



Presentation of the foundation and report about the level of official recognition of victims that have suffered violence carried out by the State

PRESENTATION



WHO ARE WE?

"Egiari Zor" foundation ("in honor to the truth" in basque) was founded on 22th April 2012. Its objective is to **work for the rights of victims of all types of violence carried out by both Spanish and French states.**

In the context of Basque political conflict, the foundation is formed by those whose relatives were murdered by the violence of the states, wounded and suffered tortured.

We are a wide and plural sector, where there are people with different points of view.

WHY WAS IT FOUNDED?

We founded "Egiari Zor" because of the **lack of official recognition** as victims during long time: we were not taken into account within the statistics monopolised by the State. What binds us is different kind of violences we have suffered from the states, and that pain has not officially recognized yet.

WHAT WAS IT FOR?

In the Basque Country and in the new context of ETA's decision on putting beyond of use its armed struggle in 2011, we decided to turn victims' suffer into virtue and **make a contribution on promoting the peace** process.

Taking into account that the roots and consequences of the conflict are political, we have the vocation to facilitate the achievement of resolution of the Basque conflict by means of political and democratic agreements.



WHAT UNITES US?

This is our main commitment: **standing up for a new society** based on co-existence, human rights and peace.

Basque society has never known how to prevent from ceaseless human rights breach. All approaches of stopping them have failed. **All society should raise awareness of those cases would never happen again.** This is our main ethical basis.

In addition, these are the principles that determine our work:

- **It is essential to tackle the conflict from an integral perspective, and to offer tools to make it possible:** deaths, extrajudicial executions, forced disappearances, wounds, tortures, threats and other kinds of sufferings are personal and collective tragedies. Those must be integrally recognized, accepted and repaired.
- **Attitude against of all kind of violences:** Those cases would have never happened again. It must be bore in mind that some kind of violences still exist. We demand the end of all of them.
- Attitude in favor of a polyhedric and plural story of the truth.
- **Attitude against of the instrumentalist use of the victims:** We refuse the use of the victims with partisan and selfish purposes.
- **Against categorization of victims.** We demand an equal answer to similar breach of human rights.
- **Innovative means of recognizance and reparation of victims are necessary:** we defend a new approach of recognizance and reparation of all victims, since we do not believe that the traditional justice's punishment aim is the only way to obtain justice. That is why we focus on standing for truth as mechanism to get justice.

OUR WORK



1. **Overcome the categorization** which the victims have suffered from so far and work to guarantee the same level of recognition to every person that has suffered from the same violations of human rights. For this purpose, we give support to the victims with the legal mechanisms that are available nowadays (making applications, giving advice...), or we try to initiate innovative mechanisms that can help to achieve recognition.
2. **Bring the hidden truths to the light.** A lot of sufferings that have taken place in the context of the conflict still remain undercovered, because they are not known, or in many cases, because they have been covered up. We work to bring all of them to the light, to get to know and to share everything that has happened, so that we can guarantee the sufferings will not repeat in the future. For that purpose, we organize informative talks or we write papers.



3. **Demand that a new model of justice is necessary** to build coexistence: to stop generating more suffering is essential to achieve a scenario where all the consequences of the conflict are overcome. Thus, we consider necessary to build a new model of justice that has the truth as a goal, rather than punishment, not to prolong the conflict, not to delay the overcome of its consequences and not to block its resolution. That will only be possible taking as a basis the commitment of the Basque institutions and civil society. We dedicate our efforts to spread this idea.

4. **Public denounce of the impunity of our aggressors:** we work to get to know and denounce publicly which are the direct and indirect responsible heads of the crimes that hit us, because many of the times, they have not still been identified.

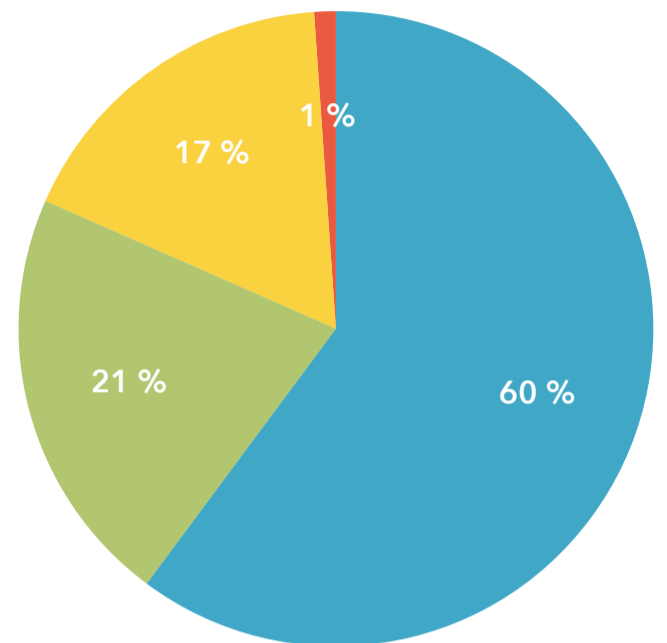
VICTIMS OF THE STATES: TOOL

DEATHS¹

364

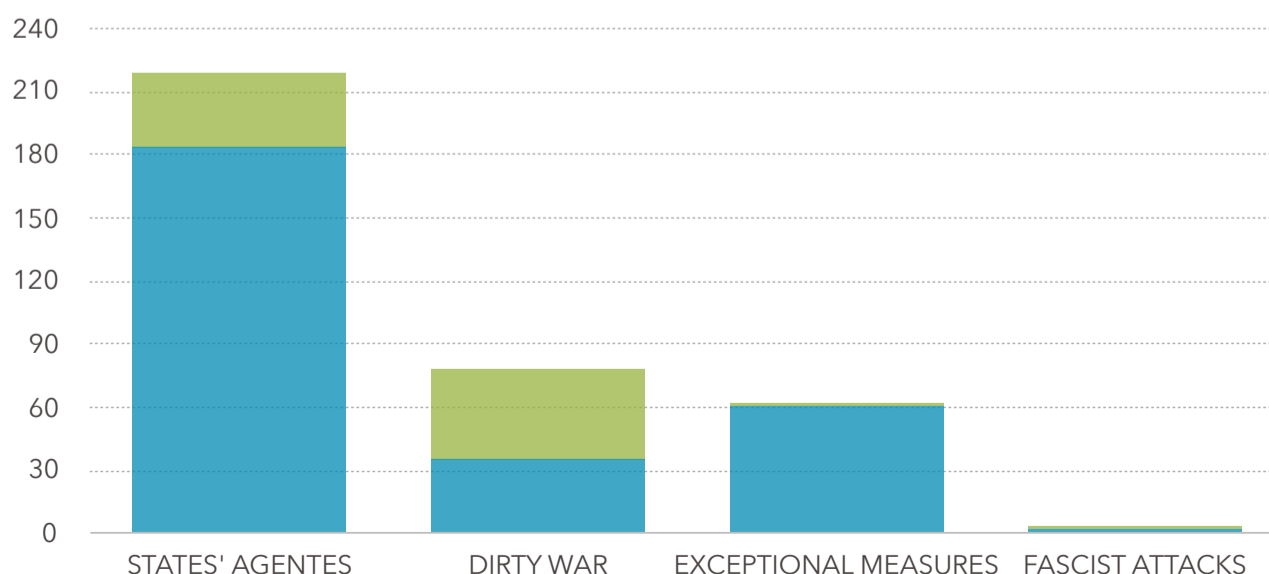
Number of deaths as direct consequence of the violence carried out by the Spanish and French States:

- Deaths by States' agents: **219**
- Deaths by dirty war²: **78**
- Deaths by exceptional political measures applied: **63**
- Deaths by fascists and right-wing extremism attacks: **4**



OFFICIALLY RECOGNIZED³: 82 victims (22,5%)

- **35 people out of 219** have been officially recognized as "victims caused by the security forces violence"⁴, **only the 16%.**
- **43 people out of 78** have been officially recognized as victims of ATE, BVE, GAL or GAE⁵, **only the 75,6%.**
- **Only 2 out of the 63** people dead as a consequence of the exceptional measures applied to basque citizens has ever been recognized⁶.
- **2 people out of the 4** killed by fascist and right-wing extremism attacks have been recognized by the Spanish Ministry of Internal Affairs as victims of terrorism⁷.



TPOLOGIES

DEATHS BY STATES' AGENTS

- **Tortured**: 13 people
- **Arbitrary executions**: 73 people
- **At checkpoints**: 23 people
- **At mobilizations**: 28 people
- **Executed**: 2 pertsona
- **Driven to suicide**: 1 person
- **Other circumstances⁸**: 79 people

Data according to police forces:

- **Guardia Civil**: 114 people
- **Spanish National Police**: 71 people
- **Basque Autonomous Police (Ertzaintza)**: 14
- **Military**: 10 people
- **Local Police**: 1 person
- **French Police**: 2 people
- **Others**: 7 people.

Data divided by periods:

- **From 1958 to 20th November 1975 (17 years)**: Franco's dictatorship: 68 people.
- **From 20th November 1975 to 6th December 1978 (3 years)**: Democratic transition: 52 people.
- **From 1978 to 2019 (41 years)**: Democratic period: 99 people.

DEATHS BY DIRTY WAR

- **Alianza Apostólica Anticomunista (Triple A)**: 9
- **Batallón Vasco-Español (BVE)**: 32 people
- **Grupos Armados Españoles (GAE)**: 2 people
- **Grupos Antiterroristas de Liberación (GAL)**: 27
- **Enforced dissapearances**: 4 people
- **Dirty war (unclaimed)**: 12 people

DEATHS BY FASCIST ATTACKS

- **Stabbed**: 1 person
- **At mobilizations**: 2 people
- **Beating**: 1 person

DEATHS BY EXCEPTIONAL POLITICAL MEASURES APPLIED

- **Deaths as a consequence of the penitentiary policy⁹**: 34 people
- **Deaths as a consequence of the dispersion policy**: 16 people
- **Deaths as a consequence of the deportation policy¹⁰**: 9 people
- **Drivings to suicide¹¹**: 4 people

Data by periords:

- **Until the start of dispersion policy (1989)**: 11 deaths
- **From 1989 (beginning of the dispersion policy) until 2019**: 52 deaths

Other data of great importance:

- **21 prisoners** ill with serious and incurable diseases are still imprisoned, even if their current situation is irreversible¹².

OTHER DEATHS THAT SHOULD BE CONSIDERED

According to the international law, not all the sufferings can be considered as violations of human rights. Nevertheless, in regard to the definitive overcoming of the basque political conflict, it is important to know and consider other sufferings that are closely related to it because they all have also generated pain. Consequently, other **115 deaths** must be remembered and must conform part of the legacy, in order to definitively overcome the conflict.

Moreover, other **5 people** from other places in the world lost their lives in circumstances related to the basque conflict, or in solidarity actions.

WOUNDED

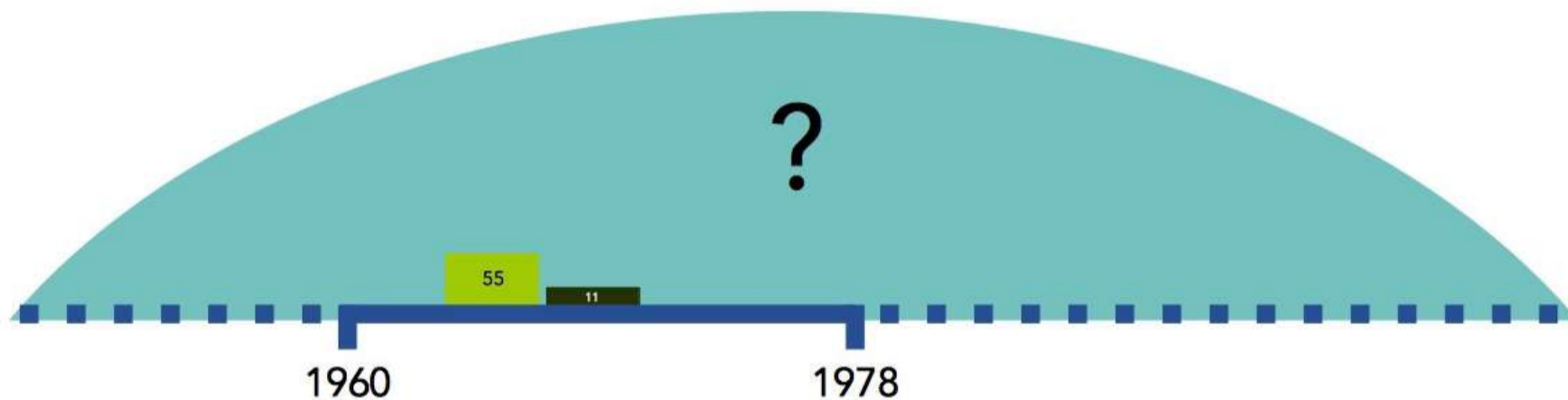
Nowadays, there are no studies which can quantify exactly the complete number of wounded people as a result of the violence carried out by the States. According to data offered by the Basque Government¹³, between the years 1960 and 2013, **746** people were wounded by security forces, and other **426** by paramilitary and extreme right groups.

But **the reality is much wider**. As an example, in only one day, the 3rd of march of 1976, in the massacre of Vitoria-Gasteiz, 60 people¹⁴ were wounded in 15 minutes (44 of them with bullet wounds).

OFICIALLY RECOGNIZED

The report "Saliendo del olvido"¹⁵ gives recognition to **66 people**:

- 55 caused by firearms.
- 11 caused by rubber bullets.



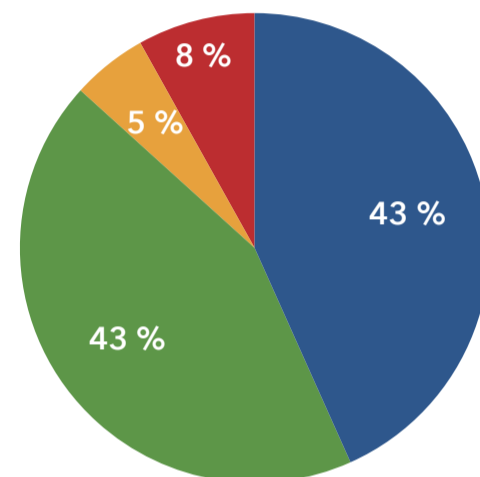
This report shows only a small sample of the reality.

TORTURED

4.113

are, at least, the allegations of torture made by 3.415 people. Furthermore, "these statistics are below the real number of affected people"¹⁶. On the other hand, Euskal Memoria Foundation, in its "Investigation Report about the Torture in the Basque Country"¹⁷ **talks about 5.657 verified torture cases to 4.643 people.**

Data according to police forces::

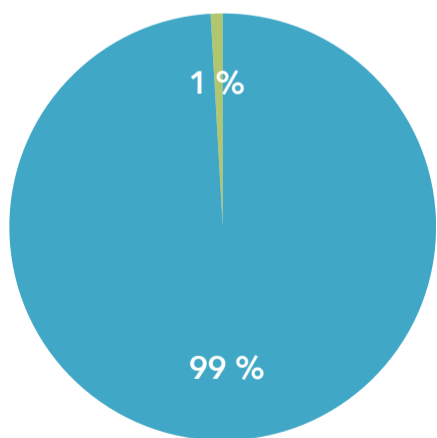


Data according to gender:

- 84,2%** male.
- 15.8%** female.

OFICIALLY RECOGNIZED: 31 victims¹⁸ (0,9%)

Victims of torture hardly ever have had any attention measures, any recognition or any reparation. The judicial complaints that have achieved a condemnatory sentence are negligible (the rest were filed):



•**Victim consideration:** 31 people (4 women and 27 men).

•**Condemned:** 49 people (1 woman and 48 men). 21 members of the Spanish National Police and 28 members of Guardia Civil. Many of them were pardoned afterwards.

•**The Spanish State has been declared guilty 12 times** by international bodies for not investigating the torture reports, being the first one a judgment of the Committee Against Torture (1998) and the last one, the sentence of the Strasbourg's European Court of Human Rights regarding to Portu and Sarasola case (February of 2018).

On the other hand, the testimonies of torture of **72 people** of between the years 1960 and 1978 have been recognized by the report "Saliendo del olvido"¹⁹.

IMPEDIMENTS FOR THE OFFICIAL RECOGNITION

Eventhough the level of official recognition that victims of violence carried out by the State is very low, many times decisions have been taken in the last years, in order to avoid or ban truth and recognition initiatives.

These are some examples:

- **Spanish State denied the right of those who had been previously accepted as victim of state terrorism victim**, as established in 29/2011 law (case currently at European Human Rights Court in Strasbourg).
- **Appeal and dismissal against 16/2015 Law** passed by Navarra Autonomous Parliament. That law's purpose was to recognize and repair victims of political motivation carried out by far right groups and public servants.
- **Maintaining the 9/1968 Official Secrets Law**, partially amended by 48/1978 Law. The 2nd section of the Law stresses that classified documents are those that the Law declared them as "issues, information, files, data and objects which acknowledge of no authorized people could harm or put in risk the security or defense of the State". It is a restriction that mainly limits the dissemination of information that could put in risk the so-called "national security", application by "State reason". And, thus, it limits the right of the victims to know the truth.
- **Null judicial investigations** carried out at the time: too many times evidences have disappeared or judgments have been given based on "official versions" built to justify illegitimate violence carried out by State agents.
- **Decorations and pardons**: Many agents that have ever been declared guilty have been pardoned or decorated after committing serious violations of the human rights. The impunity of these crimes is a remarkable fact. This strategy has spawned in many occasions grave breach of human rights made by state servants against people which have been suppressed, denied or justified, prompted by a wrong suspicion of believing that condemning those actions legitimized ETA's violence.

ENDNOTES

¹ Source: Euskal Memoria Foundation. "La guerra no declarada. Terrorismo de Estado en Euskal Herria". 2014.

² The typologies "dirty war" and "States' agents" have been detached, although at all cases of dirty war investigations state agents have been involved in.

³ Source: Secretariat for Human Rights, Coexistence and Cooperation of the Basque Government. <http://www.euskadi.eus/web01-apvictim/es/o11aConsultaWar/victima?locale=es>

⁴ From years 1960 to 1978, by the decree 107/2012, issued by the Basque Government.

⁵ By the Law 29/2011 (Spanish Government), the Law 32/1999 (regulation issued by the Spanish Government) and the Law 4/2008 (regulation of the Basque Government). Eventhough they were already officially recognized as victims of terrorism, the Spanish Government denied an equalitary treatment to these victims in 2011, denying them to equate the compensations received.

⁶ Decisions of the Local Concils of Iruña-Pamplona and Barañain (Navarre) in november, 2018.

⁷ By the 29/2011 Law.

⁸ This category includes a various circumstances, as: asphyxia, rifle kick, pedestrian impacts, heart attacks in police charges, etc.

⁹ Related to people died caused by penitentiary or dispersal policy, thanks to exceptional political measures applied within the prisons, which has been constantly applied since 1936 military uprising led to fulfill the prisons of Basque people. Afterwards, hundreds of Basque political prisoners were imprisoned in dozens of jails in France and other European countries and in Latin America. As during Francoism or the so-called transition, there were man and women prisoners outside the Basque Country, which brought many drawbacks, accidents and aggressions. However, from 1978 on, during different phases and strategies, the Spanish Government, and afterwards the French Government, designed a penitentiary policy conceived as mechanism of pressure, revenge and destruction of the imprisoned person. The medical neglect and the lack of proper prevention and treatment of the illnesses of the Basque political prisoners caused important erosion of the living conditions for most of the prisoners. Furthermore, since 1989 when the dispersal policy has been universalized, this threat goes also against the relatives of those who are imprisoned, who are under an endless process of transfers, long journeys and additional economic burden.

¹⁰ During the Francoism was common the use of temporary deportation to remote places from the peninsula of those accused and condemned for offenses like sedition, illegal association or "terrorism". After the death of the dictator, some imprisoned people were "missed" to different European cities, atypical legal form with no legal coverage which was used during a short period of time. Nevertheless, it was the French government that used profusely this repressive tool against different sectors during its history, specially active against the collective of Basque political refugees in the decades of 70s and 80s. After a phase of deportation and house arresting in french territory (Yeu island, Porquerolles, Valensole, Paris...) from 1984 on, and after some resolutions and agreements between Spanish and French governments that revoked GAL's actions in North of the Basque Country, deportation became one of the most repressive methods par excellence. Since then, dozens of Basque refugees were deported to many states in Africa and Latin America, where they still are. Many of them have suffered attacks, sessions of tortures, threats, attempts of kidnapping and all kinds of penalties in an unprecedented situation at international jurisdiction, as well as deprived of having a regularized situation at labor, health or legal level.

¹¹ While it is true all of them can not considered as direct responsibility of warring parties (armed organizations, States...), we want to include in this list those who decided to end his or her life after having suffered a concrete and direct pressure from the States, at different contexts exposed in this report (circumstances related to political persecution, military service disobedience criminalization and refugees persecution, for example), but they worth social reproach and assumption of responsibilities by their instigators.

¹² Source: Jaiki Hadi Association. Dossier "Cárcel y salud 2018". <http://www.etxerat.eus/index.php/eu/txostenak/jaiki-hadi>

¹³ Informe-base de vulneraciones de derechos humanos en el caso vasco (1960-2013): http://www.euskadi.eus/contenidos/informacion/documentos_paz_convivencia/es_def/adjuntos/informe_base_vulneraciones.pdf

¹⁴ Asociación Martxoak 3 de marzo: <http://www.martxoak3.org/en/the-events/>

¹⁵ Written by the Evaluation Committee of victims, human rights' violations and other unfair sufferings occurred in a context of political violence in the Basque Autonomous Region between the years 1960 and 1978, created according to the 107/2012 Decree of the Basque Government. https://www.irekia.euskadi.eus/uploads/attachments/9855/INFORME_saliendo_del_olvido.pdf

¹⁶ According to the report about the tortures in the Basque Autonomous Region made by the Basque Government: "Proyecto de investigación de la tortura y malos tratos en el País Vasco entre 1960-2014" (2017): https://www.irekia.euskadi.eus/uploads/attachments/10774/CONCLUSIONES_-_Investigacion_tortura-malos_tratos_18-12-2017.pdf

¹⁷ Updated for the last time on the 31st of December, 2016.

¹⁸ Source: "Proyecto de investigación de la tortura y malos tratos en el País Vasco entre 1960-2014" (2017). https://www.irekia.euskadi.eus/uploads/attachments/10774/CONCLUSIONES_-_Investigacion_tortura-malos_tratos_18-12-2017.pdf

¹⁹ https://www.irekia.euskadi.eus/uploads/attachments/9855/INFORME_saliendo_del_olvido.pdf

