

**INTERSITE ANALYSIS OF VICTIMS OF EXTRA- AND
JUDICIAL EXECUTION IN CIVIL WAR SPAIN:
LOCATION AND DIRECTION OF PERIMORTEM
GUNSHOT TRAUMA**

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More than 150,000 executions took place during and soon following the Spanish Civil War (1936–1939)—many without any judicial proceedings and mostly of noncombatants. As a result of disinterested postwar governments, nongovernmental organizations—representing families of victims—have insisted on finding the graves and exhuming the dead for identification and repatriation. This study examines skeletal gunshot trauma patterns from three extrajudicial mass execution sites and compares them with trauma of those from a postwar prison site, where victims were given more formal legal proceedings. Chi-square tests of cranial and postcranial trauma show that the latter is significantly more common at the postwar site. Further study of evidence from these sites will help ascertain circumstances of death and will help bring a measure of justice to victim families, even if future governments continue to deny official investigation. [forensic anthropology, Spanish Civil War, perimortem trauma, extrajudicial execution]

Extrajudicial killings in the rearguard of the Spanish Civil War (1936–1939) accounted for at least as many deaths as armed combat (Preston 2012:x). The majority of these killings were in the name of the so-called Nationalists, who attempted a military coup and eventually won the war to establish a long-standing dictatorship under Francisco Franco. A postwar repression was replete with perfunctory courts martial that tried the accused en masse and typically ended in life sentences or the execution of those being tried (Espinosa 2007:402). Since the year 2000, families and communities of these victims have called on anthropologists and archaeologists to help locate and excavate hundreds of mass burials, resulting in the exhumation of thousands of the dead. Recently, Ríos et al. (2013) conducted a study examining different types of Spanish Civil War burial sites (e.g., mass burials within cemeteries vs. those in the open countryside) and aspects of perimortem trauma. Their study showed an apparent correlation between trauma and

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site type. We test this correlation with independent samples of excavated burials from Civil War Spain. We also examine whether or not different characteristics of gunshot trauma observed can help establish if the killings were judicial or extrajudicial.

Burial site types from the Spanish Civil War can be categorized in different ways and distinguishing these is important for analysis and interpretation. Despite a lack of quantitative study of Spanish Civil War burials, intuitively we can distinguish them temporally and regionally, as well as discern combat and noncombat deaths, shootings by the Republican (government) side of the conflict versus the Nationalists, and single, multiple, or mass killings. For cemetery killings, one can classify shootings and burials as having taken place outside (peripheral to) the cemetery, or within; the latter of which often took place on the civil, rather than Catholic part of cemeteries. Shootings in the first few months of the war, the so-called “*verano caliente*” (hot summer) have also been characterized as more anarchic than those at later stages of the war and during the postwar repression (Armengou and Belis 2004; Jackson 1965; Rodrigo 2008:75).

METHODS

This study examined skeletal trauma patterns at four sites from the Spanish Civil War. Sites were categorized into two groups following Rios et al. (2013):

- Judicial cemetery mass graves (JCMG). These sites were used by the authorities as burial places of prisoners who died in custody or who were executed while in custody. We use the term “judicial execution” with reservation. Legal standards during the Spanish Civil War and postwar repression were contested and many researchers have demonstrated the gross lack of due process (e.g., Espinosa-Maestre 2013; Preston 2012:471–517; Zapico Barbeito 2010). For the sake of simplicity, we adopt the term and use it to mean “judicialized,” or formalized, that is, executions that were made to look as if conforming to a legal standard and that stand in contrast to those executions where victims were simply driven from a detention point to their place of death with absolutely no guise of a legal process (extrajudicial).
- Extrajudicial Open countryside Mass Grave (EOMG). These sites generally lie in fields, far from formal burial grounds and hold the victims of extrajudicial killings.

The four sites examined were as follows:

1. Uclés, Cuenca Province (JCMG). This site was used both as a war-time hospital burial ground (by the Republicans) and as a postwar prison cemetery (by the Nationalists). The site contained the remains of approximately four hundred skeletons, some of whom were buried during the war (hospital deaths) and others who died or were killed during the years of the prison (January 1940–Autumn 1942; Iniesta López 2006). A limited number of graves and skeletons were analyzed for

TABLE 1. Sites Types and Numbers of Cases Analyzed

Prison Cemetery Site (JCMG)	Noncemetery Site (EOMG)
81 (Uclés)	81 (M. Costaján) 45 (Milagros) 46 (Villamayor de los Montes)

this study: 81 prison deaths from 38 graves. The number of bodies per grave ranged between 1 and 13.

2. Monte Costaján, Burgos Province (EOMG). This site had multiple graves and held the victims of extrajudicial killings from August 1936 (Montero Gutiérrez 2009). We analyzed data from 77 sets of remains for this study (Bores et al., n.d.; Brewster 2005).
3. Milagros, Burgos Province (EOMG). The remains of 45 people were exhumed from two graves, victims of extrajudicial killings in early September 1936 (Herrasti and Etxeberria Gabilondo, n.d.).
4. Villamayor de los Montes, Burgos (EOMG). According to witness testimony and documentary evidence, 46 victims were extrajudicially executed in mid-September, 1936 (Ríos et al. 2010). Data on those exhumed from this site come from Ríos Frutos et al. (n.d. a, b).

The total number of skeletons used for this study and their respective site categories are summarized in Table 1. Figure 1 shows the location of the sites within Spain.

Two aspects of perimortem gunshot trauma at the different sites were examined: presence/absence of cranial (including mandible, first and second vertebrae) and/or postcranial trauma, and direction of gunshot wound trauma. Direction of gunshot trauma was recorded as: anterior–posterior, posterior–anterior, multiple, or other. In some instances, the fragmentation of crania as a result of gunshots combined with postmortem events made confident determination of gunshot trauma and direction difficult. This was also true in most instances of postcranial trauma to elements, such as vertebrae or long bones. When there was doubt, we excluded the cases from the test. Direction of cranial gunshot trauma was not reported for the Milagros site and so it was excluded from tests examining this variable.

The null hypothesis was that there was no difference in trauma location or direction between judicial and extrajudicial execution sites. Chi-square crosstabs were used to test the relationship between the two site types against areas of gunshot trauma and direction using an α level of .05.

RESULTS

Chi-square tests showed no significant difference in presence of cranial gunshot trauma between judicial and extrajudicial execution sites. While this is not very surprising, the

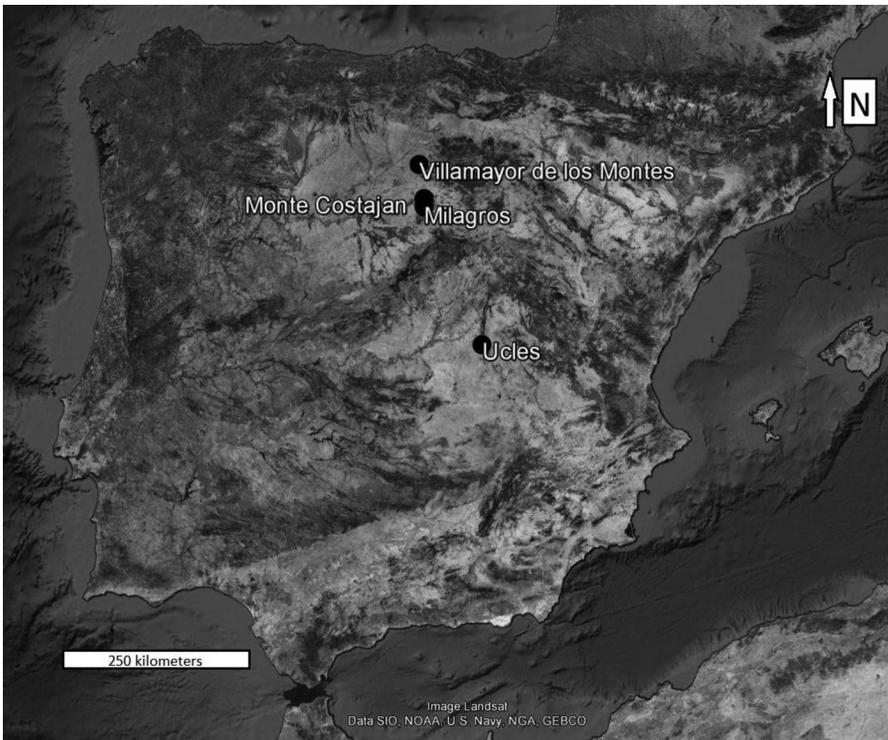


FIGURE 1. Map of Spain with locations of mass grave sites analyzed in this study.

same test did show a significant difference in the presence of postcranial gunshot trauma between the two site types (two-sided asymp. significance of .000), with judicial sites showing a high rate of postcranial trauma. This stands in contrast with the results of Ríos et al. (2013), where they reported varying rates of postcranial trauma among sites, but the overall rates appeared to be broadly similar across site types.

The observations by Ríos et al. (2013), which this article is designed to test, showed a seemingly clear trend in the direction of perimortem cranial gunshot trauma among site types. Judicial executions were most often anterior–posterior, whereas extrajudicial executions were posterior–anterior. This seems intuitive if we envision judicial executions as lining a victim or victims up against a wall in front of a firing squad, in contrast to extrajudicial executions that were likely more ad hoc. Nevertheless, our results using a Chi-square test comparing trauma direction at both sites types showed no significant difference in the direction of gunshot wounds between the two site types. At the judicial execution site in this study, there were equal numbers of anterior–posterior and posterior–anterior gunshot trauma observed. In contrast, the extrajudicial sites showed a higher frequency of posterior–anterior gunshots.

DISCUSSION

There are several limitations to this study, including some noted by Ríos et al. (2013) that applied to their own work. It is possible that analysts underestimated gunshot injuries

(e.g., the projectile did not impact bone or postmortem destruction of remains was such that perimortem gunshot trauma could not be confidently identified). There is also the problem of multiple analysts of varying degrees of expertise in documenting trauma, which could have resulted in some discrepancies in reporting or misinterpretations of traumatic injuries.

The killings examined in this study cover a geographic area of approximately 300 square kilometers and a temporal span of six years. This latter factor is important as the form of killings evolved over the course of the war (Congram 2013:266). Therefore, the judicial execution site may be temporally and geographically distinct from the others depending on the scale at which one views the problem (e.g., the scale used for Figure 1 shows the extrajudicial sites as clustered). Although these differences may temper the power of their direct comparison, the distinctions may also demonstrate variability across time and space that should be counted as a variable in future study (e.g., compare graves within provincial jurisdictions or according to the stage of the war at the time of the killings). Indeed, despite what many—including the authors of this article—consider to be identifiable patterns of killings across Civil War Spain, variations occur due to individual or small-group agency or other circumstances (e.g., local opposition to the killings, per Kalyvas 2006).

There are influential independent variables that we did not test, and that might vary between judicial or extrajudicial execution sites. These include the number of bodies per grave deposit (which we take to reflect the number of persons executed at a specific period of time, such as a truckload of victims), the number of deposits per grave (reflecting a slightly larger time scale, such as executions, that occurred over the course of one or two days), grave orientation, grave placement within a cemetery (Catholic vs. civil sector), etc. Clearly there are many different variables that should be considered in order to more fully understand executions within their sociopolitical, temporal, and geographic context. To do so, however, requires significant effort to find, collate, and then analyze data of variable detail from hundreds of exhumations by dozens of groups; much of it unpublished. The purpose of this study is to focus on only a few of what we suspect are the most significant variables in discerning trends that we believe can provide insight on some aspects of these killings and also inform future study.

While the direction of gunshot trauma in postcranial remains is often vague or indeterminable for the reasons discussed previously, direction of cranial trauma is probably biased toward the category posterior–anterior. The relative thickness of the occipital is far more likely to clearly preserve projectile impacts when compared with other bones in the cranium, particularly the fragile bones of the splanchnocranium. Had questionable trauma been analyzed suggestive of gunshot trauma (e.g., highly fragmented temporal bones), results may have been different. Nevertheless, we considered this to be an unreliable exercise, particularly considering the multiple analysts involved in the original data collection.

The direction of cranial gunshot trauma is variable across the postwar judicial execution sites as well among mass extrajudicial executions of the early, heated months of the Civil War. It is possible that the so-called coups de graces, or *tiros de gracia* in Spanish,

which were allegedly (and apparently) given to victims have confounded findings from the initial round of shootings. With each subsequent gunshot, analysis becomes much more complex.

If further study does demonstrate directional trauma biases as seen by Ríos et al. (2013) between judicial and extrajudicial killings, perhaps psychology provides an explanation that the extrajudicial killers preferred not to look at their victims because of the illicit nature of their behavior, or because they had preexisting relationships with those they had to execute. We want to emphasize, however, that this line of inquiry is beyond the purview of biological anthropologists and almost certainly would not be permissible in court. We introduce the subject, however, because of the relatedness (sometimes indistinguishable) of biological anthropologists with archaeological and cultural anthropological counterparts, who rely much more on qualitative social data. Further, behavioral analysis is more common in conventional bioarchaeological or historical contexts, but eschewed in forensic casework. The Spanish Civil War—with gross human rights violations having occurred in the form of mass executions—blurs the boundary between historic and forensic contexts. Thus, we find dramatic narratives of killings that are much more common to archaeological events, but avoided in forensic analysis. Of the killings at Monte Costaján, which we studied here, Fernández de Mata (a social anthropologist) reports witness testimony of perpetrators who were (2004:2531):

not in normal mental and physical conditions. Several testimonies describe them as drunk, brainwashed by their superiors who provided alcohol to have them obey their commands unquestioningly. That explains the notoriously inaccurate shooting. . . . Firing was not accurate, producing a long and agonizing death.

From a biological/forensic perspective, the physical and mental states of the shooters and the accuracy of their shots are simply unprovable and potentially irrelevant to the forensic line of inquiry. Further, to say that the victims suffered a long and agonizing death is conjecture unless provided as evidence by direct witnesses, certainly such statements provided by social or forensic anthropologists (75 years after the killing) are unfounded and nowhere near best practice.

CONCLUSIONS

Anthropologists and archaeologists working on mass grave excavations and analysis of victims often have intuitive “hunches” about apparent patterns that they are observing. Sadly, there has been extremely little quantitative assessment of these intuitions in the context of large-scale human rights violations investigations (see Kimmerle and Obafunwa, this volume). Researchers in Spain have, over the past ten years, set a precedent by making their work public (Etxeberría 2012 and works therein). More recently, they have started to analyze the results of their work (Etxeberría Gabilondo 2012; Herrasti Erlogorri and Jimenez Sanchez 2012). With this article, we hope to continue the trend toward a more comprehensive and public analysis of investigations, with an aim to inform colleagues and others working in similar forensic contexts.

Our results indicate that while there were significantly higher rates of postcranial trauma in extrajudicial killings, there were no significant differences between the directions of gunshot wounds between judicial and extrajudicial sites. Finding correlations of biological evidence (e.g., gunshot trauma) with sociopolitical circumstances is routine in conventional bioarchaeology. The standard of proof in medico-legal contexts, however, is generally higher—as it ought to be—and it is easy to understand why biological anthropologists are wary of testing and discussing such correlations. Nevertheless, by way of this article we encourage a multidisciplinary approach to investigations of human rights abuses, and specifically extrajudicial killings, as the most productive way of having a fuller picture of past events (also see Ríos et al. 2010). As well, human rights investigations in Spain and other places are being done without a medico-legal mandate. Nevertheless, other equally important objectives are accomplished by such study, such as identification for repatriation, historical documentation, and even to inspire official state action for criminal investigative purposes. Further analysis of whether or not the patterns identified here are unique to these cases or if they exemplify a pattern across space and time in Spain is needed. If such patterns can be ascertained, this line of study may inform on patterns in other countries that have experienced civil war and large-scale killings. In turn, the results will help elucidate the truth of past events and can serve as evidence in the prosecution of war crimes or crimes against humanity.

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