

TRUTH, JUSTICE AND REPARATION. HUMAN RIGHTS VIOLATIONS AND THEIR IMPACT ON THE POLICE FORCES AND THEIR FAMILIES IN THE CONTEXT OF *ETA* TERRORISM

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Abstract: *ETA* violence had an impact not only on Basque and Spanish society as a whole, but especially on certain groups who suffered the effects of being direct targets of *ETA* attacks. One of the most directly affected groups were the police forces (members of the *Ertzaintza* and of the Spanish security forces), as well as their families. This article uses a qualitative methodology (based on semi-structured in-depth interviews) to reflect and analyse the threat that *ETA* posed for these police forces and their families in the Basque Country, with special emphasis on the way in which their fundamental rights were affected by *ETA* actions.

Keywords: Police forces, *ETA*'s victims, truth, justice, reparation, Euskadi.

1. INTRODUCTION

From its first violent action, in October 1959, until the announcement of its dissolution in October 2011, *ETA*⁴ perpetrated many attacks, killing more than 850 people, injuring 2,600 people and kidnapping almost 90 people. Throughout this time, the terrorist group also varied its targets: if from the beginning the State security forces (*Guardia Civil*⁵ and *Policía Nacional*⁶) became *ETA*'s main target, this group was expanding with the incorporation of the *Ertzaintza*⁷, journalists, members of the judiciary, politicians, prison officials...

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⁴ Euskadi Ta Askatasuna (*ETA*) is the name of the Basque terrorist organization that proclaimed itself to be pro-independence, nationalist, socialist and revolutionary.

⁵ Military armed force reporting to the Spanish Home Office. It is in charge of guaranteeing citizens' security in the Spanish national territory that is not assigned to the *Policía Nacional* and in Spain's maritime territory. The *Guardia Civil* also reports to the Ministry of Defence in fulfilling the military missions entrusted to it by the Ministry itself or by the Government (regulated in Articles 9 and 11 of Organic Law 2/1986, of 13 March, on the Security Forces). Its members are called *guardias civiles* (in singular form, *guardia civil*).

⁶ Its full official name is *Cuerpo Nacional de Policía*. Reporting to the Spanish Home Office, this is a civilian armed force in charge of guaranteeing citizens' security in urban areas and in any other municipalities determined by the Government (regulated in Articles 9 and 11 of Organic Law 2/1986, of 13 March, on the Security Forces). Its members are called *policías nacionales* (in singular form, *policía nacional*).

⁷ Police force of the Autonomous Region of the Basque Country, whose mission is to guarantee citizens' public security in the Basque Region (regulated in Articles 2 and 3 of Legislative Decree 1/2020, of 22 July, approving the revised text of the Basque Country Police Act). Its members are called *ertzainas* (in singular form, *ertzaina*).

In this context, this article focuses on the violence exercised by *ETA* against national and regional police forces (*Guardia Civil*, *Policía Nacional* and *Ertzaintza*) and their families, in this period.

A total of 372 people belonging to the three police forces discussed here were killed by *ETA* from 1960 to 2011. Specifically, 207 *guardias civiles*, 150 *policías nacionales*⁸ and 15 *ertzainas* were killed in this period.⁹ *ETA* also killed five other people who had previously belonged to the *Guardia Civil*, although they were engaged in different work at the time of the attacks.¹⁰ There were also many other members of these police forces or their families who were injured to a greater or lesser extent in the period mentioned above.

Our main focus will be on how these police forces and their families experienced *ETA* terrorism. Special emphasis will be given to the way in which their fundamental rights were affected by *ETA* actions. And all this with the aim of reflecting on these events and generating greater empathy towards the suffering endured by the victims and the need to build a reparative memory (Mate 2008).

To do so, this article presents a methodological section, which details the main characteristics of the qualitative study, with the members of the police forces in question and their families as the focus of the analysis. Next is the most important section of this paper, which concentrates on the analysis of the suffering endured by this group of people in the Basque Country in the context of *ETA* violence, with a view to understanding what this entailed and providing some issues for the public to consider regarding collective memory. Based on this analysis, a legal qualification is offered of the events insofar as they constituted violations of specific human rights. This is followed by a brief theoretical discussion of the right to memory by looking into its key areas: the right to truth, the right to justice and the right to reparation. Finally, some suggestions are made that could contribute to the recognition of the unjust suffering experienced by these members of the security forces and their families in the Basque Country and the dissemination of this information to the public. Awareness, empathy and deliberation around this situation are essential in order to achieve a fair restorative collective narrative for those who were coerced by terrorists.

2. METHODOLOGY

This article presents the main results of a qualitative study based on semi-structured in-depth interviews with members of the three police forces that operated in the fight against *ETA* in the Basque Country between 1960 and 2011. We have interviewed

⁸ According to López Romo (2014: 170), *ETA* killed 206 *guardias civiles* and 151 *policías nacionales* (and predecessor bodies). Sánchez and Simón (2021: 1236) provided the figure of 214 *guardias civiles* killed (196 officers on active duty at the time of the fatal attack and 18 in reserve or retired). See also Alonso et al. (2010).

⁹ Data provided by the Security Department of the Basque Government.

¹⁰ Some sources include them in the list of *guardias civiles*, while others do not. We felt it appropriate to make this clarification.

members of these police forces who experienced ETA's violence first-hand, as well as family members of those who were killed by ETA. With the qualitative approach we have tried to delve into the lived experience and the subjective aspects of suffering in a way that quantitative data do not show us. Through these testimonies, our aim is to understand the multiple ways in which terrorist coercion materialised and how it affected both the professional and personal lives of the agents involved and, eventually, of their families.

The sampling technique used was that of snowballing, based on the initial contacts made by the research team and the contacts provided by the different associations that have collaborated with us¹¹.

All interviewees were contacted by the research team prior to the interview in order to explain the objective of the research and to request their participation in the study. Once they agreed to take part in it, a date and place for the meeting was arranged with each of them, trying to keep the conversation in the most appropriate atmosphere, especially for the interviewees. The last interviews with Guardia Civil and Policía Nacional members or relatives were held by video call, given that they were conducted during the pandemic by COVID-19. Before beginning each interview, informed consent was requested in writing, as well as permission to record the conversation. The interviews have been kept, transcribed and worked on at all times by the research team (González, Urrutia & Vicente, 2020; Varona, 2015).

A total of 29 interviews were held with members of these police forces or with one of their family members who were affected by the terrorist attacks (despite not having been direct targets). They have been structured around five thematic blocks: (a) the Basque Country as a place of work and family life; (b) family and social relations in the Basque Country. (c) the experience of *ETA* violence and its consequences. (e) institutional and social responses. (f) the role of the victims of terrorism and the construction of a collective memory.

In order to respect the anonymity of the interviewees, some names and details (geographical or personal references) that would have revealed their identity have been omitted (see Table 1).

All interviewees participated on a voluntary basis, reliving painful memories. We would like to thank them most sincerely for their generous contribution. Their testimonies expressed their experiences as they remembered and felt them. They have been gathered

¹¹ We would like to thank the Association of Victims of Terrorism (AVT), the Association of Basque police officers and relatives of victims of terrorism (ASERFAVITE), the Association for support of those threatened, persecuted and exiled because of *ETA* (ZAITU), and the Association of Spanish Security Forces who are Victims of Terrorism (ACFSEVT) for their essential collaboration in conducting this study. We are also grateful for the support of the Department of Security of the Basque Government and the Home Office of the Spanish Government.

Table 1. Profiles of interviewees.

SEX	STATUS	IDENTIFIER
Male	Son of a <i>guardia civil</i>	E1
Female	Daughter of a <i>guardia civil</i> . Terrorist attack victim	E2
Male	<i>Retired guardia civil</i>	E3
Female	Daughter of a murdered <i>guardia civil</i>	E4
Male	Escort	E5
Female	Daughter of a <i>policía nacional</i>	E6
Male	<i>Retired policía nacional</i>	E7
Male	<i>Retired guardia civil</i>	E8
Female	Daughter of a murdered <i>guardia civil</i>	E9
Male	<i>Retired guardia civil</i>	E10
Male	<i>Retired guardia civil</i>	E11
Female	Daughter of a <i>policía nacional</i>	E12
Female	Daughter of a <i>guardia civil</i> .	E13
Male	<i>Retired guardia civil</i>	E14
Male	Retired <i>ertzaina</i>	E15
Male	Retired <i>ertzaina</i>	E16
Male	Active <i>ertzaina</i>	E17
Male	Retired <i>ertzaina</i>	E18
Female	<i>Ertzaina</i> on sick leave	E19
Male	Retired <i>ertzaina</i>	E20
Female	<i>Ertzaina's</i> family member	E21
Male	<i>Ertzaina</i> who retired after sick leave	E22
Male	<i>Ertzaina</i> who retired after sick leave	E23
Female	<i>Ertzaina's</i> family member	E24
Male	<i>Ertzaina's</i> on leave of absence	E25
Female	<i>Ertzaina's</i> family member	E26
Male	<i>Ertzaina</i> who retired after sick leave	E27
Male	Active <i>ertzaina</i>	E28
Male	<i>Ertzaina</i> who retired after sick leave	E29

Source: Own elaboration.

with the aim of providing the public with some points to reflect on that will contribute to building a collective memory of this phenomenon; this work is also aimed to encourage the public recognition of these women and men who engaged in an indispensable role, preserving public security, while suffering chronic harassment to themselves and their closest environment. The analysis of these qualitative data will lead, on the other hand, to an examination of the effects and consequences for the participating individuals based on the legal and ethical parameters of human rights.

3. THE LAW ENFORCEMENT BODIES IN THE FACE OF THE TERRORIST THREAT

This section discusses the experiences and subjective aspects of the suffering endured by members of the police forces threatened by *ETA*, as narrated by the actors involved. This chapter is organised into four main sections, as set out below.

3.1. The Basque Country as a work destination. Family and social relationships

There were various reasons that led the members of the *Guardia Civil* and the *Policía Nacional* interviewed to choose the Basque Country as their destination: a vocation for public service, a desire to fight terrorism, an interest in having access to professional rewards to be able to choose a destination that was closer to their own place of origin... The Basque Country was not an easy or coveted destination, as the terrorist threat was well known:

I was certain that I wanted to fight against *ETA* and its supporters. [...] The terrorists did not need direct authorisation to attack members of the *Guardia Civil*, the *Policía Nacional* or members of the Army, which meant that we were under threat 24 hours a day, especially in the Basque provinces and Navarre. (E11)

I could almost have chosen any other destination, but I don't know if it was because I was young or because I wanted to return to my city of origin, Malaga, that I asked to be sent to either Bilbao, San Sebastian or Vitoria, in that order. In the end I was assigned to the province of Bizkaia. (E10)

In the case of the *Ertzaintza*, a posting in the Basque Country was obligatory, but inclusion in this police force was not; a freely chosen option, according to all the testimonies gathered, in some cases as a job opportunity and, in others, out of a vocation for public service:

A profession that, if I were born again, I would do again, because I felt it, I loved it. [...] Neither the *Ertzaintza* nor the Basque Parliament existed when I was in Berrozi... we were the first ones. (E15)

We were coming from the 1980s economic crisis, so for most of us it was as a work opportunity. (E23)

As these police forces worked in the Basque Country and were institutions engaged in preserving public security, their objectives radically interfered with those of *ETA*. The group therefore extended its threat to all members of the police forces, at any time and anywhere (first to *guardias civiles* and *policías nacionales*, and later, also to *ertzainas*) (Domínguez 2017; López Romo 2017; Pérez 2005). One of the recurrent issues raised by members of these police forces was the imperative need to constantly engage in self-protection routines, and not only while on duty. Thus, the contact that many *policías*

nacionales and *guardias civiles* had with the civilian population was often non-existent; there was even a privacy barrier to safeguard officers' identities. This social confinement and the consequent feeling of loneliness was not experienced in other destinations. If it was hard for officers, it was even more difficult for their families, who were sometimes rejected by some of their neighbours if they knew that they were related to a member of the Spanish security forces:

We took precautions such as not hanging clothes near the window so that the uniform insignia could not be seen. Nobody knew us in the block, we had to sneak around. When people interacted with us, we always had to lie. (E7)

I was newly married when I was posted to the Basque Country. My (then) wife did not want to come with me, she was scared. [...] I lived in the *Casa Cuartel*¹² [...] We worked twenty-five days in a row to be able to have five days off and get out of that ordeal. The eight-hour working day was endless. We took all possible security measures. Before using the car, we would throw the keys on the floor to see if there were any explosive devices underneath, we would install remote control devices to move the car without getting into it.... We didn't have any life at all outside the barracks. (E14)

In this situation, some families decided not to move with the officer to their destination, with the ensuing emotional effects, while others chose to incorporate self-protection measures into their daily lives, even though they were aware that they lived in an abnormal situation and of the sacrifices required:

[Father] When he went out in the car, he always changed the route and the time. [...] When he went into a bar, he always walked to the back and always looked at the door in case something happened. Another thing I remember is that he always carried his gun with him. [...] He would never let us go down to the garage. He would normally go down, check the car, the underbody, everything, take the car out of the garage, and once he was out then we could join him [...] At home my sister and I were always overprotected. [...] Today I understand that it was for our security. (E6)

He told us: 'You can't say that I'm a *guardia civil*; otherwise something serious could happen to me'. This was terrifying for me; basically, nobody could know who my father was because, if they did, he might get killed. (E9)

The *Guardia Civil* and the *Policía Nacional* were undoubtedly the most affected by deadly attacks and various other actions. But the *Ertzaintza*, who were originally designed to be a community police force, made up of people known and recognisable to the

¹² *Guardia Civil*'s infrastructure in the form of barracks. These contain both police quarters and housing for officers and often for their families as well.

population, soon had to adopt self-protection strategies and make themselves anonymous. Although these measures were similar to those implemented by members of the other two police forces, they had to keep themselves safe from a position of more social visibility, which increased their vulnerability. For example, their status as an *ertzaina* meant that they were well-known in the neighbourhood, or they if they belonged to a family with members in the force this was something their neighbours were aware of. They endured coercive behaviours, as confirmed by the information seized from *ETA* commandos and the growing number of street violence attacks:

Little by little you started to notice stares, insults, graffiti all over the village. One day on the town's *frontón*¹³ there were whole load of photos of me [...] and a dartboard. Several times I found my car had been scratched, it had slashed tyres, or there were dartboards on it... (E22)

These threats started with phone calls, and it got to a point that we had to change our phone number and remove it from the phone book. They also started insulting my daughter on the street, calling her the 'daughter of a *cipayo*¹⁴'. [...] Then they burnt my car. Then there was also some graffiti on the doorway, which I removed. And then the Home Office confirmed that they had arrested a *kale borroka*¹⁵ commando and that they had found information on a diskette, which could even be in France, of ways to access my house and the number plate of the new car I had bought (E17).

While it was stressful for these agents to follow self-protection guidelines, it was even more stressful to apply them in the presence of their family members, especially younger ones. These were difficult circumstances to cope with, with significant emotional consequences for those who experienced them, and sometimes led to difficult decisions such as moving the family home outside the Basque Country:

It was hard for the children, because things that a normal father can do, you couldn't do. For example, taking them to the bus stop or going to the town square for them to play with the other children were things you couldn't afford to do. You couldn't be in places where there were too many people. At that time, wherever you looked you have to be sure that it was normal for all the people in sight to be there, because if there was someone else, you had to take some kind of action. [...] You couldn't risk it. (E29)

In the end we chose to leave. With all that it entailed, because my partner had a job and had to give it up. [...] In the end we decided to stay in Castro. [...] We had no friends here. [...] We had some rough years... (E17)

¹³ A sports building or facility used for the game of Basque pelota, found in most Basque municipalities. It is used not only for sporting activities but also for a wide range of social events.

¹⁴ Pejorative term used to refer to members of the *Ertzaintza*.

¹⁵ Basque term used to refer to street violence by *ETA* sympathisers.

The continuous anxiety and stress faced over such a long period of time was not easy for these people to cope with, and in many cases living under threat affected their emotional health. This situation was sometimes difficult to recognise, both for those involved and for the authorities of the police force to which they belonged. However, the consequences were evident in their personal and family life. Sometimes they were frightened that they would not be understood and that their emotional problems would be perceived more as undermining their vocation of service than as a real health problem. This resulted in only reporting them to their police force at a later stage:

Within the *Ertzaintza*, there was something known as terrorist harassment syndrome, with a pathology and symptoms that were very similar to the ‘northern syndrome’, except for the circumstances related to leaving, of possible transfers, things like that. (E25)

There were many colleagues who, faced with the pain of reliving what we went through, have not even initiated the formal process to be recognised as having been threatened or as victims. (E20)

3.2. Threats turned into reality: When life changes in an instant

No matter how physically and emotionally prepared the members of these police forces may have been, their testimonies reflected how hard they had been struck when they were actually wounded in a terrorist attack:

I was hit in a terrorist attack in 1978. [...] My wounds were serious, I had three bullet wounds. [...] When you’re hit you just know that when you are wounded and defenceless, what they usually do is finish you off, especially those of us who had been at the forefront of the fight against *ETA* for three years were aware of this. That possibility and the fear of being in that situation was what made me stay conscious and every so often I would fire a shot in the air so that they would see that I was conscious, that I was alive and in a position to defend myself and that they would not come to finish me off. (E10)

The last thing I heard was the sound of the gun, the cartridge, the chamber of the shotgun, and then I said: ‘Shit, I’ve got an armed behind me’. I turned around to draw, but he had already shot so I took the shot and the party was over. It was quicker, a hunter hunted. [...] I was conscious when I went into the ICU, I didn’t lose consciousness at any time, I was fully conscious, and I also had to play dead so that he wouldn’t finish me off. (E5)

The culmination of the threats by means of an attack left irreparable voids in the lives of those killed. They also radically changed or thwarted life projects as a direct consequence of the emotional trauma caused by the murder:

My father was shot on the street after leaving home. [...] He was in a coma for four months before he died. Those four months of uncertainty were awful. [...] The whole time my father was in hospital, the room was guarded and we also had an escort for fear that the terrorists would take advantage of this situation to attack again. I had never been so frightened before. (E12)

You can imagine what this means for a family; it broke all of our lives. (E4)

Other interviewees were survivors of terrorist attacks but had to go through a long process, full of uncertainties and personal and professional losses, to recover (when possible) from the physical and/or emotional wounds caused by the attack:

I was hit in the attack and, obviously, I went through a tough period of convalescence, because I had to undergo surgery on my head several times. I had problems to recover and above all my main problem was the future, because I had been so excited about working in the *Guardia Civil*, and to see it this destroyed like that... (E11)

I was hospitalised for six months. [...] I asked the doctor every day ‘Do you think I will ever stand up again? And one day she said to me: ‘No matter what you do, you will never get back on your feet’. [...] They broke my life in half. (E7)

Along with the challenge of overcoming the physical aftermath, a recurrent aspect highlighted in the interviews was the difficulty of coping with the psychological repercussions of the attack, and the way in which this has affected their daily lives. An issue which was not sufficiently taken into account when it came to supporting the recovery of victims, especially during the first decades of *ETA* violence:

I went to an expert psychologist appointed by the court. Then she treated me. [...] And she reported that I had post-traumatic stress disorder. [...] I lodged an appeal with the Ministry of Defence and they sent me to the Army High Court. [...] And in the end this court did rule that my post-traumatic stress disorder was a result of the attack. (E8)

These psychological consequences also extended to and conditioned the lives of other relatives and colleagues of these victims, due to the emotional impact of the terrorist attacks. No family was left unscathed in this process, and, for this reason, the interviewees demanded greater support from public institutions, given the feeling of loneliness and helplessness they often shared, as they had to pay for the necessary psychological assistance from their own pocket:

After an attack, especially in those days, you felt very lonely. No one helped you and you grew up with this emptiness. [...] No one called to see how you were. (E13)

My father was unharmed, in the physical sense. [...] But the psychological effects were not recognised by the *Policía Nacional* and this led him to be doubly victimised. (E6)

Of course, it causes you anxiety, uneasiness, it throws you off balance; you observe how it happened, you investigate, you realise that at a given moment it could have happened to you. And this, which is easy to say, is difficult to accept. (E15)

3.3. A sense of abandonment, both from society and by the institutions

In addition to the lack of institutional support in the recovery of one's own psychological health and/or that of a family member after suffering the attack, the testimonies gathered raised other issues related to an unsympathetic and insensitive institutional response. This included the lack of institutional mechanisms to support the victims financially, help them find a new professional job (compatible with the injuries suffered), or even to be recognised as a victim of terrorism, with the consequent risk of re-victimisation that this entails:

At that time, terrorism victims were left in a miserable situation. We were put on permanent sick leave because we were injured, but of course, while we were on sick leave we lost an important part of our salary in the form of allowances: destination allowance, specialism allowance... But what we didn't lose were our needs. On the contrary, they increased. While I was in a wheelchair, I could not live in normal housing. [...] For two years my father and my brother had to pay for the flat, because I couldn't afford it. (E10)

What I have seen is that the authorities go to funerals and then they completely ignore you, you disappear completely as far as they're concerned. (E4)

All the procedures were very slow. [...] I was recognised as a victim of terrorism in 2015. I was hit in an attack in 1988 and there was no ruling from the Spanish National High Court until the year 2000. [...] What I am asking now is that my inability to work as a result of terrorism should be recognised. (E2)

We have not been given the facilities to have a professional role that somehow accommodated to our needs. [...] I think most of us are in the same situation. Abandoned. (E8)

In relation to the social support received after the attack, the people interviewed also felt that they received little empathy regarding their situation and suffering. They also strongly criticised the conduct of those who ignored their suffering by arguing that 'they must have done something (to deserve it)'.

You are left with many, many thorns in your side, above all, society turning its back on you, and hearing people say, ‘they must have done something (to deserve it)’. [...] An *ertzaina* ‘must have done something to deserve it’. A *guardia civil* ‘must have done something to deserve it’. A politician ‘must have done something to deserve it’. Who has the right to take someone's life? (E2)

In general, Basque society was not up to the task until *ETA* and its supporters began to socialise suffering or pain. People became involved mainly as a result of the kidnapping and subsequent murder of Miguel Ángel Blanco¹⁶. (E11)

The first day I went to school after my father's terrorist attack, nobody sympathised with me. Not just children, which is normal at that age, but teachers, headteachers, head of studies. Nobody. [...] I understand the fear, but even with fear you have to act in the face of things that are not fair, even more so when it comes to life. (E9)

They also decried the treatment of terrorist attacks by some media, which sometimes showed images or photographs of murdered people lying at the scene. They also believed that the *ongi etorris* (official welcomes offered in some municipalities to terrorists after their release from prison) were unfair, as they were an insult to the memory of their loved ones who had been murdered or, in other cases, they reopened the wounds of the attack, causing great anxiety and re-victimisation for a large part of the interviewees. According to their testimonies, many *ETA* victims would have deserved the same uninhibited treatment by public institutions:

Some media showed the image of my father lying on the ground after the attack. This is terrible and morbid, more ethical journalism was needed. In their treatment of the news, they were looking for grief, but that is not good for us. [...] It is true that nowadays these approaches are only rare, but the news media did not do the right thing when they wallowed in details. (E12)

It's the world upside down. The victims have not been paid these tributes and the murderers come back as heroes. [...] This is also part of the re-victimisation process, because when we see it, the wound opens up again and you say, well, this is really unfair. (E9)

A lot of *ongi etorris*¹⁷ would have been called for to honour many people who really deserved it. [...] It is true that there have been some institutional acts, but they have taken place timidly, a bit behind closed doors, you know? (E5)

¹⁶ Miguel Ángel Blanco, a councillor of the Ermua town council (Bizkaia), was kidnapped on 10 July 1997 by *ETA*, which made the release conditional on the transfer of the terrorist group's prisoners to Basque prisons. Miguel Ángel Blanco was found shot in the head on 12 July and died the following day. The kidnapping and subsequent assassination generated an enormous social mobilisation and commotion.

¹⁷ The interviewee refers in an ironic manner to the public acts of homage to *ETA* prisoners after their release from prison, which usually take place when they return to their municipality of residence.

3.4. The construction of memory and the role of the victims of terrorism

The construction of memory and the development of mechanisms to avoid the propagation of radical ideas and the repetition of what was experienced was one of the main concerns expressed in the interviews. When questioned about the story that should be conveyed to the public to facilitate that they can reflect on the unjust treatment of the victims, the responses focused mainly on honouring the memory of the people who had been murdered and harassed as an example of sacrifice in favour of peaceful coexistence and work to support common societal institutions:

It is not about having perks and privileges; it is about being fair to those who have endured unlawful violence. People who see the continuum of terrorist pressure on them and how that has caused problems. It is totally legitimate for these people to seek compensation for their children, for themselves. And it is even a wise option to anticipate situations that may come up in the future. (E25)

The interviewees expressed their desire to build a society that looks to the future by being fully aware of the past, of the injustices committed; and they hoped to receive the empathy for the suffering of the victims. Many of them have decided to make a contribution to this by giving their testimony, based on the conviction that their own experience, together with that of many other people who have shared the same injustice, will be able to weave a collective narrative for Basque and Spanish societies to draw from in order to understand, learn and not repeat the same mistakes. They viewed these initiatives (particularly carried out in the educational sphere among young people who have not experienced the terrorism in Spain) in a very positive light, and they therefore noted their willingness to continue to be involved in them. These victims saw themselves as moral witnesses of terrorism, and tried to dissociate their collaboration from any political interpretation that might be made of it:

The narrative, as it happened. But not only in the *Ertzaintza*: journalists, judges, teachers, local council members. Everyone. Because I think that by sharing the small narratives of what happened to us, we will give an accurate, a very accurate idea of what it was like. (E20)

The Association also runs a programme involving bringing testimonies to public schools, secondary schools and so on. It is very sad to see that many of the doors we knock on are not opened, especially in public and private secondary schools. Where I lived, I also tried to organise it to see if we could give some talks and the response from the head of studies was: 'I just don't want to politicise the classes'. [...] I said to him: 'Excuse me, but I am not a politician, what I want is to tell a story', to arrange for people (either me or other victims) to come to share their testimony so that people know what happened in Spain with terrorism. (E1)

I don't forget, I try to live without hatred; and it may be necessary to forgive, but never to forget, for the future of society. [...] I wouldn't mind giving some talks. I believe that they also serve to eradicate radical positions. That is one of the great lessons of the victims. (E12)

Another major concern for the near future is clarifying numerous *ETA* attacks for which there is still no judicial certainty. It is very important for victims to have certainty about the attack they suffered that is officially supported by a court ruling, which also makes a difference in their status as victims of terrorism being recognised:

There are important issues to be resolved, such as ensuring that victims obtain recognition as such, which some have not been given, either because the circumstances of their attacks have not been ascertained or because they happened a long time ago and there is insufficient documentation to prove them. [...] The Law for the recognition and comprehensive protection of the victims of terrorism gives a different treatment to people who have been recognised as victims of terrorism, depending on whether they've had a court ruling about it or not. Those who have had a ruling have a more favourable treatment than those who have had no ruling. [...] Now the last straw is that legal costs are absolutely exorbitant, so this is a way to put us off from lodging claims against the institutions. (E10)

According to the interviewees' views, the institutions should play an active role in recognising the unjust situation experienced by the victims of terrorism and the support (including financial support) to be given to people who were left in a helpless situation by terrorist violence. These are necessary and urgent demands. The need to go to court to have one's status as a victim of terrorism recognised, or to receive the relevant employment or financial benefits, is a source of frustration and is seen as a grievance by those who feel they have sacrificed so much to fight *ETA*:

Do you know that the terrorists who perpetrated the attack in which I was wounded got out of prison before I was recognised as a victim of terrorism? [...] The fact that I'm still fighting, even in court, and that they've already come out... I mean, that is painful. [...] I haven't lost a single trial, because it was so clear... And there are more than one or two like me. (E3)

We also asked the interviewees what they expected from those who have now completed their prison sentences, and what they expect from them in the coming years. For some of them, their repentance should be a condition for these prison leavers to be considered to be fully reintegrated into society. Others expressed their willingness to receive a first-hand request for forgiveness from those who attacked them or a member of their family, while acknowledging the enormous difficulty of dealing with such a situation:

I understand that some, very very few, are truly repentant and have the right to reintegration into society. But there are many who are being reintegrated without being repentant, and some who do it to benefit from the perks. [...] I understand reintegration when there is true repentance and you know that because the person who is truly repentant comes to you to tell you from their heart. I want to talk to you, I want to ask for your forgiveness and they show it. But how many of those are there? (E4)

I wouldn't mind, although I don't feel there's really forgiveness. I don't feel like seeing someone who won't say anything to me, you know? [...] I testified (in court) looking at those who did this to me. I wanted to look at them while I was talking [...] But I found it very hard. (E7)

We also asked them whether the initiative of some municipalities to place plaques on the streets where attacks were committed to remember the victims of the attacks (inspired by the *Stolpersteine* or memory paving stones in Germany) could be seen as a form of social recognition. The answer was clearly in the affirmative, because in their opinion these gestures contribute to the construction of a restorative memory:

I think all these are very good initiatives; I agree with anything that is intended to remember them and to have them in our memory and to know that there were people who died in the midst of democracy there, that they were killed. I believe that Basque society must have a memory. (E9)

4. HUMAN RIGHTS VIOLATIONS IDENTIFIED

The violations that have been identified will be reviewed below, by naming the rights that were specifically violated. In the case under study in this work, the violation of human rights is not the responsibility of the public authorities of a State but of a terrorist organization. Terrorism, by its very nature, is steeped in a logic contrary to that of human rights, democracy, and the rule of law. States have an obligation to take effective measures against terrorism, but in this regard, it is essential to emphasize that effective counterterrorism measures and the protection of human rights are complementary objectives that mutually reinforce each other and must be managed together as part of the obligation of States to protect individuals within their jurisdiction.

It cannot be forgotten that, in the indispensable fight against terrorism, the safeguarding and guaranteeing of human rights constitute an obligation and a limit for States, to the extent that they are an integral part of the fight against terrorism. There is a consensus among the international community to adopt measures in the fight against terrorism that fundamentally prioritize respect for human rights and the rule of law.

The members of these police forces (*Guardia Civil, Policía Nacional* and *Ertzaintza*) and their families endured a constant terrorist threat by *ETA* until its dissolution in 2011. This is a scenario which has no place in a democratic society, given the clear systematic violation of fundamental rights recognised both by the Spanish legal system and by the main applicable regulations of international law.

When *ETA* threats took the form of attacks, they often resulted in either irreversible injuries or the loss of life. In these cases, the **right to physical and moral integrity** and, in the most extreme cases, the **right to life** were violated.

The members of these police forces and their families, faced with the danger of being victims of attacks or harassment by *ETA* supporters, were often forced to reduce their social activities to the minimum, as well as to follow strict self-protection routines.

These restrictions and deprivation of relationships and contact with the outside world, including in their private life, clearly affected the **right to liberty and security** of both the police force members and their families.

Considering the place of residence, living in the barracks was considered by many *guardias civiles* to be an option to help them remain safe rather than a personal choice, although this did not always prevent them from being the target of attacks. In other cases, it was deemed necessary for all or at least some members of the family to change their place of residence and even leave the Basque Country to escape harassment. A situation that clearly affected their right to **freedom of movement** and **freedom of residence**.

For minors, residential changes not only affected their patterns of socialisation, but also their schooling, as they had to join a new school and, sometimes, a new educational model. A breach of the **right to education** can be seen here, especially regarding the right of parents to **provide** their offspring with an **education in accordance with their values and beliefs**.

The phenomenon under analysis took place in the exercise of a profession. The **right to work** and the **free choice of profession or occupation** are qualified as fundamental rights insofar as the access of every person to the labour market not only has implications for their livelihood, but also affects the social participation and social inclusion of individuals. Hence, as a fundamental right, it is linked to higher values of the Spanish legal system such as the **free development of one's personality** and the **fundamental right to dignity**.

Finally, as obvious as it may seem, the attack on the human rights and public freedoms listed in this section undermined those higher values of the legal provisions set out in Article 1 of the Spanish Constitution, mainly those of **freedom** and **equality**, as well as **pluralism and justice**.

5. MEMORY: TRUTH, JUSTICE AND RECONCILIATION

Any reflection on the deepening of democracy and the construction of a diverse and plural society in the recent history of the Basque Country must take into account the moral cataclysm that shook Basque society as a result of *ETA* violence between 1960 and 2011.

The terrorist dynamic, which started during Franco's dictatorship (*ETA* began its attacks in October 1959), continued after the advent of democracy and, except for brief truce periods, lasted until 10 January 2011. This was the date when *ETA* announced a permanent, general and verifiable ceasefire, completed on 20 October of the same year by the announcement of the end of its armed actions.¹⁸ These terrorist actions had significantly

¹⁸ This article does not deal with the history of *ETA*, but there are numerous studies that focus on part or all of the period of its armed struggle and/or its victims. These include Garmendia (1980), Jauregui (1981 and 2000), Elorza (2000), Garmendia (2000), Sáez de la Fuente (2002), De La Calle and Sánchez-Cuenca (2004), Casanova (2007), Alonso, et al. (2010), Fernández Soldevilla and Romo (2012), Llera (2013), Azurmendi (2014), López Romo (2014), Domínguez (2017), Llera and Leonisio (2017), Fernández Soldevilla and Domínguez (2018) and Fernández Soldevilla (2020).

undermined the basis for the agreement of peaceful coexistence underpinning a democratic and plural society, as well as causing severe personal and material damages. *ETA* actions did so by violating fundamental rights and public freedoms. For reparation to be made, it will be necessary to produce a fair account of the events, giving a central place to the unjust suffering of the victims. Terrorist violence can only be overcome by genuinely building peace. This requires clarifying the events, processes and responsibilities involved in this violence and in the human rights violations perpetrated from 1960 to 2011. Furthermore, there is a need for initiatives aimed at strengthening democratic and peaceful coexistence in the Basque Country and the rest of Spain.

In order to move along this path, in addition to identifying events and responsibilities, it is essential to explain the socio-political and institutional factors that influenced the unleashing of this violence. It will also be necessary to propose actions to repair the damage caused to the people affected by it, as well as social, legal and/or institutional measures aimed at preventing more cycles of violence in the future. Ultimately, it is a question of implementing a right to memory which should look into three areas: the right to truth, the right to justice and the right to reparation, as promoted by the United Nations (Joinet 1997).¹⁹

Various contributions have been made within International Human Rights Law in an attempt to formulate a right to reparation for victims of human rights violations, based on States' obligation to ensure respect for and apply international treaties that have been incorporated into the domestic legal system. There have also been discussions about the right of victims to an effective remedy following the violation of these rights (Gómez Isa 2006a; Múgica 2009: 119-137).

5.1. Memory and Truth

The exercise of building a memory does not only seek to quantitatively record the events that took place, but also to investigate the consequences of these events. It is therefore necessary to understand what happened and recognise the injustice done to the victims. This twofold endeavour which involves knowledge and recognition must be made public and, to the extent that it is endorsed by institutions, must be officially recognised (Gómez Isa 2006b). It therefore entails building a reparative memory; both for the innocent victims and for the social fabric that has experienced this violence and aims to recover a democratic and peaceful coexistence.

Violence through persecution in the Basque Country was ideologically sustained among some social sectors by a process of moral exclusion (Sanches et al. 2018). This form of moral exclusion occurs when some individuals or groups are perceived as being outside the boundaries within which moral values, rules and considerations of justice

¹⁹ Several initiatives have already been promoted in this direction, including the Memorial Centre for Victims of Terrorism (www.memorialvt.com) and Gogora, the Institute for Memory, Coexistence and Human Rights (www.gogora.euskadi.eus).

apply. Those who are morally excluded are perceived as insignificant, expendable, or unworthy, and consequently causing them harm is seen as acceptable, appropriate or just (Opotow 1990: 1). In this way, an individual collective leaves some citizens outside of what it understands to be its sphere of justice. The exclusion of these groups means that no positive inclinations can be attributed to them, and also that they may be chosen as an object of hatred and violence. This occurs in a context in which these violent acts may, moreover, be perceived as acceptable (Martín-Peña et al. 2011: 178).

In these processes of moral exclusion, the people who exclude others from their ideal of justice are likely to perceive them 'as psychologically distant and detached', feel that they lack obligations or moral responsibility towards them, and therefore perceive them as undeserving of considerations of justice and community resources. In this way, those who exclude manage to approve situations for these excluded people that would not be accepted for those within their considerations of justice (Martín-Peña et al. 2011: 188).

In the case in question, the process of moral exclusion of the Spanish police and security forces members and their families took place from the very beginning of *ETA*'s violence. The attacks were justified by the ideological documents of the organisation. Both the terrorist organisation and its own entourage began to weave a discourse (directed both inwards and outwards), according to which the Spanish security forces first, and the *Ertzaintza* later, represented a type of institutional violence that had to be confronted with a form of popular and transforming violence. Hence, in the uncertain periods that overlapped the last years of Franco's regime and the first years of the 1978 democratic system, *ETA*'s violence found some favour in certain social sectors. It is now possible to analyse this strategy of social exclusion carried out by *ETA*, and its conviction, shared by both the perpetrators and their supporters, that the victims themselves 'deserved' everything that happened to them, at least to some extent. The aim is to put an end to these processes of moral exclusion and to create a narrative identity which encourages victims to recover their lost freedom and their empowerment, by allowing them themselves to participate in the building of a memory (Bilbao and Etxebarria 2005: 48). This requires creating spaces for reflection on the construction of a reparative and empathetic memory. These spaces should recognise the suffering endured by victims who did not choose their status, and also showcase the diversity that was undermined by the actions of *ETA* and its supporters. This memory endeavour should focus on:

- Understanding the role that pathological elements, such as intolerance, the exclusion of diversity, the imposition of one's own points of view by force and the denial of the individual, among others, have played in the events experienced.
- Facilitating the recognition that violence was unjust and the victims who suffered it were innocent.
- Recognising all human rights violations as unacceptable.
- Analysing the past based on the firm values of the present, avoiding the 'fetishism of memory' (Martínez de Bringas 2006: 270-275) or the 'banality of evil' (Arendt 2009). Relating this memory endeavour to the present, a present which it will help to explain.

5.2. Justice and reparation

Socially, we must consider the duty to remember specifically because we have a duty to render justice. This memory should be approached in terms of reparation for the victims (regarding what the perpetrators tried to take away from them) and for society (in terms of democratic coexistence).

This transformative memory must help lay the foundations for reparation and give victims the recognition to which they are entitled (Etxeberria 2007: 83-93). The ethical construction of memory involves recognising the harm caused to the victims and taking a moral stance by qualifying this harm as unjust and, therefore, intolerable. The victims of *ETA* were arbitrarily persecuted and had no opportunity to defend themselves against accusations known only to their executioners. This clearly posed a challenge to the ethical principles on which democratic life should be based, and to the set of essential values that are an integral part of justice, namely, respect, equity, equality, and freedom.

The role played by the security forces in the fight against terrorism should be underlined in this context, as they spearheaded the fight to safeguard the fundamental rights and institutions that represent us. The work performed by these police forces should be recognised and the suffering endured by them must be acknowledged as unjust.

Building a memory intended to be restorative, rather than as a mere exercise in remembrance, with no other purpose, must show:

- Empathy towards the victims' suffering, in the sense of support and solidarity. Society should construct a narrative about the suffering endured, recognising this injustice, and showing its most sensitive side towards those whose rights were violated. This does not necessarily entail sharing the victims' ideological views (Múgica 2009: 131). Political disagreement is legitimate in any society, and it is therefore necessary to separate the process of justice from any ideological debate. This is also a significantly generous endeavour in terms of democratic culture and peaceful coexistence among different people.
- Recognition of the group that suffered social stigmatisation (including members of the police forces considered in this study). These people need to be offered social and moral rehabilitation. The value and dignity that was taken away or called into question should be restored.
- A concern to show the public the value of resilience and the determination to continue to perform their role. The group of people who are at the core of this study were at the receiving end of terrorist attacks because they engaged in a profession that entails performing a public service and did so at an enormous personal cost.
- Recognition that the harm caused is irreparable and that there was moral asymmetry between victims and perpetrators. Memory also seeks an experiential transformation of the past by recognising an injustice that was committed and showcasing a future that is different from the past, in which so much damage, pain and suffering took place.

- The need for restorative justice. According to the European Union, within restorative justice ‘the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party’.²⁰

5.3. Reconciliation and social cohesion

Social reconciliation is the ultimate goal of any process of memory, justice and reparation. Without reconciliation and a commitment not to repeat the same harms, any form of peace would be merely a long truce, and social fracture would prevail. In this phase of reconciliation understanding is a prerequisite; however, victims’ forgiveness is not required, since forgiveness is a highly personal, voluntary act that can never be demanded (Arendt 2002: 17-18).

Accountability is also a vital part of reconciliation (Bilbao 2007: 27). Explicit and honest acknowledgement of the injustice done, and the harm caused, as well as a commitment not to repeat the mistakes of the past, are inescapable in a reconciliation process which, by its very nature, is likely to be lengthy and wrought with difficulties. But in order to eventually give way to an ‘ethics of the second chance’, it is necessary not to fall into the so-called ‘exculpatory rhetoric’, which would exonerate the perpetrators from responsibility by shifting the blame onto the socio-political context or any other circumstance.

This study is precisely situated within this conceptual framework, in an attempt to: (a) highlight the work that the police forces in question (*Policía Nacional*, *Guardia Civil* and *Ertzaintza*) carried out in the fight against *ETA* and in the prevention of attacks that would have led to a greater number of victims; (b) disseminate information on the unjust suffering endured by the victims of *ETA* who were members of these police forces, as well as their families, advocating their perspective so that the narrative can be constructed on the basis of the conviction of the harm caused. This is approached by ‘assuming that the perspective of the victims is a necessary condition for an authentic ethical discourse, particularly in terms of addressing the issue of violence’ (Bilbao and Etxeberria 2005: 34). Our aim is to contribute to disclosing that there were the human rights violations against members of this group by *ETA* violence, to improve society’s capacity for empathy towards them and ultimately, to delegitimise the use of violence and contribute to the construction of a fairer society.

6. CONCLUSIONS AND RECOMMENDATIONS

Ever since *ETA* decided to start its terrorist activity, the *Guardia Civil* and the *Policía Nacional* became primary targets and were followed by the *Ertzaintza* decades later. Those who served in the Basque Country during the period 1960-2011 were involved in a specific and intense dynamic in both their professional and private lives that caused their families to suffer emotional consequences such as isolation and harassment, as well as the physical repercussions of *ETA* violence (Llera and Leonisio 2017).

²⁰ Article 2.1. European Union Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing the minimum standards on the rights, support, and protection of victims of crime.

The terrorist dynamic generated an incessant trickle of attacks, and an intolerable number of people were affected by the lack of respect for democracy and for social diversity, which also seriously undermined peaceful coexistence. It is necessary to produce a fair narrative of what happened, which brings to the fore the unjust suffering endured by the victims in order to promote social empathy towards them. A narrative that not only aims to quantify the events that took place but also to analyse their consequences. It is therefore necessary to understand what happened and to recognise the injustice done to the victims. This twofold endeavour that involves knowledge and recognition must be disseminated to the public and officially recognised, since it is endorsed by institutions (Gómez Isa 2006b). It advocates building a reparative memory that provides innocent victims with the recognition to which they are entitled, which is also important for society in terms of strengthening democratic coexistence (Etxeberria 2007: 83-93). As a society we must consider the duty to remember because we have a duty to render justice.

To this end, we must draw the attention of the Basque public to the need to reflect on these events and to build this memory. In this context, the participation of the victims in the process (for example, by providing their testimonies) has a double purpose, namely, to reverse the stereotypes constructed in the past and to liberate victims from the stigma they faced (Bilbao and Etxeberria 2005: 48).

Victims were persecuted, which undermined the ideals of justice and stripped the ethical principles of democratic coexistence and the values of pluralism and freedom of their substance. As a society, it is our role to articulate forms of recognition and implement effective reparation measures, avoiding the tired formulas of ‘no one is really guilty’ or ‘society as a whole is guilty’, which in practice have the effect of diluting responsibility for what happened.

The security forces in charge of combating terrorism have been at the forefront of the fight against *ETA*, and their work and sacrifice must therefore be valued.

The loss suffered by the victims is irreparable. No one will be able to make restitution to the victims for the time taken away, the opportunities lost, and the physical and moral integrity having been severely compromised, even less so in cases where family members were killed. Recognising this irreparability, as well as the moral asymmetry between victims and perpetrators, is a moral obligation in the endeavour to build a memory.

Memory also seeks to bring about a future that is different from the past that gave rise to so much suffering, focusing on the stages involving understanding and reconciliation. This aims to achieve social cohesion, the ultimate goal of any process of memory, justice and reparation.

While victims’ forgiveness by victims may eventually be given at this stage, this is not a requirement, as was noted above. What is required is understanding, urging the public to recognise the social and human dimensions of the political process of reconciliation. Reconciliation is defined as a process of public encounter and the construction of a new framework of relationships in which the people involved, as a political community,

recognise the injustices and violations of fundamental rights endured as being inadmissible. It is concerned with the ethics of human rights and respect for democratic norms as the only possible ways of settling future conflicts, with the aim of never repeating these past experiences (Nordquist 2008: 491-497).

In this case, it is the perpetrators who must firmly express their commitment to reconciliation in a process that will surely be long and difficult, as there will be numerous rejections, affronts, suspicions, misunderstandings and prejudices to be overcome. This process will demand not to fall back on so-called ‘exculpatory rhetoric’, in an attempt to exonerate perpetrators from responsibility to shift it to the social context, the historical situation or any other circumstance, which, ironically, could even hold the victims responsible. Accountability is therefore an important component of reconciliation.

Faced with the accumulation of negative feelings, both public and private institutions leading the process of reflection in society should engage in the important task of enabling meeting and communication spaces where victims and perpetrators can express their commitment to reconciliation. This will eliminate any temptation to trivialise or forget the trauma experienced by victims, and to repay the perpetrators for the harm inflicted.

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