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# I. Introduction

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On the 27th of February 2013, the Office of the Secretariat General for Peace and Social Harmony of the Basque Country Cabinet Office decided to commission the undersigned to prepare a report acknowledging the human rights violations produced from 1960 to 2013 in the case of the Basque Country, primarily aimed at defining the map of the aforementioned violations available to be used as a reliable reference document for defining subsequent actions on the subject of memory and critical reviewing of the past, as well as for the victims' acknowledgement and reparation.

Along with this definition of the subject in question, the commission formulated the characteristics to which the report should respond:

- It must offer a classification and quantification of the confirmed human rights violations from 1960 in the context of violence with political intentionality suffered in our country, always related and referring to the victims this violence caused, who form the priority.
- This classification must not lead to equivalences, comparisons or compensations for violations of any different kinds or natures; it must respect the different victimological and criminological contexts within its structure and take the international standards references on this subject into account.
- The report must omit valuations or interpretations and concentrate on the description of the objective data that is available. Under any circumstances, notations may be added regarding the processes of clarification, justice, recognition or reparation pending in each category of human rights violation, and any other observations deemed relevant may also be added.
- The drafting commission may likewise offer a set of recommendations or suggestions which, in their criteria and in the light of the information given in the report, should be taken into consideration when defining public memory policies.

In an attempt to fully respond to this commission, the text developed below in addition to this introduction and the compulsory bibliography, consists of three fundamental sections:

- A general interpretative framework within which the report is found and understood.
- A central body of information: a list and description of human rights violations, with the corresponding observations, along with an overall summary table.
- A list of recommendations or suggestions aimed at different instances involved in the interest of a more suitable reparation (social, legal, political...) for the victims.

The task requested is basically a compilation and ordering of data proceeding from material, reports, studies and previous commissions. This foreword is used as an acknowledgement for all those people involved in its preparation along with their work, developed very frequently under difficult conditions. It is also only fair to acknowledge the work performed by the technical team who, with their expertise have made it possible for this commission to be carried out.

After four months of work, the drafting commission wishes to deliver this Report for consideration by the Office of the Secretariat General for Peace and Social Harmony of the Basque Country Cabinet Office, in the hope that it has responded sufficiently to the commission it was given. We hope this will be a useful instrument that contributes to the attaining of peace and to the regeneration of social harmony after several decades of violence.

**Vitoria-Gasteiz, June 2013**

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## II. General interpretative framework

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### 1. Guiding principle of the Report

No idea, no political report, no patriotic spirit, no 'raison d'état' can be given priority over the intangible centre point of human rights: life, physical and mental integrity and moral dignity of the human being. Murder, mutilation, torture, abduction, debasement or corruption of a human being has no moral justification under any circumstances.

From this fundamental statement, the actions by the victims of human rights violations must be governed, amongst others, by the following ethical principles, inherent in international human rights law and which, for this same reason, become reference points for this report.

All the people who have suffered serious human rights violations must enjoy their rights to truth, justice and reparation, which are specified in the victim's right to: a) equal and effective access to justice; b) suitable, effective and fast reparation for the damage suffered, as restoration, compensation, rehabilitation, satisfaction and guarantees of non-repetition; c) access to the relevant information about the violations and the reparation mechanisms. All of this under the terms and conditions shown in the "*Basic principles and guidelines on the rights of victims of gross violations of the international human rights laws and gross violations of International humanitarian law to bring lawsuits and obtain reparations*", approved by the General Assembly of the United Nations, on the 16th of December 2005. These principles are in line with the Universal Declaration of Human Rights of 1948, the International Pact on Civil and Political Rights of 1966 and international law in general on human rights which, as is indicated in article 10.2 of the Spanish Constitution, form the reference framework for interpreting the subject.

The referential nature of human rights involves the necessary and consequent assumption of its characteristics of indivisibility, interdependence and universality, without any fraudulent vindication of any of the aforementioned rights being admissible, aimed at putting the validity and contents of others into perspective.

Taking all this into consideration, it is essential to state that the violation of the right to life and the final and unfair deprivation of life, regardless of the perpetrator, mean the violation of human rights that are housed at the top of the regulatory hierarchy and that determine their absolute and definitive irreversibility.

Therefore, as this report is aware of the seriousness of each violation collected and reported, it wishes in a preferential manner, to view and attend to, in a way that is consequent to the hierarchy, each and every one of the lives taken, under the maxim that each of them in their irreplaceable individuality – and not just the figures, mean an absolute value the denial of which forms the core for ethical, social and political attention.

### 2. Contents, scope and nature of the report

#### 2.1. Contents

The contents of this report are confined to the gross violations of human rights and not to the widespread suffering surrounding violence with political intentionality, although in this there may be painful realities that have produced an obvious social impact and can be considered from a perspective of rebuilding social harmony.

When we refer to the criteria of a gross violation of human rights we are looking at the ethical criteria acknowledged and set down in the international legislation assumed by the States to identify where a human rights violation exists and when this violation generates the condition of a victim to the person suffering from it. These moral and legal criteria allow us to register violations of different types, to establish their different degrees of severity and they prevent us from incurring in an undifferentiated generalisation and in the undermining of any kind of victim.

## 2.2. Scope

The report starts off at a specific moment: the year 1960. This date is conventional. In our context, human rights violations – insofar as these are officially reported in 1948, go back to the time of Franco's dictatorship and can be traced back to the atrocities committed by both sides during the Spanish Civil War.

There are two reasons for determining the abovementioned date. Firstly, the difficulties grow when attempting to access data prior to 1960. And secondly, the policies relative to the victims of terrorism take this year as a reference point.

This choice makes a further investigation into the violations committed in these two previous periods and their consequent reparation no less legitimate or unnecessary.

Taking the abovementioned points into account, the time line for this report refers to the years between 1960 and 2013, with the possibility of distinguishing four different periods within it<sup>1</sup>, starting off with relevant historic events that cause a solution of continuity as time goes by. In addition to this, during these historic periods a series of specific, significant violent events took place that deserve to be considered when becoming aware of the peculiar circumstances that concur in each of them. Therefore:

- **1960-1975:** This period is marked by the last years of Franco's dictatorship and the rise in terrorist violence by ETA, which starts off with actions against material goods (sabotages, burglaries....) and during this period develops into attacks against people and their fundamental rights (abduction and murder). The repression developed by the State should also not be forgotten, with a legal system lacking in the correct guarantees, and actions by the police that regularly used the practice of torture. To all this must be added actions by uncontrolled elements from the extreme right with seriously violent interventions (murders, abductions, assaults....) that in most cases enjoyed impunity. This period concluded with the death of Francisco Franco in 1975.
- **1976-1978:** A short, but intense and eventful period, corresponding to the start of the political transition, from the implantation of Arias Navarro's government to the approval of the Constitution, passing through the first democratic elections. A general amnesty took place in 1977. ETA continued and increased its terrorist action. It may be seen that some of the State's machinery had been insufficiently cleansed, as the methods used during Franco's regime continued to be regularly used. This fact explains the difficulties, even today, for accessing proven information about many human rights violations during this period.
- **1979-1982:** The Statute of Autonomy of the BAC (Basque Autonomous Community) was passed in 1979. The first association of victims of terrorism in Spain, the AVT, was established (1981). In this same year, there was unsuccessful coup d'état. These were the bloodiest years of ETA's terrorist activity, in spite of significant progresses made in Basque self-government. The reinsertion of members of ETA (pm) took place after its dissolution. The Socialist victory at the polls in 1982 is considered as the event that marks the end of the Spanish political transition. In the fight against terrorism, there were frequent cases where the international laws on human rights standards were not observed by the State Security Forces. Vigilante groups or uncontrolled elements (Guerrilleros de Cristo Rey, Batallón Vasco-Español, GAE, Triple A...) led terrorist actions.
- **1983-2013:** Consolidation of the democratic system in Spain, with the PSOE and the PP alternately in power. The GAL, which appeared in 1983, ended their terrorist activity in 1987. ETA continued with its terrorist actions, outside the now consolidated democratic context. The State's action defending the democracy did not, paradoxically, prevent excesses and human rights violations from continuing to occur, under the shadow of torture without any investigation. From 1988 onwards, a legislative action both on regional autonomous and state levels was initiated in favour of terrorism victims. The so-called Historical Memory Law was enacted in 2007. In the BAC in 2008, work was started regarding the reality of the victims of incorrect police actions. ETA declared the end of its terrorist activity in 2011.

On the other hand, the Report covers a wider territorial scope than just the Basque Country, since many gross human rights violations linked to the violence we are referring to took place outside the region.

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<sup>1</sup> Although in the document, for practical reasons of space and avoiding repetitions, they appear in two groups.

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### *2.3. Nature*

Finally, this report has, by express commission of the Secretariat General for Peace and Social Harmony, the nature of a document compiling information from other previous ones and prior to other documents that might arise in the future. For this reason it will be orientated towards the classification and quantification of confirmed and identified violations based on reliable, already documented sources. In short, it does not attempt to cover a new investigation of cases, but rather it carries out a basic approach, by collecting and compiling of data already existing in previous reports. The setting of subsequent investigation requirements will be one of the recommendations given by this Report.

However, in certain fields where the existence of gross human rights violations can be stated, but not quantitatively documented, this reality will be reflected using preliminary evidence as such, according to international standards.

## III. The data

### Listing and description of the human rights violations produced

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This systematic exposure of data needs to be started off by underlining four important ideas that must not be forgotten at any time in order for the points included here to be understood correctly:

- Behind each figure, data or case of violation there are specific people, with names and lives marked by the injustice they suffered;
- In addition to the direct victims, each one of the painful events has affected a wider group of people (family members, friends, neighbours, work colleagues...), therefore the scope of the problem in question covers more than the simple mathematical sum of the data collected;
- This data may be modified as new investigations are discovered;
- The different time periods can give us context (dictatorship, transition, democracy...) about how the events took place, but in some ways they can justify a differentiation on the subject of the victims' rights.

#### I Period: 1960 to 1978

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##### 1. ETA and other groups that have used violence

###### 1.1. Violations of the right to life

###### In terrorist attacks

- Euskadi Ta Askatasuna (ETA), before the split off: 18.
- ETA (military): 89.
- ETA (political-military): 7.
- Comandos Autónomos Anticapitalistas (CCAA): 4.
- Directorio Revolucionario Ibérico de Liberación (DRIL): 1.
- Others: 2.
- Cases requiring more investigation: 11.

###### Abductions resulting in death

- By ETA(pm): 2.
- Human remains found later: 2 (1976-1977).

###### 1.2. Violations of the right to physical and mental integrity

This is pending an official study.

###### Serious injuries in terrorist attacks

- ETA, ETA (pm) and ETA (m): 230.
- Directorio Revolucionario Ibérico de Liberación (DRIL): 5.
- Others: 1.
- Police officers injured in demonstrations: indeterminate number.

###### People abducted and released with shot (s) in the leg

- By ETA (pm): 3.

###### People abducted and released

- ETA before the split off: 3.
- ETA(pm): 6.
- Require more investigation: 2.

###### People abducted whilst stealing their vehicle and using it in a terrorist attack: 8.

###### 1.3. Crimes against freedom

- Around 3,600 attacked in the two periods covered by the report.
- Acts of 'kale borroka' (street violence), in total: around 4,500 in the two periods.
- Economic extortion: an indeterminate number.

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- Threats: an indeterminate number.
  - People who have had to leave their homes due to threats, assaults, pressure: an indeterminate number.
  - Attacks against the media: 8.

#### **1.4. Criminal damage**

- An indeterminate number.

## **2. By the State and the Security Forces**

### **2.1. Violations of the right to life**

- Deaths whilst in police custody: 3.
  - Require more investigation: 2.
- At roadblocks and similar: 14.
  - Require more contrasting and investigation: 5.
- Due to confusion, abuse and other reasons: 10.
  - Require more contrasting and investigation: 13.
- In disputes or off duty officers: 5.
- In demonstrations and different mobilisations: 22.

### **2.2. Gross violations of the right to physical and mental integrity**

**Torture** (See reference of the same name in period II):

- Hospital admissions after police custody: 13.

#### **Injured people**

- At roadblocks or similar: 21.
  - Require more contrasting and investigation: 1.
- Due to confusion, abuse and other reasons: 17.
  - Require more contrasting and investigation: 10.
- In disputes or off duty agents: 5.
  - Require more contrasting and investigation: 1.
- In demonstrations and different mobilisations: 422.
  - Require more contrasting and investigation: 3.

### **2.3. Military jurisdiction, special courts and civil rights violation**

- Seriously damaging legislation for fundamental rights of speech, meeting and association<sup>2</sup>.
- Public Order Tribunal (POT): It is calculated that 1,759 people were processed by the POT in Navarra, Araba/Álava, Bizkaia and Gipuzkoa between 1963 and 1977, 21.2% of the total.
- Right to defence: without any guarantees.
- Court Martials, military courts and summary trials during this period: 71, affecting, at least, 238 people.
- Application of the death penalty: 2 people put before the firing squad (plus another 10 sentenced to death, subsequently commuted).
- Arbitrary, preventive arrests, etc.: an indeterminate number.
- Processes, trials or imprisonment of journalists: 32.
- Closures, seizures, censure and banning of different publications: an indeterminate number.

### **2.4. Human rights violations in the penitentiary system**

Human rights (particularly the European CPT reports) allegations of inhuman and degrading ill-treatment of prisoners are pending investigation and quantification.

## **3. Vigilante and extreme right wing groups**

### **3.1. Violations of the right to life**

- In terrorist attacks and assaults resulting in death: 5.
  - Batallón Vasco Español (BVE): 3.
  - Alianza Apostólica Anticomunista (Triple A): 2.
- In demonstrations and different mobilisations: 3.

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<sup>2</sup> Without any idea of being exhaustive: Decree-Law 18.4.1947 on banditry and terrorism; Decree 21.9.1960 on military rebellion and banditry and terrorism; Decree-Law 10/1975, 26th of August, on prevention of terrorism (reviewed by the Decree-Law 2/1976, 18th of February); Political Responsibilities Law of the 9th of February 1939 (OSG 13.2.1939); Law of Repression of Freemasonry and Communism of the 1st of March 1940 (OSG 12.667); law 14/1966, 18th of March, on Press and Printed Material (OSG No 67, 19.3.1966).



### 3.2. Gross violations of the right to physical and mental integrity

- Terrorist attacks and assaults: 103 (not including abductions).
- In demonstrations and different mobilisations: 22.
- Abductions with intimidation, interrogation and torture: 9.

### 3.3. Criminal damage

- Terrorist attacks against material goods and death threats: 355.
- Terrorist attacks against the media: 11.

## 4. Unknown perpetrator

### 4.1. Require more investigation

- 3 people missing (since 1973).
- 1 person abducted and missing (since 1976).

## II Period: 1979 to 2013

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### 1. ETA and other groups that have used violence

#### 1.1. Violations of the right to life

##### In terrorist attacks

- ETA (military): 644.
- ETA (political-military): 12.
- Comandos Autónomos Anticapitalistas (CCAA): 25.
  - Cases requiring more investigation (ETA+CCAA): 13.
- Iparretarrak (IK): 2.
  - Case requiring more investigation: 1.
- Iraultza: 1.
- Young person from Itsasondo: 2.
- Kale borroka: 2.
  - Case requiring more investigation: 1.
- Cases without legal resolution: no official data available; the FVT numbers them as 314 (in the two periods).

##### Abduction resulting in death

- ETA(pm): 2.
- ETA VIII Asamblea: 1.
- ETA(m): 8.
- CCAA: 2.

#### 1.2. Gross violations to the right to physical and mental integrity

##### People injured

- Awaiting an official study, Covite recorded between 1978 and 2003, both inclusive: 2,068. A report by the Ararteko in 2009 included the figure of 16,000 people injured based on data from FVT, AVT and Covite.
- By kale borroka (street violence): 27.
  - Cases requiring more investigation: 1.

##### People abducted

- Released with shot (s) in the leg.
  - ETA(pm): 12
- Released by their captors.
  - ETA before the split off: 3.
  - ETA (pm): 11.
  - ETA VII Asamblea: 1.
  - ETA VIII Asamblea: 4.
  - ETA (m): 14.
  - CCAA: 2.
- Require more investigation: 8.

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- **People abducted and released by the State Security Forces**

- ETA(pm): 1.
- ETA VIII Asamblea: 1.
- ETA(m): 3.
- CCAA: 1.

- **Abducted whilst stealing their vehicles and using them in terrorist attacks: 89.**

### **1.3. Crimes against freedom**

- Economic extortion: there is no official quantification of either the cases or the amount of the many terrorist attacks against businesses and businessmen who did not give in to the extortion.
- Threats, insults, letters, packages containing diverse objects, graffiti, names appearing on different lists, telephone calls, calls to family members: an indeterminate number.
  - People with bodyguards until ETA's final ceasefire: 1.492.
- People who have had to leave their homes, forced by threats, coercion, assaults, pressure: an indeterminate number.
- Terrorist attacks against the media: 32.

### **1.4. Criminal damage. Terrorist attacks against material goods**

- Around 3,600 terrorist attacks during the two periods covered by the report, up to 2010.
- Acts performed by kale borroka (street violence), in total: approaching 4,500, in the two periods.

## **2. By the State and the Security Forces**

### **2.1. Violations of the right to life**

- Deaths whilst in police custody:
  - In police stations: 5
  - Arrested inside a police vehicle: 1
  - Cases requiring more investigation: 6
- In prison facilities: require more investigation: 2
- In roadblocks or similar: 6
  - Require more investigation: 5
- Due to confusion, abuse and other reasons: 7
  - Require more investigation: 11
- In disputes or off duty agents: 11
  - Require more investigation: 1
- In demonstrations and different mobilisations: 8
  - Require more contrasting and investigation: 2

### **2.2. Gross violations of the right to physical and mental integrity**

#### **Torture**

Absence of sufficient, contrasted data. The positions are very different, ranging from total denial of its existence to those who record 10,000 cases. There is a record of 5,500 public complaints (adding together judicial and extra-judicial cases in both periods). According to international human rights organisms, its regular practice until the nineteen eighties was still "more than sporadic". All of this shows the need for more investigation.

- Hospital admissions after police custody: 124.
- Sentences: 19, affecting 31 tortured people, against 62 officers, 27 of whom were pardoned.

#### **Injured people**

- In roadblocks or similar: 26.
  - Require more contrasting and investigation: 4.
- Due to confusion, abuse and others: 23.
  - Require more contrasting and investigation: 16.
- In disputes or off duty officers: 13.
- In demonstrations and different mobilisations: 219.
  - Require more contrasting and investigation: 3.

### **2.3. Infringements of the right to freedom of speech, information and opinion**

- Incorrect cautionary closure of means of communication: 2.

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## **2.4. Human rights violations in the penitentiary system**

In accordance with the evidence and recommendations collected by the official human rights defence organisms (particularly the reports by the European CPTs) the allegations for inhuman and degrading ill-treatment are still pending investigation and quantification.

## **3. Vigilante and extreme right wing groups**

### **3.1. Violations of the right to life**

- Terrorist attacks resulting in deaths:
  - Batallón Vasco Español (BVE): 14.
  - Triple A: 3.
  - Antiterrorismo ETA (ATE): 1.
  - Grupos Antiterroristas Españoles (GAE): 7.
  - Grupos Antiterroristas de Liberación (GAL): 24.
- Missing, having found the bodies: 2 (1983-1995).
- Women raped and murdered with demands by BVE: 2.
- Abductions resulting in death: 2.
- In demonstrations and different mobilisations: 3.
- Unresolved: of the total of 73 fatal terrorist attacks in the two periods by these groups, less than half of them, 33 cases, have had proceedings started up in the Spanish National High Court, with 17 of them ending with a final judgement having been passed.
- Likewise requiring clarification: 3.

### **3.2. Gross violation of the right to physical and mental integrity**

- Terrorist attacks and assaults: 220.
  - Require more investigation: 12.
- In demonstrations and different mobilisations: 10.
- Women raped with the excuse of political demands: 13.
- Abductions with intimidation, interrogation and torture: 49.

### **3.3. Threats and criminal damage**

- Terrorist attacks against material goods and death threats: 598.
- Falange y Tradición: over 25 between 2008 and 2009.
- Terrorist attacks and sabotage against the media: 10.

## **4. Perpetrator unknown**

### **4.1. Require more investigation**

- 2 people missing (since 1980 and 1983).
- 1 unsolved case.

## Summary table of human rights violations

	1960-1975	1976-1978	1979-1982	1983-2013	1960 to 2013 Total calculation
<b>By ETA, ETA(pm), ETA(m), ETA VII, ETA VIII, CCAA, DRIL, IK, Irautza &amp; others</b>					
<b>Deaths</b>					<b>837</b>
- In terrorist attacks	24	99	244	444	811
- Abductions and deaths	-	2	8	5	15
- Still missing	3	-	-	-	3
- Bodies discovered	2	-	-	-	2
- By kale borroka (street violence)	-	-	-	2	2
- Others	1	1	-	2	4
<b>Injured people</b>					<b>2.365-2.600</b>
- In terrorist attacks	103	132	347	1597	2179
- Abductions and shot(s) in leg	-	3	12	-	15
- Abductions and then released	3	6	18	14	41
- Abductions and released by Security Forces	-	-	2	4	6
- Abducted to steal vehicle	?	8	44	45	97
- By kale borroka (street violence)					27
<b>Other data</b>					
- Number of terrorist attacks					Around 3,600
- Economic extortion committed to people					Thousands
- People using bodyguards					1.500 to 2.000
- Number of acts of kale borroka (st.violence)					Approx. 4,500
<b>By the Security Forces</b>					
<b>Deaths</b>					<b>94</b>
- Whilst in police custody	3	-	3	3	9
- In police controls or similar	9	5	6	-	20
- Confusion, mistakes, abuse or other	7	3	5	2	17
- Disputes with off duty police officers	1	4	7	4	16
- In demonstrations and mobilisations	4	18	3	5	30
- Due to the death penalty	2				2
<b>Injured people</b>					<b>746</b>
- In police controls	6	15	17	9	47
- Confusion, mistakes, abuse or other	3	14	7	16	40
- Disputes with off duty police officers	1	4	4	9	18
- Serious injuries at demonstrations	71	351	40	179	641
<b>Other data</b>					
- Torture					Without sufficient data, 5,500 public complaints
<b>By vigilantes and extreme right wing gr.</b>					
<b>Deaths</b>					<b>73</b>
- In terrorist attacks and assaults	2	3	28	28	61
- In mobilisations	-	3	-	-	3
- After being abducted	-	-	2	2	4
- Still missing today	-	1	1	1	3
- Women raped and murdered	-	-	2	-	2
<b>Injured people</b>					<b>426</b>
- In terrorist attacks or assaults	16	87	119	101	323
- In demonstrations and mobilisations	?	22	8	2	32
- Raped women	-	?	12	1	13
- People abducted (Interrogated, beaten and threatened)		6	12	37	58
<b>Other data</b>					
- Attacks against goods and/or death threats	138	217	204	394	953

Note: Events that require more investigation, making up 201 cases and 77 deaths are not included.

## IV. Recommendations and suggestions

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### Prior consideration

The writers of this document are aware of the different restrictions that characterise and accompany the steps that we propose below:

- Although inspired by the aim of guaranteeing the rights of the victims, these recommendations do not have the potential to completely fulfil this point. At the most, they partially work towards this target;
- They are formed by a selection regarding number, contents and recipients made in the light of reading the Report, but requiring supplementation in all their aspects;
- The reparation for the victims is never going to be complete and, in the last instance, it is impossible to acknowledge all their violated rights and to compensate the murdered women for their loss.

### I. General suggestions

All the victims of gross human rights violations have the right to the truth, to justice and to reparation. Consequently, the authors of this Report recommend:

1. All the public institutions to meet the recommendations formulated by official international human rights monitoring organisms.
2. The public institutions, civic organisations and civil society should respect, promote and defend human rights as a whole as an undividable block and the centre point of the Rule of Law and should perform a self-critical and responsible reading of the past, with a preferential look at the victims, above all those whose lives were unfairly cut short.
3. The Basque political parties should keep the public human rights policies and accompaniment of the victims outside any party infighting. In this way, they will avoid a greater victimisation and may exercise their leadership in the construction of peace and reconciliation.

### II. Specific recommendations

The legislative, judicial and governmental instances have a special responsibility when guaranteeing the victims their rights to truth, justice and reparation. Consequently, we recommend:

1. To develop and complete the legislative texts that regulate the accompaniment to the victims and to improve its effective application, in accordance with the principles of equality and non-discrimination. For this purpose, we suggest the preparation in the Basque Autonomous Community of the independent evaluation reports necessary for the Laws 29/2011, 4/2008 and 52/2007 and Decree 107/2012, in order to be able to detect any possible omissions or loopholes in their formulation and application and to propose the relevant modifications in order that the legal coverage reaches all the victims included in the scope of this Report.
2. In order to alleviate the shortage of data and the abundance of un-investigated cases in our Report, specific mechanisms must be started up to, on the one hand, clear up any questions about the terrorist attacks by ETA that have not been clarified, along with the reality and scope of the economic extortion and the number of people who left the Basque Country due to the violence of persecution; and on the other hand, to investigate the unclarified human rights violations committed by the forces of public order, or by violent groups either controlled or uncontrolled, as well as any other legislative, executive or judicial practice that could result in human rights violations.
3. Given the particular difficulties regarding the availability of data and the investigation of cases which, as stated in the Report, occur in the case of torture, a study must be performed on the reliability of the reports of torture based on forensic psychological type criteria, according to the Istanbul protocol. Additionally, a report on all the legal setbacks related to the reports of torture from 1978 to 2013 must be prepared.

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4. All the public educational policies on human rights, peace and social harmony must be reviewed in such a way as to make them coherent with the data and recommendations given in this Report, in order to lay down the foundations for a comprehensive memory policy and to continue guaranteeing the non-repetition of the gross human rights violations suffered during this long violent period.

## A concluding suggestion

According to international standards, not all suffering can be considered to be human rights violations. This does not mean that these cases should not be taken into account from a social healing point of view. Moreover, empathy is the most elementary sign of humanism and civilisation. Our recent history also shows a great deal of suffering of this type.

Think about the family environment. The suffering of each member of the family of someone who has been threatened, suffered from extortion or maligned by ETA. The added suffering of the families of the prisoners, or that of each of the families of the 40,000 people arrested, of whom, according to the Home Office, less than 10,000 were accused regarding their relationship with ETA.

But, above all, take into account the fact that another 277 people have lost their lives in very different ways, in events or circumstances linked to this violence: suicides, confrontations, handling their own weapons, due to accidental shootings amongst police forces.... Although all of them cannot be considered in the strict sense as human rights violations, they form part of the memory of what happened.

The writers would also like to state the need to analyse and acknowledge this reality and explicitly recommend it, delivering a short document of initial approach to this question to the Secretariat General for Peace and Social Harmony of the Basque Government.

## V. Bibliography

Below, in alphabetical order, the references to all the documentary sources used to prepare this Report are given, with the correct discernment. The use of these documents by the writers, therefore, has been critical and diverse according to the cases, taking into account the heterogeneity at source, approaches, contents, nature, rigour and reliability of these documents, without the fact of their being mentioned meaning that they are necessarily and consequently considered guaranteed.

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