

CAF Podcast ep.3/2023 Gloria Elizo

Gloria Elizo is a lawyer, MP and current third vice-president of the Spanish Parliament. She was coordinator of the legal representation team of Podemos in several lawsuits, and has been involved in key cases against institutional and Police corruption, especially in relation to political persecution. She led the popular prosecution of the case known as Operation Tandem: a procedure of more than twenty lawsuits investigating the corruption scheme led by the former Police commissioner Villarejo. A plot involving journalists, police officers, politicians and representatives of the main corporations in Spain. Gloria is co-author with Pablo Manuel Fernández Alarcón of 'Villarejo, the emeritus of the sewers' (2022), a novelized account of events that sound like fiction, but are far from being so.

For listeners in Latin America or the world who do not know this infamous name, José Manuel Villarejo has been a key character in the Spanish political sewage in recent decades. He used his influence over the state apparatus to make money through private para-police services, many of them through illegal means and for illegal purposes, and more than a few hired by public institutions and political parties. One of the most serious charges against him is the creation of a parallel police operation, the so-called patriotic police, dedicated to espionage of political opponents of the then government of Mariano Rajoy. Today Villarejo stands accused of criminal enterprise, bribery, and money laundering.

Kitchen, Tandem, Gürtel, illegal wiretapping and large-scale espionage, disclosure of secrets, big media, big companies, big parties... and despite all that, a series of honest prosecutors, policemen and journalists facing a leviathan that at times seems to constitute the very backbone of the system. Your book 'Villarejo, the emeritus of the sewers' is intended as a literary approach to events that are literal. And the truth is that reality far outweighs fiction. Some time ago you said that knowing the truth can change the future of a whole society, and that the Tandem case was still a historic opportunity to break with the systemic inertia that protects the powerful in Spain. Looking back, has it been, does it still have room to be? Do you see other opportunities on the horizon?

GE: When we talk about structural corruption, the approaches needed are rather complex. We are not talking about a mere concrete criminal act in which there is, for example, a misappropriation of public funds (a fact perfectly demarcated as a crime). First of all, we are talking about a structure that takes advantage of the Spanish Transition and the last phases of Franco's regime, of the urge of the most powerful elites in the Spanish business sector

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to perpetuate their power. But we are also talking about an international structure not only present in Spain. One that is favoured by the international traffic of weapons and narcotics. All of this structure permeates the Spanish State and is protected by something that I believe differentiates Spain from the rest of the world: a law of official secrets which has prevented the historical review of these times. In itself, this opacity has allowed or perhaps maintained structural corruption. A corruption that, I would insist, goes far beyond a purely criminal act, but is genuinely systemic. These great cases of corruption that you mentioned have been attempts to investigate the facts at specific occasions; bravely led by investigative journalists, or police officers, or judges. However, unfortunately, I believe that right now the major corruption cases are controlled by that other part of the judiciary, the media, the police, politics and the economic power that still maintains sufficient networks to control those cracks in the system that make their disgraces visible. We argue in the book that the Tandem case was a historic opportunity to review what had been a historical period in Spain marked by endemic corruption. Unfortunately the establishment has once again taken control of that crack, that historical opportunity to learn the truth. Perhaps we have not been as bold as the moment demanded for a cause such as this one. It is not that Villarejo is an important character per se. He is simply a person who, in some way, kept control throughout that period, through a series of audios, insights, interviews and documents. He keeps, let's say, an overview of everything that happened. And unfortunately I think that right now the case is controlled by an investigating judge, García-Castellón, who has managed the case so well that only the alternative truth is known, that which interests the elites involved. And I think that the Spanish citizenship, democracy and the Spanish state, have once again lost against this structure, which has remained absolutely systemic for more than 50 years now.

Thinking about those international links you mention, you have remarked in a few interviews before that, in the end, pulling the thread of corruption means following the trail of money. This is a feedback loop in which money buys power and power gains more money. But of course, neither money nor power really recognize borders, so which links connect corruption in Spain with corruption in the world? and can it be completely tackled without a global approach?

GE: No it cannot, because it's fundamentally a political problem. And I believe that in Spain the instrumentalization of corruption in electoral terms has had the effect of deactivating the citizens, especially the progressive electorate. Institutional corruption has a lot to do with the political health and the democratic culture of a country. And in Spain, the political processes that have been in place since the end of Franco's regime have not been strong enough to nurture a citizenry that holds corrupt politicians and businessmen accountable for their actions. Right now, in the middle of an electoral process, (in Spain we face a new electoral cycle in May and December), I believe that this issue is going to demobilize voters, because there is not enough democratic discipline for the political parties to become self-demanding enough in this regard. And in order to properly assess what corruption is, it is essential to consider that democratic culture. Because political corruption manifests not only as a specific crime. We must consider the implications of not operating in accordance with ethical responsibilities, disregarding electoral commitments, neglecting institutional obligations and not being consistent with public representation. At the end of the day, democratic culture has to do with what we demand of ourselves in political terms, with being accountable for your performance as a public representative, as a manager of public resources, etc. I like to mention Joaquín Costa, who already at the beginning of the 20th century stated that corruption was not a deviation of the legal system, nor was it the instrumentalization of such deviations to commit corrupt acts, but that it was

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the system itself which foresaw this corruption. I do not know the international democratic culture in detail, but yes, corruption in many countries draws from that same structural source. In Europe, in America, in Latin America, in the USA, etc.

Regarding that issue as well as Latin America, we wanted to know your views on what is beginning to be known in many places as lawfare, particularly in Latin America. A strategy of judicialization of politics aimed at actively destroying one's opponent. And the role of the media in this equation is often underestimated. It may be true that pretending post-truth is a recent phenomenon is somewhat naïve. And maybe pretending that journalism used to be more independent "before" may also be naïve. But it is difficult to dispute that in an era like ours, defined by unregulated technological practices, this has become a systemic issue. And today, the fact is that these strategies are often fueled by corruption allegations, many times with no reasonable grounds but which generate an immense reputational damage. In your opinion, is this process voiding the fight against corruption of its meaning? Is it something that can be tackled by journalism or the judiciary itself?

GE: That is exactly the crux of the matter. Most lawfare procedures take advantage of all regulations that at a given moment were established as anti-corruption laws, not only in Spain but also in Latin America. It has been the use of the anti-corruption framework itself that has allowed the big lawfare cases against social leaders there. And this is what is most worrying, the way in which instruments of democratic governance have been distorted and how the system has been perverted to such an extent. In any case, there are some differences that deserved to be noted. That which you were saying about the media is not a modern issue. Hannah Arendt has published a magnificent book dedicated to the whole construct of the Vietnam War by means of fake news. And indeed what we call lawfare in Spain does not operate so much through judicial processes as it does through the media. In most cases there was no substance behind all those procedures to achieve any political disrepute by judicial means. Instead, what they did was instrumentalizing unfounded accusations that had no judicial viability whatsoever, and broadcasting them in the media: generating enough noise and political pollution to tarnish the credibility, ethics or honorability of some political leaders. This exploitation of the power networks and the media to stain the political standing of an adversary has characterised very harsh phases in the Spanish political trajectory since the Transition. And ours is a rather interesting case, one could almost say "original". In Spain there is a judicial procedural instrument, the so-called Popular Action (a novel figure in the international procedural field), which allows associations, foundations, or other legal entities to appear in court proceedings. This includes political parties. As you mentioned, I led the legal action in different proceedings via the political party Podemos. The issue is that we have witnessed how the figure of the Popular Action is now being weaponized to attack progressive leaders. It only takes filing a lawsuit and managing to keep the case open for long enough. In essence, the political disrepute in Spain falls on the media and on the misuse of some anti-corruption policies. And that is where we find ourselves. The media, given the weight and political power they currently have, continue to be the key to the building of democratic spaces and cultures.

And speaking of the construction of democratic culture, we also wanted to discuss with you how the polarisation that is fueling the emergence of the far right has a lot to do with these mechanisms and how they encourage and capitalise on distrust towards public institutions. Ten years ago the left mobilised to demand the reform of a model of political and economic oligarchies in a climate of social emergency that challenged the continuity



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of the very system; and yet today it is an elitist far-right that is laundered by the media and with profoundly anti-social policy proposals that claims to have a transformative calling. How do we deal with such mediatized social tension? What to do in the face of discourses like that of VOX when there are no longer cordons sanitaires?

GE: Well, this is precisely the problem. The far-right has become functional. It became functional with Mitterrand, who used the Front National for his political advantage in France in various electoral campaigns (and we must ask ourselves where is the French Socialist Party now and where is the Front National). And the same thing is happening in Spain. Since the Andalusian election campaign in 2018, confrontation has been exploited by introducing it into electoral debates, using campaign discourse against the far-right and managing to normalise certain narratives. Because the systematic reiteration of xenophobic, anti-democratic discourses ends up normalising them to the advantage of a, let's say, liberal socialism that gets electoral benefit from them. The severe democratic crisis in 21st century Europe is that this form of political confrontation and the decline of the democratic right have led us to an increasing presence of extreme right-wing governments. The most damaging factor has not been the failure of the cordons sanitaires, but the way in which the emergence of these parties has been exploited for electoral gain. And not exclusively by the most liberal social democrats. Often, the most progressive parties, or those on the left of progressivism, have carried out campaigns of direct confrontation against the far-right. I have always advocated internally for the omission of any kind of political and electoral pulse with these spaces and to not speak of the right and the far right as if they were synonyms. It is essential to differentiate a conservative right wing, which makes democratic sense in any country or constitutional state, from that other right wing which is manifestly anti-democratic and which only blurs, depoliticizes and radicalises an electorate that is increasingly absent from public debate.

Shifting the axis of democratic normalcy through its own discourse. One only has to look at how migration has become an almost structural aspect of EU policy with a narrative that maintains a bureaucratic tone but that adopts a narrative of cultural replacement.

GE: Indeed the very discourse of migration policies in Spain and the rest of Europe frames itself in labour force management, instead of addressing the issue from a perspective of human rights and structural imbalances... This has a lot to do with the response to the far right, in which we intend to instrumentalize migrants. It means not only accepting this dynamic of confrontation, but also adopting their narrative framework.