

TEMIDA
Decembar 2015, str. 53-80
ISSN: 1450-6637
DOI: 10.2298/TEM1504053V
Originalni naučni rad
Primljeno: 27.7.2015.
Odobreno za štampu: 2.1.2015.

Capturing Invisible Dimensions of Terrorist Victimisation through Photography and Video: Theoretical Background for a Research in Progress in the Basque Country¹

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Memorialisation is experienced by victims of traumatic events as a form of justice. Victims' and society right to memory is mentioned in the Basque Law 4/2008 on recognition and protection of terrorism victims and the Spanish Law 29/2011 on recognition and integral protection of terrorism victims. Drawing from critical victimology and memory studies, this contribution aims at addressing current criticism by some victims' organizations with regard to memory public policies in this field. It particularly addresses ways of restoration through memory linked to the meaning of spaces of victimisation by examining the work of different photographers on making aspects of those victimisations visible for the contested purpose of remembering. First the conceptual framework on space, victimisation and memory is presented. Then it is related to the results of qualitative research by the Basque Institute of Criminology. At the end the micro, meso and macro aspects of local intervention proposals on restorative memory, including ethical remarks are commented.

Key words: victims of terrorism, restorative memory, justice experiences, photography, public space.

¹ This contribution is part of the project DER2013-43760-R, titled "The influence of victims upon the legal approach to collective violence" (2013-2016), funded by Spanish Ministry of Economy and Competitiveness (I+D+i), carried out by the UNED University Institute General Gutiérrez Mellado (Madrid, Spain). A previous version of this paper was presented within the workshop *Engagement, Legitimacy, Contestation: Transitional Justice and its Public Spheres*, coordinated by Susanne Karstedt, Chrisje Brants and Ray Nickson at the International Institute for the Sociology of Law (Oñati, Spain, 8 – 9 May 2014). We are grateful for the comments of the coordinators and participants.

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"The recovery of a more accurate past, the correction of collective memory, is an integral aspect of democratization" (Osiel, 2012: 55).

Introduction

The responses of present day systems of justice may fit, or not, narratives of victims' experiences, including their understanding of the legitimacy of memory policies. Case studies can allow us an insight into what it's like for victims to be either observers or participants regarding memory projects. In the Basque Country, real life stories offer a dynamic or longitudinal perspective: from when survivors first suffered primary and secondary (accumulated) victimisation to today when terrorism², as it was known for many decades, seems to be ending³.

The objective of this article is to present and discuss critical elements of a victimological study started by the Basque Institute of Criminology in 2014. In designing this research we have considered the results of our previous theoretical and empirical studies on direct and indirect victims of terrorism in the Basque Country (Varona, 2013; de la Cuesta, 2014). The use of qualitative and quantitative methodologies has helped us to frame the complexities of different forms of terrorist victimisation.

² We understand the contested term of terrorism or 'terrorist offence' as contained in articles 1 and 2 of the EU Council Framework Decision of 13 June 2002 on Combating Terrorism. By terrorism we include the activity of all terrorist groups operating in the Basque Country. This paper deals mainly with terrorist murders, although some of its conclusions could be extended to other victimisations or abuses of power in the Basque Country.

³ Founded in July 1959, as a Basque Marxist revolutionary organization for national liberation, ETA is responsible for 829 murderers (843 according to other scientific sources) and multiple kidnappings, threats and extortions (Peco, 2014). In October 2011 ETA declared a "permanent cease of violence". Other groups (ATE, BVE, Triple A, GAL...) operating in the Basque Country and French territory, from the end of the seventies to the end of the eighties, were part of extreme right, parapolic groups and state terrorism. They have caused around 70 murders as well as injuries, torture, threats and kidnappings (Carmena et al., 2013). It remains a number of murders without an identified perpetrator. The Valentín de Foronda Social History Institute of the University of the Basque Country has criticized the elaboration of reports on human rights violations in which historians did not take part. From this Institute, see their cyber project on history of terrorist violence in the Basque Country.

The current context of the Basque Country cannot be adequately defined as a transition⁴, although some elements of the politics of transitional justice could be applied to it. Many of these elements bring engagement and legitimacy but also contestation. These same elements concern the victims' rights to justice, reparation, truth and memory, but also participation in public policies. Therefore, transitional and restorative justice studies shape the theoretical framework of the following pages.

This paper is divided into four sections. First I will present the conceptual framework of victimisation, space and memory used in these pages. Second, I will explore the recent role of photographers as activists in making terrorist victimisation visible in the public space of the Basque Country. Then I will focus on the difficulties of the implementation of victims' rights to participation and memory and the need for restorative memory projects. Lastly, some final remarks are presented in order to guide further action research in relation to victims' proposals for local interventions. These include ethical issues inherent in the majority of victimological research.

The perspective is an interdisciplinary one drawing from critical victimology, memory, communication, cultural and restorative justice studies. It is contended that victimisation and recovery take place in certain atmospheres, a notion coming from cultural geography, critical cartography and visual anthropology. In the end our on-going project is trying to test the conditions for restorative memory atmospheres.

Conceptual framework of victimisation, space and memory

There are many uses of the concepts of victimisation, space and memory that I do not intend to tackle here. Those three concepts might be connected to the notion of atmosphere which, as explained by cultural geography:

⁴ Williams and Nagy (2012: 4), refer to "transitions from authoritarianism to democracy, from civil war to peace, and from state-sponsored extralegal violence to a rights-respecting rule of law". Transitional justice is conceived here as a politico-legal practice and not as a scholarly inquiry. On transitional justice in Spain, including restorative approaches, see, i.a., regarding the Civil War and Francoist dictatorship Aguilar, 2008; Gil, 2010; Tamarit, 2012, and more recently, on the Basque Country post-terrorism situation Echano, 2012. For a promising use of transitional justice in relation to historical abuse of children and other victims in care institutions – which could be applied to the so-called case of "stolen babies" in Franco's and democratic Spain –, see Sköld, 2013.

“... unsettles the distinction between affect and emotion that has emerged in recent work on emotion, space and society”. Finally: “... to attend to affective atmospheres is to learn to be affected by the ambiguities of affect/emotion, by that which is determinate and indeterminate, present and absent, singular and vague” (Anderson, 2009: 80). Memorialization of terrorist victimisation through the use of space might create, or not, an affective atmosphere towards recovery. In our previous research we have observed that most victims struggle for that.

Victimisation as a social process

Under the concept of victimisation victimologists usually study the elements of risk, impact, vulnerability and/or resilience. Taking into account critical victimology and trauma studies, victimisation is understood here as a process of suffering a traumatic event caused by a terrorist murder or attempt of murder. It includes direct and indirect victimisations. It acknowledges its complexity, diversity and dynamics beyond categorizations and antagonism. Trauma is defined by the three E's: events, experiences and effects (SAMHSA, 2014: 8). The event is the murder catalogued as terrorist by Spanish criminal law. The experience of a wrongful suffering is related to the social and self-perception as victim. The effects refer to the physical, psychological, social and political harms.

The main idea regarding the definition of victimisation is that it is a complex process that entails both objective and subjective dimensions that influence each other. Moreover, it is a diverse and dynamic process that cannot be understood without its bonds to criminalization and social control. Victim is a condition not a fixed substantial category, notwithstanding the unequal distribution of the risk, vulnerability and responses to victimisation. This inequality depends on micro, meso and macro elements at diverse levels. Thus there are many things that cannot be mapped or are intangible in victimisation. However they occupy a space.

Space beyond environmental criminology and crime analysis

By space, including the virtual one, I take the feminist concept that remarks the intertwined character of private and public spheres.⁵ I also consider space beyond current administrative criminology obsessed with crime (or victimisation) maps (Wortley, Mazerolle, 2008). Rather my choice is to deploy Jane Jacobs' new urbanism studies. Space is where social relationships occur. It doesn't have to refer to a geographical place. It is more about the atmosphere referred above.

Again, in relation to cultural geography, I take some lessons learnt from critical cartography and visual anthropology (Banks, Ruby, 2011). Space is neither uniform nor continuous. It cannot be adequately standardized into a map because, according to Harley (2001), it generates "silences of uniformity" by allowing certain visions of the local reality that make other forms of victimisations go unnoticed.⁶ I consider the politics of space related to memory of terrorist victimisation, that is, the struggles over it with regard to meanings and uses. This brings us to think of social distance as space in social psychology and the philosophy of recognition (O'Neill, Smith, 2012).

Bridge and Watson (2011: 277-279) argue that cities are also spaces of "the imagination and representation" which is related to the theme of affect and emotion. According to them, even though the pioneer work of thinkers on the city such as Simmel, Jacobs, Benjamin and Sennet, the dominance of Cartesian analysis in urban studies left the concept of affect outside their scope.

The relevance of victimisation visibility is linked to victims' participation in the public space. Public space is considered the main framework for local experiences of justice through the eyes of victims. This idea comes from empirical data of different disciplines, including the proven therapeutic

⁵ On the intersections of public and private spaces in feminist and cultural studies, see, among others, Pateman, 1983 and Wolfe, 1987. This debate on space has not been specifically brought in the discussions of restorative and transitional justice. In general, see, on restorative justice, Daly, Stubbs, 2006; Hayden, van Wormer, 2013; and, on transitional justice Zinsstag, Fineman, 2013.

⁶ Visualising statistical data on victimisation in concrete spaces is another way of presenting reality which can illustrate unperceived information. See, in relation to victims of terrorist acts, the suffering map in contrast to the memory map in the web page of the Basque Government (Secretaría de Paz y Convivencia 2014, 2015), currently under revision to include abuses of police power in relation to counterterrorism. The main group of terrorism victims in the Basque Country (COVITE) has its own interactive map.

effect of participatory creative or artistic projects on memory beyond therapy (Carrascosa, 2003). They mean an intrinsically human activity in contexts of dehumanisation.

Terrorist victimisation in the Basque Country has occurred in concrete spaces (Calle, Sánchez-Cuenca, 2004): homes, garages, streets, squares, police forces buildings, work places, universities, supermarkets, bars and restaurants, mountains, etcetera. The interest of survivors and indirect victims in memorialization processes goes beyond that concrete site, many times unknown or irrelevant and, other times if they have not moved, routine scenarios of their everyday lives. Some victims propose memorialization practices in other places, places significant to them: where the killed person liked walking, places related to education, cyberspace, etcetera. Nevertheless they also appreciate the acknowledgment of the (local and autonomous) public authorities of the location where the person was killed.

Memory as reparation of victimisation in different spaces

Memory is not history and it should not be politics (Traverso, 2007).⁷ Considering ritual, memory, communication, cultural and historical studies, memory means the acknowledgement and remembering of victimisation and of the need for recovery and restoration. It is intrinsically pluralistic, subjective and dynamic, but born from an objective harm with multiple dimensions at the individual, group (family) and collective levels.

There is not a common definition of memory. However, most authors agree on the danger of memory when used as a political instrument in the construction of an exclusive or oppressive identity. Tensions also appear regarding memory actors, methodology and objectives: does it have to do with remembering and updating harms, disproportionately suffered and acknowledged, in order to provoke either resentment (Rieff, 2011) or empathy? Most historians and political analysts maintain that an official memory fixed by governments will always be contested by different groups. Memory is subjective by definition, even when based on history. As a result, there cannot be a unique public or official memory but a variety of them.

⁷ On the need for a more integrative or interdisciplinary approach on memory, regarding history, psychology, neurology, philosophy, sociology, anthropology, political science, criminology and art, see Radstone, Schwarz, 2010.

In any case, according to human rights standards, any legitimate memory in the public spaces should reject violence as a political tool (Varona, 2014). Thus, contemporary memory practices should be conceived with social learning or pedagogical effects (Osiel, 2012). They should transmit an ethical (rejection to political violence and celebration of democratic ideals) rather than a political epical message (one national identity superior to others). This symbolic and communicative function of memory can be defined as a relational social process. Communication occurs even when the audience does not share the meaning of memory by speakers or promoters of memory. Among other things, this depends on the content of the message sent. The code – many times beyond written or oral language, the context and the networks of the audience – is also decisive (Littlejohn, 1989).

Memory activities can be traced to past decades, but recent years have brought the implementation of a public policy on memory of terrorist victimisation.⁸ It is obvious that memory in the Basque Country is a much contested arena without scientific, social or political consensus. Invoking one term or another is interpreted as a signal of a fixed orientation in politics and ethics.

Five ideal types of storytelling regarding memory could be identified in a chronological order of manifestation:

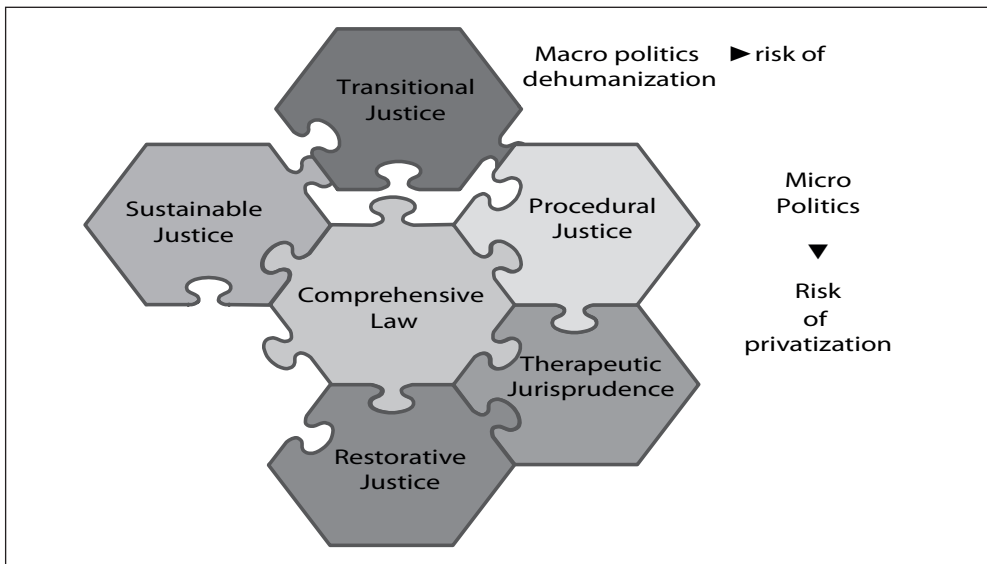
- 1) The memory of the self-defined oppressed Basque people by the Spanish and French governments beyond civil war.
- 2) The memory of victims of ETA.
- 3) The memory of victims of abuses of power in relation to counterterrorism.
- 4) The memory of victims of other terrorist groups.
- 5) The memory that tries to bring together some or all above mentioned memories. This one is accused of (i) therapeutization (when using the phrase “all sufferings”); (ii) compensation and confusion of different criminal, social and/or political accountabilities (when using the phrase “all unjust violations of human rights”); or (iii) underestimation of parts of them (when no simultaneous mention is heard).

⁸ See the Basque Government web page on public memory policy (defined as recovery and preservation of memory based on democratic principles) at: www.lehendakaritza.ejgv.euskadi.net/r48-pazconte/es/contenidos/informacion/memoria_introduccion/es_def/memoria_introduccion.html, page accessed 1.3.2015. On the Basque Government web page on policies for victims of terrorism (defined as based on the rights to truth, justice and reparation), see www.lehendakaritza.ejgv.euskadi.net/informacion/victimas-proyectos/r48-pazconte/es/, page accessed 1.3.2015.

With regard to the promoting agency there are also two different approaches to memory both formally and informally developed: a) a top-down approach, and b) a bottom-up approach. Restorative memory could be conceived as a bottom-up approach. There is philosophical, juridical and victimological basis for the conceptualization of memory as restorative justice (Reyes, 2011). Beyond the public/private dichotomy, I argue that restoration of visible and invisible irreparable harms through memory holds complex personal, group and social dimensions. Moreover a restorative memory tries to reach intergenerational and hidden victimisation.

Restorative justice can be seen as part of a broader movement called comprehensive law movement, as shown in the following diagram (Daicoff, 2006; Blagg, 2013). The main difference of these alternative visions of justice, in comparison to transitional justice politics, is the assumption of their naive character regarding macro politics (see graphic 1).

Graphic 1



However, restorative memory as a form of justice, particularly for irreparable harms such as death, might be possible by taking international standards into account.⁹ Memory is a key element of transitional justice, but also

⁹ These standards are formulated at different levels in the following norms and texts:

a) UN Basic Principles on restorative justice (2002) and the 2006 UN Handbook on restorative justice programmes.

of the practice of restorative justice related to storytelling (Braithwaite, 2006: 426). Restorative memory is defined as a voluntary and participatory encounter of victims, offenders and communities for communication, reparation and reconciliation in a broad sense.

Photographers' role in making victimisation visible and reparable

Photography: Art and technique of memorialization

I will concentrate now in how memory of terrorist victimisation is made visible in the public space in the Basque Country, particularly through recent works of photography. The etymology of the word photography is writing or drawing with light. Photography is viewed both as an art and a technology for registering reality (Schwartz, 1989: 120). It is also a technique or instrument for qualitative research in visual anthropology (J. Collier, M. Collier, 1986), sociology, criminology and victimology. Above all, photography is a way of communication. Photography can express dimensions of victimisation and recovery in ways victimological research cannot reach because of the limits of scientific method. The understanding of any photographic expression will depend, both in public and private spaces, on the eyes and context of the observer, particularly if they were victims. Despite this introspective character, photography holds a public and activist character in relation to digital mem-

b) Council of Europe Recommendation (99) 19 on mediation in penal matters; Ministry Resolution No. 2 on the social mission of the penal justice system – restorative justice – (2005); Recommendation (2006) 8 on assistance to victims; and Recommendation (2010) 1, on Probation Rules.

c) Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 that established minimum standards on the rights, support and protection of victims of crime and replaced Council Framework Decision 2001/220/JHA.

d) The European Union project "Developing standards for assistance to victims of terrorism" (2007-2008), promoted by the European Forum for Restorative Justice, ended with a Proposal for a EU Recommendation for Assistance to Victims of Acts of Terrorism. In that proposal restorative justice is defined as "a response to crime in which victims have an opportunity to express their needs and concerns at individual or collective level and to actively participate in the proceedings. Restorative justice aims to repair, in so far as possible, the harm suffered and to bring offenders to understand the consequences of their behaviour and accept responsibility". See also sections VI. 3 (iii), VII. B. (2) and, especially, section VIII. See also the EU project "Voices of Victims of Terrorism".

ory and recovery from traumatic victimisation (Nudelman, 2015). It makes visible the invisible dimensions of victimisation.

Photography is not as spectacular as a monument. It is conceived as the art of seeing life in space and time. When we look at a picture we simultaneously see past and present in a continuum of registered and unregistered objects and affects. For this reason it holds a great potential for communicating messages related to memory activities.

In his examination of the depictions of the victims of ETA's violence in the genres of the novel and short story in post-terrorist Basque Country, Vazquez concludes:

"In spite of a great range in the literary qualities of these works, they frequently manage to wonderfully chronicle rich interior lives of love, loss, displacement, and suffering, in a way that is absent for the most part in the social scientific literature, regardless of its ideological assumptions. At the same time, they tend to do so from a position of great ideological certainty and one that does not recognize that the fact that they are critical truths in no way implies that they are not partial" (Vazquez, 2011: 10).

Are photographers partial as witnesses or narrators of objective and subjective dimensions of terrorist victimisation? In the next section their role as communicators after conflict (Barthes, 1980) will be analysed through five case studies. All of them seem to have more artistic rather than journalistic purposes, even though engagement in human rights is present. In this way artistic photography let the audience more open space for interpretation. This does not mean to neglect the partial political dimensions of any kind of photography.

Photographs of spaces of terrorist victimisation in the Basque Country

In recent years we live an atmosphere that favours making victimisation, and the need for its reparation, visible in certain spaces of the Basque Country. As said before, practices of memory are communication and photography might be one of their channel or code. Particularly since the cease-fire declared by ETA at the end of 2011, we have witnessed a proliferation of Spanish and Basque literature¹⁰, fictional and documentary films on terrorism from different perspectives. For many victims the language of images (real of fic-

¹⁰ Including comics, see, i. a., de España, 2012 and Cava, Seguí, 2014.

tional) and the Internet scenario seem a good way of engaging current and future generations.

Since the beginning of terrorism in 20th century Basque Country, we had a journalistic approach to urban or village memory.¹¹ Journalists have tried to show reality, although there will always persist actual suffering associated with places that cannot be shot and only victims perceive. Sometimes this journalistic photography has been depicted in internal and international exhibitions of pictures showing the cruel impact of the victimisation.¹² The bad quality of some photographs, the way people dress and the kind of cars we can see in those pictures make us think on the passage of time.

Only in the last decade artistic photography has also approached this field to enhance reality. There are at least five projects related to spaces of victimisation where, years after, photographers have shot places of terrorist victimisation.

Among them, two independent projects on ETA had the same objective: to take pictures of those places at the same day and time as when the terrorist act occurred years ago (Uribe, 2011; Nave, 2013) (pictures 1 and 2).

¹¹ Including graffiti and bill stickers that during years shaped the routine landscape of Basque cities and villages, even though, and in different degrees, they harmed victims' feeling when passing by in their everyday life.

¹² At the end of 2013 the Spanish Public Television, the University Rey Juan Carlos (URJC) and the Terrorism Victims Foundation (FVT) signed a collaboration agreement in order to build an audiovisual archive related to the history of ETA terrorism in Spain. It includes pictures and news on attacks, demonstrations and funerals. See also the above mentioned on line archive within Valentin de Foronda Institute, also from a historical and educative standpoint. There are also different books that collect and comment different pictures of the terrorist acts. For a recent contribution, see Marrodán, 2013. On photographs of memory or remembrance acts, see, for example, Pérez, 2008.

Picture 1¹³



Picture 2¹⁴



¹³ Source: Uribe, 2013. See also Uribe, 2011.

¹⁴ Source: Nave, 2013.

We should also recall the commemoration project by the Basque civic movement *Gesto por la paz*. In 2010 volunteers walked through all streets of Bilbao where people were killed in terrorist attacks and painted the date of the attack, the names and surnames of victims and an everlasting flower (picture 3).

Picture 3¹⁵



There is another photographic project called “Emptiness” where 14 families selected a picture with a victim of ETA alive and then a photograph was taken in the same place and with the same people except her (de Gipuzkoa, 2010).¹⁶

Finally, in his blog “Names to be remembered”, the photographer Joseba Zabalza (2012) brings mostly indirect victims of terrorist groups, other than ETA, and parapolice abuses to be photographed in the places where murder was perpetrated¹⁷.

¹⁵ Source: Gesto por la Paz, 2013.

¹⁶ For a critical commentary see Martín, 2013. I have not reproduced images of this and the next project because they contain photographs of real indirect victims.

¹⁷ Looking beyond victims of terrorism, but in relation to serious offenses, we can recall some comparative photographic projects. The work of the journalist Lorena Ros (2013), *Unspoken*, deals with sexual abuse of children. It contains photographs of victims – when they are adults – and places associated by them to victimisation. This project underlines the passage of time and the difficulties in recovery, through the victims’ eyes.

These five projects emphasize the loss of the killed person, their irreparable absence and the persistence of indirect victimisation. However, considering resilience and the epistemological relevance of victims' experience, how can we assure victims' participation and perspective in these memory projects?

As said before, common to most victimisation sites photographed in these five projects is that they are not paradigmatic, but anodyne ones. However all include more or less extended written information on the attack and the victim(s). Only in the last case indirect victims participated in the project. Only in this one, victims outside those from ETA criticize police abuse of power and state terrorism. In the five projects the role of photographers is mainly an artistic one underlying the message of rejection to political violence, even though some forms are more visible than others.

Beyond victims, as an example of related photography projects, in South Africa David Goldblatt has photographed ex offenders and places of victimisation without the victims. According to a promotional video on the series *Ex-Offenders* (Goldblatt, 2012a)¹⁸:

"... he photographed former criminals or ex-offenders on parole, often at the sites where their crimes occurred. Moved by the ubiquity of violence and lawlessness in contemporary South Africa, he was interested in learning about some of the perpetrators as individuals. The photographs are accompanied by lengthy captions that tell the stories of his subjects and their crimes."

We don't have anything like this, regarding ex offenders in the Basque Country, although we can find journalistic photographs on encounters of victims and ex-offenders by memorials for victims of terrorism (Herrero, 2014).

¹⁸ See also Goldblatt, 2012b.

Proposing restorative memory projects through photography and creativity

Victims', offenders' and community participatory encounter

Reyes Mate's theory on injustice as the starting point for restorative justice in terrorism, underlines its personal, social and political meaning. For Reyes Mate, memory is the main response to victims who have been killed, that is, for genuine irreparable harm. According to him (Reyes Mate, 2011:9-10), justice should take into account experiences of victimisation and offending in their interrelated objective and subjective dimensions, even if other voices and elements are also important. Different victims experience diverse injustices or sufferings. In the case of terrorism there exists personal, social and political damage. With regard to personal harm, doing justice means responding to that harm by repairing what is repairable and using memory for the irreparable. Doing justice in terms of socio-political harm means recognising victims and victimisers as citizens and the need for some degree of reconciliation, where acknowledgement of injustice is necessary in order to construct future political systems without violence.

Considering the diversity of victimisation experiences, and thus of their memory, victims' participation becomes fundamental. Victimology, but mainly victim activism, has shown that the real suffering of different victims was not visible to society, practitioners, legal professions, academics or policy makers until recent times. Due to the origin of the rule of law in modern states, the language of human rights was not applied to victims of crime and abuse of power until the last decades of the 20th century. Current victims' public prominence has been criticised by many scholars as favouring penal populism and retributionism. However, other authors have questioned the political misuse of victims' emotions and the lack of transparency about the real effects and costs of penal policies.

When questioned about what they really want, victims of terrorism in the Basque Country offer a much divided picture. In general, they are not revengeful but ask for participation and justice (de la Cuesta, 2014). This kind of studies shows us that, in order to reduce hidden victimisation, victims' visibility in the public space is needed. The idea of visibility in the public space, in relation to crimes and fear of crime, has been developed in the area of women empowerment through the so-called local safety audits (Femmes

et Villes International, 2011). They concentrate on a more inclusive concept of space as a framework of relationships where recovery or restoration processes can also take place.

These processes cannot be carried out without the victims' participation. Victims are interested in participating in storytelling for several reasons. On the one hand, victims want to be truly listened and want to ask. Their search for "why" and "how" embraces factors that the rest of society will never consider. Also, victims are interested in storytelling for future generations.¹⁹ When respecting human rights standards, victims' participation may contribute to their well-being and to social benefits.

Thus victims, either independently or associated in groups, are legitimate agents to participate in memory policies. However they should understand that they are not the only ones. Currently there are different moral entrepreneurs and activists promoting memory activities (Osiel, 2012: 3), such as: local governments, provincial governments, the Basque Government and Parliament, the Spanish government and Parliament, the administration of justice, different political parties, ETA prisoners' aid groups, civil society groups, human rights activists, academy, media, educational institutions, artists, etcetera. They have different ideas on memory, transparency and legitimacy. Participation, respect for human rights and/or scientific objectivity construct their different legitimacy.

Based on the above examples on the use of photography, any memory project is confronted with the relevance of the victims' presence, testimony and support for recovery. Is there a risk of privatizing justice with this sort of restorative memory projects? This is probably a false dichotomy. Many studies point out at the social dimensions of individual memory, together with the subjective or individual dimensions of collective memory.²⁰ Victims experience and understand restoration within the broader context where they live. What is important is to guarantee free participation and equal access, support, consistent participatory action research and, maybe finally, a restorative encounter where confidentiality and transparency should be balanced.

¹⁹ According to the Decalogue *No impunity*, signed by most terrorism victims' groups in 2010, social or historical impunity means the lack of memory or a falsified memory, including the absence of accountability, and an education that promotes hate and/or forgetting (part of) what has happened.

²⁰ On the role of law and legal institutions in linking individual and collective memories, see Karstedt, 2009.

The purpose of social solidarity and the role of law in memory policies

According to Osiel, liberal law-related activities of memory may contribute to inclusive or discursive social solidarity within certain moral and empirical limits. He defines discursive solidarity as an ideal type or conceptual construct by contrast to mechanical and organic solidarity, even though the three may be necessary in the modern world (Osiel, 2012: 51):

“Discursive solidarity ... requires neither the permanent denial nor affirmation of difference. It involves simply recognition that a society’s members often disagree radically regarding their conceptions of justice and the good and that they nevertheless recognize a need to settle upon a common scheme of association and cooperation.”

Even though legal institutions have dealt with memory as a transitional justice mechanism (Karstedt, 2009), law has approached the concept of victims’ memory quite recently.²¹ It has done so in the internal and international arena by defining memory mainly as an acknowledgment and symbolic reparation.

Victims’ and society’s right to memory is mentioned in the *Basque Law 4/2008 on recognition and protection of terrorism victims*²² and the *Spanish Law 29/2011 on recognition and integral protection of terrorism victims*²³. Victims’ right to participation in public policies is also recognised in both. This right brings a parallel duty for public authorities that is not always related to ethics.²⁴

The conceptualization of memory as a right in Spanish legislation favours the design and implementation of public policies on this matter. However, due to its programmatic and hybrid character, it also sets out complex social and juridical problems regarding who are the concrete holders of the right are and what the content of that right is that could be finally claimed before a court. Constructing a public policy of memory based on a rights model might be frustrating for victims who want to make those rights real. Finally victims

²¹ See the principle 22 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

²² See the Preamble and article 8.

²³ See the Preamble and articles 2 and 56-57.

²⁴ See Closa, 2010, on memory as a recognition order or duty for a good or just society, following the philosopher Axel Honneth.

might be questioned because they do not accomplish legal requirements or because implementation mechanisms are not foreseen.

Victims' expectations might be raised and then disappointed, not only through lack of resources, but of political will, particularly at the local level. The rhetoric of victims' participation needs to face up to answering at least three questions that remain unclear and without social, political or legal consensus:

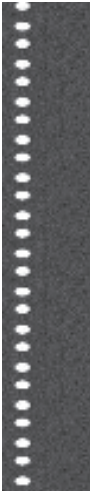
- 1) Who are the victims?
- 2) What is the duty generated in public policy by their right to memory?
- 3) Who is responsible for implementing their demands?

Objectives and methodology of an open restorative memory project with victims of terrorism in the Basque Country: steps in participatory action research

When, at the end of 2013, we asked victims what they thought of our project proposal on photographing them in victimisation spaces, we obtained different answers that can be gathered and illustrated through the following three opinions (de la Cuesta, 2014):

Graphic 2

**ENGAGEMENT, LEGITIMACY,
CONTESTATION**



I think the project is interesting because you will take victims' observations into account" (victim A).

I have never been in that place where my father was killed. I think the project is interesting because it is not only on technical questions of photography but on a form of art (victim B)."

It was just downstairs. I have to pass everyday, but I try to avoid the place where he was shot and fell (victim C).

With regard to other stakeholders in memory policies, in the year 2014 we have approached ex offenders' role on restorative memory by considering

the results of questionnaires addressed to two ex-terrorists and the six facilitators of restorative encounters in terrorist victimisation developed in the Basque Country since 2012. Although access to ex-offenders is difficult, we will continue these interviews with the incorporation of visual aid. Provisional results show us that the understanding of forgiveness and repentance is different, depending on the offender and his/her context. Moreover, the concept of forgiveness differs for each victim concerned. Facilitators underlined the difficulties of restorative memory (de la Cuesta, 2015).

In the above pages the theoretical background of this research in progress (2014-2016) carried out by the Basque Institute of Criminology has been described. Our initial target population were adults living in the Basque Country in September 2014, with a family member killed by a terrorist group from 1960 onwards. To guarantee equal access, in order to contact them and to respect personal data legislation, we asked the Unit of Victims' and Human Rights of the Basque Government to send a letter informing victims that the Basque Institute of Criminology was developing a memory project and wanted to contact them for a focus groups. If they were interested they could phone or e-mail us. Around 300 letters were sent. We only received feedback from 30 indirect victims (mainly grown up children, brothers and sisters) of different terrorist organisations.

Previous studies indicate that beyond victims' trust and interest in the project, there are many victims who do not want to keep remembering, do not want to be exposed in a space that they perceive as insecure, feel that the appointment day is not adequate for them or feel too weak or old to participate (particularly in the case of parents and couples of attacks that happened in the seventies and eighties) (de la Cuesta, 2014). Nevertheless, our study is based on qualitative data and it does not look for a representative sample, but a coherent participatory action research respectful of victims' rights and interests. Even though participation in 2014 was low, we probably could not have managed a very high participation at this stage. Besides, our project is designed to be kept open to other victims in future years.

Because most of participants want to take part without being exposed to political and media debate, we guarantee them that their names will not be published or identified. Obviously and previously informed, if they want to do so during focus groups, they can give details of memory proposals that might identify them somehow. This brings the need for local authorities' and/or social support in towns where victims have never received it. Our final report

will be sent to the Basque federation of municipalities and other concerned agencies in memory policies.

Thus, through a participatory action research on restorative memory to be developed as an open project, we try to compile a catalogue of victims' proposals for memory activities making use of photographs and other tools. The fieldwork methodology used in this project embrace focus groups with different victims. We asked them: 1) What do you want to remember? What do you want future generations (of family, neighbours and others) to remember? 2) Where? 3) When? 4) How and with the support of whom? 5) What for?

If needed, some illustrations of possible projects are given to victims. With the support of social agents, some cultural or educative interventions have already been proposed (public debates or reading of testimonies). This intervention can also be artistic (in the form of a sculpture, painting, piece of music, poetry, photography exhibition or performance) or commemorative (inscription, nameplate, planting a tree or offering flowers). It can be linked to a concrete public space, but it can also include cyberspace. Reflections on how it can be implemented and updated are also being gathered.

This is completed with in depth interviews with some victims and with exploratory walks with them using visual recording (through photography or video). During the 2014 focus group we made a mural with photographed eyes and hands of volunteer victims and let them write on a printed picture of blue Forget me not flowers, as a symbol both of fragility and resilience, of beauty and imperceptibility. The mural and the photograph is part of a memory project for the Basque Institute of Criminology placed in a public space of our University at the beginning of 2015.

In 2015 we have developed a participatory action research with students of the Criminology degree of the Basque University. By using video, we are recording and analysing testimonies of victims read by students and testimonies of students, read by victims, on how terrorist victimisation interpellate them. This forms part of a pedagogical project on the prevention of radicalisation.

Final remarks: Ethical questions on secondary victimisation and abuses of memory

The recent artistic, scientific, political and activist interest for sites of terrorist victimisation in the Basque Country has been taken as a starting point for reflection. These pages have only sketched some contours of a very complex debate. Contrary to the obsession for crime mapping in administrative and some environmental criminology, our meaning of space is more indeterminate like the concept of atmosphere. Terrorist victimisation sites are important to artists, particularly photographers, because they express the continuum of past and present and the irreparable loss of an absence caused by terrorism. Somehow photographers transform a suffering experience into an aesthetic activity of memory that has had neither much public relevance nor contestation.

These initiatives have been extended to other terrorist victimisations in the Basque Country and hold great potential as informal cybermemorialization practices. Even though projects were promoted by artists outside politics, their legitimacy is confronted with the mixture of art and politics because they reflect on terrorism, that is, one form of political violence.

By contrast, for historians, policy makers and activists "simple" or "objective" maps of victimisation allow a better visualization of the local extension of injustice. None of these actors are free of the risk of abuses of memory for private or political interests, even though historians should be more aware of this and control it. Due to their characteristics, legitimacy of these memory projects relies mainly upon scientific objectivity, real democratic participation and social and individual trust. As said before, concrete legal regulation of memory projects as victims' and society right, and correlate public duty, might only cause victims' frustration instead of giving them more legitimacy. Further research is needed to evaluate to what extent restorative memory can work in practice as reflexive, inclusive/discursive, participatory (not imposed) and human rights respectful practice.

This paper has presented the background and dimensions of a research on memory in the Basque Country. As a participatory action research on open injuries, we expect a long and unfinished journey. It has been mentioned how transparency or visibility and contestation are connected with constructing victimhood as a social problem and with measuring the extent of victimisation. Our future research steps will concentrate on recovery and restoration policies where engagement and legitimacy are related to local proposals of

participation. The “local” adjective should not only be interpreted as referring to a concrete place, but as engaging communities of care.

As a coda for this article, the starting phrase of a poem -selected by Donald Fraser at the beginning of his book on oral history of the Spanish Civil War- can be recalled. It is a poem by Luis Cernuda titled “1936, Desolación de la quimera”, which brings our attention on the past but looking ahead to the future: ‘Remember it and remind it to others’. What exactly we remember and remind, and how this process is done individually and collectively constitutes part of a great debate in the current Basque Country. These questions are particularly pertinent when involved in a participatory action research that should avoid abuses of memory and secondary victimisation by researchers themselves.

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GEMA VARONA

Beleženje nevidljive dimenzije viktimizacije terorizmom putem fotografije i videa: teorijska osnova za istraživanje koje je u toku u Baskiji

Žrtve traumatičnih događaja doživljavaju memorijalizaciju kao oblik pravde. Pravo žrtava i društva na sećanje regulisano je u baskijskom Zakonu 4/2008 o prepoznavanju i zaštiti žrtava terorizma i španskom Zakonu 29/2011 o prepoznavanju i sveobuhvatnoj zaštiti žrtava terorizma. Cilj ovog rada je da, polazeći od kritičke viktimologije i studija sećanja, skrene pažnju na kritike javnih politika u pogledu sećanja koje su upućene od strane pojedinih organizacija žrtava. Rad se posebno bavi načinima obnavljanja kroz sećanje, koji su povezani sa značenjem mesta viktimizacije, i to kroz analizu rada različitih fotografa na činjenju viktimizacije vidljivom a sa ciljem da se doprinese sećanju oko čijeg cilja ne postoji saglasnost. Najpre je predstavljen konceptualni okvir koji se odnosi na mesto (prostor na kome se dogodila viktimizacija), viktimizaciju i sećanje. Potom se konceptualni okvir dovodi u vezu sa rezultatima kvalitativnog istraživanja, koje realizuje Institut za kriminologiju Baskije. Na kraju se diskutuje mikro, mezo i makro aspekt predloga lokalnih programa restorativnog sećanja, uključujući i etička pitanja.

Ključne reči: žrtve terorizma, restorativno sećanje, iskustva pravde, fotografija, javni prostor.