

Self-organisation and empowerment in the struggle against silence. Network of Tortured People of Navarre

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Key points of interest

- Torture was a widespread practice by Spanish law Enforcement authorities during Franco's dictatorship and during democracy in the Basque Country and Navarra.
- Torture Survivors can organise for truth and reparation when there is a negationism attitude by state actors that retraumatizes victims and does not allow collective wounds to heal.

Abstract

In 2021, a group of tortured people and their relatives in Navarre started a process of self-organisation that culminated in 2022 with the birth of the organisation Network of Tortured People of Navarre.

The process of self-organisation of tortured people in Navarra is an uncommon phenomenon, which can offer interesting lessons especially for torture victims in other countries and contexts. The aim of this article is to describe a survivor-lead experience and to analyse the keys to this process of collective empowerment.

The article has two parts: the first explains the phenomenon of torture in Navarre from the 1960s, in Franco's dictatorship, to the present day using data from the Study on Torture in Navarre, highlighting significant cases or events.

The second part is focused on describing the self-organising process of the victims and some lessons that we think may be useful for other realities and groups of torture victims who want to generate self-organising processes. The article analyses some aspects in the genesis and the first steps of the Network with emphasis on those aspects that can be useful to other victims' organisations in their struggle against torture. To do so, we will analyse these aspects: The political and social context in which the Network was born, the Network's strategies for dealing with victims' difficulties in working with their "traumatic event", the organisational structure and development of the network, the Network's basic principles and demands, the Network's strategy and philosophy of work, the Network's policy on relations and alliances and the opportunities and consequences of the process being driven by victims of torture.

Introduction

After three years of discreet but intense work, on the 12th of February 2022, the Network of Tortured People of Navarre - *Nafarroako*

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International Rehabilitation Council for Torture Victims.

Torturatuen Sarea was officially born, founded at that time by more than 150 people tortured between 1960 and 2010 and their relatives. The Network informed society of its first task already underway: to get in touch and try to draw up as detailed a census as possible of tortured people in Navarre, who at that time were estimated to number around a thousand: “*Reaching these 1,000 people is no easy task, because many of them are no longer with us or because filling in these forms brings up pain and suffering from the past*” (Agirrezabal, 2022).

The tortured people demanded an official, scientific and independent investigation on torture, such as the one carried out by the Government of Navarre on the period from 1960 to 1978¹. They called on Navarrese society to “*put an end to torture, try to combat it, carry out preventive actions, but also the assumption of responsibilities by those who have designed its systematic application, have carried it out or have tried to hide it. But above all, the recognition of its practice and the suffering caused*” (Agirrezabal, 2022).

Since then, the Network has grown and strengthened organisationally; it has carried out a strong public activity, organising mobilisations, conferences and public events, while at the same time maintaining an intense dynamic of relations, both public and private, with various political and social sectors. As a result of this work, steps have been taken that seemed impossible only a few years ago, the most important of which is the first phase of a study sponsored by the Government of Navarre and carried out by the Basque Institute of Criminology (IVAC-KREI) focusing on torture from 1979 to the present day which,

together with the previous one on the period 1960-1978, has shown for the first time the dimension and seriousness of the phenomenon of torture in Navarre.

The process of self-organisation of tortured people in Navarre is an uncommon phenomenon, which can offer interesting lessons especially for torture victims in other countries and contexts. The aim of this article is to describe a survivor-lead experience and to analyse the keys to this process of collective empowerment.

The article is divided into two parts. The first part describes the phenomenon of torture in Navarre from Franco’s regime to the present day. It uses the data from the Study on torture in Navarre, as well as testimonies from some of the people who are part of the Network.

The second part is focused on describing the self-organising process of the victims and some lessons that we think may be useful for other realities and groups of torture victims who want to generate self-organising processes.

Torture in Navarre

Navarre, a former medieval kingdom, now a border province between Spain and France, is not very large, either physically or demographically. Within its 10,391 km², the population doubled during the 20th century. As in so many European regions, its population has grown from just over 300,000 in 1900 to almost 660,000 today.

Navarre lived through a turbulent 20th century, in which the coup d’état that started the Spanish Civil War was organised in its capital under the leadership of one of the coup leaders General Emilio Mola. The uprising immediately triumphed in Navarre and, despite the fact that there was no fighting or trenches in its territory, more than 3,500 people were shot dead in the ferocious repression that followed in extrajudicial executions. But this

1 Basque Institute of Criminology IVAC-KREI, University of the Basque Country/Euskal Herriko Unibertsitatea-UPV/EHU (2019).

Navarre, the cradle of the fascist coup, would become the nightmare of that same regime in 25 years, and during the 1970s it topped the list of territories with the highest number of strikes and political and social conflicts in Spain, with the consequent repression. It is not surprising, therefore, that one of the most relevant aspects of torture in Navarre is that the vast majority of the documented cases are after the death of General Franco in 1975, belong to the Spanish democratic period and are related to its anti-terrorist policy.

Provisional figures of torture in Navarre

As it had done before in the Basque Country², the IVAC presented in February 2023 a study on torture in Navarra, funded by the Government of Navarra and with the collaboration of the Network. The study has been made by a group of more than eight health professionals and human rights experts belonging to various professional associations. It is a working group with internationally recognised experience and extensive training in issues related to violence, trauma and human rights. In this study, the professionals carried out an analysis of the credibility and plausibility of the allegations of ill-treatment or torture based on international expert standards in the field (Istanbul Protocol), with a compartmentalised, multidisciplinary methodology and with scientific monitoring and supervision systems.

There are still aspects to be clarified and enriched, in fact, in the last conclusion of the

report, the IVAC professionals state: “The timeframes for the development of this work and the financing place us before an unfinished investigation that continues to generate information at the closing date of this report” (IVAC-CREI, 2017). Fortunately, at the beginning of the year 2023, the Government of Navarra approved an allocation of money for the IVAC to begin the second phase of the study.

Both the Network of Tortured People of Navarre and the Basque Institute of Criminology (IVAC), responsible for the aforementioned study, affirm that the number of reported cases of torture is not definitive and will continue to grow, but as of today we know that between 1960 and 2011, there have been at least 856 people tortured in Navarre (Table 1). This represents approximately 2 out of every thousand people in such a small territory.

Table 1. Torture in Navarre: the figures

Number of persons	856
Decades	
1961-1970	33
1971-1980	274
1981-1990	342
1991-2000	212
2001-2010	133
2011	7
Unknown	55
Sex	
Male	721
Female	133
Unknown	2

2 In December 2017, the IVAC presented the *Research project on torture and ill-treatment in the Basque Country between 1960-2014* and, in fact, for reasons of economy and urgency, for the first phase of the Navarre study, 20 of the 33 Istanbul protocols used have been reused from among those made for the Basque Country study because they are of Navarrese citizens tortured in Alava, Vizcaya or Gipuzkoa.

Detaining Body	
Political Social Brigade	37
Civil Guard ³	403
National Police	494
Unknown	113
Detention regime	
Incommunicado detention	357
Reported Detention	25
Other	14
Unknown	656
Type of torture	
Physical and psychological	332
Physical torture	35
Psychological torture	32
Unknown	653
Sequels	
Psychological sequelae	135
Physical and psychological sequelae	93
Physical sequelae	5
No after-effects	785
Don't know Don't answer	
Consequences	
People killed as a result of torture	467
Prison admission	387
Freedom	196
Unknown	

3 The Guardia Civil is a military corps created in 1844 by the Duke of Ahumada and, due to its duality as a police and gendarmerie, it is currently dependent on the Ministries of Interior and Defence. During its 179-year history it has been questioned particularly for its repressive role against left-wing political movements and has often been described historically as a reactionary force. After Franco's death it was involved in the failed coup attempt of 1981, in the so-called "state terrorism" against ETA (GAL) and has been accused of practising torture in the fight against terrorism.

Complaints	
A complaint has been lodged	233
No complaint has been lodged	165
Unknown	654
To whom	
To the forensic doctor	90
To the judge	147
Court	108
Media	89
Other	25

A portrait of torture by periods

Torture during Franco's regime.

According to the study commissioned by the Government of Navarre, there have been at least 169 confirmed cases of torture between 1960 and 1978 (see table 1). Comparing these figures with later years, already in democracy, they do not seem very high.

This is influenced by various factors, the main ones are the desire of the tortured people to leave behind what happened, the gradual death of the tortured people and also the normalisation of the brutality of the regime, which leads some tortured people, for example, not to believe that they have been tortured because they have not been interrogated to obtain information. During the 1960s and 1970s, a large part of the population still remembered the savage repression of the war and the post-war period and had known no other society than Franco's, in which structural violence was tremendous. The number of people tortured will surely be much higher, although it is difficult to identify and document all the cases that occurred. Torture during the dictatorship was widespread. *"Its perpetrators did not act at their own free will, but within a system that gave them protection and cover. The Political Social Brigade, the epitome of political repression, had the collaboration of forensic doctors, secretaries, judges and prosecutors who, in turn, applied laws and regulations*

dictated by governments aware of and responsible for the use to which they were put" (Rubio, 2020).

There was a legal system that protected torture. In 1960, Spain still applied the Law of Political Responsibilities (*Ley de Responsabilidades Políticas*) promulgated in 1938, that is, in the middle of the Spanish Civil War, and in 1963, the Franco's regime decided to close the military courts and create the Public Order Tribunal (TOP) with the aim of showing a friendlier face in order to allow entry into the European Economic Community.

Between 1964 and 1976, the TOP conducted a total of 22,660 proceedings involving 50,714 citizens. Among those convicted, 70% were workers, 22% students, and the second most repressed territory was Navarre (del Aguila, 2001).

Despite the repression and the total lack of freedom of expression during the dictatorship, which prevented the drafting of structured reports, torture was constantly denounced during the 1960s and 1970s. Thus, in May 1960, 339 Basque and Navarrese priests published a document addressed to their bishops in which they denounced the existence of torture.

"Psychosis of fear and terror": the death of Antonio Goñi Igoa

In this context of widespread impunity, outside the clandestine organisations, priests were the only ones who could raise their voices. In April 1971, the French newspaper *Le Monde* published a protest letter (J.-A.N., 1971, 14 April) penned by 180 priests from Navarre denouncing the repression and protesting against *"the arrests and searches; the torture and ill-treatment of detainees; the long, painful and cruel interrogations; the dismissals and sanctions against workers; and the psychosis of fear and terror which has caused many to flee"*.

During these protests, at the end of 1970, the Navarrese mechanic Antonio Goñi Igoa

was arrested in San Sebastian. After 18 days without news of him, his wife managed to free him after paying a heavy fine. Igoa regained his freedom in a critical condition, with no nails in his hands and bruises all over his body. He told those close to him that they had done "everything" to him, finally opting to commit suicide a few weeks later.

Torture during the so-called "Transition to Democracy".

Franco's death was followed by a period known as the "transition", which consolidated a model of amnesty for the crimes of Franco's regime and, therefore, of impunity. As the dictator had foreseen, a monarchy was imposed without a referendum that would allow a return to the republican regime that existed in Spain at the time of the coup d'état in 1936.

Despite Franco's death in 1975, torture, far from disappearing, worsened during the Transition, particularly in the Basque Country and Navarre, as a result of labour struggles and the intransigence of all political parties to open a dialogue on national identities in the State. Amnesty International, in July 1975, described the situation after its visit to Spain as follows: *"The mission further received credible and convincing evidence that torture was systematically used against a minimum of 250 Basque detainees (and possibly against many more who were not known to the contacts interviewed by the mission) in the provinces of Vizcaya and Guipuzcoa during the state of exception and was used frequently in Alava and Navarra provinces (...). (...)"*

The three major police forces participated or collaborated in the torture.

The methods of torture included severe and systematic beatings with a variety of contusive weapons, falanga (beating on the soles of the feet), burning with cigarettes, near drowning by being submerged in water while suspended upside-down, enforced sleeplessness, and forms of psychological



Picture 1. Amparo Arangoa. Pictures taken at a hospital after a detention in a police station.

stress, including mock executions, sexual threats, threats to relatives and the technique known as *el cerrojo* (the frequent fastening and unfastening of bolts on the cell doors in order to keep prisoners in perpetual fear that the torturers have returned). (Amnesty International, 1975)

In the midst of the political reform between February and April 1977, Spain signed and ratified article 7 of the International Covenant on Civil and Political Rights, which prohibits torture, and article 15.2, which prohibits the establishment of obstacles to the prosecution of those responsible by act or omission. In spite of this, months later, the Spanish Congress of Deputies approved the amnesty law, which was a law of full stop, the repeal of which has been insistently demanded by various international bodies, as well as the UN itself⁴.

During the spring of 1977, on the 4th of May, the government of Alfonso Suarez decided, by decree law, to abolish the Francoist Tribunal of Public Order and, a few hours later, by royal decree, to create the National Court; a special court that could act on its own initiative regarding many crimes, including those that could be linked to state security or terrorism. But, despite attempts to disassociate the Audiencia Nacional from Franco's Tribunal de Orden Público, the fact is that ten of the sixteen judges who had a tenured position in the TOP were subsequently appointed magistrates of the Audiencia Nacional or the Supreme Court, i.e. 62.5% of the successor court to the military tribunals created during the civil war and the fascist one was incorporated into the new special court (Roldán Cañizares, 2013, 22 November).

4 “In up to 11 reports since 2008, the UN has urged Spain to render the 1977 Amnesty Law ineffective so that it cannot be applied by Spanish courts to prevent the prosecution of

these serious crimes under international law”. Relva, H. (2022, 15 July).



Corpse of Joxe Arregui, beaten to death in 1981.

Torture in Democracy

1980s

To the impunity derived from the amnesty law, we must add the continuity in their posts of elements of Franco's repressive apparatus beyond the transition. Just as the perpetuation of Francoist judges occurs to a different extent in the army and its intelligence apparatus⁵, as well as among the police, where many agents responsible for Francoist repression were perpetuated without purges (Velasco, 2018).

The impunity derived from the amnesty law and the continuity of elements of Franco's repressive apparatus in their posts are two fundamental elements for the persistence of torture in Spanish democracy, now fundamentally linked to the fight against terrorism and its special legislation.

This is how Amnesty International denounced the new situation in its 1981 report: *"More and more people have been detained under the new anti-terrorist law and denied the constitutional right to legal assistance... Since its intro-*

duction in December 1980, 815 people have been arrested and held under the two anti-terrorist laws 11/1980 and 3/1979. According to official statistics from the Minister of the Interior, 319 people were held in the same period last year. Amnesty International was concerned by the scale of these arrests, especially as most of the detainees were later released without charge" (Amnesty International Report 1981).

As Amnesty International reported in the same report, in February 1981, ETA member Joxe Arregi died as a result of torture inflicted by 73 police officers at the General Directorate of Security in Madrid. The photographs showed society bruises, cigarette burns on his feet and various wounds, despite which the court declared that his death was caused by bronchopneumonia. Of the 73 policemen who took part in the interrogations, only five were charged, of which only two were tried, and in the end none were convicted.

It is difficult to get an idea of the magnitude of torture in Navarre during those years; the sociologist Justo de la Cueva tried to explain it: *"In Estella, which is the city where I live and which has 13,000 inhabitants, (...) 65 inhabitants have been arrested in the last fourteen months, which means a rate of 5 per thousand inhabitants, which would be equivalent to having ar-*

5 "The current Spanish Armed Forces [1985] come directly from those that were rebuilt in 1939, after the Civil War". Bañon, R., Olmeda, J.A. (1985).

rested 45,000 people in Madrid in those fourteen months” (De la Cueva, 1982).

As had happened 15 years earlier, during Franco’s regime, José María Cirarda, Archbishop of Pamplona and Tudela, denounced in 1984 that: “*We have reliable testimony that torture is practised, although we cannot prove it in court due to lack of witnesses (...) there are many things that we can take as true, as reliable testimony, and to remain silent about them would be a crime*” (Ridruejo, 1984, 26 November).

Mikel Zabalza

The arrival of the government of the socialist President of Government Felipe González in 1982, far from putting an end to torture, left behind situations such as the death of Mikel Zabalza from Navarre, which shocked Navarrese society. On 26 November 1985, the Civil Guard arrested Zabalza together with his partner and several family members and friends. The Anti-Terrorist Law was applied to all of them, they were held incommunicado, but the following day, the Ministry of the Interior reported that Mikel Zabalza had disappeared. When his mother went to the Intxaurrenondo barracks to ask about the whereabouts of her son, she was advised to “look in the lost property” (Barcos, 2020, 22 November). The official version stated that, when he was about to show several civil guards the location of an ETA arms depot, despite not knowing how to swim and being handcuffed, Zabalza attacked a civil guard and escaped by jumping into the river Bidasoa.

The testimonies of the other detainees who were released confirmed that Zabalza had died after being subjected to dry asphyxia with a bag or wet asphyxia (bathtub). However, despite the contradictions, the Socialist Minister of the Interior, José Barrionuevo, maintained the official version that he had thrown

himself into a river while handcuffed. 20 days after his disappearance, in an area that had been intensively searched hours earlier by Red Cross divers, his body was found floating in front of a Civil Guard patrol.

The Civil Guard responsible for Zabalza’s custody were prosecuted but the case was closed for lack of evidence in 1988. In 1995, the case was reopened when a recording appeared between the member of the Spanish intelligence service (CESID) Colonel Juan Alberto Perote and the captain of the Civil Guard Pedro Gómez Nieto in which they acknowledged the death by cardiac arrest during the torture. In addition, the captain of the Civil Guard told the colonel that on another occasion another detainee had almost died in the same circumstances.⁶

An independent inquiry by Danish forensic doctors supported the family’s thesis that he had died due to torture by wet asphyxiation during torture and that the body was subsequently transported close to the river. On that occasion, the European Parliament issued a statement expressing its concern about the role of forensic doctors in Spain and demanding that they comply with the minimum standards required of forensic services in any, allegedly democratic, European country. The case was finally dismissed and archived by the judge in 2009” (Pérez-Sales, 2020).

6 “We were almost left with the *herrialde buru*, the head of the commandos who intervened in the death of Captain Martín Barrios. Captain Pindado and myself (...). There comes a moment when what they are breathing is his carbon monoxide and then he is drowning. He’s drowning, he’s drowning... His sphincters open, he’s drowning and he’s looking at us, because the *crux* of the matter is not that he can’t see anything (...). The hood must be transparent so that he can see life and the sensation of death he is experiencing”. Goyoaga, A. (2020, 22 November).



Corpse of Mikel Zabalza, tortured to death in Intxaurrondo and presented as drowned while trying to escape from Civil Guard.

The 1990s

The end of the Socialist era, which in 1996 inaugurated the first Popular Party government headed by José María Aznar, did not put an end to torture associated with the fight against terrorism either. Between 1991 and 2012, the Spanish Socialist Workers' Party and the Popular Party pardoned at least 39 police officers convicted of torture and many of them were, in fact, decorated and promoted (Torrús, 2019, 17 April).

In Navarre, there was an increase in cases of torture against young people, often minors, who were arrested in street incidents with the police and who, under anti-terrorist legislation, were held incommunicado, tortured in many cases and judged in an ad-hoc tribunal, the Audiencia Nacional (National Court).

The anti-terrorist logic -that any case of torture weakened the state's fight against ETA- was imposed legally, politically and journalistically. The generalisation of the so-called

Criminal Law of Enemy⁷ which spread during the first decade of the 21st century in line with that implemented by US security in the wake of the attacks on the World Trade Centre.

21st Century

The international context of the curtailment of rights and freedoms under the guise of the War on Terror found fertile ground in Spain and served for a negationist policy that blamed

7 Criminal Law of Enemy is the expression used in 1985 by the German jurist Günther Jakobs to refer to the fact that, in certain circumstances, there are groups of people who do not enjoy all legal protections or guarantees because they are considered by the state to be dangerous. In saying this, Jakobs was not referring to a particular group of laws or body of law, but precisely to the suspension of certain laws justified by the need to protect the state in certain situations or in the face of certain dangers. The term has given rise to various debates and interpretations - including Jakobs' own reinterpretations - particularly since the jihadist attacks of 11 September 2001.

torture allegations on a pre-established terrorist plan to delegitimise democracy. The cases continued unabated. In February 2003, by order of the Audiencia Nacional (National Court), the Civil Guard closed down the newspaper *Euskaldunon Egunkaria*, the only newspaper in the Basque language, closed its



Photography of Igor Portu's injuries

offices in the Basque Country and Navarre and arrested and tortured ten members of its editorial board, including its director Martxelo Otamendi. His denunciation of the torture he suffered in the police station after his release from prison shocked a large part of Basque and Navarrese public opinion (Agirre, 2004).

In 2011, the European Committee for the Prevention of Torture, giving credibility to the testimony of torture of three Navarrese, issued a very harsh report against the Spanish authorities⁸.

8 “The CPT has been drawing the Spanish authorities’ attention for some two decades to the problem of ill-treatment by the Civil Guard of persons suspected of offences referred to in Article 384 bis of the CCP.

Between 2011 and 2015, the European Court of Human Rights condemned the Spanish state on four occasions for failing to investigate the allegations of torture of the Navarrese Oihan Ataun, Jon Patxi Arratibel, Xabier Beortegi and Iñigo Gonzalez. And, on 13 February 2018, it condemned the Spanish government for the cases of Igor Portu and Mattin Sarasola from Navarre, detained by the Civil Guard on charges of belonging to ETA. The sentence underlines the seriousness of what the two young Navarrese men suffered, whose “brutality was aimed at humiliating, punishing and taking revenge against the applicants on account of their membership of ETA”⁹.

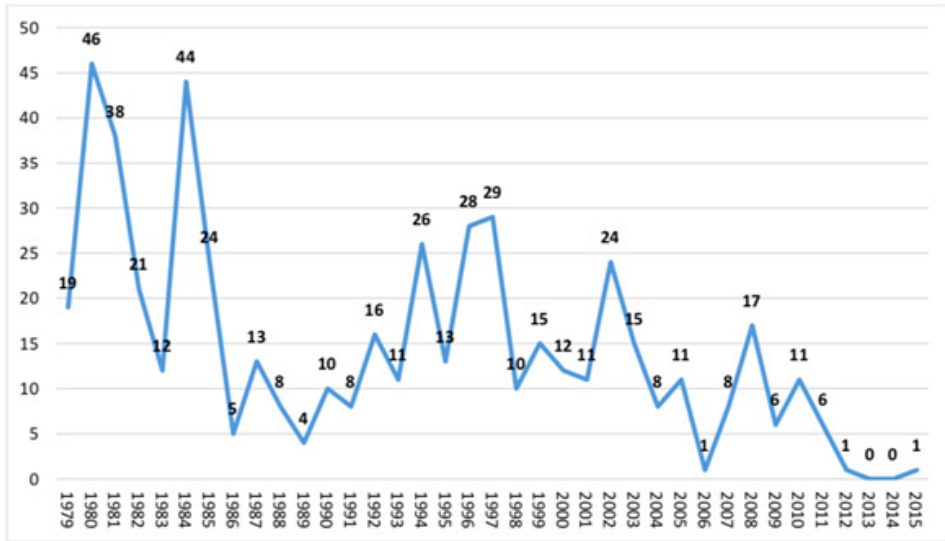
The end of ETA

On 21 October 2011, ETA announces its disbandment;

Among the many reactions to the end of ETA, Amnesty International, called on the Spanish government to “repeal the laws that allow for the extension of incommunicado detention”. It also recalled that “while victims of terrorist acts have legal avenues to obtain justice, truth, remedies and reparations, victims of human rights violations committed by the state do not have the same level of recognition and legal protection.

In 1994 and 1997, the Committee recommended that a thorough and independent investigation be carried out in relation to this matter. However, those recommendations were never properly complied with. The facts found during the 2011 visit indicate that the above-mentioned problem remains unresolved” Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

9 AFFAIRE PORTU JUANENEA ET SARASOLA YARZABAL V. SPAIN. Requête n° [1653/13](#).

Figure 1. Annual distribution of cases (1979-2015).

Source: IVAC-KREI, *Research project on torture and other ill-treatment in the Autonomous Community of Navarre from 1979 to the present.*

(...) *Perpetrators of serious human rights violations and abuses must be brought to justice*".¹⁰

Duckworth's demands for truth, justice and reparation for victims of human rights violations are still pending and, in Navarra, torture victims will organise to achieve them.

In the second part of this article, we will analyse what are the keys to this process.

Network of Tortured People of Navarre: lessons and key points

We have made a brief review of torture in Navarre during the Franco regime, transition and democracy to help give a general idea of who, when and how they have been tortured in this territory over the last 60 years.

We are going to analyse some aspects in the genesis and the first steps of the Network with emphasis on those aspects that can be useful to other victims' organisations in their struggle against torture. To do so, we will analyse these aspects: The political and social context in which the Network was born, the Network's strategies for dealing with victims' difficulties in working with their "traumatic event", the organisational structure and development of the network, the Network's basic principles and demands, the Network's strategy and philosophy of work, the Network's policy on relations and alliances and the opportunities and consequences of the process being driven by victims of torture.

¹⁰ Amnesty International (2011, 21 November).

Objective and subjective conditions: political and social situation.

ETA disappeared in October 2011 and in the same year the last allegations of torture linked to the Basque conflict took place in Navarre¹¹.

One of the possible erroneous conclusions would be to think that a totally favourable context is essential for torture victims to start organising themselves. The case of Navarre shows that this does not have to be the case since, in fact, it is a legal setback that is one of the driving forces behind the creation of the Network.

In April 2015, the Government of Navarre approved the Foral Law 16/2015 on the recognition and reparation of victims of politically motivated acts provoked by extreme right-wing groups or public officials. Despite the new context following the end of ETA, denialist policies persist and, thus, the Spanish Constitutional Court annulled the Navarrese law¹² and paralysed, among other things, the official forensic investigation to clarify the extent of torture from 1960 to the present day.

The annulment of the Foral Law is a hard blow for the government that promoted it, the Navarrese society that had bet on it and, of course, for the victims of torture. But, far from demoralising them, it encourages a group of torture victims involved in previous organisations and campaigns against torture, who begin to meet at the beginning of 2019.

In the first meetings, it was noted that tortured people were absent from the process, leaving everything to the management of po-

litical parties. Regardless of more or less favourable contexts, *if there are no favourable conditions for the fight against torture, survivors can create them.*

A safety net: care, self-care and mutual care.

One of the first obstacles for an organisation of people who have suffered torture is the very nature of what they have suffered and its after-effects. Torture is an experience that leaves deep wounds which, even if treated, are traumatic, and people who have been tortured know through intuition or experience that militant work that has the traumatic event of torture at its core is, at the very least, destabilising, if not clearly dangerous for their mental health.

Previous experiences have shown that anti-torture work carried out by victims ends up “burning out” those with greater responsibilities and public exposure¹³. For this reason, in the meetings held since 2019, among the principles that the group has been outlining, one of the main ones is that the Network should be, above all, a “safety net” and mutual care, and it was decided that the spokespersons, responsibilities and positions of the Network should be rotating.

At the time of writing this article, this is one of the principles that the Network is fulfilling the least, as the aforementioned diffi-

11 Cases of ill-treatment or torture in prisons, control of immigrants, repression of protests and others continue to occur. For the time being, the network restricts its work to torture in the framework of the so-called fight against terrorism.

12 Judgment STC 85/2018.

13 These experiences occurred particularly in Torturaren Aurkako Taldea (Group Against Torture), an organisation that was born in the 1980s and worked against torture until the middle of the first decade of the 21st century. It often happened that a case of torture had a high social visibility and the tortured person or persons suffered a great public overexposure (press conferences, interviews, colloquiums) without adequate psychological support, sometimes being burnt out and unwilling to continue working publicly against torture.



First public launch event for the Network

culty for victims to speak publicly about what they have suffered, the speed and diversification of the Network's work and the dynamics of the group itself mean that interviews, statements, meetings and other public work fall on a group of people that is not as large as originally desired. Despite this, the members of the Network work with caution, supporting each other with gestures as simple as messages or calls or with more powerful tools such as the experiential workshops "repairing, sharing and empowering".

Also, one of the priorities is to raise funds to form a large and stable group of medical and psychological professionals to help care, as far as possible, for the consequences of daily work with torture and its aftermath. Because another consequence of the lack of recognition and reparation for torture in Spain and Navarra is the absence of psychosocial rehabilitation programmes for tortured people. For this reason, the Network has decided

to advance along this path with professionals with experience in dealing with tortured people, but without abandoning the objective that these programmes should be the responsibility of the institutions.

Weaving the Network: Organising and expanding.

One of the main efforts of the organisation has been and continues to be to weave the network itself; to contact tortured people in villages and neighbourhoods and to create nodes that incorporate and extend the organisation to reach all those who have suffered torture in the territory.

Two things have been fundamental in achieving this: the existence of a small nucleus of highly motivated and active people and the use of previous work and censuses on torture in Navarra.

The success of the Network has been possible thanks to a small, highly motivated, te-

nacious, open and inclusive initial group that has managed to bring together wills, gain the respect and trust of the hundreds of tortured and their relatives and spread its decision and will to transform. This is one of the great lessons of the Navarre Network.

As we said before, in order to contact tortured people, we did not start from scratch; there were lists of people who had suffered torture, among which we must highlight the Euskal Memoria foundation, with which an agreement was reached to cede their data and the Network, in reciprocity, makes the data it collects available to them.

From then on, the work of the Network has been a painstaking job, going person by person, cuadrilla by cuadrilla¹⁴, village by village, region by region until reaching people about whom there was hardly any information.

In order to achieve this, the fundamental tool has been the folders and forms that the Network has distributed to all the tortured

persons and/or relatives it has been able to contact. In these forms, the tortured persons were asked about various possibilities of relationship with the Network and its initiatives, including whether they would be willing to have an Istanbul protocol carried out on them, whether they would give permission for their data to be used for the official study of the IVAC and the data of Euskal Memoria. They were also asked what link they would like to have with the Network. This could range from none, to keeping themselves informed, to becoming fully involved in the organisation and its work.

The folders and forms have been the basis of the work and have become the symbol of the Network and its project and, at the same time, an ordeal for the tortured people who have had to confront what they have suffered, for the first time in some cases and again in others.

The Network set up and publicised meeting points and timetables in towns and neighbourhoods throughout Navarre. Many people who had not been located approached these points to tell, sometimes for the first time, their experience.

14 “Cuadrillas” are groups of friends in a village or quarter that organize themselves for leisure.



Symbolic act: Tortured victims from the Basque Country and Navarra with a blue dossier, symbolizing the documentation and forensic report of their torture.

This initial work of the Network has been crucial.

At present, 393 folders have been distributed. There are still 463 folders to be distributed, of which 227 people have been identified but have not yet been reached and 189 are unidentified, as well as 47 people who do not want to participate in the process. Of the people contacted, 85% have decided to become part of the Network and join the project.

This immense work, which is still ongoing, has allowed the first in-depth examination of torture in Navarre to be made and, at the same time, has made it possible for the Network to expand and become a human, organisational and political reality.

Principles of the Network: Recognition, reparation and guarantee of non-repetition.

Recognition: an end to impunity

The recognition of torture is undoubtedly the guiding principle on which the victims of torture in Navarre have grouped together. In the public presentation of the Network, its spokespersons made it clear: *“There are more than a thousand of us who have suffered torture because of our political militancy in Navarre at the hands of the Civil Guard and National Police. And for the last six decades the treatment we received, what we suffered, has been kept silent, as if it had not existed. Because we know that to recognise it is to reflect in the mirror of the horrors of state violence. The Spanish state has always tried to hide the obvious widespread use of torture and does not want more cases to be revealed that go beyond the historical period corresponding to Franco’s regime”*¹⁵.

The damage caused by torture to its victims, their families, their environment and society as a whole is incalculable and affects the very meaning of community life. The fact that no authority recognises the concrete damage suffered by tortured persons multiplies this damage; the fact that the state recognises the damage produced, repairs part of the damage and reduces the pain derived from impunity.

Repair

Along with recognition, the Network’s main demand is reparation. The party responsible for reparation, the state, cannot return what has been lost or damaged, so reparation must necessarily be symbolic. It has to go beyond the realm of damage or private pain and needs to have a public dimension.

It is difficult to define what such reparation should look like, but it should certainly be linked to the principles of justice and dignity, in line with Article 1 of the Universal Declaration of Human Rights.

Guarantee of non-repetition

Finally, the ultimate objective of the Network is the guarantee of non-repetition.

Among the multiple purposes of torture, beyond its objective of breaking the will of the individual, there is also that of breaking their sense of community, stifling civil society through a climate of fear that silences and paralyses any option of dissidence. For this reason, the Network understands that it is its civic duty to deactivate the legal, political and

by Lohizune Amatria, niece of Mikel Zabalza and Iñigo Etayo, the last Navarrese to receive a favourable judgement from the European Court of Human Rights in Strasbourg condemning the Spanish State for not investigating their complaint of torture.

15 Presentation document of the Network of Tortured People read on 12 February 2020



June 2022 - Demonstration demanding Truth, Reparation and Guarantees of No Repetition

psychosocial mechanisms that allow torture to persist, hence it considers investigation, recognition and reparation to be “deepening democracy”.

Neither revenge nor retaliation: justice

The Network has debated within itself and, to date, its position is anti-punitive: it does not believe that reparation should have a penal dimension. And, although its position is firm, it is worth clarifying that this discussion has been to a virtual extent, as there is currently no real possibility of opening torture cases in Spain. In this sense, it is a difficult debate that stirs up many mixed feelings, also within the Network itself, but this thesis has been collectively adopted fundamentally because of its transforming capacity, which has been evident in the relations that its members have had with social, trade union and political agents.

Firm principles, flexible strategy, transformative will

In the creation and expansion of the Network, initial success has also been based on the suc-

cessful adoption of a flexible organisation, strategy and realistic planning.

The Network has been clear that it had to respond to the plurality of torture itself in Navarre and has made a constant effort to ensure that all tortured persons, regardless of political tendencies or periods, felt represented, paying special attention, for example, to their public appearances.

Likewise, the Network has chosen not to adopt closed positions on issues that may divide tortured people in Navarre, such as, for example, the Foral Law 16/2019, of 26 March, on the recognition and reparation of victims of acts provoked by extreme right-wing groups or public officials. The Network’s analysis is that this Law is deficient and it has made public its criticism of its shortcomings but, at the same time, in its annual assembly, it has conveyed to its members that they are free to come and give their testimony.

This exercise in flexibility and realism has been present from the beginning, since, when the Network was still in its embryonic stage, the optimal scenario was for the initial study

to be financed and assumed by the Navarrese institutions, but, given the possibility that this might not be achieved, the possibility was also assessed and contacts were made for the study to be carried out with social funding.

This plurality, flexibility and realism is also reflected in the different initiatives and dynamics of the Network, among which we can highlight:

- Citizen mobilisations such as the demonstration by thousands of people on the 25th of June 2022, the eve of the International Day for the Protection of Victims of Torture, under the slogan “Recognition. Reparation. Guarantee of non-repetition”.
- Spectacular actions such as the placing of 1,000 empty chairs, one for each person tortured in Navarre, in the central Plaza del Castillo in the capital, Pamplona, on 13 February 2019.
- Weaving alliances, such as the invitation to all trade unions in Navarre to come with the members of the Network to the parliament of Navarre on the day of the presentation of the results of the report.
- Dynamics aimed at *the care and empowerment of tortured persons, such as the aforementioned workshops held under the motto “Repair, share and empower”*.
- *Dynamics aimed at broadening social support in the fight against torture, such as the manifesto “Torture: A term that - let’s say - has already expired” which received the support of more than 250 artists from Navarre and an international group of intellectuals led by Noam Chomsky and Slavoj Žižek*¹⁶.

¹⁶ The prestige and trajectory of the group of international personalities who supported the tortured people of Navarre is practically



Symbolic act: 1,000 empty chairs. One for every tortured person in Navarra, in the centre of Pamplona/Iruña - 2019.

- Meetings aimed at raising public awareness of the global reality of torture, such as conferences and round tables.

Thus, this flexible organisation and strategy, and its diverse and pluralistic practice, has proved to be a catalyst for tortured people and has borne fruit in strengthening the possibilities for social transformation in the fight against torture by empowering its victims.

The Social Network: weaving relationships and commitments

From the first meetings it was clear to the tortured people that a key point of their work should be to open channels of dialogue with as many sectors as possible. Today the Network is working with all the political parties represented in the parliament of Navarre, something never achieved until now.

Responsibility and discretion have been fundamental in weaving these fluid and stable relations, and this is allowing mutual trust to be built, among others, with the Government of Navarre itself.

These relations have been fundamental in achieving advances that seemed unthinkable a few years ago, some of them highly symbolic, such as the participation of members of the Government of Navarre in the presentation of the Network, in the demonstration in June

unmentionable and includes international awards such as the Pulitzer or World Press Photo; national prizes in a multitude of artistic disciplines; honours such as the Benjamin Franklin Medal, the J.B. Cendrós International Award, the APA Award or the Gold Medal of the Círculo de Bellas Artes; Guggenheim, Fulbright and Cullman grants, among others; film and audiovisual awards such as Emmys and Goyas; and countless literary awards, including the Tigre Juan, Lannan, Altazor, Euskadi and Torrente Ballester prizes, to name but a few.

2022 or in the organisation of the conference “Torture beyond Navarre”.

This first phase has given us a first snapshot, but the number of cases of torture that appear continues to grow and that is why we need to continue investigating, something that was recently approved by all the political groups in parliament.

Legitimacy, generosity, honesty and ambition

Despite all that has been said so far, one of the indisputable keys to its success has been its legitimacy, based on the first-hand experience of its members. One of the lessons that has most impressed the members of the Network and that can be extrapolated to any tortured person in the world is that it is very difficult, if not impossible, to look a tortured person in the face and tell them that what they are saying is a lie, that it is not so serious, that it is not the right time or that it is better to forget it all.

The legitimacy of people who have suffered torture makes dialogue possible, and the calm and conciliatory discourse on the past and the future leaves a deep impression on all interlocutors and is a transforming element of the first order. Jorge Txokarro, one of the Network’s spokespersons, when asked whether tortured people expected or wanted to be asked for forgiveness, replied: “*We do not consider that we should be asked for forgiveness explicitly. As an association we want to know the truth, but we do not want to do so from a penal point of view, nor from a punitive or justiciary point of view*”.

“If we want an ethical basis for real coexistence in Navarre in the coming generations, it is essential not to forget, but not to remain anchored in the past by opening legal proceedings. We would be in a process with not only civil guards or national police, but also politicians, businessmen and

*even journalists sitting in the dock. I am in favour of an inclusive memory, and for that, the tortured people need their place*¹⁷.

On the other hand, the objectives of the network are recognition, reparation and guarantee of non-repetition, but if they had to choose only one, the main objective of the network is the achievement of public recognition of what happened¹⁸.

The tortured people of Navarre are clear and honest when it comes to expressing what they want, and at the same time, generous with the companions who have to accompany them on that path. There are many people involved in the perpetuation of torture over the last 60 years. To give a clear example: the different political parties that have had direct responsibilities. Some of these parties have told the people who have been tortured that they need time to educate within their organisations and the Network's response has been clear: there is no problem, the important thing is to take steps to reach the assumption of responsibilities necessary for the recognition and reparation of what happened.

17 Barcos, J. (2023, 14 January).

18 "This is, unanimously, the most quoted measure. In different ways and with different emphases, most examinees report that the greatest harm they suffer is that they are not only ignored or silenced, but the fact of being pointed out by Government spokesmen or public bodies, even those related to human rights, saying that they have invented the ill-treatment they have suffered, or that this is the consequence of alleged instructions. This creates a double victimization in people which is expressed when most of them say that the main reparation simply consists of having the State recognise what happened so that society, as a whole, will know what happened to them. The damage would thus be validated and the facts would be publicly known". Pérez Sales, P. "Reparation measures" in *Incommunicado Detention and Torture: Assessments using the Istanbul protocol*.

In this sense, I do not want to end without mentioning the ambition shown by the tortured people in their objectives and in their daily work. I have spoken of the minimum that tortured people would like, but it is clear that their work is aimed at achieving the maximum in the field of justice and social regeneration of the wounds left by torture. In order to achieve this, I would also like to draw attention to the ambition of their daily work. To give two examples, when trying to reach out to all tortured persons and their relatives, or when carrying out a campaign to seek international support for your cause. They do not consider that this cause has to be confined to Navarre, but that it belongs to the whole of humanity, and in this sense they have not hesitated to approach intellectuals and artists from all over the world.

Conclusion

Two days after writing this article, the Network of Tortured People of Navarre held an assembly in which, among other things, it informed its members that it was going to open a permanent office to coordinate and attend tortured people in Navarre. Two days later, it was made public that the Minister of the Interior Fernando Grande-Marlaska had promoted the Civil Guard Arturo Espejo, directly implicated in the death of Mikel Zabalza, to lieutenant general.

There is still a lot of work to be done and the Network of Tortured People of Navarra does not have an easy task. But the process of self-empowerment of torture victims in Navarra is a phenomenon that may contain valid lessons for other torture victims or organisations fighting against torture throughout the world.

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