

Victims of terrorism in the Basque Country: Paradoxes of their expectations and demands in the end of ETA

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abstract

Within a critical victimological perspective we present and discuss findings of a pioneer and specific victimization survey on terrorism. This study was developed in the Basque Country at the end of 2013, two years after ETA's ceasefire declaration. Our concrete objective is to assess the well-being of victims and their personal evaluation of political and social agencies, particularly in relation to their experiences of justice. Our main hypothesis is that the concept of sorrowful relief expresses the paradoxical feelings, interests and expectations shown by 154 surveyed indirect victims of murders. Long term secondary victimization of indirect victims in the criminal justice and Basque society is assessed. Results strongly suggest the interdependence of objective and subjective dimensions of primary and secondary victimization. Moreover, despite increasing public policies in this area, hidden victimization persists at different levels.

keywords

Terrorist victimization, victim impact, recovery, justice experiences, Basque Country

resumen

Dentro de una perspectiva victimológica crítica, se presentan los resultados de una pionera encuesta de victimización, específica sobre terrorismo. El trabajo de campo fue desarrollado en el País Vasco a finales del año 2013, dos años después de la declaración de alto el fuego de ETA. Nuestro objetivo concreto es valorar el bienestar de las víctimas y su valoración personal de las agencias políticas y sociales, particularmente en relación con sus experiencias de justicia. Nuestra hipótesis principal es que el concepto de «apesadumbrado alivio» expresa los sentimientos paradójicos,

intereses y expectativas de 154 víctimas indirectas de asesinatos que completaron el cuestionario. Se evalúa la victimización secundaria a largo plazo en el seno del sistema penal y la sociedad vasca. De los resultados puede deducirse una interdependencia entre las dimensiones objetivas y subjetivas de las victimizaciones primaria y secundaria. Además, a pesar de las crecientes políticas públicas en este campo, la victimización oculta persiste en diferentes niveles.

palabras clave

Victimización terrorista, impacto victimal, recuperación, experiencias de justicia, País Vasco

1. Introduction

1.1. Background

On the 20th of October 2011, the terrorist group ETA announced a ceasefire. ETA (*Euskadi ta Askatasuna - Basque Homeland and Freedom*) is a terrorist group, with a Marxist ideology, whose ultimate goal is the independence of the Basque Country. It started in the Francoist dictatorship, but the majority of its victims have lost their lives during democracy (Elorza, 2006).

Within Spain ETA has caused 829 deaths and other violent victimizations: injuries, kidnappings, coercion, material damages, etcetera (Victims of Terrorism Foundation; Alonso and Reinares, 2005; Sánchez-Cuenca, 2009; Alonso, Domínguez and García, 2010). From the end of the seventies to the end of the eighties, extreme right, para-police and state terrorist groups (ATE, BVE, Triple A, GAL) have also operated in the Basque Country and French territory. They have been responsible for approximately 70 murders as well as injuries, torture, threats and kidnappings (Carmena, Landa, Múgica and Uriarte, 2013).

1.2. Terrorist victimization and experiences with justice

Notwithstanding the turning point of September 11 (Pemberton 2010), academic research on terrorist victimization is scarce in comparison to other forms of interpersonal violence (Staiger, 2010). Scientific research regarding ETA victimization started in Spain in the nineties (Varona et al., 2009). Victimology, defined by an interdisciplinary approach, offers a good platform from which the complex

processes of victimization and recovery can be critically analysed. In this paper, interdisciplinary is defined as an exchange of concepts, theories and methodologies on this subject across criminology, psychology, law, social work and political theory.

A literature review about the psychological impact of terrorism on survivors shows that some survivors develop post-traumatic stress disorder (Verger et al., 2004; Baca et al., 2005; Baca, 2006; Echeburúa, 2007; Gabriel et al., 2007; Larizgoitia et al., 2009; Martín-Peña et al., 2011; García-Vera and Sanz, 2016). This disorder can have multigenerational consequences (Ayalon, 1993; Danieli 1998) and affect different spheres of life (Ochberg, 1980; Muldoon, 2003; Schmid, 2003; Echeburúa, 2010). Social work and legal research on recovery policies reveal the limitations of these recovery policies (Itzhaky and Dekel, 2005; Albrecht and Kilchling, 2010), particularly with regard to children (Pereda, 2013), and they also demonstrate the relevance of personal and informal resources (Butler, 2007).

Collective and personal abuses of memory in the form of revenge seem to hinder recovery (Rieff, 2011; Echeburúa, 2014), although different studies highlight that most victims are not vengeful (Wemmers and Cyr, 2006), at least not more than the general population (Carlsmith, Wilson and Gilbert, 2008).

Injustice is experienced by the victim as a lack of recognition as an equal human being within a diverse population. Some survivors might feel that personal, social and/or political harm caused by terrorism is neither made visible nor declared unbearable by social institutions (Honneth, 1992; Reyes, 2011). In the particular case of the Basque Country, secondary victimization in the form of lack of social or institutional support (Funes, 1998; Varona et al., 2009) seems to explain the distrust on the part of victims of the administration of justice and of public administration overall.

However, perceptions of justice are related to the recovery of victims (Taylor, 2009; Lambourne, 2004; Karstedt, Loader and Strang, 2011; Lynch and Argomaniz 2015). The framework of transitional justice in practice seems insufficient to contextualize harms suffered during prolonged terrorism (Palmer, Granville and Clark, 2011; Haldemann, 2008). Other complementary approaches for a more participatory or inclusive justice for victims should be considered in the field of therapeutic jurisprudence (Erez, Kilchling and Wemmers, 2011) and restorative justice (Varona, 2013; Olalde, 2014).

1.3. Objective and hypothesis

ETA's terrorism encompasses unique characteristics that elude the generalizations of the results of most terrorist victimization studies quoted above. The

high number of victims, mainly non-nationalists, during a prolonged period of time within a European democracy can be partially explained by the explicit social support of a significant minority, particularly in rural villages and towns. By contrast, with regard to the victimization by other terrorist groups in the Basque Country, its special feature was the lack of recognition by the Spanish government, despite some social support that was not always desired by survivors who feared political manipulation.

The general objective of the study was to sound out individual perceptions about the victims' personal and social situation in 2013. Our hypothesis was that ETA's declaration of a ceasefire caused what the Spanish writer Javier Marías (2011) called a sorrowful relief. This expression contains the paradoxical character of bittersweet feelings experienced by various victims, particularly those of the ETA, that condition their attitude and behaviour in relation to victim policies. As an oxymoron, sorrowful relief brings together relief at the end of terrorism and sorrow because of the feeling that ETA and other terrorist groups could have been eradicated before causing more victimization.

This article aims at presenting major issues of the complete study to an international audience. For more concrete information the reader should go to the original research published in Spanish (Cuesta 2014b).

2. Method

2.1. Contextualizing fieldwork

We contextualized our study within a literature review on legal and public opinion issues as well as with a content analysis of main headline news on victims of terrorism during our study fieldwork (Cuesta 2014b). This focus indicates the impact of the 2013 European Human Rights Court judgement on the so-called Parot doctrine (many prisoners who served long sentences were released during our fieldwork) and the changes for a more comprehensive compensation regulation by the Spanish government.

The Parot doctrine implied a change in the case-law of the Spanish Supreme Court in 2006 (Judgment 197/2006 of 28 February). Under this doctrine prison benefits were to be applied to each sentence individually, and not to the maximum. As a result, imprisonment terms were longer. The European Court of Human Rights considered the Parot Doctrine in violation of the European Convention on Human Rights (Decision on Case of Del Río Prada v. Spain, App. No. 42750/09, Strasbourg, Oct. 21, 2013).

2.2. Target population and unit of analysis

We analysed the survey data of 154 indirect victims of terrorist murders in the Basque Country in 2013. Our target population consisted of adults living in the Basque Country at the moment of the fieldwork (October-December, 2013), with a family member killed by a terrorist group from 1960 to 2010. To contact them and respect personal data legislation, we asked the Victims' and Human Rights Unit of the Basque Government to send a letter informing victims that the Basque Institute of Criminology (BIC) would be calling them in the next months. At that point, only 51 indirect victims refused to be contacted by the BIC.

The Basque Government holds a database with the names, addresses and telephone numbers of the nearest family members of murdered victims. The first time we telephoned a family member, we offered him the possibility to discuss with other family members the possibility of participating in our study.

From the Basque Government database and indirect victims' information on other family members wishing to participate, we contacted 336 persons. Of those, only 154 (39.79%) completed our semi-structured questionnaire. The majority of reasons for refusals expressed suffering in the process of remembering, satiety and scepticism. Others excused themselves because of their advanced age, illnesses, care tasks, lack of time or poor language skills.

For different reasons, we are not in front of a classical victimization survey. We did not want to address the whole Basque population in general but to focus on family members of victims who had been murdered by terrorist groups. In addition, we did not look for a representative sample. We tried to contact all the universe. We acknowledged difficulties in contacting indirect victims of terrorism. At the same time, as a sub-hypothesis, we wanted to reflect on the different experiences of victimizations within the same family. Thus, our unit of analysis was not the family unit or household but each indirect victim of the various families who accepted to participate. We were able to reach 104 different families. Distortions provoked by this fact are discussed in the final report (Cuesta, 2014).

2.3. Questionnaire

Drawing upon the results of various studies on the Basque Country (Cuesta, 2012, 2014a, 2014b; Varona, 2014a, 2014b; Sáez de la Fuente, 2011; Iniciativa Gleencree, 2012), we designed a specific victimization survey addressed

to indirect victims of terrorism in this territory. By indirect victims, we mean surviving family members of murdered persons by any kind of terrorist organisation operating in the Basque Country. Due to the large amount of victims of terrorism in Spain and the specific context of the Basque Country, we limited our study to this territory.

The questionnaire was designed to measure the evolution in the victims' perception of the different public and social agencies in touch with victims. We asked them particularly about the criminal justice and the penal and penitentiary policies, as well as victims' contribution to the future of the Basque society. The questionnaire had forty-three questions, both in Spanish and Basque. It included eight open questions. It was structured into five sections: a) socio demographic data of the direct and indirect victim; b) personal well-being and evaluation of political and social agencies; c) personal evaluation of the criminal and prison policy; d) general evaluation of the current situation; e) final questions in relation to the possibility of participating in focus groups and being informed of the results. After a preliminary training, eight employees of a private survey agency were recruited to apply the questionnaire, during October and November 2013.

Regarding questionnaires, to avoid secondary victimization, we emphasized our preference for face-to-face interviews. However, we gave them the option to choose: 55.2% of the interviews were conducted face-to-face, 20.8% were by ordinary post, 15.6% were by email and 8.4% were by phone.

2.4. Focus groups

Twenty-four interviewees participated in two focus groups which were developed in eight hours during one day at the end of November 2013. The focus groups were designed to supplement SPSS analysis of data provided by answers to closed questions in questionnaires. The topics to discuss were the same of the questionnaire in a format of open space dialogue which was later analysed using the free versions of QDA Miner and QCAMap.

2.5. Participatory action research

We aimed at a participatory action research. Spanish and Basque legislation on victims of terrorism recognised the right of victims to participate in victim policies. Thus, their opinion should be measured and considered. However,

about their opinions. Most victims do not belong to any association or group. By giving them the chance to participate and be heard, participatory action research included receiving comments and suggestions on the content and method of our survey and focus groups and sending individuals information on the final research report. Notwithstanding objectivity, this pertains to research ethics: victims are suffering human beings who have been dehumanized by terrorism and cannot be treated as mere objects of study.

3. Results

Findings from questionnaires and focus groups indicate contradictory feelings of victims expressed in distrust, scepticism, relief and sorrow. In general, serious secondary victimizations by agencies in touch with victims could be assessed.

Among the murdered victims in our study, 95.5% were young and middle-aged men. Two murdered victims were minors. Approximately 80% of murdered victims had children and 33.6% of murdered victims had three or more children. Only approximately 23% of murdered victims were members of police forces (National police, Civil Guard or Basque police).

For 93.5% of the respondents, it was the first time that the University of the Basque Country contacted them for a study. Among the respondents, 71.4% were women and 78% were older than 45. Their work or job situations were very diverse: 66.9% lived in the rural areas or small villages, 32.5% were widows, 33.1% were children of the murdered victims, 22.1% were brothers or sisters, 7.8% were mothers or fathers, and 86.2% of respondents were victims of the ETA. Most of these direct victims of the ETA were killed in the eighties (49.4%) and seventies (21.4%), two decades when victims were particularly abandoned by public institutions and society (COVITE, Collective of Victims of Terrorism in the Basque Country, n.d.).

When asked about their personal situation facing a possible end of the terrorist violence, most respondents stated that they did not feel well. Only approximately 38% said they felt better. Approximately 13% opted for open answers, mostly in negative terms (table 1).

Most respondents did not feel well treated by public institutions. Interviewees justified their answer by expressing a lack of support or empathy, the feeling of having been manipulated, the lack of trial and the impact of the European Court of Human Rights judgment on the so-called Parot doctrine (table 2).

Table 1. How do you feel after terrorist violence has disappeared?

	%	N
Better	37.7	58
The same	11.7	18
Worse	5.8	9
I do not believe it has disappeared because ETA has not handed over its arms and it is not dissolved	29.9	46
Other	13.0	20
No answer	1.9	3
Total	100	154

Table 2. Today, do you feel well treated by institutions in your condition of victim of terrorism?

	%	N
Yes	37.7	58
No	50.6	78
No answer	11.6	18
Total	100	154

Persons who felt well-treated at the moment of the study emphasized that it was only with some particular institutions, that this positive change was very recent, that steps in this direction could be improved and that discriminatory treatment should be avoided among victims. They valued both a human approach and a public recognition as victims, after many years without it, together with memorialization initiatives. Most respondents were critical of all social agencies. Among social agencies, Basque society was the most valued, followed at a great distance by local and religious public institutions.

When asked who is contributing to a possible end of terrorism that does not provoke further harm to victims, victims' groups or associations are the most valued. The least valued are some political parties and the media. Respondents demand from political institutions more consensus, more victims' participation, long-term victim policies and a better use of terms in politics regarding victimization.

Among the respondents, 64.9% think that Basque society prefers to turn the page as quickly as possible (table 3). This is related to their perceptions of impunity and isolation. Members of society closer to victims are better valued (friends, colleagues, neighbours, etc.). Moreover, 54.3% believe that close

community do care about victims. Nonetheless, 53.9% state that they want to turn the page as well.

Table 3. Please, value the next statements: For the Basque society...

		%	N
<i>Victims of terrorism are important</i>	Agree	44.8	69
	Disagree	40.9	63
	No answer	14.3	22
<i>Victims of terrorism are not important</i>	Agree	42.2	65
	Disagree	39.0	60
	No answer	18.8	29
<i>It is important to turn the page rapidly</i>	Agree	64.9	100
	Disagree	21.4	33
	No answer	13.6	21
<i>Victims of terrorism are a problem</i>	Agree	53.3	82
	Disagree	32.4	50
	No answer	14.3	22
Total		100	154

Regarding criminal policy, 42.9% believed that offenders' rehabilitation is the central issue, 21.4% stated that they are not the most adequate people to give their opinion in these matters and only 14.9% thought that criminal policy tries to balance victims' recovery, offenders' rehabilitation and society interests. It should be noted that 20.8% of respondents did not know or did not want to answer.

Most victims feared impunity (62.3%). By impunity they meant an insufficient penalty (23.4%), pardon (19.5%), lack of trial and/or penalty (11%) and penitentiary benefits (10.4%). From the analysis of open answers (16%), some emphasized the absence of reparation, mainly in the political, social and symbolic spheres. Most of the respondents (83.1%) did not have any information on the «No impunity Decalogue» signed by the main victims' association at the end of 2010.

Secondary victimization is particularly relevant in relation to the criminal justice system. Only 29.9% were informed of the suspects' detention. Only 14.3% received information about the process. Only seven respondents were informed about the statute of limitations of the crime and/or the penalty.

In addition, 11.8% of the respondents had support during the trial, either by the Spanish or the Basque government; 6.3% said that measures were

adopted during the trial to avoid direct contact with family members or friends of the suspects; and 22.8% did not have any data about the trial or expressed their will not to go.

Among the respondents, 64.6% indicated that a penalty was imposed and 26.8% did not know or did not want to answer about this; 53.24% were aware of the content of the judgment and did not consider it harsh or too harsh. Conversely, 57.3% thought it was lenient or too lenient, whereas 36.6% thought it was proportional. The relationship between the recovery process and the sentence is shown in table 4. Restorative encounters are positively valued, even though interest in participating is lower (tables 5 and 6).

Table 4. Even though the irreparable nature of the harm, did the sentence help you in your recovery?

	%	N
Yes	36.6	30
No	46.3	38
It was indifferent	13.4	11
No answer	3.7	3
Total	100	82

Table 5. How do you value restorative encounters between victims and persons sentenced for terrorism?

	%	N
Good	44.8	69
Bad	29.9	46
No answer	25.3	39
Total	100	154

Table 6. With all guarantees and information, would you like to participate in restorative encounters?

	%	N
Yes	28.6	44
No	59.7	92
No answer	11.7	18
Total	100	154

Furthermore, 68.2% of the respondents valued judicial measures to avoid contact with indirect victims when the offender is released, but 87.8% indicated that those measures did not exist in their case or at least they did not know them.

Among the respondents, 86.6% had not been informed about the execution of the penalty, including penitentiary benefits. Of those, 81.7% stated that they would have appreciated that information. Finally, 10.8% indicated that they did not want that information and 7.3% did not know or did not answer.

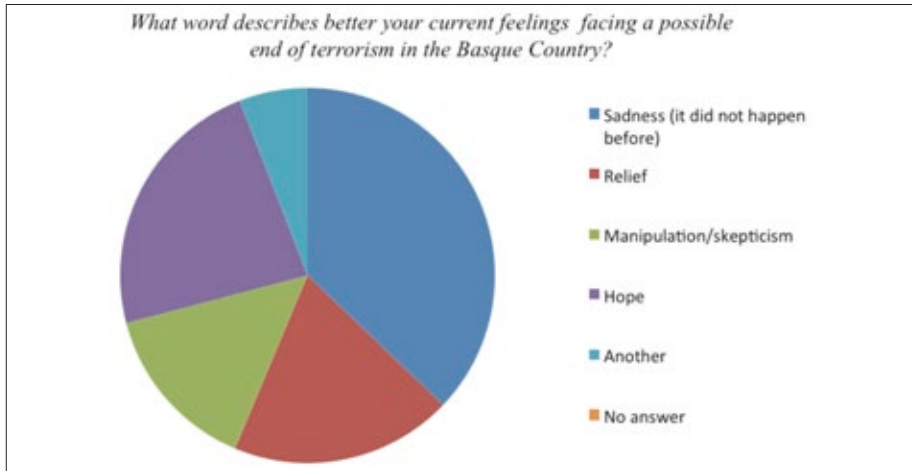
Beyond criminal justice, victims hold an interest in contributing to future peace by gathering their testimonies in memorials and digital archives, giving their testimonies at schools and participating in public debates and memorialization activities (table 7).

Table 7. What is the best contribution of victims in the end of terrorism? (two options)

		%	N
1st option	Their presence in memorialization activities	16.2	25
	Their participation in public debates	17.5	27
	Their testimonies at schools	16.9	26
	Their testimonies in memorials and digital archives	26.0	40
	Another	14.3	22
	No answer	9.1	12
2nd option	Their presence in memorialization activities	8.4	13
	Their participation in public debates	13.0	20
	Their testimonies at schools	14.9	23
	Their testimonies in memorials and digital archives	16.9	26
	Another	9.7	15
	No answer	37.0	57
Total		100	154

Respondents chose sadness as the word that best describes their feelings at the moment of the interview. They also mentioned hope and relief, manipulation or scepticism (Figure 1).

Figure 1. Current feelings



The last question allowed victims to freely express their opinions about any issue dealt with in the questionnaire or any other matter of their interest. We obtained 111 answers out of 154 questionnaires. We analysed those responses under the themes of their rights to the truth, to justice and to reparation, as they are recognized in the Spanish and Basque legislation. We also considered here the results of the focus groups.

Regarding reparation, victims' testimonies highlight the seriousness of the suffered victimization, the spreading character of the victimization impact in relation to their different roles in life, in time and on family members. Once again, they expressed the lack of support and/or its insufficient or delayed character. Some brothers or sisters of the murdered person indicated how legislation does not recognize them as victims when there are other closer relatives. Many victims criticize unequal political, media and social treatment among the same group of victims or among victims of different terrorist groups.

In the field of justice, most victims denounced a slow and defective administration of justice, mainly because their case has not been brought to trial or there has been a lack of information. Social impunity is considered when arguing that, after offenders have been released, they cannot return to their towns as heroes.

Many victims consider truth and memory of great relevance, mainly when they had to hide their own victimization for so long. They are willing to offer their testimonies to the media, at schools and in memorialization projects. They relate their interest with the conscience of the unjustifiable character of terrorist violence and the need to prevent it from now on.

4. Discussion

In light of the results, we detect the profile of the most vulnerable victims: the parents and partners of murdered victims (followed by other family members), who lack social and institutional support, live in a small town where no recognition has been granted, and suffered victimization in the decades of the seventies and eighties. In the case of the most recent victimizations, the recent character of their victimization is also a vulnerability factor. However, there are not enough profiles to consider the dynamics and diversity of the victimization processes (Cuesta et al., 2012).

In line with the other studies quoted in the introduction (Baca et al. 2005; Echeburúa, 2007, 2010), hidden victimization is particularly important in this field and is conditioned by at least seven groups of variables: personal characteristics, type of victimization suffered and responsible terrorist group, victim impact extension, the date and the place of the victimization, the psychological harm, the type of support received and the diffuse character of victimization.

This study verifies the gap between a very advanced legislation on terrorism victims' rights and its implementation as experienced by the victims themselves (Cuesta, 2014b). This could be extended to the implementation of the 2012/29/EU Directive on the rights of victims regarding a personal and individualized treatment, as transposed by the 4/2015 Spanish Act on the statute of victims of crime.

Our hypothesis of a «sorrowful relief», as a metaphor that can grasp the situation of victims facing a horizon of peace in the Basque Country, has been verified. Different experiences and expectations of suffering and hope have been assessed. According to our results, beyond the terrorist group responsible for the victimization, we note the following:

- a) There are many indirect victims of terrorism in the Basque Country;
- b) Every victim holds her own opinion and different interests;
- c) Many of them were able to recover (alone or with only the help of some family members), raise their children or form a family of their own, even though recovery is described as continuing to live with pain.
- d) Many have received none or insufficient social and institutional support, including a lack of recognition or an adequate response.
- e) Some of them have suffered secondary victimization due to a defective and/or inhumane treatment by public administration, particularly in the justice sphere;

- f) They feel manipulated by political parties and media;
- g) Most are not vengeful;
- h) They do not believe that they should now carry the greater part of the burden in the social and political task of forgiveness and reconciliation;
- i) A relevant number holds interest in restorative encounters and in going to schools to offer their testimony to avoid future victimization;
- j) In many cases, there was no trial or penalty;
- k) Many hide their victimization, or aspects of it, even from their family members because they think that by revealing their victimization they could provoke more harm;
- l) Many victims want to express their testimony in different public and private initiatives;
- m) Many victims like gathering with and listening to victims of other terrorist groups;
- o) Some want to participate in a democratic and respectful public debate on the questions that affect them, particularly the political meaning of their victimization –as recognized by law- linked to the delegitimation of terrorism;
- p) Many feel isolated and misunderstood in some social contexts;
- q) Most value participating in activities organized by the university, although they highlight their initial resistance;
- r) Most victims demand the truth and a role in the current memorialization process.

According to Spanish and Basque legislation, as well as the 2012/29/EU Directive and the results of different victimological studies (Erez, Kilchling and Wemmers, 2011), victim policies should not be made «for the victims without the victims». However, both internal and European legislation has been passed without considering most relevant victimological research. The original character of the research in this specific field offers significant data for further studies and for victim policies.

Beyond measuring victims' opinions, our study invites to reflect upon the processes of construction of victims' opinions by different social agents, as well as upon the social meaning and public use of victims' opinions. This confronts us with the need to respond to serious victimization with policies informed by a balanced perspective backed by evidence, considering the real interests and needs of victims, offenders, and the families of both, as well as their local communities and society as a whole. Within a context of populism and punitivism, this presents

itself as a deep challenge for policy makers, researchers, practitioners and human rights activists, including those working for victims' rights.

5. Limitations

This research leads us to conflicting and provisional conclusions open to debate. We must be clear about the limitations of our findings. We are dealing with suffering as human behaviour. Due to the objectives and limitations of our study, we probably have overlooked relevant variables at stake.

This study did not look for a representative sample because it was addressed to the whole universe of indirect victims of terrorist murders in the Basque Country. Nevertheless, the number of indirect victims who were interviewed is significant and there is not a similar study within the Basque Country and Spain. Access to victims of terrorism faces different problems due mainly to distrust, scepticism and age.

When that access is achieved, 111 answers to our final open questions out of 154 questionnaires make us think that victims who participated really wanted to express themselves with their own words and that qualitative participatory studies are important in this sense.

Another limitation is that some indirect victims belonged to the same family, although 104 different families participated. This could have slightly distorted some results. Our sub-hypothesis that members of the same family affected by a terrorist murder experience victimization and recovery in a different way could not be tested due to the small number of relatives per direct victim.

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