

EFFECTS OF TERRORISM ON THE ENJOYMENT OF ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Inputs of COVITE concerning concrete data, statistics, best practices and major challenges in addressing the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms

October 2017

To: Secretariat of the Human Rights Council Advisory Committee
OHCHR - United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland



COVITE

COVITE, the Terrorism Victims Collective, was founded in 1998 in the Basque Country to fight against ETA terrorists by means of dialogue. It is a non-governmental organisation that fights against terrorism, prevents violent radicalisation and defends human rights. Amongst the various Spanish victims associations, COVITE is the only one that has been granted the “special consulting status” by the United Nations (UN/ECOSOC). As human rights defenders, it carries out its activity nationally and internationally, focusing on three areas: activism, dialogue and research.

Authors

Irene Muñoz Escandell, head of the Department of International Relations of COVITE
Maria Jimenez Ramos, head of the Department of Communication of COVITE

Contact details

Apdo. de Correos 3358
20080 San Sebastian, Gipuzkoa, Spain.
Tel +34 943 322 888
correo@covite.org – www.covite.org

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1. DATA AND STATISTICS

1.1. EU countries

• **Legislation in the EU Countries: Results from the study “Comparative Study on the Legislation for Victims of Terrorism in the EU countries (Gray Paper)”¹**

The aim of the “Comparative Study on the Legislation for Victims of Terrorism in the EU countries” (Muñoz Escandell, 2017), known as Gray Paper, is to provide an overview of the legal status of victims of terrorism according to the statutory laws in force in the different EU Member States, with a special focus on whether specific regulations exist regarding their rights. To achieve this objective, and as an essential condition to carry out a critical and comparative analysis, we have identified relevant and objectively verifiable data which reflect the main values that inspire the different legal systems regarding this specific area.

While the European Union has developed a number of rules and instruments which, in one way or another, have shown a well-founded need to consider the specific nature of victims of terrorism as “macro-victims”, the perception of this need has been very uneven among its Member States.

The data collected from the countries consulted reveal that the lack of a legal status for victims of terrorism is directly related, in most cases, to little or no experience in dealing with this type of crimes. Unfortunately, this situation is beginning to reverse with the eruption of terrorism at the global level, which started to awaken the international community following the 9/11 attacks on the United States.

Lack of knowledge inevitably implies low levels of awareness of the fact that terrorism undeniably constitutes a serious violation of human rights and that the symbolic dimension of victims in the fight against this scourge is very powerful.

For this reason, the adoption of legislation has been done the hard way and forced by experience, without exceptions. Member States where terrorism has had an intense and more or less prolonged presence have adopted a number of rules to address the most pressing needs of the large number of resulting victims, to which those of global terrorism must be added, just as in all other Member States. On the other hand, Member States with little or no terrorist activity within their borders have not, at best, gone beyond isolated statements in general rules.

According to the results, Member States can be split in three main groups:

- 1) Member States with specific legislation;
- 2) Member States with no specific legislation;
- 3) Member States with no specific legislation, but which have adopted some relevant, specific provisions.

¹ MUÑOZ ESCANDELL, I., “Comparative Study on the Legislation for Victims of Terrorism in the EU countries”, Initiative by Maite Pagazartundua, European Parliament, May 2017.

The following table shows the results from the study regarding the existence of specific legislation in the EU Member States for the protection and support of victims of terrorism.

SPECIFIC LEGISLATION FOR THE PROTECTION AND SUPPORT OF VICTIMS OF TERRORISM	
Member States with specific legislation	Member States without specific legislation
France	Austria
Italy	Bulgaria
Spain	Croatia
	Czech Republic
	Cyprus
	Denmark
	Estonia
	Finland
	Hungary
	Ireland
	Latvia
	Lithuania
	Luxembourg
	Malta
	Netherlands
	Poland
	Portugal
	Slovakia
	Slovenia
	Sweden
	Romania
Member states without specific legislation, which have some legal provision for the victims of terrorism	
	Belgium
	Germany
	Greece
	United Kingdom

There is a middle ground where examples of more robust provisions to support victims of terrorism can be found, which never exceed however the annual budget estimates or the successive set up of schemes or measures that, by their very nature, do not conform a separate legal status.

The above reflects that the awareness process is intimately linked to the Member State’s own experience and that promoting prevention is still, without a doubt, relegated to a secondary position.

Likewise, there is a widespread tendency to identify reparation with mere compensation, although there are also very remarkable models that promote coordinated assistance between government agencies and victims’ associations, and favor among other aspects a more humane contact with the help of trained professionals.

Consequently, returning to the idea raised at the beginning of this study, a knowledge-based approach will allow us to increasingly conquer violence-free spaces. As utopic as this may

sound, it is in fact a horizon we must look at, a reference point, while paradigms are modified so that the changes can truly happen and be effective.

More information is available at:

- **“COMPARATIVE STUDY ON THE LEGISLATION FOR VICTIMS OF TERRORISM IN THE EU COUNTRIES”**

Author: Irene Muñoz Escandell

An overview of the legal status of victims of terrorism according to the statutory laws in force in the different EU Member States, with a special focus on whether specific regulations exist regarding their rights

An initiative by Maite Pagazaurtundua, member of the European Parliament, European Parliament, May 2017

- **Terrorist attacks with fatal victims in the EU countries**

According to Fernando Reinares, *“terrorism is a type of violence whose psychological effects, such as emotional reactions of anxiety or intimidation when among those belonging to a particular population, are notoriously disproportionate with respect to the material consequences and physical harm to persons or things which it provokes. In order for that violence to have such an impact, in addition to its being systematic and unpredictable, we find that it is distinctively directed mainly against targets selected due to their symbolic relevance. Objectives which, when damaged, become the channel for the messages and threats that make terrorism a mechanism of communication and social control. When conceived in such manner, terrorism can be used by a wide range of actors and for quite a wide range of purposes”*².

The European Union and its Member States have been targeted by terrorism in virtually all its forms in the period 2000-2016, both within their borders and beyond, through attacks from violent nationalism, the far right and far left, and of course, Jihadism. Al Qaeda, DAESH and some lone wolves, all of which belong to the same ideology, have found a way to try to frighten 500 million people with carefully selected attacks that have created a sense of helplessness.

It is estimated that more than 5,000 Europeans have joined the ranks of the Islamic State, which also increases the danger given that when these fighters return to their countries of origin, networks of friends and accomplices are able to help them. According to some sources, DAESH has ordered or inspired about 75 terrorist attacks in 20 countries outside Syria and Iraq, a strategy aimed at internationalising their fight, in parallel to their loss of direct influence in the Middle East, Iraq and Syria since 2015.

The number of deaths in attacks in the EU and of European citizens killed by terrorist actions

² REINARES, F., *Dictionary of Sociology*, Oxford, 2008.

in the rest of the world amounts to 1,687 victims in the period 2000-2016. 12 European countries have been directly hit by attacks, with a total of 658 deaths, and 22 third countries have seen 1,029 Europeans die on their territory in those years³.

All Data and Statistics are available at:

- **“BLACK AND WHITE PAPER ON TERRORISM IN EUROPE”**

Victim’s data and status

In defence of freedom and security against fanaticism in the 21st century

An initiative by Maite Pagazaurtundua, member of the European Parliament

The data included in the Black Paper were collected and processed by the International Observatory for Terrorism Studies (OIET)

European Parliament, May 2017

2. Spain

Spain has been brutally scourged by terrorism in recent history. The terrorist group ETA committed 26 murders in 2000, 15 in 2001 and 7 in 2002, but it reduced its activity after 9/11. Still, ETA continued to kill regularly until 2009: the last victims in Spanish territory were two Spanish Civil Guards killed by a car bomb in Calvià (Majorca). Basque terrorism specialised in selective killings and in harassment to Basque non-nationalists. This managed to spread fear and victim stigmatisation. The other key element of its effectiveness over time was that it created a subculture of violence in many families, social settings and particularly small towns where it exerted an intense social control. ETA continued murdering until 2009.

Moreover, on March 11, 2004, ten bombs exploded during the morning rush hours on several suburban trains, leaving 193 dead and more than 1,800 injured in 3 minutes. It was the first major attack by a jihadist cell in European territory and the biggest terrorist attack in Europe after Lockerbie in 1988.

Finally, the last massive terrorist attack in the EU was perpetrated also in Spain. A jihadist cell attacked the Rambla, in Barcelona, and the promenade in Cambrils in August 2017. The attacks killed 16 people and injured 135.

- **Legislation in Spain⁴**

In this context, it is essential to make a distinction between general regulations at the national level and rules at the level of some Autonomous Communities.

The following regulations are available at the national level:

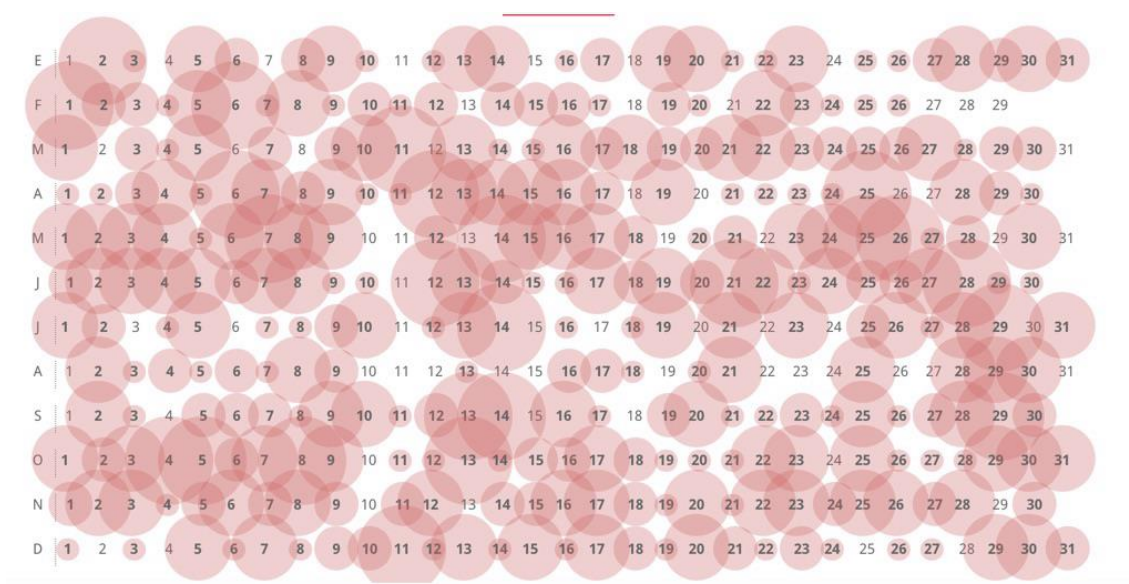
³ PAGA ZAURTUNDUA, M. (ed.), *Black and White Paper on Terrorism in Europe*, European Parliament, 2017.

⁴ MUÑOZ ESCANDELL, I., “Comparative Study on the Legislation for Victims of Terrorism in the EU countries”, Initiative by Maite Pagazaurtundua, European Parliament, May 2017.

- Act 29/2011 of 22 September on the Recognition and Comprehensive Protection of Victims of Terrorism (Spanish Official Journal (BOE) No. 229 of 23 September);
- General Subsidies Law 38/2003 of 17 November (Spanish Official Journal (BOE) No. 276 of 18 November);
- Law 31/1991 of 30 December on General State Budgets for 1992 -28th additional provision- (Spanish Official Journal (BOE) No. 313 of 31 December);
- Royal Decree 671/2013 of 6 September approving the implementing rules of Act 29/2011 of 22 September on the Recognition and Comprehensive Protection of Victims of Terrorism (Spanish Official Journal (BOE)) No. 224 of 18 September. Erratum in Spanish Official Journal (BOE) No. 225 of 19 September);
- Order INT/2026/2012 of 21 September laying down the legal basis for awarding grants to associations, foundations and non-profit organizations supporting victims of terrorism (Spanish Official Journal (BOE)) No. 232 of 26 September).

• **Terrorist attacks with fatal victims in Spain from 1960 to 2016⁵**

This calendar shows the frequency of terrorist attacks with fatal victims in Spain from 1960 to 2016. Most were carried out by ETA, who killed a total of 846 victims between 1979 and 2010.



⁵ COVITE, Victims of Terrorism Collective, “Report on the effects of terrorism on the enjoyment of Human Rights”, San Sebastian, Gipuzkoa, Spain, 2016, English version available at: https://covite.org/wp-content/uploads/2016/09/COVITE_Informe-efectos-del-terrorismo-en-DDHH_ENGLISH.pdf

- **Absence of complete and exact statistical information⁶**

The absence of information that affects the legal field is a problem that is totally transferable to the administrative area as it affects important aspects and the creation and introduction of attention programmes, among others. The absence of complete and exact statistical information increases the double victimisation and is a barrier to learn in percentages about the victims' real needs, the success or failure of the activities carried out, the nature of the criteria followed in the different resolutions, etc. In definite, the absence of information on the exact number of terrorism victims and the state in which they are makes it difficult to fulfil, and even hinders the ambition of integral compensation from a human rights point of view.

- **Monitoring and Impact Assessment⁷**

Despite the approval of many regulations on this matter, **the minimum required instruments have not been created in Spain to perform a correct follow-up and assessment** to measure their efficiency, their coherence with the aims to which they are oriented and their contribution to an effective guarantee of the collective's human rights for which they were drawn and approved. Thus, their introduction generally has the opposite effect to the aim that inspired or should have inspired them, causing a new impact on the victim known as "secondary victimisation". This new type of victimisation, created by the institutions that should be diminishing or eradicating the side effects of terrorism in so far as possible, increases the damage and perpetuates its effects.

A minimally rigorous analysis is not possible without statistical data or information retrieved from a previous full investigation that would lead to a diagnosis as exact as possible and the establishment of indicators, taken therefrom, that would make it easier to measure the impact of terrorism on the population. In order to retrieve this information, a multidisciplinary team needs to be created that would work for this aim with due guarantees, transversally adopting a **gender focus**.

Only a vague calculation of direct victims can be provided, as and when they died in the attack. There is no information on those who did not die immediately. For example, the number of people who live with the aftermath of the attack, the disabilities they suffer from, the risk of exclusion, the threats, the successful and failed suicides, the loss or damages to unborn babies in pregnant women, etc., is unknown.

There is not enough data to measure the dimension of the problem in direct and indirect victims, mothers, fathers, widows, widowers, sentimental partners that have suffered the death of a loved one or are at their side caring for the survivors with serious sequels. The loss of life is, without a doubt, the loss of the most loved possession of a human being. However, it is also important to highlight that it has been scientifically demonstrated that psychological damage is linked to the physical injuries and is usually more fatal.

⁶ *Ibid.*

⁷ *Ibid.*

2. BEST PRACTICES⁸

2.1. Memory of Terrorism Victims Foundation (FCMVT)

In 2015, the Centre for the Memory of Terrorism Victims Foundation (FCMVT) was created, as provided in Law 29/2011 of the 22nd of September, on the Recognition and Integral Protection of Terrorism Victims.

2.2. ‘General manual for good practices in the treatment of terrorism victims that avoids secondary victimisation’

Compilation, pursue and develop instances of good practices, such as: the ‘General manual for good practices in the treatment of terrorism victims that avoids secondary victimisation’ in the context of the Basque Country.

This states that it should always be included in a Manual or Protocol of good practices for professionals and/or volunteers that deal with terrorism victims. It puts forward a general, simplified and open proposal for good practice manuals that promote empathy, individual, personalised and non-discriminatory treatment, which would help in the victims recovery process, addressed to public and private agents.

This proposal focuses on:

1. - Rights of terrorism victims
2. - Victimisation and recovery procedures
3. - Replies to public and private agents to those procedures:
 - General obligations of institutions and social agents in those procedures
 - Obligations of the specific victims’ attention services
 - Administration of justice
 - Physical and mental health services
 - Education
 - Work and Social Security
 - Property and Social Services
 - Professional Colleges and Professional Associations
 - Media
 - Religious and spiritual authorities
 - Local institutions
 - Society in general

⁸ *Ibid.*

3. MAJOR CHALLENGES

1. Integration of the gender perspective in the attention and recover of terrorism victims, such as the prevention of violent radicalisation

The introduction of the gender perspective also has its impact on the story of the damage caused by terrorism, it opens the door to learning about its real dimension.

The identification and assessment of the different results that the regulations or public policies can have on the life of men and women is required in a disintegrated manner.

Moreover, notwithstanding their active role in the perpetration of terrorist attacks, there is sufficient proof to believe that women can be considered as the levy in violent radicalization procedures and a useful tool to fight against extremism both within their community and internationally.

Integrating the gender perspective in the attention and reparation to terrorism victims would give way to collecting the perception, experience, knowledge and interests of women and men who are terrorism victims to have a say in the creation of policies, the planning and decision making, promoting their participation.

It is important to consider the “gender impact”¹⁴ as the identification and assessment of the different results that the regulatory provisions or public policies could put forward in the lives of men and women, in a disaggregated manner. In such a way that, with making decisions, there is more information on the social reality from a gender point of view which will allow the design of more efficient support strategies for terrorism victims and programmes sensitive to the different needs of men and women¹⁵.

Finally, it is important to point out that it is not about giving more or less attention depending on the victim's sex, but offering an adequate attention to each person depending on their differences in accordance with the equity principle; and this could be translated as not giving everybody the same, but what they need in justice.

2. Children: Radicalization processes⁹

There are children victims of terrorist attacks. Others are victims of “hatred” narrative. These different forms of violence cause intergenerational effects and it affects their personal and socio-economic development.

Several strategic documents of the European Union point out among the spaces to spread radical ideas, especially four: Internet, prisons, some places of prayer and educational centers.¹⁰ One example is given below.

⁹ MUÑOZ ESCANDELL, I., “Terrorismo y procesos de radicalización violenta en niños y niñas: Dos importantes barreras para lograr el desarrollo sostenible”, Aportaciones de COVITE para el Informe de la Oficina del Alto Comisionado de la ONU para los Derechos Humanos (ACNUDH) sobre la protección de los derechos del niño en la implementación de la Agenda 2030 para el Desarrollo Sostenible, San Sebastián, 14 de octubre de 2016: <http://www.ohchr.org/Documents/Issues/Children/2030/COVITE.pdf>

Radicalization processes in public education centers in the Basque Country

For decades, Spanish children have been direct victims of the ETA ("Basque Homeland and Liberty")¹¹ terrorist violence. Even today, in the Basque Country they are victims of a "hatred" narrative which increases exponentially when directed to those who do not share their ideals. September 27, 2016, is the commemorative date of the "Gudari Eguna"¹², the date on which the terrorist band traditionally "remembers" and honors their deceased. In this event fifty children from the Agustín Iturriaga School (located in Hernani) participated, and honored twenty two members of ETA in the premises of this public school facility, during school hours and in the presence of other minors.



This photograph is an image of the event. It shows the children posing with images of a group of "honored" terrorists, among those, members of the terrorist organization who have a proven record of up to 13 murders.

Source: COVITE

The event was also broadcasted on the social network Twitter, including, in addition photographs, a video of a dance ("*aurreku*") in honor of the terrorists in the school premises.

In this regard, the "1st Annual Report of the Commissioner for Human Rights" (Council of Europe) states:

"In practical terms, the use of means of transmitting culture and knowledge to foster in children and young people an approach to knowledge based on a legitimate concept of nationalist positions, but unfortunately involving the option of exclusion and aggression against those who are not nationalists, sometimes borders on the giving of encouragement to

¹⁰ JORDÁN, J., "Políticas de prevención de la radicalización violenta en Europa: elementos de interés para España", Revista Electrónica de Ciencia Penal y Criminología. 2009, núm. 11-05: <http://criminet.ugr.es/recpc/11/recpc11-05.pdf>

¹¹ ETA is an acronym for Euskadi Ta Askatasuna. It means "Basque Homeland and Liberty".

¹² "Gudari Eguna" translates as "Soldier's Day". Terrorists are considered "soldiers".

racist and xenophobic positions, and this is certainly incompatible with a democratic concept of society and carries within it the seeds of human rights violations. Although the Basque Government's Regional Minister for Education personally informed me of the efforts being made and campaigns being conducted in schools to promote values such as equality, it is nonetheless the case that the content of certain textbooks which are not exactly in line with the aim of promoting mutual understanding and conviviality ought to be examined, and certain programmes shown on Basque public television on which children are allowed to sing songs heaping scorn onto people who are pro-Spain should be dropped."¹³

The "Second Report on Spain" of the European Commission against Racism and Intolerance (ECRI) also provides:

"ECRI also notes with concern the report of the Council of Europe Commissioner for Human Rights, according to which, in the schools in the Basque country, «the use of means of transmitting culture and knowledge based on a legitimate concept of nationalist positions, but unfortunately involving the option of exclusion and aggression against those who are not nationalist, sometimes borders on the giving of encouragement to racist and xenophobic positions.»"

Likewise, in Paragraph 30, *"ECRI expresses its concern at the existence of aggressive nationalism in the Basque country, where an important part of the non-nacionalist population is subjected to social exclusion, threats and violence, sometimes resulting in deaths. In accordance with its mandate, ECRI is particularly concerned at the xenophobic and ethnic dimension of the violent actions carried out by the terrorist organization ETA."*¹⁴

It is important to keep in mind the European Commission against Racism's (ECRI) Recommendation N° 7, which determines that hate narrative constitutes those expressions that intentionally disseminate public incitement to violence, hatred or discrimination; as well as insults and slanders against persons or groups on the grounds of race, color, language, religion, nationality, national or ethnic origin.¹⁵

Furthermore, Recommendation N° 15 of ECRI states:

The "hate speech may take the form of the public denial, trivialisation, justification or condonation of crimes of genocide, crimes against humanity or war crimes which have been

¹³ COUNCIL OF EUROPE, 1st Annual Report of the Commissioner for Human Rights, 15 October 1999 to 1 April 2001, to the Committee of Ministers and the Parliamentary Assembly, December 2011, pp.116 and 117, available at:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2956078&SecMode=1&DocId=2394374&Usage=2>

¹⁴ ECRI, European Commission against Racism and Intolerance, "Second Report on Spain", adopted on 13 December 2002, Strasbourg 8 July 2003, p. 14, available at: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Spain/ESP-CbC-II-2003-040-ENG.pdf>

¹⁵ ECRI, General Policy Recommendation N° 7 on National Legislation to Combat Racism and Racial Discrimination, adopted on 13 December 2002, Strasbourg, 17 February 2003, available at: https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N7/ecri03-8%20recommendation%20nr%207.pdf

found by courts to have occurred, and of the glorification of persons convicted for having committed such crimes.”¹⁶

These situations raise many questions: Do all nations share a common consciousness about the consequences that short, medium and long-term terrorist actions have on children? If so, what has been done about this? In addition, beyond the attacks, what is done to prevent or stop a narrative of hate that, in many cases, uses educational channels to germinate? How can we talk about a commitment to protect children’s rights, disregarding the impact of terrorism or the ideology on which it is based?

All the information regarding children’s radicalization is available at:

- **“TERRORISM AND VIOLENT RADICALIZATION OF CHILDREN: TWO IMPORTANT BARRIERS TO ACHIEVE SUSTAINABLE DEVELOPMENT”**

Author

Irene Muñoz Escandell, head of International Relations at COVITE

[Contributions of COVITE to the Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the protection of the rights of the child in the implementation of the Agenda 2030 for Sustainable Development]

<http://www.ohchr.org/Documents/Issues/Children/2030/COVITE.pdf>

3. Access to justice

- **Creation of a specific Statute for terrorism victims:** There is no specific international regulation for terrorism victims. So, the creation of an appropriate Statute would be convenient.

- The procedure needs to **avoid revictimisation** of the person. This means training civil servants to deal with a psychologically affected victim, reduce or eradicate bureaucracy, etc;

-**Impunity** is a phenomenon that affects people's protection of life, personal integrity and effective access to justice by the State;

- **Unsolved crimes:** There is no information regarding the number of legal files related to attacks carried out by the ETA terrorist group (accomplished assassinations, frustrated assassinations, kidnappings, illegal detentions, extortions, threats, etc.) that have not been

¹⁶ ECRI, General Policy Recommendation N° 15 on Combating Hate Speech, Adopted on 8 December 2015, Strasbourg, 21 March 2016, available at:

https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N15/REC-15-2016-015-ENG.pdf

investigated or judicially solved. Even when there was evidence, clues and, on occasions, signed confessions that would have made it easy to solve them and yet, they were not considered or taken into consideration. Unless families make a tremendous effort to keep the cases open, they are usually filed or, in the worst scenario, expurgated under the umbrella of an unassuming impunity in the context of a democratic and rightful State.

Thus, there are no official numbers regarding the attacks carried out by ETA, let alone those with no fatal victims, notwithstanding the later outcome as consequence of the injuries or resulting in living with irreversible injuries.

Nonetheless, it is only the tip of the iceberg of a more serious and ignored reality: incomprehensible paperwork in the files, clear negligence, unacceptable voids, automatism, inhuman bureaucratic habits, and barely any consideration towards the person who lost their life, mental or physical integrity and their freedom, among many other aspects. The span and consequences of these actions and omissions have not yet been measured. Approaching them should have become a national priority yet remains silenced in detriment of the truth and justice, which makes any real intention of compensation absolutely impossible.

For instance, Vicente Irusta Altamira is one of the many cases that could be presented in this report. He was 26 years old when he was murdered by ETA in Ibarri (Biscay) on the 7th of February 1979. A few months after his death, the case was filed by the Courts of First Instance of Guernica (although by law it should have been the National Court investigating).

In other words, the Courts filed a provisional acquittal a month after the murder without informing the National Court of Justice. The investigation was never reopened and, sadly, this is only one of many cases which was overlooked in the years immediately after the 1977 amnesty until the end of the 90s, and even knocking on the door of the 21st century²⁸. Further to the worrisome data included in the mentioned investigation, there is another group that could be called the 'forgotten of the forgotten', those cases that, for one reason or another, were never even accounted for, as they were simply frustrated murders that 'only' caused serious wounds or disabilities, those whose death as a consequence of the attack did not happen at the time but later, those who are not listed anywhere because they were eliminated, those who nobody knows where they are, etc.

- **Barriers to access the legal files:** The lack of protocols that provide and guarantee the victims or the representatives access to the files, the excessive bureaucracy, the mass expurgations and loss of archives, to name but a few serious issues, hinder the obtaining of enough information, verified and organised between the before and after of each terrorist attack. This has had a significant impact on the terrorist victim's right to truth and to justice as well as to Spain's historical memory.

4. Involvement of the different Administrations and humane treatment

Terrorism causes and triggers disabilities (physical and psychological) to direct and indirect victims. Thus, apart from being provided by specific regulation, attention to victims should be carried out from a human rights point of view which takes into account their uniqueness as persons and deals with their specific circumstances.

Humane treatment and training of the administration workers is vital throughout this process and is one of this group's the most important claims.

5. Monitoring

Selection and control of the administrative actions by tracking and continuous assessment mechanisms that terrorism victims' representative entities can participate in.

6. Specialised training

Specialised training for organisms dedicated to terrorism victims and the promotion of training of all legal operators, with the participation of terrorism victims representative entities.

Furthermore, the promotion of the specialisation and competences of the Administration employees that are in contact with terrorism victims is vital in order to address each specific situation with humanity and empathy.

Thus, with the participation of representative entities of terrorism victims, the promotion of continuous training is essential, together with the specialisation and monitoring of the training. This involves sensitisation programmes for all workers, including health workers (whose judgement and perception can seriously affect the victim's recovery).

7. Action protocol

Creation of an action protocol to foment the effective access to justice of terrorism victims, following the criteria of international conventions on the protection of vulnerable groups and the parameters of the Brasilia Regulations. This requires the creation of a facilitating agent to provide support in the fulfilment of the right of access to justice and the mechanism to eliminate barriers as stipulated in paragraph 65 of such Regulations.

8. Terrorism Victims Observatory

Creation of a Terrorism Victims Observatory within the General Council of the Judicial Branch, which would be responsible of preparing annual reports on this matter, among others.

9. Compilation and analysis of information

The main aim is to identify and establish the real number of deceased, injured and threatened victims as well as their families.

This would lead to knowing and looking at those who, by law, should be remembered, lost their life, suffered from physical or mental injuries or saw their freedom sacrificed due to terrorism.

As demonstrated, at the time being there is no complete and disintegrated information that can provide the exact number of deceased, injured, threatened victims, let alone the health

conditions of the two latter. Therefore, there is still no basis on which to design appropriate actions to the specific needs of the people.

This would allow, among other issues, a first approximation to the real number of victims with regard to the attacks, starting from verified and organised information that has a huge impact on the recovery of victims, their right to the truth and the ability to tell the story of the happenings.

Coordination between the Administrations would also be key in this task.

10. Creation of departments within the Ombudsman for the Armed Forces and the members of Law Enforcement Agencies

This would make sure that the rights of terrorism victims belonging to these groups are respected from a specific point of view.

11. Improvement of the support, compensation and award systems

It is important that the moral and material compensation does not have restrictive time frames and adapts to the comprehensive criteria of victimisation procedures.

12. Creation of a specific international regulation for terrorism victims

13. Promote the coordination and efficiency of public powers: Creation of a National Strategy for the full compensation of terrorism victims and the eradication of terrorist attacks

The National Strategy would be a vertebrate instrument of the actions of the government, setting the material and human resources in motion in a coordinated manner to eradicate this consequence and help to change the cultural model of attitudes and values that are a melting pot for their proliferation.

The document would have to clearly state the objectives for each period and the measures to be implemented in order to provide an appropriate short- medium- and long-term response.

14. Specific and appropriate psychological attention

In order to assess the consequences suffered by a terrorism victim, the medical attention should be designed to provide specific attention of the person, and be given by a multidisciplinary team of professionals trained to treat this group of people. Likewise, it should also contemplate the specificity of the attention that terrorism victims belonging to the Armed Forces and Law Enforcement Agencies require.

The fact that the trauma will affect their personal, family and social-working life should be taken into account.

15. Differentiate the concepts assistance and economic support

Only the latter has been developed in Spain.

16. Measure to protect intimacy

Protection mechanism for the victims and their families need to be established before the actions of the media. The media attention sought by the terrorist with the attack is also harmful for the direct or indirect victim.

17. Avoiding glorification of terrorism

COVITE is working on [the Observatory of Radicalization](#), an online toll that documents the acts of glorification of ETA terrorism in Spain. It includes welcomes to terrorist who have left prison, demonstrations to ask for the amnesty for condemned terrorists, tributes to ETA’s members in popular festivals, local journeys against security forces or graffiti drawn in public places supporting terrorism.

In 2017 COVITE has registered at least 63 acts of glorification of ETA in Spain and the southern France. The department of Guipuzcoa, the most affected by ETA terrorism, is also the one with more glorification acts.

Observatorio de la Radicalización

El País Vasco y Navarra son escenarios de numerosos actos públicos de culto al terrorista. El Observatorio de radicalización pretende documentar cada uno de ellos con un doble objetivo: alertar del peligro que supone para las nuevas generaciones que se eleve a terroristas a la categoría de héroes y denunciar que una sociedad digna no puede construirse sobre semejantes actos de indignidad.



Si has presenciado un acto de enaltecimiento del terrorismo, envíanos información e imágenes a correo@covite.org

Lugar	Nº de actos
Álava	6
Guipúzcoa	24
Vizcaya	15
Navarra	16
Extranjero	2

Tipo de actos	Nº de actos
Bienvenidas a presos	33
Jornadas de "lucha"	15
Fiestas populares	10
Otros homenajes	5

Welcomes to terrorist who left prison are often massively attended. Some of the honoured terrorists have been condemned for committing serious crimes as killings or kidnappings. Jose Antonio Ortega Lara, civil servant in a prison, was the victim of the longest kidnap committed by ETA: he was captured during 532 days. One of the kidnappers, the terrorist Jose Miguel Gaztelu (who also killed 17 people), was glorified with a massive welcome in his town, Bergara, on 4th October 2017. Hundreds of people threw fireworks for him and he was honoured with a traditional dance¹⁷.



The exposed case is just an example. The glorification of ETA terrorism is a priority for COVITE, which defines the following main dangers:

1. The glorification of ETA terrorism implies the justification of terrorism and it promotes the radicalization of young people and children who assist to the acts.
2. This kind of acts humiliates victims of terrorism in a phenomenon called “second victimization” that deepens the damage caused by terrorists.
3. COVITE detects a lack of interest by the judicial administration to investigate these kind of acts, so the victims live in a state of neglect.

¹⁷ Video available in <https://vimeo.com/236921975/46985851bc>

More information is available at:

- **“REPORT ON THE EFFECTS OF TERRORISM ON THE ENJOYMENT OF HUMAN RIGHTS”**

Authors

Irene Muñoz Escandell, head of the Department of International Relations of COVITE

Josu Puellas, vice-president at COVITE

Fernando Altuna, director at COVITE

María Jiménez, head of press at COVITE

San Sebastian, Gipuzkoa, Spain, 2016

English version available at:

https://covite.org/wp-content/uploads/2016/09/COVITE_Informe-efectos-del-terrorismo-en-DDHH_ENGLISH.pdf

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