyond the confines of Catalan society or the territorial borders of Catalunya. This obligation is a global one, for the cause of peace transcends geographical boundaries, and the repercussions of conflict are universal, it impacts all of humanity.

The ongoing efforts undertaken by the Parliament of Catalunya should hold global significance, as they contribute to progress on a worldwide scale.

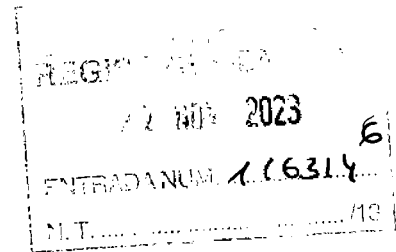
I acknowledge that the law specifies a particular temporal scope for democratic memory, including the period in Catalunya's history from 1931 to 1978. This period encompasses the Second Republic, the War of 1936, and the subsequent dictatorship until the establishment of the first democratically elected government in Catalunya. While the law asserts that this timeframe does not preclude the inclusion of earlier and subsequent democratic traditions, it is necessary to underscore that the Catalan nation has endured various forms of repression, including warfare, extrajudicial executions, forced exile, imprisonment, and numerous other abuses, dating back at least to the early 18th century with the Nueva Planta decrees.

The historical grievances of the Catalan people extend far beyond the delineated time frame of the law, reflecting a consistent and enduring quest for justice, freedom, and dignity. Therefore, the law should be seen as part of a broader effort to address historical injustices and uphold the principles of democracy and human rights, reaching back well before the 20th century.

Regarding the commemorative spaces, it should be noted that the locations intricately tied to the events comprising Catalunya's democratic memory transcend the contemporary Catalan boundaries. When we consider the events occurring during World War Two, it becomes evident that Catalunya Nord (Northern Catalunya) was occupied during the years 1940 to 1944. In this context, numerous Catalans lost their lives fighting in different networks of the Resistance or in distant places like Mauthausen-Gusen, far from their homeland. The Mémorial du Camp d'Argelès-sur-Mer in Argelès-sur-Mer and Gurs —among many other sites— are also notorious places of remembrance.

This underscores the significance of the Catalan authorities and institutions strengthening their social, political, cultural, and legal connections with memorial sites beyond the territorial jurisdiction of the Generalitat of Catalunya, especially those where Catalan citizens endured persecution, repression, or were subjected to treatment that violated fundamental legal safeguards. This recognition and engagement with these sites can serve as a means to honor the collective memory of those who suffered, emphasizing the enduring and global relevance of Catalunya's democratic memory. Preserving and commemorating historical memory often requires acknowledging a broader historical narrative that extends beyond national geographical confines.

In a similar vein, recognizing that this is a law primarily focused on commemoration, and considering that the law involves both punitive and restorative aspects, it is essential to incorporate references to elements worthy of celebration. This is critical because within these expressions of remembrance lie valuable insights, strategies, and potentially even future pathways for resolving human conflicts in diverse regions across the world. This idea could potentially



help enhance and broaden the scope of Article 16, which addresses acts of recognition and tribute.

Specifically, it is noteworthy to acknowledge the profound generosity extended to Catalans, Spaniards, Galicians, and Basques by several administrations in the Americas. Over the course of two centuries, nations like Argentina, Uruguay, Chile, Mexico, Venezuela and so many others opened their doors to exiles fleeing persecution in their European homelands. The Americas witnessed significant developments in Catalan social and cultural life, particularly when Catalunya itself was enduring severe repression under the dictatorship of General Franco. The Casal de Catalunya in Buenos Aires, or the Centro Catalán de Venezuela in Caracas are only some few examples of places of memory off the territorial limits of Catalunya. These cultural and social institutions were established by Catalan exiles abroad and served as a gathering place for the Catalan community, fostering a sense of unity and connection to their heritage and allowing them to celebrate their culture and language. The events that took place in these sites helped maintain and promote the Catalan identity in a foreign land. The Plaza Cataluña in Buenos Aires, the Cataluña Streets in Mexico City and Montevideo are not only symbolic places but also serve as sites for remembrance and recognition of Catalan heritage and history. Additionally, institutions like the Escuela Multidisciplinaria de Arte Dramático Margarita Xirgu in Montevideo play a significant role in preserving and celebrating Catalan culture and the legacy of exiles in the Americas. These locations and institutions serve as important reminders of the enduring connection between Catalunya and the countries that welcomed Catalan exiles during their times of need.

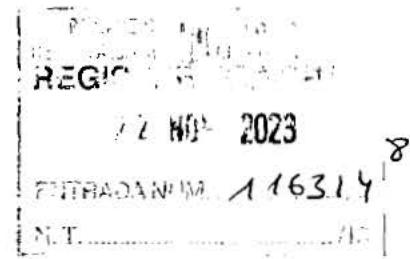
The celebration of these countless signs of solidarity refers to a multitude of cultural and artistic expressions that flourished during this period of Catalan exile abroad. For instance, it can lead to reflect on the Jocs Florals (Catalan poetry contests) celebrated in Uruguay, the memorable concerts performed by Pau Casals in Puerto Rico, the artistic creations of Catalan exiles like Josep Franch Clapers in Provence, the poetic compositions of artists like Mercè Rodoreda in Geneva, and the publication of journals and magazines such as the Butlletí d'Estat Català, El Poble Català or Catalunya in Mexico, Venezuela and Occitània.

107 2023 9
116314

These varied artistic and intellectual expressions, sustained throughout the four decades of exile, not only stand as a testament to the unwavering spirit of Catalan exiles to preserve their national identity and its many cultural expressions in the face of adversity but also emphasize the critical significance of mutual assistance, respect, and above all, the protection of the fundamental rights of all individuals, regardless of their location or the historical era in which they require attention and safeguarding. This enduring example of harmony of many American administrations highlights the universal commitment to the preservation of human rights and the upholding of the principles of solidarity and protection, irrespective of time and place.

As the ancient Greeks noted, there is perhaps no more severe form of punishment than exile. Those of us who are children of exile can profoundly resonate with this sentiment, as we often find ourselves in a peculiar space of not truly belonging to any one place. We have navigated our lives while clinging to an identity that was persecuted in our homeland and often overlooked or misunderstood in foreign lands. Exile, in many ways, casts a person adrift, disconnected from the solid ground of a singular, rooted identity. We've grown up carrying a heritage that faced inequity and discrimination in our place of origin, and yet, as we ventured into foreign territories, this part of ourselves often remained unnoticed or anonymous. This dichotomy of identity, one struggling for recognition at home and the other seeking understanding abroad, defines the unique experience of those who have lived the life of exiles. Carles Pi i Sunyer told my grandfather that his strong will to live as a Catalan in the Americas could only be sustained through the arduous daily effort of rowing against the formidable tides of an oceanic exile.

By celebrating these universal experiences, the law on historical memory not only would honor the resilience of the Catalan nation in Catalunya but also offer inspiration for addressing it as an expression of human conflicts in other regions around the world, as an intrinsic part of the world history.»



Data:

Xabier Irujo

Signatura

