



Report about the level of official recognition of victims that have suffered violence carried out by the States

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Egiaria

It is difficult to define a specific period of time to quantify the victims produced as a result of the political conflict that Euskal Herria has experienced.

Egiari Zor Foundation tries to be as accurate as possible when diagnosing the origin and results of the violence suffered. **If we go back to the violent origins of our political conflict, we find a milestone that marks our memory and that is the starting point of the violent continuum we have lived until the present days: the coup d'etat perpetrated in July of 1936.** Therefore, we consider that, when quantifying the different victims, this date must be the referential starting point.

In addition, we believe that the year 2010 should not be set as a limit to this quantification: it should go as far as the present days, as the political conflict still remains. After the definitive cessation of the armed activity of ETA in 2011, there have been cases of police violence, ideological persecution, political detentions, media and mobilization illegalizations, etc., which cannot be excluded from the context of the "Basque case".

An example of this is the death of Iñigo Cabacas due to a shot fired by the Ertzaintza in 2012; the persistence of the dispersion of Basque prisoners; the imprisonment, in 2016, of the seven young of Altsasu accused of hitting two Guardia Civil in a bar. The political conflict still endures and the violations persist, even though ETA no longer kills.

There is no doubt that, prior to the birth and armed activity of ETA, as well as at the same time, there was already a direct, structural and cultural violence: Franco's dictatorial regime. According to the point of view of Egiari Zor, this violence still persists, to a lesser degree, beyond the definitive disappearance of ETA, in 2018. It is absolutely serious that who should be the guarantor of the human rights of citizens has been the one that violates them.



Different associations of Historical Memory carry out an important work regarding the period after the 1936 coup d'etat, including the first decades of Franco's dictatorship. That is why **in Egiari Zor we have focused on the quantification of the victims caused by the Spanish and French States since 1960**, with special emphasis on how small is the percentage of recognized victims by the authorities. This data can be visualized in the following three sections referred, respectively, to dead, tortured and injured.

The forms of violence that States have used for long years in the context of the political conflict in Euskal Herria have been very plural and diverse. They are, therefore, just as plural and diverse as the victims that these violences have generated.

Trying to enumerate each one of them is a task of enormous difficulties, because each person that has suffer these violences can nuance a different experience.

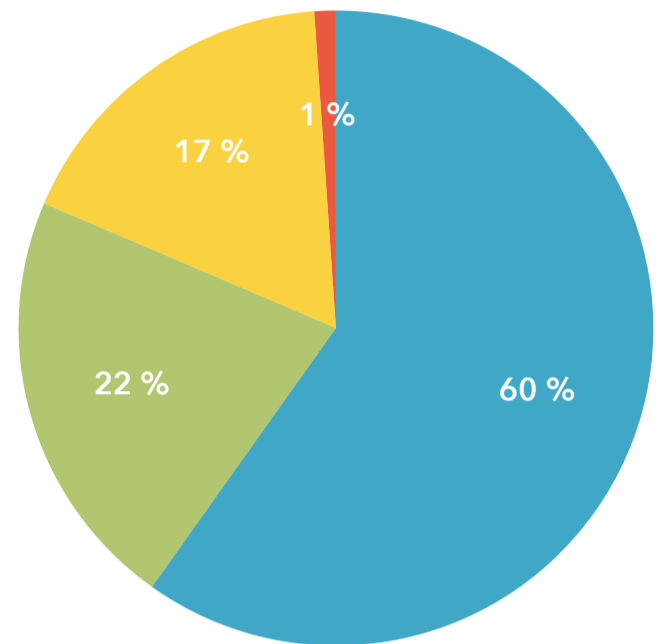
In spite of it, observing the number of people killed, injured and tortured, since 1960, due to the violence carried out by the Spanish and French States, and verifying that the vast majority of them are not recognized as victims , can offer us a photograph of the reality that Euskal Herria lives.

VICTIMS OF THE STATES: TOOL

DEATHS¹

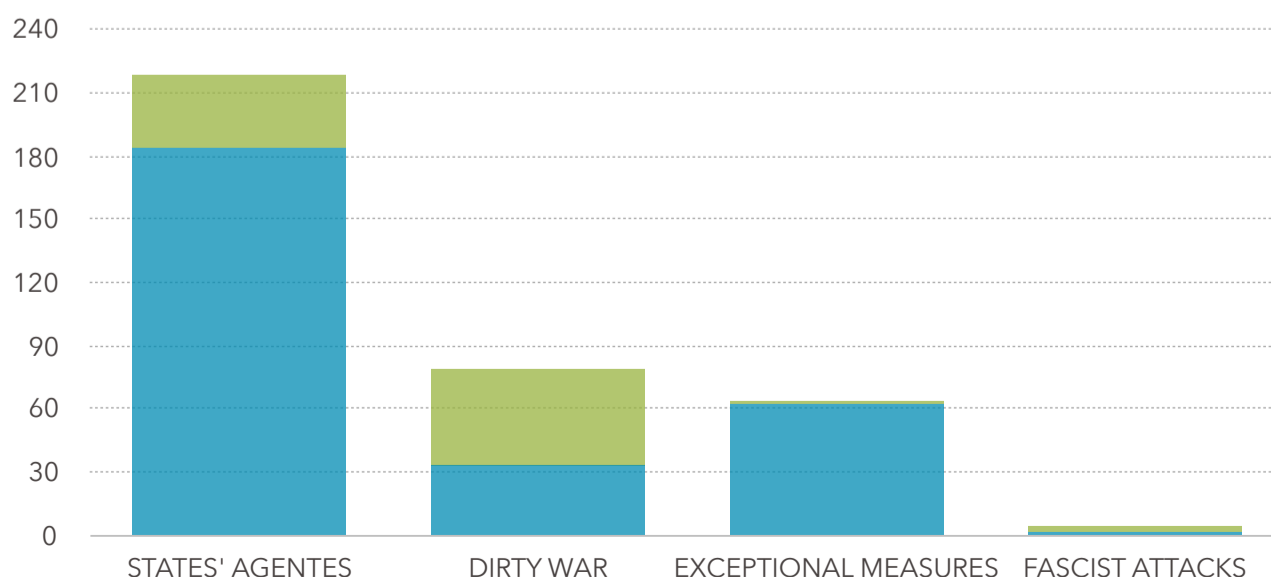
366

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



OFFICIALLY RECOGNIZED³: **88 victims (24,04%)**

- **35 persons out of 219** have been officially recognized as "victims caused by the security forces violence"⁴. Another 5 people are recognized by the Spanish Ministry of Interior as "victims of terrorism", but there are doubts about the authorship. That is **only 18,2% of these casualties**.
- **43 persons out of 79** have been officially recognized as victims of ATE, BVE, GAL or GAE⁵, **only 58,2%**. The authorship of two cases is unclear.
- Only **2 people** dead as a consequence of the exceptional measures applied to Basque citizens has ever been somehow recognized by Local Councils, but never in an official way⁶.
- **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.



TYOLOGIES

DEATHS BY STATES' AGENTS

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

Data according to Security 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 by time periods:

- **From 1958 to 20th November 1975 (17 years):** under 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 (DIFFERENT GROUPS)

- **Alianza Apostólica Anticomunista (Triple A):** 8
- **Batallón Vasco-Español (BVE):** 25 people
- **Grupos Armados Españoles (GAE):** 5 people
- **Grupos Antiterroristas de Liberación (GAL):** 29
- **Enforced disappearances:** 4 people
- **Dirty war (unclaimed):** 8 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 exceptional penitentiary policy⁹:** 35 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 periods:

- **Until the start of dispersion policy (1989):** 11 deaths
- **From 1989 (beginning of the dispersion policy) until 2019:** 53 deaths

Other important data:

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

OTHER DEATHS THAT SHOULD BE CONSIDERED

According to 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 have also generated pain. Consequently, another **115 deaths** must be remembered and must conform part of the legacy. 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

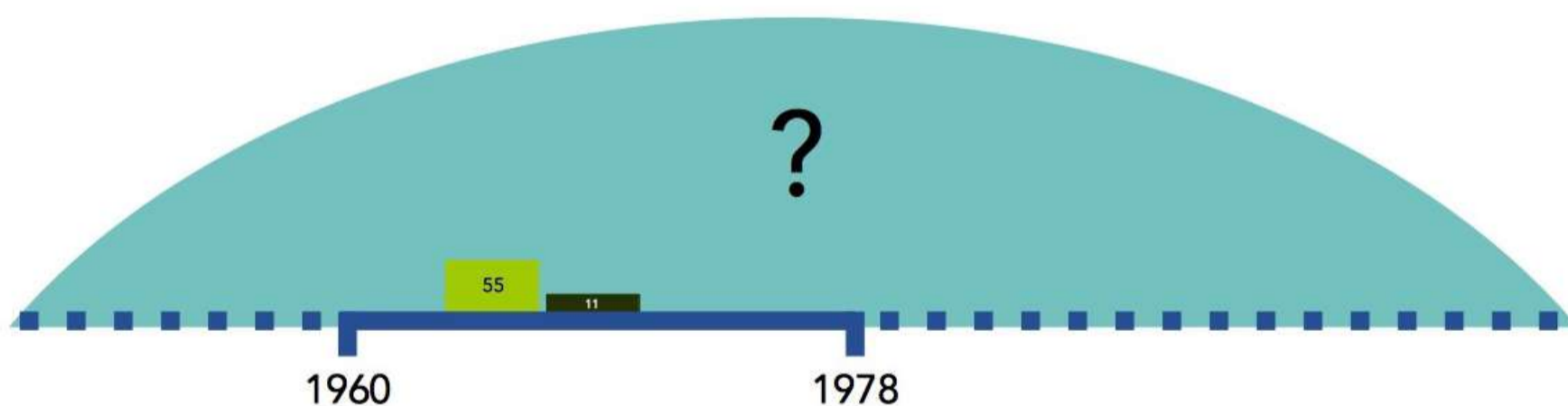
Nowadays, there are no studies to exactly quantify the total number of people wounded as a result of the violence carried out by the States. According to data offered by the Basque Government¹³, between the years 1960 and 2013, **746** people were wounded by security forces, and 426 by paramilitary and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

But **reality is far more extensive**. For example, only in 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 reflects only a small sample of the reality.

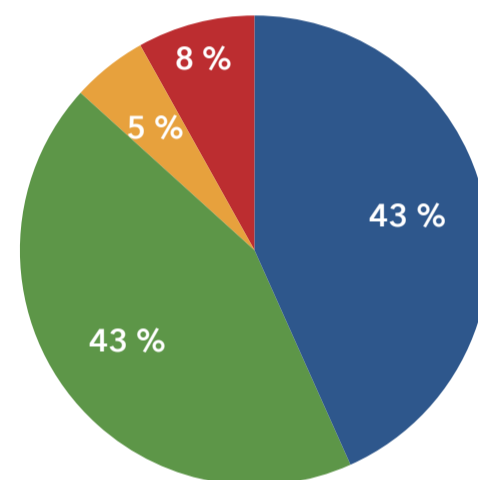
TORTURED

4.113

are, at least, the proven cases of torture practiced by the Guardia Civil, the Policia Nacional and the Ertzaintza, suffered by 3415 people, according to the report on torture in the Basque Autonomous Region. Furthermore, "these statistic 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 **records about 5.657 verified torture cases affecting 4.643 people.**

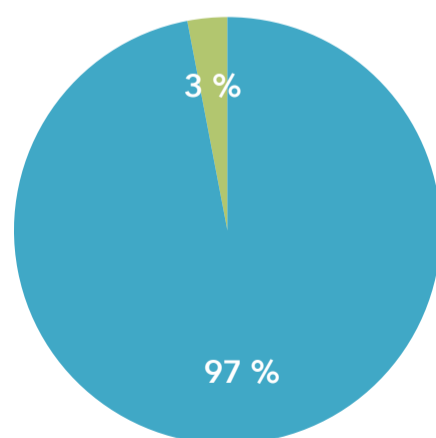
Data according to Security forces::



Data according to gender:

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

OFICIALLY RECOGNIZED: 103 victims¹⁸ (2,5%)



- The judicial complaints that have achieved a condemnatory sentence are negligible (the rest were filed): **only 31 people** have been considered "victims of torture" by judicial sentences. It is, therefore, less than 0.9% of the cases (source: Report on torture in the Basque Autonomous Region).

- 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 (Coming out of oblivion¹⁹)".

The Spanish State has been declared guilty 12 times by international bodies (European Court of Human Rights, United Nations...) for not investigating the torture reports.

IMPEDIMENTS FOR THE OFFICIAL RECOGNITION

Even though the level of official recognition that victims of violence carried out by the State is very low, many times decisions have been taken in order to avoid or ban truth and recognition initiatives. These are some examples:

- **The Spanish State denied the rights of equalitarian compensation** to those who had been previously accepted as victims of State terrorism, as established by 29/2011 law (case currently at European Human Rights Court in Strasbourg).
- **Appeal against 16/2015 law** passed by Navarra Autonomous Parliament, which was then annulled. That law's purpose was to recognize and repair victims of political motivation caused 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 dictates that classified documents are those that the Law declares "issues, information, files, data and objects that, if known by unauthorised persons, could harm or put in risk the security or defence of the State". It is a restriction that mainly limits the spreading of information that could compromise the so-called "national security", applying "reasons of State". And, thus, it limits the right of the victims to know the truth.
- **Null or hindered judicial investigations:** too many times evidences have disappeared or rulings have been given based on "official versions" built to justify illegitimate violence carried out by State agents.
- **Decorations and pardons:** Many agents that have been declared guilty have later on been pardoned or decorated after committing serious violations of human rights. The impunity of these crimes is a remarkable fact. For example, around a hundred of agents implied in torture cases have been decorated, and still hold their medals. This strategy has generated that many serious breaches of human rights caused by State servants have been hidden, denied or justified, prompted by a the erroneous belief that condemning these 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 haven 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 various circumstances, such as: asphyxia, rifle recoil, impacts on pedestrians, heart attacks in police charges, etc.

⁹ This relates to people whose death was caused by penitentiary or dispersal policy, owing to exceptional political measures applied within the prisons, a practice which has been constantly applied since the 1936 military uprising filled prisons with Basque people. Afterwards, hundreds of Basque political prisoners were imprisoned in dozens of prisons in France and other European countries and Latin America. As during Francoism or the so-called transition, there were many prisoners, men and women, outside the Basque Country, which resulted in many drawbacks, accidents and aggressions. However, from 1978 on, during different phases and strategies, the Spanish Government, and afterwards the French Government, designed a specific penitentiary policy conceived as a mechanism of pressure, revenge and destruction of the imprisoned person. Medical neglect and the lack of proper prevention and treatment of illnesses of Basque political prisoners caused important erosion of the living conditions for most of them. Furthermore, since 1989 when the dispersal policy has been universalized, this threat goes also against their relatives, who live under an endless process of transfers, long journeys and additional economic burdens.

¹⁰ During Francoism the use of temporary deportation to remote places from the peninsula of those accused and condemned for offenses like sedition, illegal association or "terrorism" was quite common. After the death of the dictator, some imprisoned people were "dismissed" 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 profusely used this repressive tool against different sectors during its history, especially against the collective of Basque political refugees in the 70s and 80s. After a phase of deportation and house arrest 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. Since then, dozens of Basque refugees were deported to different states in Africa and Latin America, where they still remain. Many of them have suffered attacks, sessions of torture, threats, kidnap attempts and all kinds of penalties in an unprecedented situation at international jurisdiction, in which they are deprived of a regularized situation at labour, health or legal level.

¹¹ While it is true that all of them can not considered as direct responsibility of warring parties (armed organizations, States...), we include in this list those who decided to end their lives after having suffered a concrete and direct pressure from the States, in the different contexts exposed in this report (circumstances related to political persecution, military service disobedience, criminalization and refugees persecution, for example), but they deserve social recognition 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

